

# **BYLAW NO. 2010-03**

## **LAND USE BYLAW**

Pursuant to the Municipal Government Act, R.S.A. 2000, as amended, the Council of the Village of Alliance duly assembled, hereby enacts as follows:

### **1.0 GENERAL**

#### **1.1 TITLE**

This Bylaw may be cited as "The Village of Alliance Land Use Bylaw."

#### **1.2 SCOPE**

No development shall be permitted within the boundaries of the Village of Alliance except in conformity with the provisions of this Bylaw.

#### **1.3 PURPOSE**

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

- (a) to divide the municipality into districts;
- (b) to prescribe and regulate for each district the purposes for which land and buildings may be used;
- (c) to establish the Development Authority for the municipality;
- (d) to establish a method of making decisions on applications for development permits including the issuing of development permits;
- (e) to provide the manner in which notice of the issuance of a development permit is to be given;
- (f) to establish the number of dwelling units permitted on a parcel of land;
- (g) to establish supplementary regulations governing specific land uses; and
- (h) to establish procedure for making amendments to this Bylaw.

#### **1.4 METRIC AND IMPERIAL MEASUREMENTS**

Whenever dimensions are presented, metric values are used. Imperial equivalents, in parentheses following each metric measurement, are approximate and intended only for information.

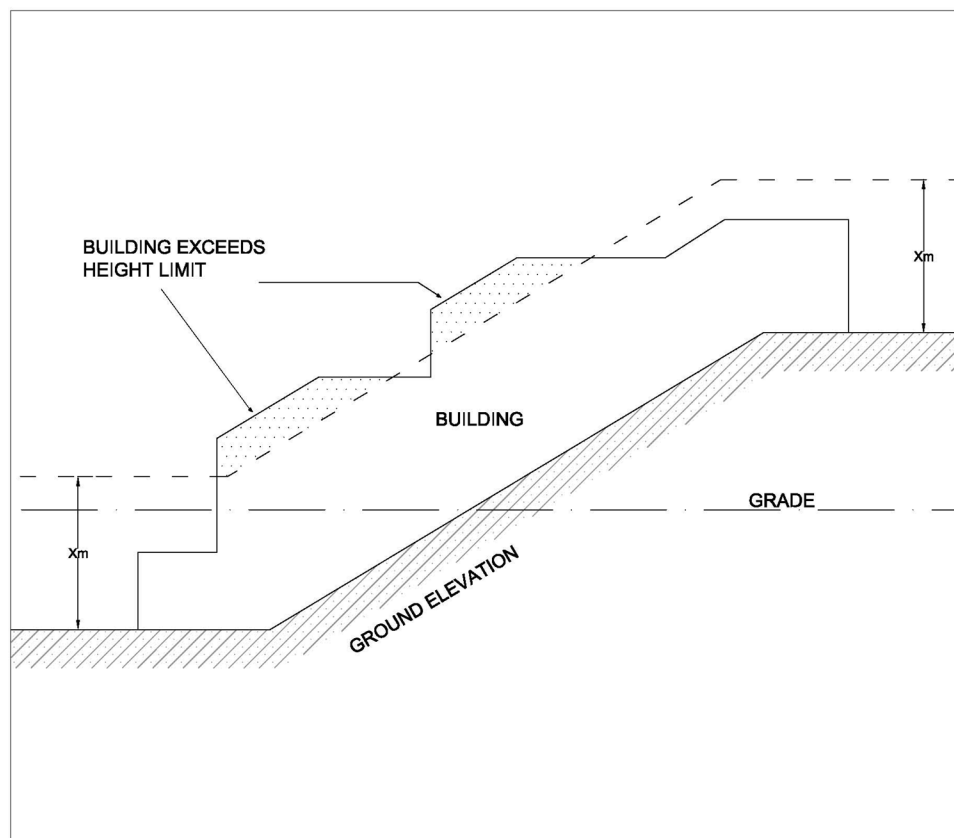
#### **1.5 INTERPRETATION**

In this Bylaw:

- (1) **ACCESSORY BUILDING** means a building, which in the opinion of the Development Authority, is separate and subordinate to the main building, the use of which is incidental to that main building and is located on the same parcel of land. Accessory buildings include but are not limited to garages, garage shelters, gazebos, greenhouses, sheds, playhouses, treehouses and sea cans;

