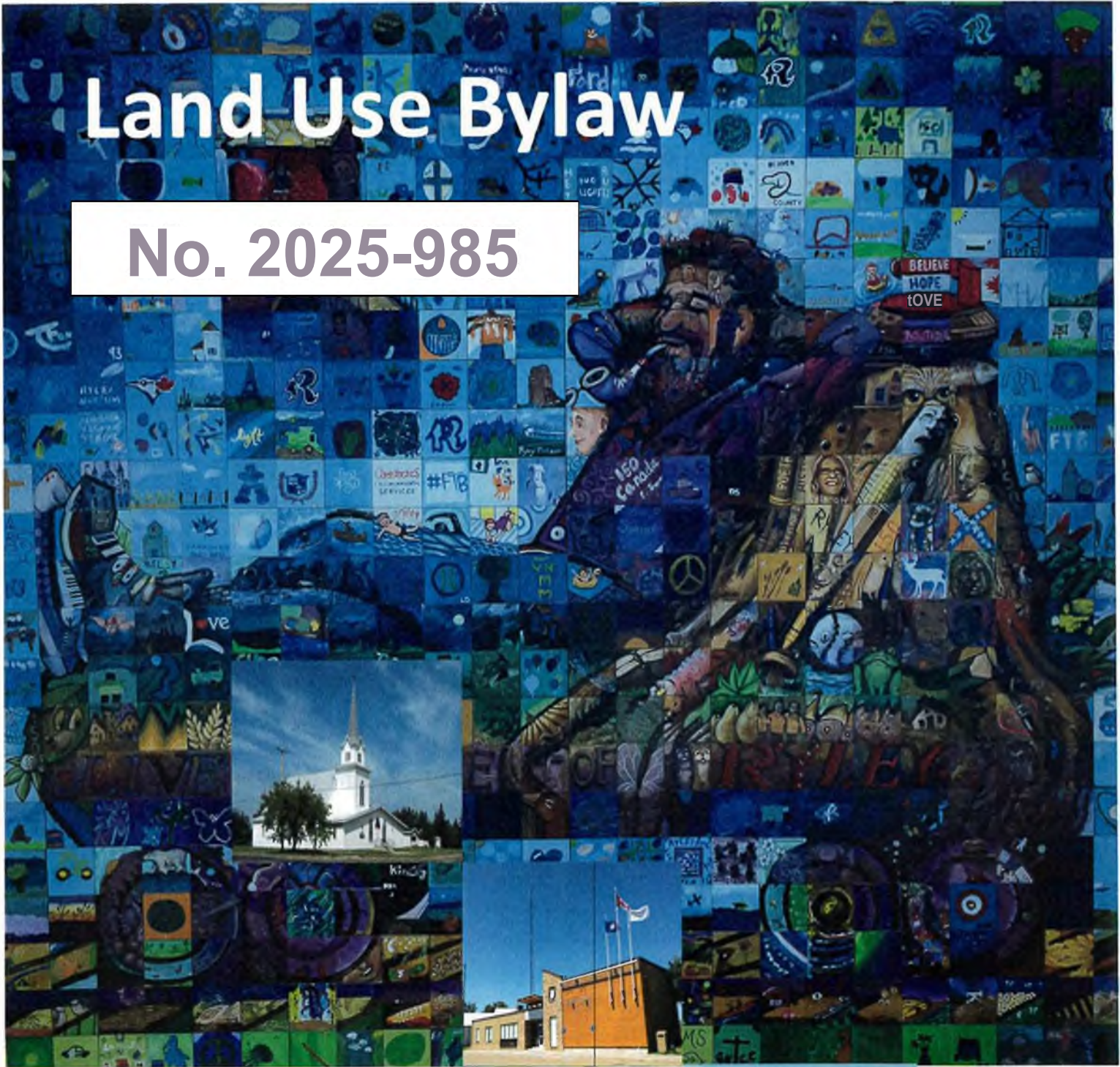


# Land Use Bylaw

No. 2025-985



Village of Ryley

Adopted TBD



**Schedule A**  
**VILLAGE OF RYLEY LAND USE BYLAW No 2025-985**  
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# PART 1 ENACTMENT AND INTERPRETATION

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## SECTION 1 TITLE

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This Bylaw is cited as the "**Village of Ryley Land Use Bylaw**".

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## SECTION 2 PURPOSE

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- (1) The purpose of this Bylaw is to regulate the use and development of land and buildings within the boundaries of the Village of Ryley, having regard for the provisions of the Village of Ryley Municipal Development Plan, and for that purpose the Bylaw, amongst other things:
  - (a) divides the Village of Ryley into Land Use Districts;
  - (b) prescribes and regulates, for each Land Use District, the purpose for which the land and buildings may be used;
  - (c) establishes the roles of the Development Authority;
  - (d) establishes the method of making decisions on applications for development permits, including the issuing of development permits;
  - (e) sets out the method of appealing a decision relative to this Bylaw; and
  - (f) provides the manner, in which notice of the issuance of a development permit is given.
- (2) Regulations as outlined within the Village of Ryley Land Use Bylaw are only applicable within the boundaries of the village; however, applicable Provincial and Federal acts and regulations take precedent in the event of a conflict.

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## SECTION 3 DEFINITIONS

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In this Bylaw:

**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, the use of which is incidental to that of the main building and is located on the same parcel of land; this includes but is not limited to garages, sheds, decks, fabric structures, patios, gazebos, verandas, carports and shipping containers manufactured after 2014.

**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 principal use or building.

**ACT** means the Municipal Government Act, R.S.A. 2000, as amended, and any Regulations made pursuant thereto.

**ADDITION** means adding onto an existing building, provided that there are no structural changes to the existing building, no removal of the roof structure, and no removal of exterior walls, other than that required to provide an opening for access from, and integration of, the existing building to the portion added thereto and to the addition that includes a foundation, constructed to the minimum standards outlined in the Alberta Building Code, and a roof.

**ADJACENT** means next to or adjoining. Having a common vertex and a common side.

**AGRICULTURAL INDUSTRY** means an industrial activity involving the processing, cleaning, packing or storage of agricultural products. Agricultural industry includes, but is not restricted to, seed cleaning and/or processing plants, and grain elevators, but does not include the manufacture of processed foods from agricultural products or abattoirs.

**AGRICULTURE** means all forms of farming except for intensive livestock facilities.

**ALCOHOL SALES** means development used for retail sales of alcoholic beverages to the public for consumption off the premises. This use may include retail sales of related products, such as soft drinks and snack foods.

**ALTERNATIVE ENERGY TECHNOLOGY** means solar collectors, windmills, geothermal energy systems, waste heat recovery systems, biological digestive gas processes, and the necessary components including energy storage, power conditioning, control systems, transmission systems and structural support systems, to provide electricity or heat. Passive solar energy systems are included.

**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.

**APARTMENT** means a residential building consisting of at least three dwelling units, but shall not mean row housing.

**APPLICATION** means the provisions of this Bylaw apply to all land and buildings within the corporate boundaries of the Village of Ryley.

**AREA STRUCTURE PLAN** means a plan adopted by Council as an Area Structure Plan pursuant to the Act.

**AUCTION YARD** means development for the auctioning of goods, and equipment, including temporary storage of such goods and equipment.

**AUTO SALES** means development used for the retail sale or rental of new or used automobiles, motorcycles, snowmobiles, tent trailers, boats, travel trailers or similar light recreational vehicles or crafts, together with incidental maintenance services and sale of parts. This use class includes automobile dealerships, car rental agencies and motorcycle dealerships. This use class does not include dealerships for the sales of trucks or motor homes with a gross vehicle rating of 4,000 kg or greater.

**AUTOMOBILE BODY SHOP** means a development used for the service and repair of motor vehicle bodies, but does not include automotive wrecker.

**AUTOMOBILE SUPPLY AND REPAIR** means development used for servicing and mechanical repair of automobiles, motorcycles, snowmobiles, and similar vehicles for sale, installation, or servicing of related accessories and parts. This includes transmission shops, muffler shops, automotive glass shops, and upholstery shops. This does not include automobile body shops or automobile wreckers.

**AUTOMOTIVE WRECKER** means development used for storing, junking, dismantling or wrecking three or more motor vehicles, not in running condition or parts of them.

**BACHELOR SUITE** means a dwelling unit in which the sleeping and living areas are combined.

**BASEMENT** means the portion of a building which is wholly or partially below grade, having above grade no more than 1.8 m (5.9 ft) of its clear height which lies below the finished level of the floor directly above.

**BED AND BREAKFAST** means a dwelling where temporary sleeping accommodations, up to a maximum of four (4) bedrooms, with or without meals, are provided for the general public.

**BOARDING HOUSE** means a commercial development located in a dwelling unit with common washroom facilities and used to provide sleeping accommodation or sleeping accommodation and meals to residents of the Village. Typical uses include a rooming house, hostel, student co-operative housing, and lodges for senior citizens, but not group homes.

**BOULEVARD** means the portion of the street right-of-way that lies between the curb or edge of road surface and the adjacent property line.

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

**BUILDING HEIGHT** means the vertical distance measured from the average grade immediately adjacent to the subject building to the highest point of the building, exclusive of any accessory roof construction such as a mechanical housing, an elevator housing, a ventilating fan, a skylight, a smokestack, a flagpole, a fire wall, a parapet wall, a chimney, a steeple, an antenna, or a similar device.

**BUILDING PERMIT** means a permit authorizing construction and issued under the Safety Codes Act.

**CAMPGROUND** means a development used to provide outdoor spaces to the public for temporary accommodation in tents or recreation vehicles.

**CANNABIS SALES** mean a use where cannabis is sold for consumption off the premises; where consumption of cannabis must not occur; that may include the ancillary retail sale or rental of merchandise; and where counselling on cannabis may be provided and where all cannabis that is offered for sale or sold must be from a federally approved and licensed facility.

**CANNABIS PRODUCTION FACILITY** means a facility, comprised of one or more buildings or structures, used for the purpose of growing, producing, cultivating, testing, processing, researching, destroying, storing, packaging or shipping of cannabis by a federal or provincial government licensed commercial producer in accordance with federal or provincial legislation. This does not include the growing or processing of plants that are considered by legislation to be industrial hemp.

**CANOPY** means a projection extending from the outside wall of a building normally for the purpose of shielding a part of the building from the sun.

**CAR WASH** means a development used for the cleaning of motor vehicles.

**CARPORT** means a roofed structure used for storing or parking not more than two (2) vehicles and which has not less than forty per cent (40%) of its total perimeter open and unobstructed.

**CEMETERY** means a site primarily used for the entombment of the deceased, and may include crematories and mausoleums. Typical uses include memorial parks, burial grounds and gardens of remembrance.

**CERTIFICATE OF TITLE** means a written statement by an attorney or title company as to the status of the property title.

**CHATTEL** means a movable item of personal property.

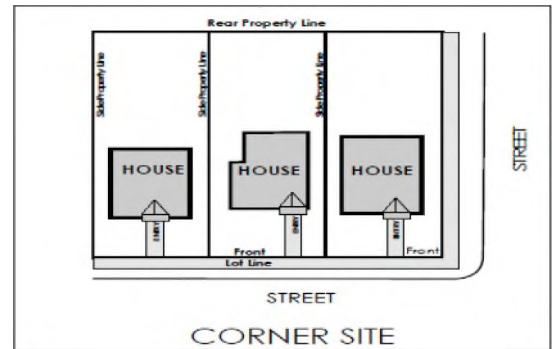
**CLINIC** means an establishment in which person oriented medical, dental or other professional healing treatment is administered, but does not include a hospital.

**COMMUNITY HALL** means a development that provides auditorium banquet, exhibition, gymnasium, meeting or seminar facilities.

**CONFORMITY** means no person shall commence any development unless it is in compliance with the terms and conditions of a development permit issued pursuant to this Bylaw, where such a permit is required.

**CONVENIENCE** means a development where goods required by area residents or employees on a day to day basis are bought and sold. The gross leasable area of a convenience retail store shall not exceed 275 m<sup>2</sup> (2,960 ft<sup>2</sup>). Convenience retail stores include small food stores, drug stores, and variety stores selling confectionary, tobacco, groceries, beverages, pharmaceutical and person care items, hardware, and/or printed matter;

**CORNER SITE** means a site with boundary lines on two separate roads which intersect or a single road that curves. The development, building or dwelling faces the road that conforms to the abutting lots and requires the same setbacks of that district, except on the side yard that abuts to the road.



**CURB CUT** means the lowering of a curb, sidewalk and/or boulevard to provide vehicular and/or pedestrian access to a site.

**COUNCIL** means the Council of the Village of Ryley.

**DAY CARE CENTRE** means a facility and program for the provision of care, maintenance and supervision for 4 or more children under the age of 15 years, by a person other than one related by blood or marriage, for periods of more than 3 but less than 24 consecutive hours, other than institutions operated by or under the authority of the Director of Child Welfare.

**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 centers, day nurseries, kindergartens, nursery school, and 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 residence supplying supervision of a maximum of six (6) children from age's 0-12 years including the provider's children at any one time. A day home shall supply an outside play space that is both fenced and gated, and shall meet all fire regulations and health regulations.

**DECK** means an open structure, that is paved, wooden or hard-surfaced area, adjoining or projecting from a building with a height above grade equal to or greater than 0.6m (2 ft) and not having walls in excess of 1.25m (4.1 ft).

**DENSITY** means a measure of the average number of persons or dwelling units per unit of area.

**DETACHED DWELLING** means a building which contains one dwelling unit and which may also contain one "granny" or "nanny" suite.

**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 in, on, over, or under land of any of the building; 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 change in the use of the land or building; or
- (d) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building.

and includes:

- (e) any increase in the number of households occupying and living in any building or on any site, and any construction or alterations or additions which would provide for an increase in the number of households which could occupy and live in any building or on any site, including any increase in the number of dwelling units in a building or on a site; or
- (f) the placing of refuse or waste material on any land; or
- (g) the resumption, after six (6) or more months have elapsed, of any use to which land or a building had been previously put; or
- (h) the use of land for the storage or repair of motor vehicles or other machinery or equipment; or
- (i) the continued use of land or of a building for any purpose for which it is being used unlawfully when this Bylaw comes into effect; or
- (j) the demolition or removal of a building; or
- (k) the placement of an already constructed or a partially constructed building on a parcel of land; or
- (l) the use of land for the parking of trailers, bunk houses, portable dwellings, skid shacks, or any other type of portable building whatsoever, whether or not the same has been placed or affixed to the land in any way; or
- (m) the removal of topsoil.

**DEVELOPMENT AUTHORITY** means a Development Authority which may be established by a council pursuant to the Act.

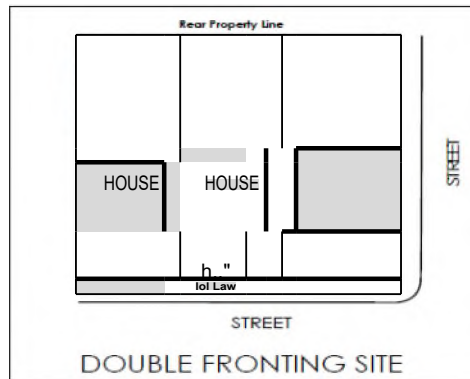
**DEVELOPMENT PERMIT** means a document authorizing a development issued pursuant to a Land Use Bylaw or the land use regulations.

**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 a Land Use Bylaw for which a development permit may be issued, with or without conditions, upon an application having been made.

**DISTRICT** means a land use district.

**DOUBLE FRONTING SITE** means a site with boundary lines on two separate roads which intersect or a single road that curves. In this case, the development, building or dwelling faces the roadway away from the neighboring or abutting building or dwelling, not conforming to the front facing but then has two front yards and must still conform to the abutting lots front setback. (See example on next page)



**DOMESTIC ANIMALS** are animals like cats, dogs, small fowl, etc. that have been tamed and therefore made fit for living in a human environment. They are domesticated for companionship. This does not include hens, chickens, or other agriculturally associated types of fowl.

**DRIVE-IN RESTAURANT** means eating and drinking establishments which offer a limited menu produced in a manner that allows rapid customer service and include one or more car attendant services, drive-through food pick-up services, or parking primarily intended for the on-site consumption of food within a vehicle.

**DRIVE-THROUGH BUSINESS** means a development or part of a development designed to serve customers remaining in their vehicles.

**DRIVEWAY** means a portion of land that is designated for and capable of providing space for parking a vehicle(s).

**DWELLING** means any building or structure used exclusively for human habitation and which is supported on a permanent foundation or base extending below ground level and includes multiple dwellings, apartments, modular housing, lodging and boarding houses, but does not include manufactured homes of any kind whether standing on wheels or supported by blocks, jacks, or any other temporary foundation.

**DWELLING UNIT** means a complete building or self-contained portion of a building, set or suite of rooms for the use of one or more individuals living as single housekeeping units, containing sleeping, cooking and separated or shared toilet facilities intended as a permanent or semi-permanent residence not separated from direct access to the outside by another separate or self-contained set or suite of rooms.