- (2) **ACCESSORY USE** means a use, which in the opinion of the Development Authority, is incidental and subordinate to the main use and is located on the same parcel of land with such main use;
- (3) **ACT** means the Municipal Government Act, R.S.A. 2000, as amended, and the regulations pursuant thereto;
- (4) **ADJACENT** means land that is contiguous to a parcel of land and includes land that would be contiguous if not for the existence of a highway, road, river, stream, pipeline, power line, or railway line;
- (5) **AMUSEMENT ESTABLISHMENT, INDOOR** means a development providing recreational facilities with table games and/or electronic games, played by patrons for entertainment. Indoor amusement establishments include billiard parlours and electronic games arcades with tables and/or games, and bowling alleys;
- (6) **AMUSEMENT ESTABLISHMENT, OUTDOOR** means a development providing recreational facilities outdoors played by patrons for entertainment. Outdoor amusement establishments include amusement parks, go-cart tracks, and miniature golf courses. However, outdoor amusement establishments do not include drive-in motion picture theatres, carnivals or circuses;
- (7) **APARTMENT** means a dwelling containing three (3) or more dwelling units with shared exterior entranceways, but shall not mean row housing;
- (8) **AUTOMOTIVE AND EQUIPMENT REPAIR SHOP** means a development where automobiles, motorcycles, snowmobiles and similar vehicles, small engines, and similar items are serviced or mechanically repaired and where related accessories and parts are sold and/or installed. Automotive and equipment repair shops include transmission shops, muffler shops, tire shops, automotive glass shops, upholstery shops, body repair and/or paint shops, oilfield equipment repair shops, and the like;
- (9) **AUTOMOTIVE, RECREATIONAL VEHICLE, AND TRUCK SALE/RENTAL ESTABLISHMENT** means a development where new or used automobiles, trucks, motorcycles, snowmobiles, tent trailers, boats, travel trailers, or similar recreational vehicles or craft are sold or rented, together with incidental maintenance services and sale of parts;
- (10) **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;
- (11) **BED AND BREAKFAST ESTABLISHMENT** means a major home occupation development within a single detached dwelling which possesses a dwelling unit, where temporary sleeping accommodations for periods of fourteen (14) days or less, up to a maximum of in two (2) or fewer guest bedrooms, with or without meals, are provided for compensation to members of the public;

- (12) **BOARDING/LODGING HOUSE** means a dwelling in which the proprietor lives on-site and where lodging and meals may be provided to one or more persons for compensation, but where private cooking facilities are not provided;
- (13) **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;
- (14) **BUILDING HEIGHT** means the vertical distance between lot grade and the highest point of a building; excluding an elevator housing, a mechanical housing, a roof stairway entrance, a ventilating fan, a skylight, a steeple, a chimney, a smoke stack, a fire wall, a parapet wall, a flagpole or similar device not structurally essential to the building (Figure 1);



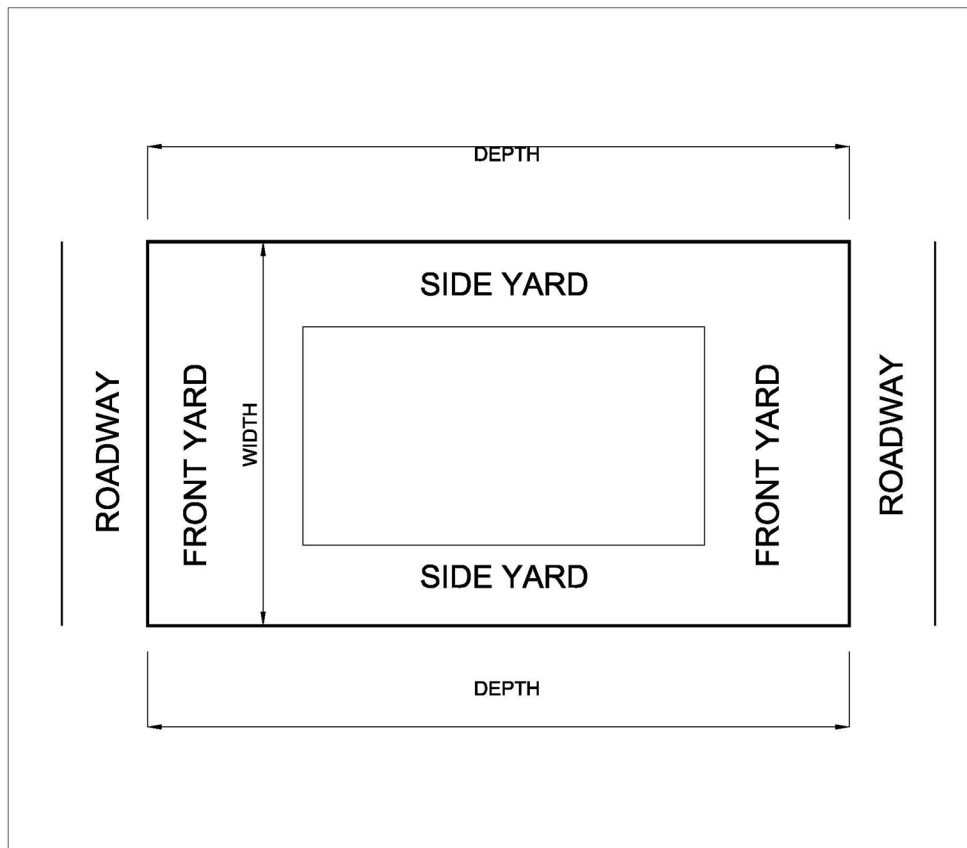
**Figure 1: Building Height**

- (15) **CHILD CARE FACILITY** means an establishment licensed by the regional Child and Family Services Authority intended to provide care, educational services and supervision for seven (7) or more children for a period less than 24 hours at a time. This use includes group day care centres, out-of-school centres, nursery or play schools, and drop-in centres;
- (16) **CONVENIENCE RETAIL STORE** means a development where goods required by area residents or employees on a day to day basis are bought and sold. The gross leasable area of a convenience retail store shall not exceed 85 m<sup>2</sup> (915

ft.<sup>2</sup>). Convenience retail stores include small food stores, drug stores, and variety stores selling confectionary, tobacco, groceries, beverages, prepared foods, pharmaceutical and person care items, hardware, and/or printed matter;

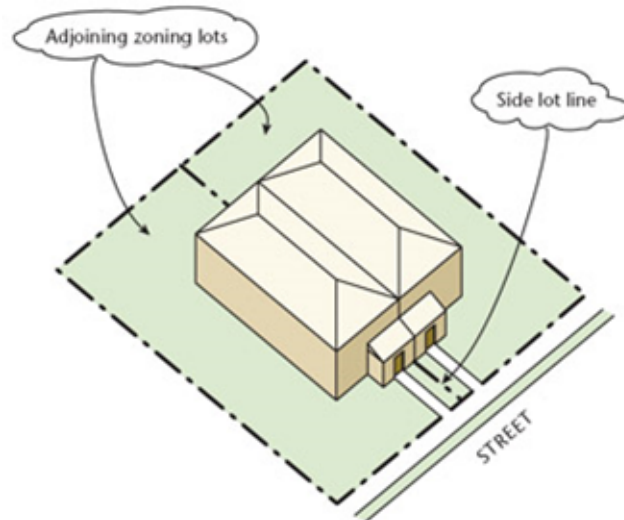
- (17) **CORNER LOT** means a lot at an intersection of two or more roads or highways, or a road and a highway;
- (18) **COUNCIL** means the Council of the Village of Alliance;
- (19) **DAY HOME** means a child care operation within a dwelling unit that serves not more than six (6) children and is operated either under contract with a Family Day Home Agency or independently as a private babysitting facility;
- (20) **DECK** means a platform attached to a building having a height of more than 0.6 meters (2 ft.) above grade and thereby requiring stairs and railings as outlined in regulations approved under the Alberta Safety Codes Act, R.S.A. 2000, as amended. For the purposes of the regulations of this Bylaw, a deck attached to a main building shall be considered to be part of the main building;
- (21) **DEVELOPER** means the owner of lands on which development is proposed, or any other person applying for a development permit;
- (22) **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, or
  - (c) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building, or
  - (d) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building;and includes the following:
  - (e) any increase in the number of households occupying and living in any building or on any site, and any construction or alterations or additions which would provide for an increase in the number of households which could occupy and live in any building or on any site, including any increase in the number of dwelling units in a building or on a site; or
  - (f) the placing of refuse or waste material on any land; or
  - (g) the use of land for the storage or repair of motor vehicles or other machinery or equipment; or
  - (h) the continued use of land or of a building for any purpose for which it is being used unlawfully when this Bylaw comes into effect; or
  - (i) the demolition or removal of a building; or
  - (j) the placement of an already constructed or a partially constructed building on a parcel of land; or
  - (k) the use of land for the parking of trailers, bunk houses, portable dwellings, skid shacks, or any other type of portable building whatsoever, whether or not the same has been placed or affixed to the land in any way; or
  - (l) the removal of topsoil.