**DUPLEX** means two dwelling units sharing a common wall, and located side by side or one above the other.

**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 ESTABLISHMENTS — MINOR** means development where prepared food and beverages are offered for sale to the public, for consumption within the premises or off site. This includes licensed restaurants, cafes, delicatessens, tearooms, lunchrooms, refreshment stands, and takeout restaurants. This does not include Drive-In Food Services or Major Eating and Drinking Establishments.

**EATING AND DRINKING ESTABLISHMENTS — MAJOR** means development where prepared food and beverages are offered for sale to the public, from establishments which are characterized by one or more of the following features: the provision of theatre, dancing or cabaret entertainment; facilities primarily intended for the provision and consumption of alcoholic beverages which have a seating capacity for 100 or more persons. Typical uses include beverage rooms, cocktail lounges, cabarets, nightclubs, theatre restaurants and banquet facilities and dine-in restaurants.

**EFFECTIVE DATE** means this Bylaw comes into effect upon the date of its third reading by Village Council.

**EMERGENCY PROTECTIVE SERVICE** means development used as a fire hall, police station or similar facility.

**ENCROACHMENT** means anything placed, erected below, on or above ground that extends over onto municipal or public lands.

**ENCROACHMENT AGREEMENT** means an authorized agreement between the Village and a property owner which allows a development to encroach onto public lands.

**EXCAVATION** means any breaking of ground, except common household gardening and ground care.

**EXTERIOR** means the outermost point of a building projection, including, but not limited to, bay windows, oval windows, bow windows, chimneys and verandas, but not including roof overhangs less than 0.6 m (2 ft).

**FAMILY CARE FACILITY** means a facility which provides resident service in a private residence to six or fewer individuals who are not related to the resident household. These individuals are handicapped, aged, disabled, or in need of adult supervision and are provided service and supervision in accordance with their individual needs. This category includes foster or boarding homes for children, group homes, and family homes.

**FENCE** means a vertical physical barrier constructed to try to reduce sound or visual intrusion or to limit unauthorized access.

**FLANKING** means situated on each side of or on one side of (someone or something).

**FLOOD FRINGE** means the portion of the flood hazard area outside of the floodway. Flooding in the flood fringe is generally shallower and flows more slowly than in the floodway.

**FLOOD HAZARD AREA** is the area affected by flooding under extreme precipitation and runoff conditions. The flood hazard area is typically divided into floodway and flood fringe zones.

**FLOODWAY** means the main channel or body of water which has the potential to overflow with fast, flowing water and can be destructive to development.

**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.

**FOUNDATION** means the lower portion of a building, usually concrete or masonry, and includes the footings and piles, which transfer the weight of and loads on a building to the ground.

**FOURPLEX** means four dwelling units sharing common walls with separate ground level entrances to each unit.

**FRONT** means, in the case of a corner lot, the side containing the primary access.

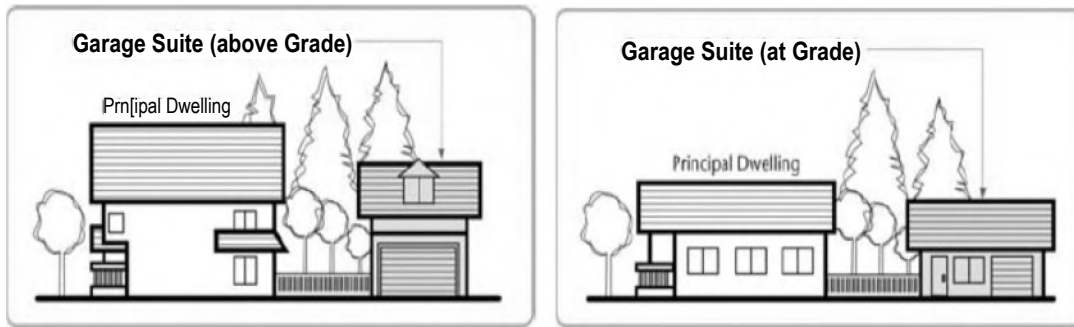
**FRONTAGE** means the length of the front line. On double fronting sites, all front lines shall be considered frontage.

**FRONT YARD** means a yard extending across the full width of a parcel from the front line of the parcel to the front wall of the main building situated on the parcel.

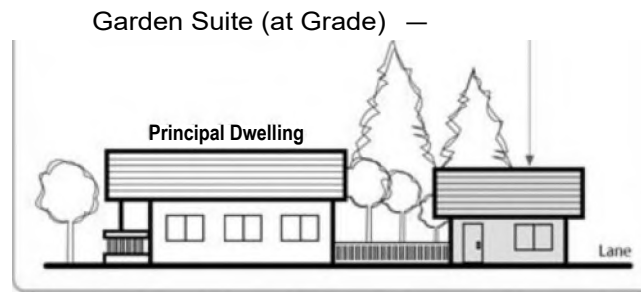
**FUNERAL SERVICES (HOME)** means development used for the preparation of the deceased for burial or cremation and the holding of funeral services. This use includes Funeral Homes and Undertaking Establishments. This Use Class does not include Cremation and Internment Services.

**GARAGE** means an accessory building or that part of a principal building which is designed and/or used primarily for the storage of motor vehicles and includes a carport.

**GARAGE SUITE** means an accessory dwelling located above a detached Garage (above grade); or a single-story accessory dwelling attached to the side or rear of, a detached garage (at grade). A garage suite is accessory to a building in which the principal Use is single detached housing. A garage suite has cooking facilities, food preparation, sleeping and sanitary facilities which are separate from those of the principal dwelling located on the site, but share the same water meter, sanitary sewer connections, and other utility metering as those of the primary residence. A garage suite has an entrance separate from the vehicle entrance to the detached garage, either from a common indoor landing or directly from the exterior of the structure. This use class does not include secondary suites or garden suites.



**GARDEN SUITE** means a single-story accessory dwelling, which is located in a building separate from the principal Use which is single detached housing. A garden suite has cooking facilities, food preparation, sleeping and sanitary facilities which are separate from those of the principal dwelling located on the site but share the same water meter, sanitary sewer connections, and other utility metering as those of the primary residence. This use class does not include secondary suites or garage Suites.



**GENERAL INDUSTRIAL** means the following activities:

- (a) the processing of raw or finished materials; or
- (b) the manufacturing or assembling of goods, products or equipment; or
- (c) the cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses or cleaning, servicing and repair operations to goods and equipment associated with personal or household use, where such operations have impacts that would make them incompatible in non-industrial districts; or
- (d) the storage or transporting of materials, goods and equipment, including petrochemical products and supplies; or
- (e) the training of personnel in general industrial operations.

It may include any indoor display, office, technical or administrative support areas or any sales operation accessory to the general industrial uses. General Industrial shall be classified as follows:

- (1) **General Industrial Type I** means those developments where activities and uses are primarily carried on within an enclosed building and no significant nuisance factor is created or apparent outside an enclosed building. Any development, even though fully enclosed, where, in the opinion of a Development Authority, there is significant risk of interfering with the safety and amenity of adjacent sites because of the nature of the site, materials or processes, shall not be considered a General Industrial Type 1.

**(2)General Industrial Type II** means those developments in which all or a portion of the activities and uses are carried on outdoors, without any significant nuisance factor such as noise, appearance, or odor, extending beyond the boundaries of the site. Any development where the risk of interfering with the safety and amenity of adjacent or nearby sites, because of the nature of the site, materials or processes, cannot be successfully mitigated shall be considered a General Industrial Type III.

**(3)General Industrial Type III** means those developments which may have a significant detrimental effect on the safety, use, amenity, or enjoyment of adjacent or nearby sites due to appearance, noise, odor, emission of contaminants, fire or explosive hazards, or dangerous goods.

**(4)**In determining the significance of a detrimental effect or nuisance factors, the following criteria shall be considered:

- (1)The expected magnitude and consequence of the effect or nuisance.
- (2)The expected extent, frequency and duration of exposure to the effect or nuisance.
- (3)The use and sensitivity of adjacent or nearby sites relative to the effect or nuisance.
- (4)The conclusions of an Environmental Impact Assessment, if applicable.
- (5)Adherence to relevant Provincial environmental legislation or widely recognized performance standards.
- (6) The reliability and record of the proposed methods, equipment and techniques in controlling or mitigating detrimental effects or nuisances.

**GOVERNMENT SERVICE** means a development used by a municipal, provincial or federal government agency to provide government services directly to the public, and includes a school district office or transit service, but does not include a public utilities building, emergency protective service or school.

**GRADE** means the average elevation of lot corners.

**GROCERY STORE** means a development used for the retail sale of raw or prepared foods.

**GROSS FLOOR AREA** means the total area of all floors of all buildings including accessory buildings located on any parcel, excluding the area of basement floors, basement suites in apartment buildings shall be included in the calculation of gross floor area.

**GROUP CARE FACILITY** means a facility which provides resident services to seven or more individuals of whom one or more are unrelated. These individuals may be aged, disabled or are undergoing rehabilitation, and are provided services to meet their needs. This use includes supervised facilities such as group homes (all ages), halfway houses, resident schools, resident facilities, foster or boarding homes, and psychiatric care facilities. These facilities are not intended to include major institutional care facilities such as hospitals.

**GROUP HOME** means a building or portion of a building used for the care or rehabilitation of children, adolescent, or adults.

**HARD SURFACING** means a durable and dust free ground surface, constructed of concrete, asphalt or similar materials.

**HEIGHT (of a building)** means when used with reference to a building or structure, the vertical distance between the horizontal plane through grade and horizontal plane through:

- (a) the highest point of the roof in the case of a building with a flat roof or a building having a slope of less than 20 degrees; or
- (b) the average level between eaves and ridges in the case of pitched; gambrel, mansard or tripped roof, or a roof having a slope of more than 20 degrees, provided that in such cases the ridge lines of the roof shall not extend more than 1.5m (4.9ft) above the maximum height.

**HIGHWAY** refers to street, road, lane, bridge, viaduct, or any other way open to the public use for vehicular traffic, as defined under the Traffic Safety Act, RSA 2000, Chapter T-6.

**HEMOCRAFTS** means a trade or craft undertaken for financial gain which is conducted entirely in a dwelling.

**HOME OCCUPATIONS** means any occupation, trade, profession, or craft carried on by an occupant of a residential building as a use secondary to the residential use of the building, and which does not change the character thereof or have any exterior evidence of such secondary use other than a small name plate, not exceeding 0.2m<sup>2</sup> (2ft<sup>2</sup>) in area. A home occupation does not include the keeping of a stock in trade, or the employment of more than one paid assistant other than the occupant and the occupant's family.

**HOME OFFICE** means an office in a dwelling which:

- (a) is not visited by a significant number of clients;
- (b) does not change the external appearance or residential character of the dwelling, and
- (c) is carried on only by the residents of that dwelling and includes childcare for up to three children who do not live at that place.

**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 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 may include accessory Eating and Drinking Establishments, meeting rooms, and Personal Services Shops.

**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.

**IRREGULAR** means a lot that is inconsistent in shape with other lots in the neighborhood, where the lot may resemble the shape of a pie or any other shape than a rectangle or square.

**INSTITUTIONAL** means a development of governmental, religious, social, health care, or cultural facilities serving the municipality, area, or region.

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

**LANE** means a right-of-way on which motorized vehicles are normally allowed to operate, which is 10.0 m (32.8 ft) or less, and 6.0 m (19.7 ft) or more in width, or an alley as defined in the Traffic Safety Act, RSA 2000, Chapter T-6 as amended.

**LOT** means:

- (a) a part of a parcel 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
- (b) a part of a parcel 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.

**LOT COVERAGE** means that the percentage of the area of any lot which is covered by all buildings on the lot excluding structures such as balconies and canopies.

**LOT WIDTH** means the distance between the side property lines as measured along the minimum front yard building setback, unless otherwise specified in the Bylaw.

**MAIN BUILDING** means a building in which is conducted the main or principal use of the site on which it is erected.

**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.

**MANUFACTURED HOME** means any structure, whether ordinarily equipped with wheels or not, that is manufactured to meet or exceed current applicable Canadian Standards Association CSA requirements and that is used as a residence or for any other purpose. Also referred to as "mobile home".

**MINIMUM FLOOR AREA** means usable floor area not including basement or attached garage.

**MINOR** means, where added as a descriptor to a use, a use which, due to its nature or relatively small size will, as determined by the Development Authority, have a limited impact on surrounding uses, or which is intended to serve a small or local, rather than a major or municipal, area, or which is a use located within a more substantial use which is not directly accessible from outside except through that more substantial use, such as an establishment for alcohol sales within a hotel.

**MODULAR HOUSING UNIT** means a home that is constructed from a number of pre-assembled units, that are intended for delivery to and assembly at a residential site with a permanent foundation. If the building is supported on a permanent foundation or base extended below grade, the dwelling shall be considered to be a single detached dwelling.

**MOTEL** means development used for the provision of rooms or suites for temporary lodging or light housekeeping, where each room or suite has its own exterior access. Motels may include accessory eating and drinking establishments and personal service shops.

**MULTI-FAMILY** means a dwelling containing three (3) or more dwelling units, and includes apartments and ground-oriented multiple unit dwellings.

**MUNICIPALITY** means the Village of Ryley.

**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 SHOPPING CENTRE** means a building or group of buildings, containing retail commercial operations of the convenience type (e.g. grocery store, personal services, bank, etc.).

**NON-CONFORMING BUILDING** means a building:

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

**OFF-SITE LEVY** means an off-site levy established pursuant to Section 648 of the Act.

**OFF-STREET PARKING** means a parking area which is located on a parcel of land and not accessory to a particular use or development.

**OFFENSIVE OR OBJECTIONABLE** means, when used in reference to development a use which by its nature, or from the manner of carrying on the same, creates or is liable to create by reason of noise, vibration, smoke, dust or particulate matter, odour, toxic or non-toxic matter, radiation hazards, fire or explosive hazards, heat, humidity or glare, a condition which in the opinion of the Development Authority may adversely affect the amenities of the neighbourhood, or interferes with or may interfere with the normal enjoyment of any land or development.

**OFFICE** means a development that provides professional, management, administrative, and similar office and business support services, and financial services other than financial institutions.

**OPERATIONAL BUSINESS** means activities involved in doing or producing something as an approved business.

**OUTDOOR STORAGE** means a development where, in the opinion of the Development Authority, goods, materials, or equipment are or may be placed outside of a building on a more or less permanent or continuous basis; and may be required to provide screening at the discretion of the Development Authority.

**OWNER** means the person shown as the owner of land on Title at the Alberta Land Titles Office, or Alberta Registries.

**PARCEL** means the aggregate of the one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in a land titles office.

**PARKING FACILITIES** means the area set aside for the storage and parking of vehicles and includes parking stall, loading spaces, aisles, entrances and exits to the area, and traffic islands where they are part of the parking lot.

**PARTICIPANT RECREATION, INDOOR** means development providing facilities within an enclosed building for sports and active recreation where patrons are predominantly participants and any spectators are incidental and attend on a non-recurring basis. Typical uses include athletic clubs; health and fitness club; curling, roller skating and hockey rinks; swimming pools; rifle and pistol ranges; bowling alleys; soccer and racquet clubs.

**PARTICIPANT RECREATION, OUTDOOR** means facilities for sports and active recreation conducted outdoors, typical uses include golf courses, driving ranges, ski hills, athletic fields, equestrian trails, waterslides, recreational vehicles, motor vehicle and motor bike race courses.

**PATIO** means any developed surface adjacent to a building on a site which is less than 0.61 m (2.0 ft) above ground level.

**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, with or without conditions, upon an application having been made.

**PERSONAL SERVICE SHOP** means the provision of personal services to an individual which are related to the care and appearance of the body, or the cleaning and repair of personal effects. This includes barbershops, hairdressers, beauty salons, tailors, dressmakers, shoe repair shops, dry cleaning establishments and laundromats.

**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** means the primary purpose or purposes for which a building or site is used.

**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, offices for real estate and insurance firms, clerical, secretarial, employment, telephone answering, and similar office support services, and banks, credit unions, loan offices and similar financial uses, and printing establishments, film processing establishments, janitorial firms and business equipment repair shops.

**PUBLIC PARKS** means development of public land specifically designed or reserved for the general public for active or passive recreational use and includes all natural and man-made landscaping, facilities, playing fields, buildings and other structures that are consistent with the general purpose of a public parkland.

**PUBLIC USES** means a building, structure or lot used for public services by the Municipality, by any local board or agency of the Municipality, by any department, commission or agency of any other municipal corporation or the Government of Alberta or Canada, or by any public utility.

**PUBLIC UTILITIES** means a right-of-way used to provide one or more of the following for public consumption, benefit, convenience or use:

- (a) a telecommunication system;
- (b) a waterworks system;
- (c) an irrigation system;
- (d) a system for the distribution of gas, whether natural or artificial;
- (e) a system for the distribution of artificial light or electric power;
- (f) a heating system; or
- (g) a sewage system, including recreation sewage station.