- (23) **DEVELOPMENT AUTHORITY** means the Development Authority of the municipality as established by this Bylaw and appointed by Council;
- (24) **DEVELOPMENT PERMIT** means a document authorizing a development issued pursuant to this Land Use Bylaw;
- (25) **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;
- (26) **DISCRETIONARY USE** means those uses which are considered on their individual merits and circumstances by the Development Authority and which may be permitted on a specific site within a District, at the discretion of the Development Authority;
- (27) **DOMESTIC PET** means an animal which is normally kept inside a dwelling. Domestic pets includes, dogs, cats, parrots, and similar-sized animals, but does not include livestock;
- (28) **DOUBLE FRONTING LOT** means a lot which abuts two roads (not including a lane), which are parallel or nearly parallel at the point where they abut the lot, but does not include a corner lot (Figure 2);



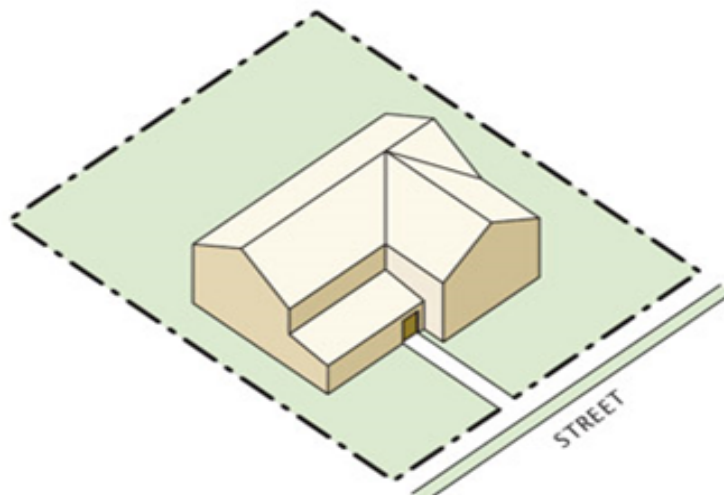
**Figure 2: Double-Fronting Lot**

- (29) **DRIVE-IN BUSINESS** means a development which serves customers travelling in motor vehicles driven onto the site where such business is carried on, where normally the customer either remains in the vehicle for service, or parks the vehicle for a short period for the purpose of doing business at the premises. Drive-in businesses include service stations, gas bars, drive-in restaurants, drive-through vehicle service establishments such as lubrication shops, recycling depots, and car washes;



**Figure 3: Duplex**

- (30) **DUPLEX** means a dwelling containing two dwelling units sharing a common wall, and located side by side or one above the other with separate entrances (Figure 3);
- (31) **DWELLING** means a building or structure used exclusively for human habitation. This definition includes single detached dwellings, duplexes, row-houses, apartments, modular homes and manufactured homes, but does not include park models;



**Figure 4: Single Detached Dwelling**

- (32) **DWELLING, SINGLE DETACHED** means a dwelling containing only one (1) dwelling unit, and, if the provisions of this Bylaw allow, a secondary suite. A single detached dwelling may be site-built, modular or manufactured (Figure 4);
- (33) **DWELLING, TYPE A SINGLE DETACHED** means a dwelling consisting of one (1) dwelling unit, and, if the provisions of this Bylaw allow, a secondary suite, for which the ratio of depth vs. width (or width vs. depth) is less than 3:1, the roof pitch is greater than 1:4, and the depth of eaves is greater than 30 cm (1.0 ft.). A Type A single detached dwelling must be constructed on a permanent foundation. According to this definition, both modular and site built homes may be considered Type A single detached dwellings;
- (34) **DWELLING, TYPE B SINGLE DETACHED** means a dwelling consisting of one (1) dwelling unit, and, if the provisions of this Bylaw allow, a secondary suite, for which the ratio of depth vs. width (or width vs. depth) is more than 3:1, the roof pitch is less than 1:4, or the depth of eaves is less than 30 cm (1.0 ft.). According to this definition, both modular and site built homes may be considered Type B single detached dwellings;
- (35) **DWELLING UNIT** means a complete dwelling or self-contained portion of a dwelling, set or suite of rooms for the use of one or more individuals living as a single housekeeping unit, containing sleeping, cooking, and separate or shared toilet facilities intended as a permanent residence not separated from direct access to the outside by another separate or self-contained set or suite of rooms. A dwelling unit does not contain more than one room which, due to its design, plumbing, equipment, and/or furnishings, may be used as a kitchen;
- (36) **EATING AND DRINKING ESTABLISHMENT** means a development where food and/or beverages are prepared and offered for sale to the public, for consumption within the premises, at an accessory outdoor seating area on the site, or off the site, which is not a drive-in restaurant. Eating and drinking establishments include neighbourhood pubs, licensed restaurants, cafes, delicatessens, tea rooms, lunch rooms, refreshment stands and take-out restaurants, but shall not include drive-in restaurants. Eating and drinking establishments shall not contain within them an entertainment establishment unless otherwise provided for in an approved development permit;
- (37) **ENTERTAINMENT ESTABLISHMENT** means a development where persons may be entertained by music, theatre, or the like. An entertainment establishment includes theatre, dancing or cabaret entertainment, whether recorded or live. An eating and drinking establishment may contain within it an entertainment establishment, but only if specifically provided for in an approved development permit;
- (38) **EQUIPMENT RENTAL ESTABLISHMENT** means a development where tools, appliances, recreation craft, office machines, furniture, light construction equipment, or similar items are rented and serviced. Equipment rental establishments do not include developments where motor vehicles or industrial equipment are rented or serviced;

- (39) **EXCAVATION** means any breaking of ground, except common household gardening and ground care;
- (40) **EXTERIOR WALL** means the outermost point of a building projection, including, but not limited to, bay windows, oval windows, bow windows, chimneys and verandas, but not including roof overhangs less than 0.6 m (2 ft.);
- (41) **FAMILY CARE FACILITY** means a development which provides resident care service in a dwelling unit to six (6) or fewer individuals. These individuals may be handicapped, aged, disabled, or in need of adult supervision and are provided service and supervision in accordance with their individual needs. Family care facilities include foster or boarding homes for children but not group homes or halfway houses;
- (42) **FENCE** means a vertical physical barrier constructed for visual screening, sound abatement or security;
- (43) **FLOOR AREA** means the total of the floor areas of every room and passage way contained in a building, but not including the area of the basement, walls, attached garages, sheds, open porches or breezeways;
- (44) **FOUNDATION** means the lower portion of a building, usually concrete or masonry, and includes the footings, which transfer the weight of and loads on a building to the ground;
- (45) **GARAGE** means a building or portion of a building designed or used for the storage of motor vehicles and which is erected and used as an accessory to a dwelling;
- (46) **GARAGE SHELTER** means an accessory building, commonly consisting of a metal frame covered by canvas and erected on a temporary foundation, which is used primarily for the storage of motor vehicles;
- (47) **GAS BAR** means a development where gasoline, lubricating oils, and other automotive fluids and automobile accessories are bought and sold. Gas bars do not include facilities for the servicing or repairing of motor vehicles and do not include service stations;
- (48) **GENERAL RETAIL ESTABLISHMENT** means a development where groceries, beverages, household goods, furniture, appliances, home improvement supplies, hardware, printed matter, confectionary, tobacco, pharmaceutical, personal care items, automotive parts and accessories, electronic equipment, recordings, office equipment, stationary, second hand goods, and similar goods are bought, rented, and sold from within a building. Minor other services such as postal services and film processing depots may also be provided. General retail establishments includes convenience retail stores but does not include developments where gasoline, new or used motor vehicles, or heavy agricultural and/or industrial equipment are sold or rented;