**PUBLIC UTILITY BUILDING** means building as defined in the Act in which the proprietor of the public utility maintains its office or offices and/or maintains or houses any equipment used in connection with the public utility.

**PURPOSE** means to regulate the use and development of land and buildings within the Village of Ryley.

**REAR YARD** means a yard extending across the full width of a parcel from the rear wall of the main building situated on the parcel to the rear of the parcel.

**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.

**REGISTERED OWNER** means:

- (1) 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
- (2) in the case of any other land:
  - (a) 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
  - (b) 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.

**RENOVATION** means an addition to, deletion from, or change to any building and does require pursuant to the Safety Codes Act.

**RESIDENTIAL** means any building or structure used exclusively or primarily for human habitation and includes multiple dwellings, apartments, lodging, and boarding houses, and (unless more closely defined for the purposes of one section of the Bylaw) includes manufactured and modular homes.

**RESTRICTIVE COVENANT** means a condition or covenant under which land or any portion of land, is restricted by a cosmetic characteristic of a building, fences or subdivision including, but not limited to, exterior materials, building area, height, landscaping, and specific setbacks to maintain the developers ideal conformity.

**RETAIL, CONVENIENCE** means the sale of those goods required by all residents or employees on a day to day basis, from business premises that do not exceed 275m<sup>2</sup> (2,960ft<sup>2</sup>) in gross area. Typical uses include small food stores, drug stores, video sales, rentals, and variety stores selling confectionery, tobacco, groceries, beverages, pharmaceuticals, and personal care items, hand care or printed matter.

**RETAIL, GENERAL** means the retail sale of groceries, beverages, household goods, furniture and 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.

**ROAD** means the entire width of the right of way of a road or land shown on a Village plan, road plan, or plan of subdivision, and not only the built traveling surface, as defined in the Traffic Safety Act, RSA 2000, Chapter T-6.

**ROW HOUSING** means a group of three or more dwelling units with each unit separated by a common wall at the side only with no dwelling unit placed above another in whole or in part and having a separate front and rear access to the outside grade.

**SATELLITE DISH** a dish shaped apparatus used for the reception of satellite transmitted television or radio waves, if free standing considered an accessory building or if attached to a principle building part of that structure.

**SECONDARY SUITE** means a development consisting of a dwelling located within, and accessory to, a structure in which the principal use is single detached housing. A secondary suite has cooking facilities, food preparation; sleeping and sanitary facilities which are physically separate from those of the principal dwelling within the structure but share the same water meter, sanitary sewer connections, and other utility metering as those of the primary residence. A secondary suite also has an entrance separate from the entrance to the principal dwelling, either from a common indoor landing or directly from the side or rear of the structure. This use class includes the development or conversion of basement space or above-grade space to a separate dwelling, or the addition of new floor space for a secondary suite to an existing single detached dwelling. This use class does not include duplex housing, semidetached housing, or apartment housing, where the structure was initially designed for two or more dwellings, and does not include garage suites, garden suites, or boarding and lodging houses.

**SECURITY SUITE** means a single residential unit forming part of a development, or may be developed in a separate structure on-site, and used solely to accommodate a person or persons related as a family, or employee whose primary function is to provide surveillance for the maintenance and safety of the development.

**SCHOOL** means a publicly or privately supported or subsidized development used for education and includes its administrative offices. Typical developments are elementary and secondary schools, but do not include commercial schools.

**SEMI-DETACHED DWELLING** means two dwelling units sharing a common wall under one roof. This type of dwelling can also be referred to as a "Duplex".

**SENIOR CITIZENS HOME** means development of a building designed for the long term housing of senior citizens sharing common cooking, eating and housekeeping facilities but who do not require medical or institutional type care.

**SERVICE STATION** means a business selling motor fuels to the public, and includes freestanding service stations, gas bars, and the fuel sales component of any automobile

supply. Service station businesses may include facilities for the servicing or repairing of motor vehicles, and/or a towing service dispatch point, but not including body repair or paint shops.

**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.

**SHIPPING CONTAINER** means a container that is used as a storage vault and includes sea, land, and rail shipping containers, also referred to as "Sea-cans". Shipping Containers manufactured prior to 2014 are not suitable for use in habitable structures, be it a residential dwelling or any occupied commercial or industrial structure.

**SHOPPING CENTRE** means two or more commercial establishments planned, developed and managed as a unit on a parcel or parcels and served by off-street parking and includes the total site upon which the building is located.

**SHOW HOMES** means a dwelling unit that is used to exhibit dwelling units for sale or rent.

**SIDE LINE** means the boundary line of a site lying between a front line and a rear line of a site. In the case of a corner site, the longer of the two boundary lines adjacent to the road shall be considered a side line.

**SIDE YARD** means the portion of the site extending from the front yard to the rear yard and lying between the side property boundary of the site and the nearest portion of the exterior wall of the building.

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

**SINGLE DETACHED DWELLING** means a dwelling consisting of one (1) dwelling unit, and, if the provisions of this Bylaw allow, a secondary suite. 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, with the pieces being transported to the site for assembly on-site. A single detached dwelling shall not include a dwelling that would otherwise be considered to be a manufactured home unit if it were not supported on a permanent foundation or base extending below grade. If the building is supported on a permanent foundation or base extended below grade, the dwelling shall be considered to be a single detached dwelling. Single detached dwelling standards, permits and inspections apply without the distinction of type of housing, excluding manufactured homes.

**SOLAR COLLECTORS** means a device or combination of devices that collects and/or concentrates solar radiation from the Sun. The solar energy is absorbed and then converted into thermal or electrical energy. The different types of solar collector system can be mounted to the roof, wall, or ground.

**STORAGE FACILITY** means a site designed for the storage of goods or materials or equipment. No permanent buildings or structures are permitted.

**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, gas or propane permit or an electrical permit pursuant to the Safety Codes Act.

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD** means a development appeal board appointed pursuant to the Act.

**TEMPORARY** means a building, structure, or use that is permitted to exist for a maximum of six (6) months, or such period as determined by the Development Authority.

**TEMPORARY BUILDING** means a building that has been allowed to be located and/or used for a limited time only. Temporary buildings include construction shacks used for administrative and/or storage purposes during construction of a large-scale development. Permits for temporary buildings are required to be reapply for each calendar year if it is temporary use or location of the building changes.

**TEMPORARY USE** means a use that has been allowed to be located and/or operate for a limited time only. Temporary uses include pipe, vehicle, or heavy equipment storage compounds, or special events such as circuses, carnivals and rodeos.

**TENT STRUCTURES** means a non-permanent prefabricated structure usually constructed with a metal, wood or plastic frame and covered with a tarpaulin or similar type of fabric or plastic cover used for storage.

**THEATRE** means a facility within an enclosed building specifically for live theatrical, cultural, musical or dance performances as well as the showing of motion pictures. Typically uses include auditoriums, cinemas, playhouses and theatres. This does not include entertainment developments associated with eating and drinking establishments.

**TINY HOME** means a dwelling unit, generally smaller than 46.45 square metres (500 square feet), designed for year-round living with a focus on maximizing space and minimizing environmental impact. Tiny homes typically feature living, dining, kitchen, and bathroom areas, as well as a sleeping space. All Residential Districts require dwelling units be built on foundations, similar to traditional homes, and intended for permanent placement.

**TITLE** means this Bylaw is cited as the "Village of Ryley Land Use Bylaw".

**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.

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

**VETERINARY CLINIC** means a facility for the medical care and treatment of animals and includes provision for their overnight accommodation, but does not include kennels, outdoor pens, runs or enclosures.

**WAREHOUSE** means development for the use of a large enclosed warehouse type building where a range of goods are displayed and/ or stored for wholesale or retail sales.

**YARD** means a part of a parcel upon or over which no main building is erected; when a minimum is stated followed by the statement "or as required by the Development Authority this means more could be required; and all other words and expressions have the meanings respectively assigned to them in the Act.

Notwithstanding the above meanings, the Municipal Government Act, as amended, shall take precedence in a case of dispute on the meanings of all words or clauses.

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#### **SECTION 4 CONFORMITY WITH THE BYLAW**

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

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#### **SECTION 5 REPEAL OF EXISTING BYLAWS**

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The Village of Ryley Land Use Bylaw No. 2020-936, and all subsequent amendments thereto are hereby rescinded.

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#### **SECTION 6 EFFECTIVE DATE**

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

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#### **SECTION 7 DATE OF RECEIPT**

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Where a subdivision or development permit approval or refusal, subdivision or development appeal notice, notice to reclassify lands or notice of appeal hearing is sent, given or served by mail, and the document is properly addressed and sent by prepaid regular mail, unless the contrary is proven, the service shall be presumed to be effected seven (7) business days from the date of mailing if the document is mailed in Alberta to an address in Alberta.

In the event of a dispute, Municipal Government Act, RSA 2000, as amended, shall apply.

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#### **SECTION 8 INTERPRETATION OF BOUNDARIES**

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Where uncertainty exists as to the boundaries of districts as shown on the Land Use District Map, the following rules shall apply:

- (1) Rule 1- where a boundary is shown as following a street or a lane, it shall be deemed to follow the centre line thereof.
- (2) Rule 2- where a boundary is shown as approximately following a lot line, it shall be deemed to follow the lot line.
- (3) Rule 3- in circumstances not covered by Rules 1 and 2 the location of the

district boundary shall be determined as follows:

- (a) 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.
- (b) 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.

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## **SECTION 9    METRIC EQUIVALENTS**

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In places in this Bylaw where there occurs a discrepancy between the metric and imperial equivalents shown, the metric shall take precedence.

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## **SECTION 10   LAND USE DISTRICTS**

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For the purpose of this Bylaw the Village of Ryley is divided into the following districts and are shown on the Land Use Map attached as Schedule A.

<b>R-1    Residential District</b>	<b>C-1    Commercial District</b>
<b>R-2    Residential (2) District</b>	<b>C-2    Commercial (2) District</b>
<b>R-3    Multifamily Residential District</b>	<b>M      Industrial</b>
<b>RMH   Residential Manufactured Home Park</b>	<b>P      Community</b>
<b>CB     Central Business District</b>	<b>UR     Urban Reserve</b>

## **PART 2 CONTROL OF DEVELOPMENT**

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### **SECTION 11 ESTABLISHMENT AND DUTIES OF THE DEVELOPMENT AUTHORITY**

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- (1) The Office of the Development Authority is hereby established and shall be held by a person or persons appointed by Council.
- (2) The Development Authority shall:
  - (a) receive, consider and decide on applications for a development permit;
  - (b) make available for inspection during regular municipal office hours;
    - (i) a copy of this Bylaw as amended;
    - (ii) a register of all applications including the decisions rendered on them and the reasons therefore;
  - (c) ensure that, copies of this Bylaw can be purchased by the public at a fee set out in the Master Rates Bylaw;
  - (d) carry out his duties as prescribed in the Act with regard to appeals or, designate a person to do the same; and
  - (e) perform such duties as established to enforce this Bylaw in conformance with the Act.
  - (f) shall advise Council with respect to subdivision applications within or near the boundaries of the Municipality;
  - (g) shall advise and assist Council on the planning for orderly, economical and beneficial development and use of land within the Municipality;
  - (h) shall decide upon all subdivision and street names; and
- (3) In accordance with Section 210 (1) of the Act, the Council hereby designates the Chief Administrative Officer as the Development Authority.
- (4) The Chief Administrative Officer, or the CAO's appointed designate, shall exercise the powers, duties and functions of the Development Authority specified in this Bylaw.

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### **SECTION 12 SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

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The Subdivision Development Appeal Board established by resolution of Council, shall perform such duties as specified in this Bylaw, as amended or replaced from time to time, and the Act.

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### **SECTION 13 AREA STRUCTURE PLAN**

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- (1) Proposed developments must comply with any existing Area Structure Plans (ASP)

Where an ASP is adopted, it must:

- (a) Describe the sequence of development proposed for the area;
- (b) Describe the land uses proposed for the area, either generally or with respect to specific parts of the area;
- (c) Describe the density of population proposed for the area, either generally or with respect to specific parts of the area; and,
- (d) Describe the general location of major transportation routes and public utilities (MGA, s. 633(2)).
- (e) Any additional requirements that council may require.

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#### **SECTION 14 DEVELOPMENTS REQUIRING A DEVELOPMENT PERMIT**

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- (1) Except as otherwise provided for in Section 15 of this Bylaw, no person shall undertake any development in the Municipality unless a development permit has first been issued pursuant to this Bylaw, and the development is in accordance with the terms and conditions of a development permit issued pursuant to this Bylaw.
- (2) 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.

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#### **SECTION 15 DEVELOPMENTS NOT REQUIRING A DEVELOPMENT PERMIT**

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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:

- (1) The carrying out of works of maintenance or repair to any building, if such works do not include structural alterations;
- (2) The completion and use of a building which was lawfully under construction, or for which a development permit has lawfully been issued on the date that this Bylaw comes into force;
- (3) The maintenance and repair of public works, services and utilities, including construction of new roads carried out by or on behalf of federal, provincial, municipal or public authorities on land which is publicly owned or controlled;
- (4) The use of a building as a temporary polling station, returning officers headquarters, candidates campaign office and any other government temporary use in connection with a federal, provincial, or municipal election, referendum or census;
- (5) The Municipality's use of land which it owns or in which it has an equity interest that has been approved by Council in connection with any public utility;

- (6) Internal alterations to a residential building provided that such alterations do not result in an increase in the number of dwelling units within the building or on the site;**
- (<sup>7</sup>) Mechanical, electric or maintenance alterations to a building provided that the use or intensity of the use does not change;**
- (8) The erection of any fence, wall or gate that is not more than 1.8 m (6 ft.) in height extending from the rear of a property up to the front-facing wall of the primary structure on that property, subject to Part 5, Section 40(1)(d).**
- (<sup>9</sup>) 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;**
- (10) A temporary building, the sole purpose of which is incidental to the erection or alteration of a building for which a building permit has been issued;**
- (11) The placement of yard/ garage sale sign;**
- (12) An accessory development not greater than 10 m<sup>2</sup> (107.6 ft<sup>2</sup>) nor exceeding 2.4 m (8.2 ft.) in height;**
- (13) In a residential district, the construction of:**
  - (a) a deck to a maximum of 0.6 m (2 ft.) above finished grade;**
  - (b) a patio;**
  - (c) a fire pit or barbeque; or**
  - (d) private driveways.**
- (14) A home occupation provided that:**
  - (a) no individual other than the permanent resident of the dwelling unit operates the home occupation;**
  - (b) no client or customer is received in the dwelling unit for business purposes;**
  - (c) the home office that does not generate any vehicular traffic;**
  - (d) no equipment, materials, goods or finished products for business purposes are stored on-site.**
- (15) Developments exempt under the Act;**
- (16) Demolition if a development permit has been approved for new development on the same site and demolition is implicit in that permit;**
- (17) Satellite dishes no greater than 1.0 metre in diameter that are attached to a building;**
- (18) All forms of non-permanent structures, pools/hot tubs, or other similar structures; and**

**(19) Solar Collectors, Structure Mount, subject to Section 68(3) requirements and installed primarily for private use or on-site use.**

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## **SECTION 16 DEVELOPMENT PERMIT APPLICATION REQUIREMENTS**

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Applications for development permits shall be made in writing to the Development Authority by submitting an application (attached Form A) with the signature of the registered owner of the land or an agent authorized by the owner to make the application.

The application form shall be accompanied with the following information:

- (1) Site plans, drawn to scale, in duplicate, showing:**
  - (a) legal description of the site;**
  - (b) dimensions of the site;**
  - (c) floor plans, elevations, and exterior finishing material;**
  - (d) location and dimensions of property lines as required by the Development Authority must be clearly identified by appropriate markers and pins;**
  - (e) proposed lot grade to provide positive drainage to an approved drainage course in accordance with Municipal Engineering Standards with the location and setbacks from property lines of existing and proposed structures, utility poles, fences, retaining walls, trees and landscaping, including buffer and screening area where necessary, and an indication of which existing features will be retained; and**
  - (f) location of existing and proposed easements and utility right-of-way.**
- (2) On applications for signs, a replica of the proposed sign drawn to a smaller scale;**
- (3) A statement of ownership of the land and intent of the applicant therein;**
- (4) The estimated commencement and completion dates;**
- (5) Parking and loading spaces**
- (6) Access and egress points to the site;**
- (7) Where applicable, the location of existing and proposed wells, septic tanks, disposal fields, culverts, and crossings;**
- (8) All requirements under the *Alberta New Home Buyer Protection Act*;**
- (9) Such additional information as the Development Authority may deem necessary; and**
- (10) An application fee at a rate established by resolution of Council.**

The Development Authority may require additional copies of the application or of plans and specifications.

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## **SECTION 17 DEVELOPMENT PERMIT INFORMATION REQUIREMENTS**

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In addition to a development permit application, an applicant may be required to submit the following:

- (1) A detailed site plan containing the following information:
  - (a) location of all proposed buildings;
  - (b) elevations and architectural treatment of all buildings or structures;
  - (c) number and type of residential suites;
  - (d) amount of non-residential space and description of proposed non-residential uses;
  - (e) location of all accesses: vehicular, pedestrian and emergency to site and buildings;
  - (f) plan of the internal vehicular and pedestrian circulation systems and the integration of this with the local pedestrian system. This should include an estimate of traffic generation and distribution patterns outside the project area;
  - (g) location, capacity, and layout and design of all parking areas;
  - (h) location of all existing trees, with explanation of which trees are to be removed and why it is necessary to remove them.
  - (i) location and function of all open space and identification of open spaces outside of the actual development.
  - a) all yard setbacks, site coverage, site areas, floor areas, sizes of lots, number of parking stalls;
  - (k) adjacent land uses that are existing or proposed; and
  - (l) anticipated scheduling and sequence of development for the plans.

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## **SECTION 18 REFERRAL OF DEVELOPMENT PERMIT APPLICATION**

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- (1) The Development Authority may refer a development permit application to any internal municipal department, adjacent municipalities, and to any external agency in order to receive comment and advice.
- (2) Upon receipt of an application for a development permit for a development listed as a Discretionary Use, the Development Authority may send a written notice to all adjacent landowners indicating the location and nature of the proposed development, and indicating opportunities for comment.

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## **SECTION 19 DEVELOPMENT PERMIT DECISIONS**

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A Development Authority shall approve an application for development permit where:

- (1) Unless otherwise indicated, the proposed use of the site is included on the permitted use list of the land use district for which the site is designated, and

- (2) The proposed development conforms in every respect to the applicable provisions of this Bylaw

For Discretionary Uses and Variances:

- (1) All applications for Discretionary Uses and Variances must go to council for review with recommendations from the Development Authority before final decision is set.
- (2) If the decision from council approves the development permit then it must be advertised in one issue of the local newspaper having general circulation in the municipality
- (3) The Development Authority may approve an application for a development permit which meets the requirements of this Bylaw after giving due consideration to comments received, with or without such conditions as it may deem necessary based on the merits of the application including any approved statutory plan or approved policy affecting the site.
- (4) The Development Authority may refuse a development permit application that does not meet the requirements of this Bylaw.

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## **SECTION 20 CONDITIONS OF DEVELOPMENT PERMITS**

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In accordance with the Act, council may in a Land Use Bylaw require that, as a condition of a development permit's being issued, the applicant enter into an agreement with the Municipality to do any or all of the following:

- (1) To construct or pay for the construction of a road required to give access to the development;
- (2) To construct or pay for the construction of:
  - (a) a pedestrian walkway system to serve the development; and
  - (b) pedestrian walkways to connect the pedestrian walkway system serving the development with a pedestrian walkway system that serves or is proposed to serve an adjacent development.
- (<sup>3</sup>) To install or pay for the installation of public utilities, other than telecommunications systems or works, that are necessary to serve the development;
- (4) To construct or pay for the construction of:
  - (a) off street or other parking facilities; and
  - (b) loading and unloading facilities.
- (5) To pay an off-site levy or redevelopment levy for the purpose of security to ensure that

the terms of the agreement under the Act are carried out.

- (6) A municipality may register a caveat under the Land Titles Act in respect of an agreement under this section against the certificate of title for the land that is the subject of the development; and
- (7) If a municipality registers a caveat under the Land Titles Act, the municipality must discharge the caveat when the agreement has been complied with.

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## **SECTION 21 VARIANCE AUTHORITY**

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- (1) Notwithstanding any other provisions of this Bylaw, the Development Authority may approve or conditionally approve an application for a development that does not comply with this Bylaw only if in the opinion of the Development Authority:
  - (a) the proposed development would not unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment, safety or value of neighbouring properties; and
  - (b) the proposed development conforms with the use prescribed for that building or land in the district that applies to it.
- (2) In granting a variance, the Development Authority:
  - (a) All applications for a variance must go to council for review with recommendations from the Development Authority before final decision is set.
  - (b) Must first publish for two weeks in the local newspaper the proposed variance to provide opportunity for feedback from adjacent landowners
  - (c) may approve development on a lot which does not meet the regulations of this Bylaw in terms of width, depth or land area, provided that the lot was legally registered and existing at the time of final passage of this Bylaw, and that the development meets all other requirements of this Bylaw.
- (<sup>3</sup>) May approve a development which does not comply in terms of yard setbacks or site coverage, provided that:
  - (a) the development does not encroach on any easement; unless an encroachment agreement has been granted in respect of it, and the development meets all other requirements of this Bylaw; and
  - (b) the development does not encroach on any property line, nor creates drainage problems.

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## **SECTION 22 NOTIFICATION OF A DECISION**

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- (1) The decision of the Development Authority on an application for a development permit shall be given to the applicant on Form B or C.
- (2) If a Development Authority refuses an application for a development permit, the notice of decision shall contain the reasons for the refusal.

- (3) When an application for a development permit is approved for a discretionary use:
- (a) a notice for subdivision and development appeal on Form D shall be mailed to all assessed owners of properties within 60m (196ft) of the site or greater, and to those assessed property owners who in the opinion of the Development Authority may be affected.
  - (b) a notice for subdivision and development appeal on Form D shall be advertised in two consecutive issues of the local newspaper having general circulation in the municipality to provide opportunity for public feedback
  - (c) the Development Authority shall require, as a condition of any permit granted, that the applicant display, for no less than fourteen days after the permit is issued in a conspicuous place on the site, and no further from the street or streets abutting the site than the Development Authority directs, a notice or notices setting out the proposed use in form prescribed by the Development Authority.
- (4) When an application for a development permit is approved for a variance:
- (a) a notice appeal for subdivision and development appeal on Form D shall be mailed forthwith to all assessed owners of properties within 30m (98ft) of the site or greater, and to those assessed property owners who in the opinion of the Development Authority may be affected. In addition to the above, all businesses on the site of the proposed development shall be sent a notice of approval; and
  - (b) a notice for subdivision and development appeal on Form D shall be advertised in two consecutive issues of the local newspaper having general circulation in the municipality to provide opportunity for public feedback
  - (c) the Development Authority shall require, as a condition of any permit granted, that the applicant display, for no less than fourteen days after the permit is issued in a conspicuous place on the site

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## **SECTION 23 APPEALING A DECISION**

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- (1) In accordance with Section 685, a person applying for the permit or affected by the order under the Act may appeal to the Subdivision and Development Appeal Board if, the Development Authority:
- (a) refuses or fails to issue a development permit to a person;
  - (b) issues a development permit subject to conditions; or
  - (c) issues an order under the Act.
- (2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issues by a Development Authority may appeal to the Subdivision and Development Appeal Board.

- (<sup>3</sup>) Notwithstanding subsections (1) and (2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the Land Use Bylaw were relaxed, varied, or misinterpreted.

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## **SECTION 24 APPEAL PROCESS**

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A development appeal to a Subdivision and Development Appeal Board in accordance with the Act can be commenced by filing a notice of the appeal, containing reasons, with the Board within 14 days,

- (1) In the case of an appeal made by a person referred to the Act, 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 under the Act, the date the period or extension expires.
- (2) In the case of an appeal made by a person referred to in the Act after the date on which the notice of the issuance of the permit was given in accordance with the Land Use Bylaw.
- (<sup>3</sup>) The Subdivision and Development Appeal Board must hold an appeal hearing within 30 days of receipt of a notice of appeal.
- (4) The Subdivision and Development Appeal Board must give a notice in writing of the hearing (attached Form E):
- (a) to the appellant;
  - (b) to the Development Authority whose order, decision or development permit is the subject of the appeal; and
  - (c) to those owners required to be notified under the Land Use Bylaw and any other person that the subdivision and development appeal board considers to be affected by the appeal and should be notified.
- Notice shall be presumed to be effected seven (7) business days from the date of mailing if the document is mailed in Alberta to an address in Alberta.
- (d) In subsection (23) (4) (c), "owner" means the person shown as the owner of land on the title at the Alberta Land Titles Office or Alberta Registries.
- (<sup>5</sup>) The Subdivision and Development Appeal Board must make available for public inspection before the commencement of the 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 under the Act.

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**SECTION 25 LETTER OF COMPLIANCE**

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The Municipality will not issue compliance letters for properties within the municipality.

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**SECTION 26 COMPLIANCE WITH OTHER LEGISLATION**

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Nothing in this Bylaw exempts any person from complying with the provisions of any other applicable bylaw or any applicable Federal or Provincial Statute, regulation or order.

## **PART 3 ENFORCEMENT**

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### **SECTION 27 RIGHT OF ENTRY**

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The Development Authority regarding right of entry to a land or building for the purposes of enforcing this Bylaw is governed by the Act.

An authorized person may only enter land or a building if:

- (1) The owner or person in possession of it gives his consent to the entry; or
- (2) The entry is authorized by an order of the District Court; and then only for the purpose of ensuring compliance with the Act, the regulations there under or this Bylaw.

The Development Authority is designated as the "authorized person" for purpose of right of entry.

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### **SECTION 28 STOP ORDER**

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If a Development Authority finds that a development, land use or use of a building is:

- (1) In contravention with the Act; or,
- (2) Not in compliance with a development permit or subdivision approval or conditions thereof;

The Development Authority may, in accordance with Section 645 of the Act, by written notice, order the owner, the person in possession of the land or building or the person responsible for the contravention, or any or all of them, to:

- (1) Stop the development or use of the land or building in whole or part as directed by the notice;
- (2) Demolish, remove or replace the development; or
- (3) Carry out any other actions required by the notice so that the development or use of the land or building complies with The Land Use Bylaw or regulations, a development permit or a subdivision approval, within the time set out in the notice.

A person who receives a notice referred to above may appeal to the Subdivision and Development Appeal Board in accordance with Section 685 of the Act.

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## **SECTION 29 OFFENCES AND PENALTIES**

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If the Development Authority finds that a development or use of land or buildings is not in accordance with:

- (1) the Act or Provincial Regulations; or
- (2) the conditions of a development permit or subdivision approval; or
- (3) this Bylaw.

The Development Authority may proceed in accordance with provisions of the Act, whereby:

- (1) No person shall contravene or permit a contravention of this Bylaw.
- (2) No person shall undertake a development or use that is not permitted in this Bylaw.
- (3) A person found guilty of an offence is liable upon conviction to:
  - (a) A fine of \$250.00 for a first offence;
  - (b) A fine of \$500.00 for a second offence;
  - (c) A fine of \$1,000.00 for a third or subsequent offence;
  - (d) imprisonment for not more than one (1) year; or
  - (e) both fine and imprisonment, pursuant to Section 566 of the Act.

Each day that a breach of the Bylaw has occurred is considered a separate offence.

- (4) **Violation Tickets**

In addition to the process and penalties described above, the Development Authority Officer, Community Peace Officer, or any other person identified as a designated officer for the purposes of this Section, shall be authorized to issue violation tickets in respect to any contravention of this Bylaw.

  - (a) Persons contravening any provision of this Bylaw to whom violation tickets are issued shall be liable to a fine for a first offence and each subsequent offence as specified by Council up to a maximum of \$10,000 for each fine.
  - (b) The violation ticket will include the nature of the violation, corrective measures that must be taken, and the deadline for the completion of the corrective measures. The violation ticket shall require payment, within twenty-one (21) days from the date of issue of the violation ticket, of a fine to the Village.
  - (c) The violation ticket shall be served upon the alleged offender personally or by mail where receipt can be confirmed.

- (d) **If payment, and corrective measures are made within the time limit, then payment and correction of the contravention shall be accepted in lieu of prosecution for the offence.**
- (e) **If a person who has been served with a violation ticket fails to pay the fine specified therein, then the right of the alleged offender to settle the alleged offence without a court appearance shall no longer apply and prosecution for the alleged offence shall proceed.**
- (f) **If the person who was served with the violation ticket is thereafter prosecuted and convicted of the offence specified in the violation ticket, the fine imposed shall not be more than \$10,000, plus court costs.**

## **PART 4 AMENDING THE BYLAW**

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### **SECTION 30 BYLAW AMENDMENTS**

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- (1) Any person or the municipality may initiate any amendments to this Bylaw by making an application in writing to the Development Authority on Form G.
- (2) All amendments to this Bylaw shall be made by Council and in conformance with the Act.
- (3) A person may apply to have this Bylaw amended, by applying in writing, furnishing reasons in support of the application and having payed the required fee.
- (4) All applications for amendment to the Land Use Bylaw shall be made to Council and shall be accompanied by the following, namely:
  - (a) an application fee set by a resolution of Council for each application, but if the proposed amendment is adopted by Council, Council may determine that whole or part of the application fee be returned to the applicant;
  - (b) a certificate of title search of the land affected or other documents satisfactory to the Development Authority including the applicant's interest in the said land where applicable; and
  - (c) all drawings required to be submitted shall be stamped by a professional engineer or architect to the satisfaction of the Development Authority and shall be fully dimensioned, accurately figured, explicit and complete.

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### **SECTION 31 THE AMENDMENT PROCESS**

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In the case of an amendment to this Land Use Bylaw to change the district designation of a parcel of land, the Village must, in addition to the requirements of this Bylaw:

- (1) Include in the notice described the Act:
  - (a) the municipal address, if any, and the legal address of the parcel of land; and
  - (b) a map showing the location of the parcel of land.
- (2) Give written notice containing the information described in the Act to the assessed owner of that parcel of land at the name and address shown in the assessment roll of the Village; and
- (<sup>3</sup>) Give a written notice containing the information described in the Act to each owner of adjacent land at the name and address shown for each owner on the assessment roll of the Village.

## **PART 5 GENERAL REGULATIONS**

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### **SECTION 32 ACCESSORY BUILDINGS AND USES**

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- (1) An accessory building shall not be used as a dwelling.
- (2) The siting of an accessory building on an irregular shaped parcel shall be as approved by the Development Authority.
- (3) An accessory building shall not be located in the front yard.
- (4) An accessory building shall not be located closer than 2.1 m (7 ft.) to a main building.
- (5) The height of an accessory building shall not exceed 4.6 m (15 ft.) nor one Storey, unless approved as a variance by the Development Authority
- (6) Where a structure is attached to the principal building on a site by a roof, an open or enclosed structure, a floor or a foundation, it is to be considered a part of the principal building and is not an accessory building.
- (7) The total area of the accessory building shall not exceed 12% of the site area.
- (8) With the exception of a rear-entrance garage, an accessory building shall be situated on an interior lot so that the exterior wall is at least 0.9 m (3 ft.) from the side line and 0.6 m (2 ft.) from the rear line of the lot.
- (9) Garages shall be located so that vehicle entrance doors shall not be closer than 5.5 m (18 ft.) from the boundary line towards which they face or open.

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### **SECTION 33 CONTROLLED APPEARANCE**

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- (1) The exterior finish on all buildings in all districts shall be of a permanent material and be of a character and quality satisfactory to the Development Authority.
- (2) The design, character, and appearance of all buildings shall:
  - (a) be compatible with other buildings in the vicinity unless the building is setting a new standard for the District in which it is located, as approved as a variance by the Development Authority, which may include Council;
  - (b) be suited to the purpose of the District in which it is located; and
  - (c) comply with the provision of any statutory plan applicable to the design, character, or appearance of the building.

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## SECTION 34 LIGHTING

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All exterior lighting shall not shine, deflect, glare or be directed towards any living spaces or sleeping areas of adjacent dwellings in the area.

- (1) Any outdoor lighting for any development in all districts shall be:
  - (a) located and arranged so that no direct rays of light are directed at any adjacent properties; or
  - (b) interfere with the effectiveness of any traffic control devices and / or signs.
- (2) Where outdoor lighting is required to illuminate a site or building, the light shall be located and directed in such a manner that it does not adversely affect neighbours or the use, enjoyment or value of any residential properties within the area or pose a potential hazard to vehicles or pedestrian traffic within the vicinity.
- (<sup>3</sup>) Lighting must be aimed downward such in a way to not cause light trespass and glare problems for any adjacent properties. Exterior lights that are used for security purposes shall be shielded and of lower intensity, this includes motion sensor lights.
- (4) Commercial and Industrial exterior lighting is not permitted to be directed at residential properties.

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## SECTION 35 ENVIRONMENTAL SCREENING

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

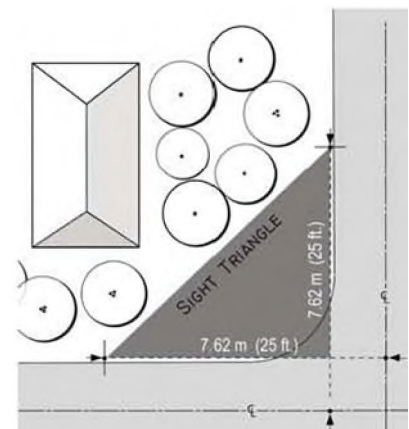
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## SECTION 36 CORNER LOT RESTRICTIONS

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For the purpose of this section, corner lots shall include property measurements based on a sight triangle.