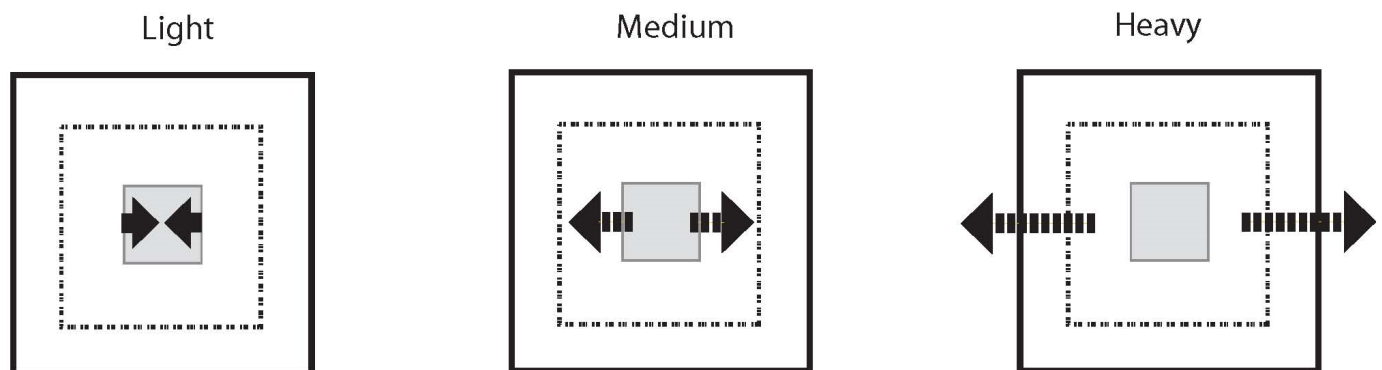
- (49) **GOVERNMENT SERVICES** means a development where municipal, provincial, or federal government services are provided directly to the public. Government services do not include protective and emergency services, major and minor utility services, and public education facilities. Government services may include government administration offices, courthouses, postal distribution offices, manpower and employment offices, social services offices, and public schools;
- (50) **GRADE** means the ground level adjacent to the exterior walls of a building. If the ground is not entirely level, the grade shall be the average of the elevation of the ground around the perimeter of the building;
- (51) **GREENHOUSE AND PLANT NURSERY** means a development where bedding, household and ornamental plants are raised, stored and sold, together with incidental accessories such as garden equipment, and fertilizers and garden care products;
- (52) **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 shall be included in the calculation of gross floor area only in the case of apartment buildings;
- (53) **GROUND FLOOR** means first floor of a building above grade within the outside surface of exterior walls or within the glassline of exterior walls and the centreline of fire walls, including covered porches and verandas, but excluding open decks, patios, and steps, cornices, eaves and similar projections;
- (54) **GROUP CARE FACILITY** means a development which provides resident care services to seven (7) or more individuals. These individuals may be handicapped, aged, or disabled, and undergoing rehabilitation, and are provided services to meet their needs. Group care facilities include supervised uses such as group homes (all ages), resident schools, resident facilities, foster or boarding homes, and psychiatric care facilities, but not group homes, halfway houses, or major institutional care facilities such as hospitals;
- (55) **GROUP HOME** means a residence which is licensed or funded under an Act of the Parliament of Canada or the Province of Alberta to provide accommodation for a small group of persons living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, social or physical condition or legal status, require a group living arrangement for their well-being. This category includes but is not limited to supervised uses such as group homes (all ages), resident schools and resident facilities, but shall not include halfway houses;
- (56) **HALF STOREY** means that part of any dwelling, wholly or partly within the framing of the roof, where the habitable floor area is not more than seventy percent (70%) of that of the ground floor;
- (57) **HEALTH SERVICE** means a development where physical or mental health services are provided on an out-patient basis. Such services may be of a preventative, diagnostic, treatment, therapeutic, rehabilitative, or counseling

nature. Health services include medical, chiropractic, and dental offices, health clinics and counseling services;

- (58) **HIGHWAY** means a highway as defined in the Public Highways Development Act, R.S.A. 2000;
- (59) **HOME OCCUPATION** means any occupation, trade, profession, or craft carried on as a use secondary to the residential use of the parcel, and which does not change the character thereof. A home occupation does not include the employment of more than one (1) paid assistant other than the occupant's family. For the purposes of this Bylaw, home occupations are divided into two sub-classifications – major home occupations and minor home occupations, with specific regulations for each as indicated in the regulations of this Bylaw. The definition for home occupation does not include bed and breakfast establishments;
- (60) **HOTEL** means a development where members of the travelling public are lodged for brief periods of time, normally not exceeding seven (7) days, in rentable units, where access to the rentable units is from a common entranceway. A hotel may include eating and drinking establishments, meeting rooms, personal services shops, convenience retail stores, and the sale of alcohol, but shall not include any establishment where there is a dance floor larger than 5 sq. m (55 sq. ft.) unless specifically approved by the Development Authority;
- (61) **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;
- (62) **INDUSTRIAL AND AGRICULTURAL VEHICLE AND EQUIPMENT SALE/ RENTAL ESTABLISHMENT** means a development where new or used heavy vehicles, machinery or mechanical equipment typically used in building, roadway, pipeline, oilfield, mining, construction, manufacturing, assembling, and processing operations and/or agricultural operations are sold or rented, together with incidental maintenance services and sale of parts. Industrial and agricultural vehicle and equipment sales/rental establishments do not include automotive, recreational vehicle, and truck sale/rental establishments;
- (63) **INDUSTRIAL USES, HEAVY** means development which involves the manufacturing, processing, fabrication, storage, transportation, distribution or wholesaling of goods and services, and which may, in the sole opinion of the Development Authority, emit noise, smoke, odour, dust, or vibration beyond the boundaries of the lot on which the heavy industry is located. For the purpose of this Bylaw, dust refers to that which is produced as a result of the land use of the lot, rather than that which is produced as a result of travelling to and from the lot. A heavy industrial use may also include the retail of goods and/or services to the

general public, so long as any such retail component is secondary to the main heavy industrial use (see Figure 5);