- (1) A sight triangle means that triangle formed by a straight line drawn between two points on the exterior boundaries of the said site 7.62 m (25 ft) from the point where they intersect.
- (2) On any corner site in a residential area, no person shall erect, place or maintain within the sight triangle a wall, fence, shrub, trees, hedge, or any object over 0.9 m (3 ft.) in height above the lowest street grade adjacent to the intersection.



- (3) On any corner site, no finished grade shall exceed the general elevation of the street line by more than 0.6m (2 ft.) within the area defined as a sight triangle.
- (4) When a lot has more than one front yard line (corner lot), the front yard requirement shall apply to all front yards, but, at the discretion of the Development Authority, one front yard may be considered a side yard.

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## **SECTION 37 DEMOLITION OF BUILDING**

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- (1) Where a development permit is to be approved for the demolition of a building the Development Authority shall require the applicant to provide a performance bond or a letter of credit in the minimum amount as determined by the Development Authority or as decided by the Development Authority to cover costs of reclamation and damage to public, quasi- public utilities.
- (2) Whenever a demolition is carried out the person causing the same to be made, shall, at his own expense, protect from displacement any wall, sidewalk, or roadway, or other utility liable to be affected by such demolition and shall sustain, protect, and underpin the same so that they will remain in the same condition as before the demolition was commenced and that adequate measures shall be taken by way of fencing and screening to ensure the general public safety.
- (3) Whenever a development permit is issued for the demolition of a building, it shall be a condition of the permit that the site shall be thoroughly cleaned, with all debris removed, and left in a graded position.

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## **SECTION 38 DRAINAGE AND SITE GRADING**

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- (1) In all cases, site grades shall be established to not allow one site to drain onto an adjacent site except where drainage conforms to an acceptable local or subdivision drainage plan and is approved by the Development Authority. In addition:
  - (a) there shall be no amount of pooling water within a development area or portion of the developed area and nor shall the surface water drain to pool water in adjacent lots;
  - (b) all development sites shall be graded to drain surface water onto municipal lands;
  - (c) a downspout from an eavestrough must have an elbow and an extension or concrete splash pad to convey and direct surface water away from foundation walls towards drainage swales and onto municipal lands;
    - (i) the minimum distance of the discharge point of downspouts and splash pads from a property line shall be 15 cm (6 inches) from any adjacent private property or 30 cm (11.8 inches) from an adjacent municipal property;

- (ii) vacant or undeveloped lands shall be graded so that all surface water will flow towards municipal land.
- (d) on or after the date of this Bylaw, at the sole discretion of the Development Authority, he may require the developer to submit a Lot Grading Certificate from a certified land surveyor, professional engineer or a registered architect for rough and final grade within 1 year of occupancy.

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## **SECTION 39 LAND SUBJECT TO FLOODING**

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- (1) Lands subject to flooding defined as either within the floodway or flood fringe and are subject to flooding, the following applies:
  - (a) no new buildings or other new structures shall be allowed within the floodway area as indicated in Schedule B of this Bylaw;
  - (b) the Development Authority may refer to Alberta Environment, for procedures and recommendations, on any development permit application within the flood hazard area;
  - (c) the feasibility of permitting development and thereby removing any land from the flood hazard area (flood way or flood fringe) shall be determined through a comprehensive planning process including a Geotechnical report;
  - (d) before a development permit is issued for the construction of any development within the flood fringe, the Development Authority may require that the applicant submit appropriate engineered flood protection measures from a qualified registered professional engineer or architect, registered to practice in the Province of Alberta, indicating that the following factors have been incorporated in the building and lot:
    - (i) Canadian Mortgage and Housing Corporation guidelines for building in flood susceptible areas;
    - (ii) the flood proofing of habitable rooms, electrical panels and heating units, and open able windows;
    - (iii) basement drainage and site drainage; and
    - (iv) information on grade elevation in relation to the flood fringe and floodway elevation.
  - (e) the Development Authority shall not issue a development permit for any development within 20.0 m (65.6 ft) of any river, body of water including the top-of-bank of any water body, until it is satisfied that adequate flood proofing exists; The Development Authority may require a greater setback if a qualified registered professional engineer so requires ; and

- (f) the Development Authority may require that the development of a building or site be designed by a qualified registered professional engineer registered to practice in the Province of Alberta; and
- (g) the Development Authority shall permit minor renovations or repairs to an existing building, not including structural repairs, within the flood fringe area, without requiring or maintaining the flood proofing and shall adhere to all provisions of the Canada-Alberta Flood Damage Reduction Program.

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## **SECTION 40 FENCING AND LANDSCAPING**

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- (1) No fence, wall, or hedge in a single family, two-family or manufactured home district shall be:
  - (a) higher than 1.8 m (6 ft) in side yards and rear yards to be measured as the average elevation from the ground at the fence or wall unless otherwise provided in this Bylaw or determined otherwise by the Development Authority;
  - (b) higher than 0.9 m (3 ft) in front yards, except in the case of more than one yard fronting onto a street, each yard shall be deemed to be a front yard for the purpose of this section unless determined otherwise by the Development Authority; or
  - (c) higher than 0.9 m (3 ft) within 4.6 m (15 ft) of the intersection of lanes, streets, or a street and lane. Also see Section 33 Corner Lot Restrictions; and
  - (d) fencing shall be constructed with materials pre-approved by the Development Authority. Fencing must be constructed of stable materials such as: vinyl, wooden, or chain link and securely fashioned to posts, poles, or permanent structures. Other unsecured or unstable fencing will not be permitted. The use of snow and safety fencing is restricted to their intended functions.
- (2) In the case of apartments or row houses all off-street parking may include a landscaped area, and in residential areas, a wall, hedge or wooden fence of not less than 0.91 m (3 ft) in height and not more than 1.8 m (6 ft.) in height, shall be provided along the side property lines, all to the satisfaction of the Development Authority.
- (<sup>3</sup>) Commercial buildings in residential areas must be screened by a wooden fence of at least 1.5 m (5ft) in height and no higher than 1.8 m (6 ft.) in height. In addition, 10% of the site area shall be landscaped, and waste containers and outdoor storage shall be screened and accessible for convenient pickup.
- (4) A parking area having 8 or more parking spaces, and which is visible from an abutting site in a residential district, or from a public roadway other than a lane, shall be fenced or have a screen planting. The location, length, thickness and height of such fence or screen planting shall be in accordance with the landscaping plan approved by a Development Authority.
- (<sup>5</sup>) The height of a fence in an industrial or urban reserve shall be determined by the Development Authority.

- (6) As a condition of the development permit, and to the satisfaction of the Development Authority, all landscaping and planting must be carried out (weather permitting) within one year of occupancy or commencement of operation of the proposed development.
- (7) Where off-street parking for 50 or more vehicles is provided at grade on a site, there shall be landscaped open space within the parking area, unless otherwise decided by a Development Authority. Landscaped open space in the parking areas shall be provided in the minimum amount of 1.7 m<sup>2</sup> (18.3 ft<sup>2</sup>) for each parking space. The required landscaping shall not be located in one area, and shall be placed within the parking area so as to provide visual relief and break up large areas of parking into smaller cells.
- (8) Any area required to be landscaped may, at the discretion of the Development Authority, be left in its natural state or be foamed and planted with grass, trees, shrubs, and/or flowers, or similar materials, or a combination there of, which enhance the appearance of the site and which compliment the development thereon.
- (9) Where a development permit is to be granted, and landscaping is a part of the development, the Development Authority may require the applicant to provide a letter of credit or post a bond of such amount to ensure completion of any landscaping.
- (10) With the exception of the Urban Reserve District or in other special circumstances, no fence shall be of barbed wire construction below the height of 1.8m (6 ft.).
- (11) No vegetation shall extend beyond any property line unless the offended adjacent property owner provides written permission to the Village. Any such permission may be withdrawn at any time by a minimum 30 days notice, in writing, from the offended adjacent property owner.

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## **SECTION 41 CANNABIS SALES**

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- (1) For the purposes of sections 640, 642 and 687(3) of the *Municipal Government Act*, a premise described in a cannabis development may not have any part of an exterior wall that is located within 100 metres of;
  - (a) a provincial health care facility or a boundary of the parcel of land on which the facility is located,
  - (b) a building containing a school or a boundary of a parcel of land on which the building is located, or
  - (c) a boundary of a parcel of land that is designated as school reserve or municipal and school reserve under the *Municipal Government Act*.
- (2) The Development Authority may require lighting, signage and screening measures, including landscaping, in addition to the other requirements of this Bylaw that, in the opinion of, will make a development compatible with existing uses which are either adjacent or nearby.

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## SECTION 42 TENT STRUCTURES

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- (1) Tent structures may be located on a property within all districts with the exception of the Central Business District (CB) despite the lot coverage requirements of Section 32 of Part Five of this Bylaw for accessory buildings and such structures shall be subject to the following conditions:
  - (a) such tent structures shall be prefabricated and shall consist of a tubular steel frame covered with a flame-resistant fabric or film;
  - (b) such tent structures shall be securely anchored to the ground; and must not be fastened to any public utility equipment;
  - (c) such tent structures shall not extend beyond the property or lot lines and shall not restrict in any manner any required exit from the residential building on the property/lot;
  - (d) such tent structures shall be used solely for the storage of noncombustible objects;
  - (e) such tent structures shall be constructed and oriented in such a manner that snow and ice is to fall, and remain, on the owner's property;
  - (f) such tent structures shall be maintained in a good state of repair;
  - (g) by no means can a tent structure block vehicular line of site; corner or double fronting setbacks will be determined by the Development Authority on a case by case basis, and is at the discretion of the Development Authority;
  - (h) tent structures shall abide by the setback regulations of accessory buildings as described in Part Five, Section 31, except on corner and double fronting sites.
  - (i) Cannot be used as a dwelling.
- (2) The maximum area for a tent structure on a property/lot shall not exceed 12% of site area.
- (3) The number of tent structures on a residential property is as follows:
  - (a) No more than one (1) tent structure allowed in any Residential Zone.
  - (b) RMH — Shall not exceed one (1) tent structure.

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## **SECTION 43 SHIPPING CONTAINERS (SEA CANS)**

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### General Regulations for All Shipping Containers.

- (1) All shipping containers shall comply with the following regulations and site requirements:
  - (a) Are permitted in Residential R2 and R3 Zones as discretionary uses for dwelling units provided plans and specifications for interior and exterior finishing are to the satisfaction of the Development Authority and all applicable safety and building code requirements are equally satisfied.
  - (b) Site preparation for shipping containers used as dwelling units must be to the satisfaction of the Development Authority and may include requirements for blocking cement piling, cement foundations, engineered screw piles or other as deemed necessary by the Development Authority.
  - (c) shipping containers shall be kept clean and well maintained, and placed in an orderly manner;
  - (a) shipping containers can not be stored in the front portion of the property;
  - (e) shipping containers must be painted or finished in a way that is compatible in appearance with the principal building or surrounding area that is satisfactory to the Development Authority;
  - (f) shipping containers are prohibited for storage of junk, trash, or other forms of refuse;
  - (g) shipping containers shall not block or obstruct any exits, windows, required off-street parking spaces, driveways, or access to public utilities and / or right of ways;
  - (h) shipping containers shall not be placed for the sole purpose of screening or fencing or to be used as an advertising structure; and
  - (i) shipping containers shall comply with any other regulation of the Land Use Bylaw and / or other bylaw, policy, or statute as required including but not limited to Alberta Building and Fire Codes.
- (2) Are permitted as an accessory building in all zones provided exterior finishing is to the satisfaction of the Development Authority.
  - (a) The connection of water and sewer services to shipping containers used as an accessory building is not permitted.
  - (b) A shipping container as an accessory building cannot be used as a dwelling.

- (<sup>3</sup>) Temporary use of shipping containers shall comply with the following regulations and site requirements:
- (a) The shipping container(s) may be placed temporarily on a site in any district:
    - (i) during construction on a site when the shipping container is utilized solely for the storage of supplies and equipment that are used for the site, provided that a valid Development and Building permit has been issued for construction on the site; or
    - (ii) for the purpose of loading and unloading of items associated with the principal use, and for a period of not more than ten (10) days; the Development Authority may grant one (1) extension of up to ten (10) days for large-scale projects.
  - (b) The temporary shipping container(s) must not be placed within 1.0 m (3.28 ft) the back of curb, or within 1.0 m of the side or rear property lines.
  - (c) The temporary shipping container(s) shall be removed from the site:
    - (i) upon completion of the construction;
    - (ii) upon expiration of the Development permit;
    - (iii) on expiration of the allowed time period; or
    - (iv) no later than seven (7) days after notice of removal is issued by the Development Authority.

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## **SECTION 44 INDUSTRIAL DEVELOPMENT**

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- (1) Each application for industrial development location shall be accompanied by the following information:
- (a) location;
  - (b) type of industry;
  - (c) size of buildings;
  - (d) number of employees;
  - (e) estimated water demand and anticipated source;
  - (f) type of effluent and method of treatment;
  - (g) transportation routes to be used;
  - (h) any accessory works required (pipeline, etc.);
  - (i) anticipated residence location of employees authority and/or any such as may be reasonably required by the Development Authority to determine necessary road upgrades; and

- a) landscape plans, all site regulations and requirements shall be based upon the type of industrial development proposed and shall be at the discretion of the Development Authority in accordance with the District in which the site is located.

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## **SECTION 45 MOTELS AND HOTELS**

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- (1) The owner, tenant, operator, or person in charge of a motel or hotel shall at all times:
  - (a) maintain the site and buildings, structures, and improvements thereon in a clean, tidy and attractive condition and keeping the same free from all rubbish, snow and debris;
  - (b) maintain waste facilities to the satisfaction of the Development Authority; and
  - (c) maintain an appropriate fence where required around the boundaries of the site and keep the site well maintained.
- (2) Entrances and Exits
  - (a) All access and curb crossings shall require the approval of the Development Authority.
- (<sup>3</sup>) Notwithstanding any provisions of this Bylaw to the contrary, a minimum of 10% of the site area of a motel or hotel development shall be landscaped in accordance with the following:
  - (a) the Development Authority may require other types of screening (i.e. masonry wall, earth berm, hedges or trees or a combination thereof).

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## **SECTION 46 HEIGHT OF BUILDING**

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- (1) The base from which to measure the height of a building shall be from any point on the finished ground elevation adjoining all exterior walls of a building.
- (2) The height of buildings as specified in this Bylaw shall not apply to antenna structures.

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## **SECTION 47 HOME OCCUPATIONS**

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- (1) Home occupations are permitted in the Village provided they are secondary to the use of the dwelling unit. The purpose is to allow as much use of the dwelling unit as practical without changing the residential character of the dwelling unit and the street upon which it is located and without interfering with the use and enjoyment of the neighbourhood as a residential area.
- (2) Development Permits for Home Occupations shall only be approved for "offices in the home" and for "homecrafts" in the home.

- (<sup>3</sup>) An "office in the home" is an office in a dwelling operated by a person living in that dwelling. The office must be a secondary use only and it cannot change the principal character or external appearance of the home.
- (4) Home occupations are limited to those, which do not:
- (a) have outside storage material or equipment related to the home occupation;
  - (b) have permanently parked vehicles in the open, displaying any form of advertising related to the home occupation;
  - (c) require alteration to any building unless such alteration is approved by the Development Authority;
  - (d) create a nuisance by way of dust, noise, smell or smoke;
  - (e) generate a vehicular or pedestrian traffic problem (generally limited or no walk-in trade);
  - (f) have any advertising related to the use discernible from outside the building;
  - (g) employ anyone other than a resident of the dwelling in which the home occupation is carried on; and
  - (h) provide for the sale or trade of any product from the dwelling except for the product or subject of a Home craft.
- (<sup>5</sup>) If a complaint is so made, an application for the renewal of the Permit must be filed with the Village and notice of the application will be given to all owners and residents of properties within 30m (98.4 ft.) of the dwelling in which the home occupation is conducted.
- (6) Bed & Breakfast establishments shall be allowed subject to:
- (a) A bed and breakfast establishment shall only be developed as an additional use to a dwelling unit.
  - (b) A bed and breakfast establishment shall not change the principal character or external appearance of the dwelling involved, and shall have a maximum of four sleeping bedrooms.
  - (c) Cooking facilities shall not be located within the sleeping units.
  - (d) In addition to the above, a bed and breakfast establishment shall comply with all of the requirements for a home occupation described in this Bylaw.

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## **SECTION 48 FOOD PREPARATION**

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- (1) Any developments which involve the preparation of food, such as restaurants, shall ensure, to the satisfaction of the Development Authority, that commercial grease traps are provided and maintained to the specifications of the manufacturer of the grease trap and all applicable code requirements.

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**SECTION 49 SECONDARY SUITES**

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- (1) A secondary suite may be developed only in a single detached dwelling or semi-detached dwelling and only in those Land Use Districts where it is listed as a Permitted or Discretionary use.
- (2) Only one Secondary Suite is permitted on a lot. It may be permitted within the principal dwelling or an accessory building such as a Garage. It shall not be permitted in conjunction with a Garden Suite.
- (3) All secondary suites shall have independent and separate entrances.
- (4) All Secondary Suites should have access to outdoor amenity space on site, which may be used in common with the principal dwelling.
- (5) A secondary suite shall not exceed 40% of the total floor area of the principal building or 70 m<sup>2</sup> (750 ft<sup>2</sup>) whichever is greater.
- (6) One off-street parking stall shall be provided per secondary suite for the exclusive use of the occupant of the secondary suite, in addition to any other parking stalls required to serve the principal building.
- (7) a maximum of two (2) bedrooms may be permitted per secondary suite; and
- (8) comply with the Province of Alberta's Building Code and Fire Code.

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**SECTION 50 MANUFACTURED HOMES**

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- (1) All manufactured homes shall conform to the Alberta Safety Code and must have CSA (Canadian Standards Association) certification. If a particular manufactured home has been damaged or structurally altered, the manufactured home must be certified as safe by a provincially certified Building Inspector.
- (2) The Development Authority reserves the right to refuse a development permit for a manufactured home that is of poor appearance or condition.
- (3) The undercarriage of a manufactured home shall be completely screened from view by the foundation, or by skirting compatible in appearance with the manufactured home or by other means satisfactory to the Development Authority.
- (4) All axles, wheels, running gear and towing tongue shall be removed prior to final installation of the manufactured home and additions on piers, blocking or permanent foundation.
- (5) No accessory building or use shall be located in the front yard of a manufactured home use.
- (6) The construction materials and appearance of buildings and other structures shall be to accepted standards and shall compliment the natural features and character of the site to the satisfaction of the Development Authority.

- (7) All manufactured homes to be factory built with walls of pre-finished baked enamel aluminum siding, vinyl siding or the equivalent, as required by the Development Authority.
- (8) All ancillary structures such as patios, porches, additions, etc., shall be factory pre-fabricated units, or of a quality equivalent thereto, so that appearance, design and construction will compliment the manufactured home.
- (9) Manufactured homes, as defined in Section 3 of this Bylaw, are permitted only in the Manufactured Home (MFH) District.

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## **SECTION 51 RELOCATION OF BUILDINGS**

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- (1) No person shall place on a site a building, which has been previously erected or placed on a different site or after the location on a site of a building, which has been erected on that site unless a development permit has been obtained from the Development Authority.
- (2) All structural and exterior renovations to a relocated building are to be completed within one year of the issuance of the development permit.
- (3) Whenever a relocation is carried out, the person causing the same to be made shall, at his own expense, protect from displacement, any wall, sidewalk, or roadway liable to be affected by such relocation and shall sustain, protect, and underpin the same so that they win remain in the same condition as before the relocation was commenced.

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## **SECTION 52 MULTIPLE DWELLING DEVELOPMENTS**

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The following application procedure applies to apartments, row housing, and duplex development.

- (1) Before any application can be considered the applicant must submit:
  - (a) design plans and drawings including elevations, prepared or endorsed by a registered architect as per the satisfaction of the Development Authority; and
  - (b) Site plans showing the proposed:
    - (i) location and position of structures on the site, including any "For Rent" or identification signs;
    - (ii) location and number of parking spaces, exits, entries and drives from public thoroughfares;
    - (iii) landscape plan of the entire site, which shall also show, intended surfacing for drives and parking areas; and
    - (iv) location of an access to waste storage areas and incinerators and the fencing and landscaping of these facilities.

- (2) The aforementioned plans will append the application and once approved shall be deemed conditions of approval.
- (3) In the case of all buildings and relationships of the buildings to each other and the total relationship to the land on which they are constructed, in particular, respect to such matters as architectural appearance, the provision of adequate light, air, privacy and landscaping shall be fully shown upon the site plans of the whole development, and all the foregoing shall be to the satisfaction of the Development Authority.

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## **SECTION 53 NON-CONFORMING USES**

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- (1) If a development permit has been issued on or before the day on which a Land Use Bylaw or a land use amendment Bylaw comes into force in a municipality and the Bylaw would make the development in respect of which the permit was issued a non-conforming use or non-conforming building, the development permit continues in effect in spite of the coming into force of the Bylaw.

A non-conforming use of land or a building may be continued but if that use is discontinued for a period of 6 consecutive months or more, any future use of the land or building must conform with Land Use Bylaw then in effect.

A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a nonconforming building may not be enlarged or added to and no structural alterations may be made to it or in it.

A nonconforming 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 on the lot while the non-conforming use continues.

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 routine maintenance of the building, if the Development Authority considers it necessary; or
- (c) in accordance with a Land Use Bylaw that provides minor variance powers to the Development Authority for the purposes of this section.

If a non-conforming building is damaged or destroyed to the extent of more than 75% of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with the Land Use Bylaw.

The land use or the use of a building is not affected by a change of ownership or tenancy of the land or building.

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**SECTION 54 OBJECTS PROHIBITED IN RESIDENTIAL DISTRICT**

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No person shall keep or maintain in their yards or on a street:

- (1) Any dismantled, derelict, unsightly or wrecked vehicle for more than 14 successive days unless approved by the Development Authority on the basis that:
  - (a) if the vehicle is dismantled, derelict, unsightly and / or wrecked, it is to be covered with a tarp;
  - (b) the vehicle is stored hidden from public view by a wall, fence and or trees and shrubs and the area around the vehicle is kept clean, mowed and tidy; and
  - (c) no more than two vehicles are allowed, unless a development permit has been issued for a home occupation, which specifies both a larger number of vehicles and the circumstances under which they may be kept.
- (2) Any commercial vehicle loaded or unloaded of a maximum weight exceeding, 8,000 kg (17,600 lbs) gross license weight pursuant to axle loading ratio; or
- (<sup>3</sup>) Any object of chattel, which, in the opinion of the Development Authority, is unsightly or tends to adversely affect the amenities of the district;
- (4) Any excavation, storage or piling up of materials required during the construction stage unless all necessary safety measures are undertaken; 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.
- (<sup>5</sup>) any fur bearing animals, fowl, or livestock, other than domestic pets, that is, pets that are kept within the dwelling unit and hens that are approved under an urban hen bylaw.

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**SECTION 55 OFF STREET PARKING**

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Minimum Off-Street Parking Requirements	
	Requirement
Places of Public Assembly	1 per 10 seats
Eating & drinking facilities	1 per 4 seats plus 1 space per 2 employees on maximum shift.  Less than 2000 m <sup>2</sup> (21,528 ft <sup>2</sup> ) - 2.2 per 100 m <sup>2</sup> of gross floor.
Commercial Development	For Retail uses: 1 per 27.87 m <sup>2</sup> (300 ft <sup>2</sup> ) of gross floor area and 1 space per 2 employees.

	<b>For Professional Offices: 1 per 46.45 m<sup>2</sup> (500 ft<sup>2</sup>) of gross floor area and 1 space per 2 employees.</b>
<b>Overnight Accommodation</b>	<b>1 per guest room.</b>
<b>Industrial Development</b>	<b>1 per 100 m<sup>2</sup> (1076 ft<sup>2</sup>) of gross floor area or 3 per establishment, whichever is the greater.</b>
<b>Single Detached, Second Dwellings, Manufactured Homes</b>	<b>1 per dwelling.</b>
<b>Multiple Dwelling Unit Development</b>	<b>2 per unit or 1.5 per unit where 5 or more units exist.</b>
<b>Elementary &amp; Junior High Schools</b>	<b>1 per 20 students based on projected capacity plus 1 per employee as well as a student drop-off area.</b>
<b>Senior High Schools</b>	<b>1 per employee, plus 1 for every 4 students including a student drop-off area.</b>
<b>Motels</b>	<b>1 per sleeping unit plus one per 2 employees on maximum shifts.</b>
<b>Drive-In Establishment</b>	<b>1 per 4 seats and required space for 5 car stack up per window or bay; and a minimum of 8 parking stalls.</b>
<b>Day Cares, Family Day Homes</b>	<b>1 per two employees.</b>

- (1) Off Street parking shall be provided in accordance with the following table:
- (2) In the case of a use not specifically mentioned, the required number of Off-Street parking spaces shall be the same as for a similar use as determined by the Development Authority. Where a development falls within more than one class, the required number of spaces shall be the sum of requirements for each of the development classes.
- (<sup>3</sup>) Notwithstanding subject to the Act, the Council may accept payment in lieu of the number of off-street parking spaces deficient, which payment shall be based on the amount of money that Council considers reasonable in return for the equivalent parking space to be provided by the Municipality elsewhere in the district in which the development is proposed.
- (4) An off-street parking area shall:
  - (a) not be located within 0.9 m (3.0 ft) of a lot line common to the lot and to a street; and
  - (b) be constructed so that adequate access to, and exit from each stall is to be provided at all times by means of manoeuvring aisles.
- (5) A parking space shall not be less than 18.6 m<sup>2</sup> (200 ft<sup>2</sup>) in area and shall be a minimum of 2.6 m (8.5 ft.) wide and 5.5 m (18 ft.) in length.

- (6) Every off-street parking space provided must be surfaced to the satisfaction of the Development Authority.
- (7) Each parking area shall be so graded and drained as to dispose of all stormwater runoff. In no case shall drainage be allowed to cross a sidewalk unless otherwise permitted by the Development Authority.
- (8) 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.
- (9) Notwithstanding other requirements of this section there shall be no requirements for off street parking within the C-1 Commercial District unless in the opinion of the Development Authority, a severe lack of parking can be expected to be created by a newly proposed development.
- (10) Parking in front yards within residential districts shall be prohibited other than on driveways.

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## **SECTION 56 OFF STREET LOADING FACILITIES**

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- (1) Where business or a facility is likely to receive large quantities of goods, or frequent deliveries an off-street loading facility may be required, adequate to accommodate the expected traffic without disrupting the flow of vehicles on adjacent streets.
- (2) Such a development shall:
  - (a) provide loading spaces, each having dimensions of not less than 3 m (10 ft.) in width, 7.6 m (25 ft.) in length, and 4.3 m (14 ft.) in height in accordance with the Act; and
  - (b) provide vehicular ingress to, and egress from, a street or lane such that no backing or turning movements of vehicles going to or from the site cause interference with traffic in the abutting streets or lanes.
- (<sup>3</sup>) Be sited at an elevation or elevations convenient to a major floor level in the building or to a utility elevator serving each major floor level.
- (4) Be so graded and drained as to dispose of all storm water runoff. In no case shall drainage be allowed to cross sidewalks.
- (<sup>5</sup>) Where a business or a facility is likely to receive large quantities of goods, or frequent deliveries, the Development Authority may require that an off-street loading dock be provided, adequate to accommodate the expected traffic without disrupting the flow of vehicles on adjacent streets.

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**SECTION 57 PLACES OF WORSHIP**

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- (1) The site upon which a place of worship is situated shall have a frontage of not less than 30.5 m (100 ft) and an area of not less than 929 m<sup>2</sup> (10,000 ft<sup>2</sup>) except in the case where a building for a clergyman's residence is to be erected on the same site. The combined area of the site in this case shall not be less than 1394 m<sup>2</sup> (15,000 ft<sup>2</sup>).
- (2) Front, side and rear yards shall be those permitted within the district in which the places of worship site is located.

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**SECTION 58 PROTECTION FROM HAZARDS EXPOSURE**

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- (1) The location of any liquefied petroleum gas (LPG) storage tank with a water capacity exceeding 2000 gallons shall be in accordance with the requirement of the Development Authority but in no case be less than a minimum distance of 121.92 m (400 ft) from assembly, institutional, commercial or residential buildings.
- (2) LPG containers with a water capacity of less than 2000 gallons shall be located in accordance with regulations under the Gas Protection Act.
- (3) Flammable liquids storage tanks at bulk plants or service stations shall be located in accordance with regulations under the Fire Prevention Act.
- (4) Setbacks from pipelines and other utility corridors shall be as required by the Development Authority and the appropriate Provincial Regulations or Acts.
- (5) The location of anhydrous ammonia storage facilities within the Village is not permitted.

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**SECTION 59 RECREATIONAL VEHICLES**

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- (1) No person shall use any vehicle for occupancy within the Village limits with the exception of recreational vehicles registered at the municipal campground,
- (2) No person shall keep, 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, any large Recreational Vehicles for any longer than is reasonably necessary to load or unload such vehicle.
- (3) From April 1 through October 1, inclusive, on a residential site with no rear lane, large Recreational Vehicles may be parked on the roadway to within 1 m (3.28 ft) of the interior edge of the sidewalk, or within 1 m (3.28 ft) of the curb if there is no sidewalk for no longer than 48 consecutive hours.

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## **SECTION 60 SATELLITE DISH AND AMATEUR RADIO ANTENNAS**

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- (1) Private non-commercial radio and television antennas may be permitted to be constructed to a height more than the maximum requirements of the district, provided that the development complies with the other requirements set out in this Bylaw.
- (2) All satellite dishes and antennas shall be required to meet setbacks as determined by the Development Authority considering:
  - (a) the amenities of the neighbourhood;
  - (b) the use and enjoyment of neighbourhood properties; and
  - (c) the location of overhead power and telephone lines.
- (<sup>3</sup>) A site plan, showing the location for the satellite dish or antenna on the lot and in relation to other buildings on the lot, shall be submitted at the time of application for a development permit.

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## **SECTION 61 SHOW HOMES**

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- (1) A person wishing to use a site for a show home shall in addition to the Development Permit, make application to the Development Authority for a second development permit allowing the use of the building as a show home. Such an application shall be accompanied by information indicating:
  - (a) the location and area intended as a show home site;
  - (b) parking provisions;
  - (c) any exterior lighting; and
  - (d) any signs which may be permissible.
- (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 or within the ascribed architectural controls of the new development.

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## **SECTION 62 SIGNS**

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- (1) Exemptions

No permit is required for a sign which:

- (a) is not visible from a public road or park;
- (b) is erected by a government or school authority;
- (c) concerns an election;

- (d) identifies the address or function of a building or parcel on which the sign stands;
- (e) advertises a sale or event taking place that day;
- (f) offers for sale or rent the parcel on which it stands;
- (g) advertises a business or activity taking place on that parcel; or
- (h) advertises a product, service, or commodity offered for sale or rent on that parcel.

Provided the size, style, number, and location of the sign meets the requirements of this Bylaw. A development permit is required for all signs other than those listed above.

## **(2) Signs on Roads**

- (a) No sign shall be placed on the right of way of a road without the approval of the Municipality.
- (b) Notwithstanding Sections 60(2)(i) above the following signs do not require a permit:
  - (i) temporary signs protected by Section 2(b) of the Constitution Act, 1982 (Canada);
- (c)
  - (ii) advertises a sale or event taking place that day;
  - (iii) do not require a development permit, and may be placed on a road provided that the signs;
    - (a) are not a danger to public safety;
    - (b) are removed promptly after the election or event which is the subject of the sign; and
    - (c) these signs do not encroach on public road rights-of-way.

## **(3) Signs Overhanging Roads**

- (a) The Development Authority shall require that a sign overhanging municipal property be constructed and maintained to such a standard that it is not a hazard to people, traffic, or property.
- (b) Signs encroaching over a road require an encroachment agreement and insurance.

## **(4) Sign in Residential Districts**

- (a) Signs shall not exceed 1 m<sup>2</sup> (10 ft<sup>2</sup>), or 3 m<sup>2</sup> (32 ft<sup>2</sup>) on church property, and shall not be illuminated, fluorescent, or moving.
- (b) Signs advertising a home occupation or home office shall to be attached to the wall of the building in which the office or occupation is carried on.
- (c) Signs advertising garage and auction sales are permitted one day before and on the actual date of the sale.

- (d) Signs shall be in good taste and compatible with the character of the neighbourhood.
- (e) No more than one sign for each of the purposes listed in Section 60(2)(b)(i) shall be erected on a residential parcel except where the parcel abuts two or more roads, a sign may be erected facing each road.

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## **SECTION 63 SITE CONDITIONS**

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No person shall commence or continue the removal of topsoil without first obtaining a development permit. 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.

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## **SECTION 64 SITE DIMENSIONS**

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No permit shall be issued for any development on a site, the area or width of which is less than the minimum prescribed for the district in which the site is located, except that a lot of separate record in the Land Titles Office containing less than the required minimum area or width may be used subject to the discretion of the Development Authority if all other requirements of this Bylaw and amendments hereto are observed.

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## **SECTION 65 SPECIAL SETBACK REQUIREMENTS**

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No accessory building shall be located in the front yard of a residential use without the specific approval of the Development Authority.

- (1) The minimum distances required for yards do not apply to:
  - (a) construction wholly beneath the surface of the ground;
  - (b) unenclosed patios, decks, and sidewalks when any portion does not rise above the finished ground elevation and are wholly within the site;
  - (c) balconies, eaves, fireplaces, sills, canopy, cornice, and portable window air conditioners which project onto a side or front yard, a distance not exceeding 0.6 m (2 ft) or onto a rear yard a maximum of 1.5 m (5ft).
  - (d) steps that encroach 0.9 m (3 ft) into the side yard setback
- (2) When the site is to be developed for semi-detached or row housing complexes, the following exceptions apply:
  - (a) where each half of a semi-detached house, no side yards shall be required on the side of the dwelling unit which abuts the adjacent dwelling unit by means of a fire separation; and

- (b) where the dwelling units of a row house building, no side yards shall be required on either side in the case of an internal dwelling unit and no side yard shall be required on the interior side of the end dwelling unit.