- (64) **INDUSTRIAL USES, LIGHT** means development which involves the manufacturing, processing, fabrication, storage, transportation, distribution or wholesaling of goods and services, and which is wholly contained within an enclosed building and thus does not emit undue noise, smoke, odour, dust, or vibration beyond the boundaries of the building in which the light industry is located. For the purpose of this bylaw, dust refers to that which is produced as a result of the land use of the lot, rather than that which is produced as a result of travelling to and from the lot. A light industrial use may also include the retail of goods and/or services to the general public, so long as any such retail component is secondary to the main light industrial use (see Figure 5);
- (65) **INDUSTRIAL USES, MEDIUM** means development which involves the manufacturing, processing, fabrication, storage, transportation, distribution or wholesaling of goods and services, and which does not emit undue noise, smoke, odour, dust, or vibration beyond the boundaries of the lot on which the medium industry is located. For the purpose of this bylaw, dust refers to that which is produced as a result of the land use of the lot, rather than that which is produced as a result of travelling to and from the lot. A medium industrial use may also include the retail of goods and/or services to the general public, so long as any such retail component is secondary to the main medium industrial use (Figure 5);



**Figure 5: Illustration of Light, Medium and Heavy Industrial Uses**

- (66) **KENNEL** means a development where domestic pets are bred, boarded, or trained. Kennels do not include veterinary hospitals or veterinary clinics;
- (67) **LANDSCAPING** means lawns, trees, shrubs, ornamental plantings, fences, walks, or other structures and materials used in modern landscape architecture;
- (68) **LANE** means a right-of-way on which motorized vehicles are normally allowed to operate, which is normally 10 m (32.8 ft.) or less, and 6.0 m (19.7 ft.) or more in width, or an alley as defined in the Traffic Safety Act, as amended;
- (69) **LINE, FRONT** means the property line separating a lot from an abutting highway or road other than a lane. In the case of a corner lot, the front line is the shorter of the property lines abutting a highway or road other than a lane;

- (70) **LINE, REAR** means the property line of a lot which is furthest from and opposite the front line;
- (71) **LINE, SIDE** means the property lines of a lot other than the front line or the rear line;
- (72) **LIVESTOCK** means livestock as defined in the Agricultural Operation Practices Act. This includes, but is not limited to poultry, horses, cattle, sheep, swine, goats, bison, and fur-bearing animals;
- (73) **LOT** means
- (a) a quarter section, or
  - (b) a part of a parcel or parcels of land where the boundaries of the part are separately described in a certificate of title other than by reference to a legal subdivision, or
  - (c) a part of a parcel of land where the boundaries of the part are described in a certificate of title by reference to a plan of subdivision;
- (74) **LOT COVERAGE** means the sum of the ground floor areas of all buildings on a lot expressed as a percentage of the area of the lot;
- (75) **LOT DEPTH** means the average horizontal distance between the front and rear lines of a site measured either perpendicular to the front line, or perpendicular to the tangent on a curve from the midpoint of a curved front line;
- (76) **LOT LINE** means the legally defined limits of any lot;
- (77) **LOT WIDTH**, unless otherwise defined in this Bylaw, means the average horizontal distance between the side lines or, where the lot width would be shorter, the distance between the side lines at either the minimum required front yard distance or the minimum required rear yard distance, whichever distance is the shorter, measured parallel to the front line or at right angles to the tangent on a curve from the midpoint of a curved front line;
- (78) **MAIN BUILDING** means a building which, in the opinion of the development authority,
- (a) occupies the major or central portion of a lot,
  - (b) is the chief or main building on a lot, or
  - (c) constitutes, by reasons of its use, the primary purpose of which the lot is used;
- (79) **MAIN USE** means the main purpose, in the opinion of the development authority, for which a building or lot is used;
- (80) **MAINTENANCE** means the upkeep of the physical form of any building, which upkeep does not require a permit pursuant to the Safety Codes Act. Maintenance will include painting, replacing flooring, replacing roofing materials, and repair of any facility related to a development, but will not include any activity that will

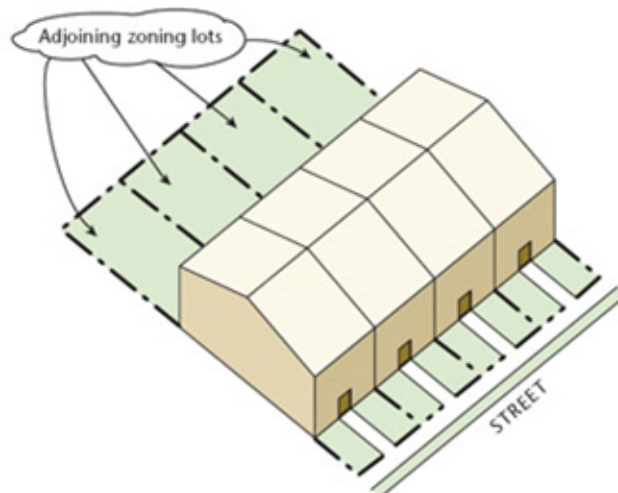
change the habitable floor area of any dwelling unit or the internal volume of any building;