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## **SECTION 66 SUBDIVISION OF LAND**

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Where an application for a development permit involves a subdivision of lands, no permit will be issued until the subdivision of land has been registered.

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## **SECTION 67 UTILITY SERVICES**

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Notwithstanding anything else in this Bylaw utility services are a permitted use in any district. These include such services as water, sanitary, storm, gas, telephone, power installations, including solar collectors and related equipment.

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## **SECTION 68 SOLAR COLLECTORS**

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- (1) Approval from the Alberta Utilities Commission (AUC) and any other provincial or federal agency or utility company may be required prior to the operation of any grid-connected solar energy system.
- (2) Solar collectors must be located such that they do not create undue glare on neighbouring parcels or public roadways.
- (3) Solar Farms as Discretionary Uses in Industrial (M), Community (**P**), Institutional (**I**) and Urban Reserve (UR) districts only.
- (4) Under Section 619 of the *Municipal Government Act*, any license, permit, or approval granted by Alberta Utilities Commission (AUC), will prevail over any development decisions made by the Municipality. Moreover, a permit issued by the Municipality is only for compliance with the use, size and setback regulations. The actual design and operation of these systems are regulated provincially, and beyond the control of the Municipality.
- (5) The following regulations apply to solar collectors NOT requiring a development permit:
  - (a) Solar Collectors, Structure Mount subject to meeting the following requirements:
    - (i) roof-mounted solar collectors may project a maximum of 1.22 m (4 ft) from the surface of the roof;
    - (ii) must not extend beyond the outermost edge of the roof; and
    - (iii) shall be located as to not impede access to the roof structure for emergency purposes

(b) Solar Collectors, Ground Mount and associated equipment which covers a total area equal to or less than 10.0 m (107.0 ft<sup>2</sup>) and/or must not exceed 2.44 m (8 ft) in height above existing grade.

(c) In addition to (a) and (b) above, the solar collector is utilized (primarily) for private or on-site use, although contribution to the grid may be possible.

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## **SECTION 69 VEHICULAR ORIENTED USES**

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- (1) Developments in the following use classes shall comply with the special regulations of this section:
  - (a) Drive-in Restaurant;
  - (b) Car Wash Establishment ;
  - (c) Service Stations and Gas Bars;
  - (d) Motels;
- (2) The Development Authority may also require that developments not included in the use classes listed in (1) above, shall comply with the regulations of this section if, in their opinion, such developments provide drive-in service or service in which patrons remain within their vehicle.
- (3) Site Location
  - (a) A vehicle-oriented business may be located only where it can be shown that it does not inhibit safe traffic movement or where it is provided within a Shopping centre site.
  - (b) At the intersection of two or more public roadways, but not including lanes, provided that a site may be located between intersections where there is a service road or a centre-dividing strip on the public roadways.
- (4) Development Regulations
  - (a) The minimum frontage shall be 30 m (98.4 ft)
  - (b) Service stations and rapid drive-through vehicle services shall have a minimum lot depth of 30 m (98.4 ft).
- (<sup>5</sup>) Setback of Buildings
  - (a) Minimum front yard requirements shall be as prescribed for the district in which the building is located, but in no case shall be less than 3 m (9.84 ft).
- (6) Site and Building Requirements
  - (a) All parts of the site to which vehicles may have access shall be paved and drained to the satisfaction of the Development Authority.

- (b) The site and all improvements thereon shall be maintained in a clean and tidy condition, free from rubbish and debris. Receptacles for the purpose of disposing of rubbish and debris shall be provided by the owner as required by the Development Authority.
- (c) A minimum of 10% of the site area of a vehicle-oriented use shall be landscaped to the satisfaction of the Development Authority.
- (d) Fencing and landscaping, screening requirements shall be as specified under Section 36 of this Bylaw.

**(7) Service Stations and Gas Bars**

- (a) All pump islands shall be located at least 6 m (19.7 ft) from any boundary of the site, parking area on the site, or laneways intended to control traffic circulation on the site.
- (b) A canopy over a pump island may extend to within 3 m (9.8 ft) of the boundary of the site. The canopy area shall not constitute part of the site coverage for the purpose of this section.

# PART 6 LAND USE DISTRICTS

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## SECTION 70 R1- RESIDENTIAL DISTRICT

---

The purpose of this district is to allow for the development of single-family dwellings and associated uses that are complimentary and compatible with residential uses.

### **(1) Permitted Uses**

- a) Accessory Buildings and Uses
- b) Single Detached Dwelling

### **(2) Discretionary Uses**

- a) Bed and Breakfast Establishments
- b) Family Care Facilities
- c) Garage Suite
- d) Group Care Facilities
- e) Home Occupations
- f) Places of Worship
- g) Public Parks
- h) Public Utility Buildings not containing Offices
- i) Secondary Suite
- j) Show Homes

### **(3) Regulations**

- a) Minimum Lot Size: 510 m<sup>2</sup> (5,490 ft<sup>2</sup>)
- b) Minimum Front Yard Setback: 7.6 m (25 ft)
- c) Minimum Rear Yard Setback: 7.6 m (25 ft)
- d) Minimum Side Yard Setback: The minimum side yard shall be 1.5 m (5 ft) for principal buildings up to 8 m (26 ft) in height;  
2 m (6.5 ft) for any portion of a principal building over 8 m (26 ft) in height;  
3 m (10 ft) for one side yard where no front attached garage and no abutting lane is provided; and  
On a corner site, 4.5 m (15 ft) for the side yard abutting the public roadway, other than a lane.
- e) Minimum Floor Area: Must adhere to current Safety and Building Codes
- f) Maximum Lot Coverage: Shall be 28% for principal buildings, 12% for accessory buildings, and 40% where a garage is attached, and an additional 5% site coverage may be allowed for decks, porches, verandas, or similar projections.

g) Maximum Height: 10 m (32.8 ft) or 2 ½ storeys

**(4) Additional Development Regulations**

- (a) For Accessory Buildings and Uses refer to Section 32.
- (b) For Bed and Breakfast Establishments refer to Section 47.
- (c) For Home Occupations refer to Section 47.
- (d) For Places of Worship refer to Section 57.
- (e) For Show Homes refer to Section 61.

---

**SECTION 71      R2- RESIDENTIAL (2) DISTRICT**

---

The purpose of this district is to allow for the development of smaller Single Detached, Semi- Detached and Duplex dwellings as well as a limited range of complimentary uses that are compatible with residential uses.

**(1) Permitted Uses**

- a) Accessory Buildings and Uses
- b) Duplexes/Semi-Detached Dwellings
- c) Single Detached Dwelling

**(2) Discretionary Uses**

- a) Bed and Breakfast Establishments
- b) Day Care Centres
- c) Family Care Facilities
- d) Group Care Facilities
- e) Home Occupations
- f) Public Parks
- g) Places of Worship
- h) Public Utility Building not containing Offices
- i) Secondary Suite
- j) Show Homes

**(3) Regulations**

- |                                |  |
|--------------------------------|--|
| a) Minimum Lot Size:           | 465 m <sup>2</sup> (5000 ft <sup>2</sup> )   |
| b) Minimum Front Yard Setback: | 6 m (20 ft)  |
| c) Minimum Rear Yard Setback:  | 7.6 m (25 ft)  |
| d) Side Yard Setback:          | A minimum of 1.5 m (5 ft) on all lots over 15 m (49 ft); and not less than 10% of the lot width on all lots 15 m (49 ft) or less.<br><br>Corner lot — 4.5 m (15 ft) for side yard abutting flanking street. In lane less subdivisions where no attached garage is provided one side yard shall be a minimum of 4 m (13 ft), if there are projections into a side yard a minimum 3 m (10 ft) clear is required. |
| e) Maximum Height:             | 10 m (32.8 ft) or 2' storeys   |
| f) Minimum Floor Area:         | Must adhere to current Safety and Building Codes   |
| g) Maximum Lot Coverage:       | 40% (total of dwelling and accessory buildings)  |

**(4) Additional Regulations for Duplexes**

- (a) "Up and Down Duplex" units shall require a minimum site area of 576 m<sup>2</sup> (6200 ft<sup>2</sup>).
- (b) "Side by Side Duplex" units shall require a minimum site area of 669 m<sup>2</sup> - 743 m<sup>2</sup> (7201 ft<sup>2</sup> - 7997 ft<sup>2</sup>) of a corner site.

**(5) Additional Development Regulations**

- (a) For Accessory Buildings and Uses refer to Section 32.
- (b) For Bed and Breakfast Establishments refer to Section 47.
- (c) For Home Occupations refer to Section 47.
- (d) For Manufactured Homes refer to Section 50.
- (e) For Places of Worship refer to Section 57.
- (f) For Show Homes refer to Section 61.

---

**SECTION 72      R3- MULTI FAMILY RESIDENTIAL DISTRICT**

---

The purpose of this district is to allow for the development of higher density forms of housing including fourplexes, apartments, row housing and a limited range of complimentary uses that are compatible with residential uses.

**(1) Permitted Uses**

- a) Accessory Buildings and Uses
- b) Apartments
- c) Fourplexes
- d) Row Housing

**(2) Discretionary Uses**

- a) Day Care Centres
- b) Duplexes
- c) Family Care Centres
- d) Group Care Facilities
- e) Home Occupations
- f) Places of Worship
- g) Public Utility Building not containing Offices
- h) Show Homes

**(3) Regulations**

- a) Maximum Unit Density: 49.4 units/ ha (20 units/ acre), except in a case of senior citizens housing project proposed by a government agency, in which case the allowable unit density shall be double the normal allowed unit density
- b) Minimum Lot Size: 799 m<sup>2</sup> (8,600 ft<sup>2</sup>)
- c) Minimum Front and Rear Yard Setback: 9 m (30 ft)
- d) Minimum Side Yard: Shall be 40 percent of the building height, or 15% of the site width, whichever is greater.
- e) Minimum Floor Area: (Not including Garage)
  - i) Bachelor Unit 33 m<sup>2</sup> (355 ft<sup>2</sup>)
  - ii) One Bedroom Unit 55 m<sup>2</sup> (592 ft<sup>2</sup>)
  - iii) Two Bedroom Unit 65 m<sup>2</sup> (700 ft<sup>2</sup>)
  - iv) Three Bedroom Unit 75 m<sup>2</sup> (807 ft<sup>2</sup>)
- f) Maximum Lot Coverage: 40%
- g) Minimum of 10% of the lot area for apartments shall be landscaped.
- h) Maximum Height : 14 m (45.9 ft) or 4 storeys

i) For Row Housing:

- (i) Yard requirements shall be the same as for Single Detached Dwellings in the R1 Residential District, except that no side yard shall be less than 3.05 m (10 feet).
- (ii) Each unit shall have an outdoor living area 7.62 m (25 feet) deep. Within this area there shall be a privacy zone at least 4.57 m (15 feet) deep and screened on either side by a fence at least 1.52 m (5 feet) high.

**(4) Amenity Area**

- a) In multifamily developments a minimum amenity area of 2.5 m<sup>2</sup> (27 ft<sup>2</sup>) per dwelling shall be provided either as private or communal amenity area.
- b) Notwithstanding Section 62 (4)(a) an additional 10 percent of the site area shall be provided for recreational purposes such as but not limited to children's play space or communal recreation space.
- c) Side yards and car parking areas shall not be considered as part of or contributing to any amenity area.

**(5) Additional Development Regulations**

- (a) For Accessory Buildings and Uses refer to Section 32.
- (b) For Home Occupations refer to Section 47.
- (c) For Places of Worship refer to Section 57.
- (d) For Show Homes refer to Section 61.

---

**SECTION 73      RMH- RESIDENTIAL MANUFACTURED HOME PARK**

---

The purpose of this district is to allow for the development of a Manufactured Home Park where stalls are provided on a rental basis.

**(1) Permitted Uses**

- a) Accessory Buildings and Uses
- b) Manufactured Homes
- c) Public Parks

**(2) Discretionary Uses**

- a) A Manufactured Home Park Office
- b) Public Utility Building not containing Offices

**(3) Regulations**

- a) Maximum Height of Buildings
  - (i) Manufactured Home Units: 5 m (16.4 ft)
  - (ii) Others: as approved by the Development Authority
- b) Area
  - (i) Minimum Lot Size: 372 m<sup>2</sup> (4,004 ft<sup>2</sup>)
  - (ii) Minimum Park Area: 3 acres (1.21 ha)
- c) Maximum Lot Coverage: Total of 40%, 30% for Manufactured Home Unit and 10% for Accessory Buildings
- d) Setbacks
  - (i) Minimum Front Yard Setback 3m (10 ft)
  - (ii) Minimum Rear Yard Setback 3m (10 ft)
  - (iii) Minimum Side Yard Setback 3m (10 ft)
- e) Maximum Height 6 m (19.7 ft)

**(4) General**

- (a) Minimum floor area for manufactured homes shall be 22 m<sup>2</sup> (237 ft<sup>2</sup>)
- (b) Manufactured home stalls shall be located at least 3 m (10 ft) from a boundary of a street and at least 3 m (10 ft) from adjacent parcels. The setbacks shall be landscaped to the satisfaction of the Development Authority.
- (c) All roads within a manufactured home park shall be well drained and surfaced and maintained to the satisfaction of the Development Authority. Minimum right-of-way width shall be 9 m (30 ft)
- (d) Visitor parking space shall be provided at a ratio of at least one space for every two manufactured home units and shall be located at convenient locations throughout the manufactured home park, and shall not be used for the storage of boats, trailers, etc.
- (e) No more than 3 vehicles per lot can be parked at one time.
- (f) All municipal utilities shall be provided underground to stalls in a manufactured home park.

- (g) Each manufactured home stall shall be clearly marked off by means of stakes, countersunk steel posts, fences, curbs or hedges.
- (h) Street lighting in a manufactured home park shall be equivalent to that provided in conventional residential neighbourhoods.
- (i) Only one main, free-standing, identification sign of residential character and appearance shall be erected at the entrance to a Manufactured home park. The sign or signs shall be of a size, type, and construction acceptable to the Development Authority.
- (i) 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.

**(5) Appearance**

- (a) All ancillary structures such as patios, porches, additions, skirting and storage facilities shall be factory pre-fabricated units, or of a quality equivalent thereto, so that the appearance, design and construction will complement the manufactured home.
- (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 grassed and landscaped by the developer.

**(6) Screening**

The perimeter of the manufactured home park must be fenced with a wall or a wooden fence of not less than 1.8 m (6 ft) in height, as approved by the Development Authority.

**(7) Additional Development Regulations**

- (a) For Accessory Buildings and Uses refer to Section 32.
- (b) For Manufactured Homes refer to Section 50.

**(<sup>8</sup>) Maintenance Agreement**

The developer of a manufactured home park may be required to enter into an agreement with the Village of Ryley to ensure compliance with the regulations governing this district and the upkeep of all lands, buildings, structures and roads, which are to be retained under common management by the owner/operator of the manufactured home park. This agreement may also provide for the upkeep of manufactured home lots and units by the manufactured home park residents.

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**SECTION 74      CB - CENTRAL BUSINESS DISTRICT**

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The purpose of this district is to provide commercial development appropriate for Main Street Rley. Except for Public Utilities, uses must be a store-front, open-door operation which serves customers. Secondary uses operating out of the back of a business may be permitted if a primary front-facing operational business exists. The regulations do not permit any noxious uses or outside storage visible from the street.

**(1) Permitted Uses**

- a) Accessory Buildings and Uses
- b) Alcohol Sales
- c) Clinics
- d) Community Halls
- e) Day Care Centres
- f) Eating and Drinking Establishments - Minor
- g) Eating and Drinking Establishments - Major
- h) Funeral Services (Home)
- i) Government Services
- j) Grocery Stores
- k) Hotels
- l) Offices
- m) Personal Service Shops
- n) Public Utilities
- o) Professional, Financial, Office, Business Support Services
- p) Retail, General
- q) Retail, Convenience

**(2) Discretionary Uses**

- a) Dwelling unit located within the same structure of an operational business
- b) Emergency Protective Services
- c) Parking Facilities (public or private)
- d) Participant Recreation - Indoor
- e) Public Buildings and Uses
- f) Shopping Centres
- g) Cannabis Sales

Other uses which in the opinion of the Development Authority are similar to the above uses provided they do not produce any nuisance factor such as noise, vibration, smoke, dust, and other kinds of particulate matter, odour, toxic and noxious matter, radiation hazards, fire and explosive hazards, heat, humidity, and glare.

**(3) Regulations**

- |                      |  |
|----------------------|--|
| a) Minimum Lot Size  | 232 m <sup>2</sup> (2500 ft <sup>2</sup> ) per lot |
| b) Minimum Lot Width | 7.62 m (25 ft) per lot                             |
| c) Maximum Height    | 14 m (45.9 ft) or 4 storeys                        |

Where shopping centres or groups of shops are to be built on the site, requirements shall be determined by the Development Authority who shall deal with the overall scheme, taking into account buildings, access, parking and specific commercial uses.

- |                               |   |
|-------------------------------|---|
| d) Minimum Front Yard Setback | 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 Setback | None required unless abutting a residential district. The side yard, required where the site abuts a residential district, shall be 3 m (10 ft) or one half the height of the buildings whichever is the greater. |
| f) Minimum Rear Yard Setback | None required where loading, parking, and waste disposal requirements are required unless abuts a residential district where it shall be 3 m (10 ft).   |
| g) Minimum Floor Area        | As approved by the Development Authority.   |
| h) Maximum Site Coverage     | 80% provided that provision has been made for onsite parking, loading, storage, and waste disposal to the satisfaction of the Development Authority.  |
| i) Parking                   | Refer to Section 46(9) of this Bylaw  |

**(4) Additional Development Regulations**

- (a) For Accessory Buildings and Uses refer to Section 32.
- (b) For Places of Worship refer to Section 57.

**(5) Additions to Existing Residences**

Notwithstanding, other regulations within this district and the provisions of Section 44 Non-Conforming Uses, existing residential structures within this district will have 1 year to comply with this district subject to the approval of the Development Authority.

---

**SECTION 75      C1 - COMMERCIAL DISTRICT**

---

The purpose of this district is to provide commercial development appropriate for downtown Ryley. The regulations do not permit any noxious uses.

**(1) Permitted Uses**

- a) Accessory Buildings and Uses
- b) Alcohol Sales
- c) Clinics
- d) Community Halls
- e) Day Care Centres
- f) Eating and Drinking Establishments - Minor
- g) Eating and Drinking Establishments - Major
- h) Funeral Services (Home)
- i) Government Services
- j) Grocery Stores
- k) Hotels
- l) Offices
- m) Personal Service Shops
- n) Public Parks
- o) Public Utilities
- p) Professional, Financial, Office, Business Support Services
- q) Retail, General
- r) Retail, Convenience
- s) Senior Citizen Homes

**(2) Discretionary Uses**

- a) Dwelling unit located within the same structure of an operational business
- b) Emergency Protective Services
- c) Parking Facilities (public or private)
- d) Participant Recreation — Indoor
- e) Passenger Depots
- f) Places of Worship
- g) Public Buildings and Uses.
- h) Service Stations
- i) Shopping Centres
- j) Cannabis Sales

Other uses which in the opinion of the Development Authority are similar to the above uses provided they do not produce any nuisance factor such as noise, vibration, smoke, dust, and other kinds of particulate matter, odour, toxic and noxious matter, radiation hazards, fire and explosive hazards, heat, humidity, and glare.

**(3) Regulations**

- |                      |  |
|----------------------|--|
| a) Minimum Lot Size  | 232 m <sup>2</sup> (2500 ft <sup>2</sup> ) per lot |
| b) Minimum Lot Width | 7.62 m (25 ft) per lot                             |
| c) Maximum Height    | 14 m (45.9 ft) or 4 storeys                        |

Where shopping centres or groups of shops are to be built on the site, requirements shall be determined by the Development Authority who shall deal with the overall scheme, taking into account buildings, access, parking and specific commercial uses.

- |                               |   |
|-------------------------------|---|
| d) Minimum Front Yard Setback | 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 Setback  | None required unless abutting a residential district. The side yard, required where the site abuts a residential district, shall be 3 m (10 ft) |

or one half the height of the buildings whichever is the greater.

f) Minimum Rear Yard Setback

None required where loading, parking, and waste disposal requirements are required unless abuts a residential district where it shall be 3 m (10 ft).

g) Minimum Floor Area

As approved by the Development Authority.

h) Maximum Site Coverage

80% provided that provision has been made for onsite parking, loading, storage, and waste disposal to the satisfaction of the Development Authority.

i) Parking

Refer to Section 46(9) of this Bylaw

**(4) Additional Development Regulations**

(a) For Accessory Buildings and Uses refer to Section 32.

(b) For Places of Worship refer to Section 57.

**(5) Additions to Existing Residences**

Notwithstanding, other regulations within this district and the provisions of Section 44 Non-Conforming Uses, existing residential structures within this district will have 1 year to comply with this district subject to the approval of the Development Authority.

**SECTION 76      C2 - COMMERCIAL (2) DISTRICT**

The purpose of this district is to permit both businesses (retail and service), and light industrial uses.

### **(1) Permitted Uses**

- a) Accessory Buildings and Uses
- b) Auction Yards
- c) Automobile Supply and Repair
- d) Car Washes
- e) Drive-In Restaurants
- f) Drive-Through Businesses
- g) Eating and Drinking Establishments  
- Minor
- h) Eating and Drinking Establishments  
- Major
- i) Funeral Service (Home)
- j) Government Services
- k) Offices
- l) Participant Recreation, Indoor
- m) Personal Service Shops
- n) Professional, Financial, Offices,  
Business Support Services
- o) Retail, Convenience
- p) Retail, General
- q) Service Stations
- r) Veterinary Clinics

## **(2) Discretionary Uses**

- a) Intoxicant Sales
- b) Auto Sales
- c) Automobile Body Shop
- d) Day Care Centres
- e) Emergency Protective Services
- f) General Industrial Type I
- g) Motels
- h) Parking Facilities
- i) Places of Worship
- j) Public and Quasi-Public Buildings and Uses
- k) Security Suite
- l) Storage Facility/ Sales (Automobiles, Building Supplies, Farm Machinery, and Lumber, Propane Gas, Fertilizer, Bulk Oil, Manufactured Home Sales)
- m) Warehouses

Other uses which in the opinion of the Development Authority are similar to the above-mentioned use.

(<sup>3</sup>) **Regulations**

- |                                 |   |
|---------------------------------|---|
| a) Minimum Lot Width            | 30 m (98 ft)  |
| b) Maximum Height               | 10 m (32.8 ft) 2 1/2 storeys                              |
| c) Minimum Yard Dimensions:     |   |
| (i) Minimum Front Yard Setback  | 6 m (19.7 ft) or as required by the Development Authority |
| (ii) Minimum Side Yard Setback  | 3 m (10 ft) or as required by the Development Authority   |
| (iii) Minimum Rear Yard Setback | 6 m (19.7 ft) or as required by the Development Authority |

**(4) Access**

Access to all developments shall be in accordance with stamped, engineered drawings approved by the Development Authority. The number of accesses provided to a provincial highway from a development or service road shall be to the satisfaction of Alberta Transportation and Development Authority where applicable.

**(5) Architectural Treatment**

The siting and architectural appearance of all the buildings and improvements, and the landscaping of the site shall be to the satisfaction of the Development Authority in order that there will be general conformity in the district and that there will be no adverse effect on adjacent developments or districts.

**(6) Additional Development Regulations**

- (a) For Accessory Buildings and Uses refer to Section 32.
- (b) For Places of Worship refer to Section 57.
- (c) For Vehicular Oriented Uses refer to Section 68.

**(7) Performance Standards**

No use shall be approved within this district that would be considered offensive or objectionable in accordance with the definition provided in Section (3) Subsection for General Industrial Type I.

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**SECTION 77      M- INDUSTRIAL DISTRICT**

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Industrial uses that require manufacturing, processing, assembly, distribution, service, repair uses; many carry out a portion of their operations outdoors and require outdoor storage areas. Industrial uses may produce heat, noise, dust or other consequences as a result of normal processes, and may require conditions for approval from the Development Authority

**(1) Permitted Uses**

- a) Accessory Buildings and Uses
- b) Automobile Body Shops
- c) Automotive Supply and Repair
- d) Auction Yards
- e) Drive Through - Vehicle Services
- f) General Industrial Type I
- g) Public Uses
- h) Service Stations
- i) Warehouses

**(2) Discretionary Uses**

- a) Automotive Wrecker
- b) General Industrial Type II
- c) General Industrial Type III
- d) Natural Resource Development
- e) Offices
- f) Retail, Convenience
- g) Security Suite
- h) Emergency Protective Services
- i) Cannabis Production Facility
- j) Solar Farms

**(3) Regulations**

- |                               |   |
|-------------------------------|---|
| a) Maximum Height             | 18 m (59 ft)                              |
| b) Minimum Lot Size:          | as approved by the Development Authority. |
| c) Minimum Front Yard Setback | 6 m (19.7 ft)                             |
| d) Minimum Side Yard Setback  | 6 m (19.7 ft)                             |
| e) Minimum Rear Yard Setback  | 6 m (19.7 ft)                             |

**(4) Performance Standards**

No uses shall be approved within the M - Industrial District that would be considered offensive or objectionable in accordance with the definition provided in Section (3) General Industrial Type II.

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**SECTION 78      P-COMMUNITY DISTRICT**

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To provide land for service, mainly of a public nature, which has a primary orientation toward the community. Land designated "P" must be owned by the municipality, other government, registered organization or will so be owned within six months of being so designated.

**(1) Permitted Uses**

- a) Emergency Services
- b) Participant Recreation - Outdoor
- c) Public Buildings and Uses
- d) Public Parks
- e) Public Utilities
- f) Recreation Areas
- g) Federal, Provincial, and Municipal Buildings

**(2) Discretionary Uses**

- a) Cemeteries
- b) Exhibition Grounds
- c) Participant Recreation - Indoor
- d) Public Utility Buildings and Installations
- e) Solar Farms

**(3) Regulations**

All site requirements - as approved by the Development Authority.

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**SECTION 79      I-INSTITUTIONAL DISTRICT**

---

The purpose of this district is to permit development of uses of either a public or private nature, which provide services to the community.

**(1) Permitted Uses**

- a) Accessory Buildings and Uses
- b) Campgrounds
- c) Community Halls
- d) Day Care Centres
- e) Emergency Protective Services
- f) Family Care Facilities
- g) Group Care Facilities
- h) Hospitals and Nursing Homes
- i) Museums
- j) Places of Worship
- k) Senior Citizen Homes
- l) Schools

**(2) Discretionary Uses**

- a) Cemeteries
- b) Participant Recreational, Outdoor  
(e.g. golf courses)
- c) Public Buildings and Installations
- d) Solar Farms

Other uses which in the opinion of the Development Authority are similar to the above uses

**(<sup>3</sup>) Regulations**

All site requirements - as approved by the Development Authority

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**SECTION 80      UR-URBAN RESERVE DISTRICT**

---

The purpose of this district is to protect land from premature subdivision and development until such time as they can be planned and developed for urban uses.

**(1) Permitted Uses**

- a) Single Detached Dwellings

**(2) Discretionary Uses**

- a) Campgrounds
- b) Farming and cultivation of land  
but not including such agricultural  
uses as: feed lots, hog barns, poultry  
farms, and fur farms, or storage of  
livestock
- c) Greenhouse and Plant Nurseries
- d) Public Utilities and Uses
- e) Resource Development
- f) Solar Farms

Any strictly temporary use or building which in the opinion of the Development Authority will not prejudice the possibility of conveniently and economically replotting or developing the area in the future.

**(3) Regulations**

- a) No subdivision or development other than for the above uses shall take place until an overall plan for the area has been resolved. This plan should establish an outline plan of subdivision, the proposed land use classification, public reserve dedications, and utilities policies.
- b) No development shall take place until the necessary technical reports have been reviewed by Council or its advisors.
- c) Relating to one-family dwellings:  
Minimum yard dimensions shall be as required by the Development Authority.

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**SECTION 81      DC-DIRECT CONTROL DISTRICT**

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To provide a direct control district to enable major, comprehensively planned and designed development to occur in conjunction with the subdivision of land, or without the subdivision of land, the proposal to be reviewed and decided upon by Council.

**(1) Application**

The Direct Control District shall only be applied:

- (1.1) To provide detailed control over the use, siting and design of development;
  - (a) for medium or high density residential or commercial sites;
  - (b) on designated historical sites established pursuant to the Alberta Historical Resources Act (1978).
- (1.2) On sites where a comprehensive, integrated development is anticipated and Council desires added flexibility, control and require standards not found in other land use districts.

**(2) Authority**

The Direct Control shall supersede the standard land use district previously in effect.

In evaluating a development in a Direct Control District, the Council:

- (2.1) Shall have regard to, but not be bound by:
  - (a) the uses specified in the land use district superseded by this district;
  - (b) the Land Use Regulations and development criteria specified in the land use district superseded by this district;
  - (c) the General Regulations as contained in this Bylaw; or
  - (d) the Land Use Regulations of abutting districts.
- (2.2) Shall conform to any statutory plan in effect.
- (2.3) May provide for such additional requirements as are deemed necessary having regard to the nature of a proposed development and the surrounding uses which may be affected.
- (2.4) A development permit shall be required prior to the commencement of any development within the district excluding those developments exempted elsewhere within this Bylaw.
- (2.5) The Council shall have all powers and authority ascribed to the Development Authority within this Direct Control District.

- (2.6) Council may, by resolution, provide for such additional procedural or administrative matters as are deemed necessary to the operation of the Direct Control District.
- (2.7) Council hereby authorizes the Development Authority to undertake all procedural and administrative actions necessary under this Direct Control District.

### **(3) Development Permit Information Requirements**

In addition to a development permit application, an applicant may be required to submit the following:

(3.1) A detailed site plan containing the following information:

- (a) location of all proposed buildings;
- (b) elevations and architectural treatment of all buildings or structures;
- (c) number and type of residential suites;
- (d) amount of non-residential space and description of proposed non-residential uses;
- (e) location of all accesses: vehicular, pedestrian and emergency to site and buildings;
- (f) plan of the internal vehicular and pedestrian circulation systems and the integration of this with the local pedestrian system. This should include an estimate of traffic generation and distribution patterns outside the project area;
- (g) location, capacity, and treatment of all parking areas;
- (h) location of all existing trees, with explanation of which trees are to be removed and why it is necessary to remove them. As well, plans for tree relocation and/or replacement should be included;
- (i) location and function of all open space and identification of open space outside of the actual development that it is anticipated the residents of the project will use;
  - a) all yard setbacks, site coverage, site areas, floor areas, sizes of lots, number of parking stalls;
  - (k) adjacent land uses that are existing or proposed; and
  - (l) anticipated scheduling and sequence of development for the plans.

(3.2) A detailed narrative containing the following information:

- (a) an explanation of the intent of the project;
- (b) the features of the project make it desirable to the public and, the surrounding areas. This is to include an evaluation of how the project will help to meet the present and projected needs of the community as a whole;

- (c) the forms of ownership involved in the development should be indicated and a breakdown of same by area and number of units;
- (d) delineation of the areas of immediate and ongoing responsibility in the development. The elements of the proposed project to be developed and maintained by the developer/ applicant, homeowner, and/or municipal authorities outlined. This would include the initial servicing and roadway construction and maintenance of the site after it is completed; and
- (e) mechanisms by which conformance to the plan as submitted will be ensured. This would normally be done through a combination of caveats, restrictive covenants, easements, service agreements and performance bonds. Easements must be provided to allow the residents and municipal authorities free access to those structures, open spaces, and roadways for which they are responsible. The costs arising from such items will be borne by the developer/ applicant.

#### **(4) Land Use Agreement**

- (4.1) An applicant may be required to enter into a legal land use agreement with the municipality to ensure that the use and development of land and buildings on the site will comply with the approved plan of development. Such agreement shall be entered into prior to consideration of third reading of any Bylaw proposing to designate a piece of land a Direct Control District.
- (4.2) The land use agreement shall run as a restrictive covenant against the title of the parcel created and serve to restrict the development of land in accordance with the approved plan of development.
- (4.3) The land use agreement may also provide that the applicant post security in such form and amount as may be approved by Council to ensure performance with the terms of the agreement.
- (4.4) An agreement may specify a time period for which it is to remain in effect and may cease to have any force or effect following redistricting of lands involved from the Direct Control District to another land use district.
- (4.5) Proposed developments must comply with existing Area Structure Plans.

#### **(5) Issuance of a Development Permit**

- (5.1) Prior to issuing a Development Permit for a proposed development on site, the Council may hold a public hearing or hearings as determined necessary or required by the Act.
- (5.2) Notice of a public hearing shall be provided in accordance with the procedure outlined in the Act.
- (5.3) Notice referred to in Subsection (2) may contain a statement to the effect that:

- (a) if no objection to the development is received within the time prescribed in the notice, then it will proceed without further notice, and
- (b) if an objection to the development is received, then a public hearing will be held on a date and at a time and place specified in the notice.

**(6) Development Appeal**

Notwithstanding any other provision of the Land Use Bylaw, a development permit issued pursuant to a Direct Control District shall not be appealable to the Development Appeal Board.

## PART 7 MAP

### Legend

#### Cadastral

#### LUB

- CI - Commercial District
- C2 - Commercial (2) District
- I - Institutional District
- M - Industrial District
- P - Community District
- RI - Residential District
- R2 - Residential (2) District
- R3 - Multi Family Residential District
- RMH - Residential Manufactured Home Park
- UR - Urban Reserve District
- CB - Central Business District