- (81) **MANUFACTURED HOME** means a single detached dwelling comprised of one or more large factory-built sections. It is manufactured in full compliance with both the CSA Z240 MH National Mobile Home Standard and the Alberta Building Code (ABC), bearing a prominently displayed CSA Z240MH Mobile Home Label and an Alberta Municipal Affairs label that certifies compliance to both the CSA Z240MH Standard and the ABC;
- (82) **MOBILE HOME** means a single detached dwelling comprised of one or more large factory-built sections. It is manufactured in compliance with the CSA Z240 MH National Mobile Home Standard but not with the Alberta Building Code (ABC). For the most part, a mobile home will refer to a modular home that was constructed prior to 1991; however, some modular homes constructed prior to 1991 will be considered to be manufactured homes by virtue of their satisfying the Alberta Building Code;
- (83) **MODULAR HOME** means a dwelling constructed in large sections, away from the home site, and under controlled conditions. It does not refer to a type of home but rather to a method of construction, and includes both manufactured and mobile homes;
- (84) **MOTEL** means a development where members of the travelling public are lodged for brief periods of time, normally not exceeding seven (7) days, in rentable units, and where access to each of the rentable units is individually available from grade, either at grade or via stairways. A motel may include eating and drinking establishments and convenience retail stores, but shall not include an entertainment establishment;
- (85) **MUNICIPALITY** means the Village of Alliance;
- (86) **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 thereto 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;
- (87) **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 thereto 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;
- (88) **NUISANCE** means anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses;

- (89) **OCCUPANCY** means the use or intended use of a building or part thereof for the shelter or support of persons or property;
- (90) **OFFENSIVE** means, when used with reference to a development, a use which by its nature, or from the manner of carrying on the same, creates or is liable to create by reason of noise, vibration, smoke, dust or other particulate matter, odour, toxic or non-toxic matter, radiation, fire, or explosive hazard, heat, humidity, glare, or unsightly storage of goods, materials, salvage, junk, waste or other materials, a condition which, in the opinion of the Development Authority, may be or may become hazardous or injurious to health or safety, or which adversely affects the amenities of the neighbourhood, or interferes with or may interfere with the normal enjoyment of any land or building;
- (91) **OFFICE** means a development where government, professional, management, administrative, consulting, and financial services may be provided. Offices include the offices of lawyers, accountants, engineers, architects, and realtors. Offices also include insurance firms; clerical, secretarial, employment and telephone answering and similar office support services; banks, credit unions, loan offices and similar financial institutions; the offices of governmental and public agencies;
- (92) **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;
- (93) **OWNER** means the person shown as the owner of land on the assessment roll prepared under the Act;
- (94) **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;
- (95) **PARK** means a development designed or reserved for active or passive recreational use, including all natural and man-made open space and landscaping, playground facilities, playing fields, and buildings that are consistent with the general purposes of recreation, whether or not such recreational facilities are public operated or operated by other organizations pursuant to arrangements with the public authority owning the public park. Parks include tot lots, playgrounds, band shells, picnic grounds, pedestrian and bicycle trails and paths, landscaped buffers, water features, baseball diamonds, football fields, soccer pitches, and similar outdoor sports fields;
- (96) **PARK MODEL** means a recreational vehicle conforming to Canadian Standards Association (CSA) standards or an equivalent, which may be mounted on a single chassis or wheels; which can be relocated from time to time; which has a maximum length of 12.8 m (42.0 ft.) and a maximum width of 3.66 m (12.0 ft.), excluding all extensions, pull outs, tip outs, etc.;

- (97) **PARKING AREA** means the area set aside for the storage and/or parking of vehicles. Components of parking areas include parking spaces, loading spaces, aisles, entrances and exits to the parking area, and traffic islands where they are part of the parking area. A parking area may be within a building;
- (98) **PARKING STALL** means an area set aside for the parking of one (1) vehicle;
- (99) **PATIO** means a paved, wooden or hard-surfaced area adjacent to a building, at grade or above grade to a maximum of 0.6 m (2 ft.);
- (100) **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;
- (102) **PERSONAL SERVICE SHOP** means a development where personal services related to the care and appearance of the body, or the cleaning and repair of personal effects are provided to persons. Personal service shops include barbershops, hairdressers, beauty salons, tailors, dressmakers, shoe repair shops, dry cleaning establishments, and laundromats, but not health services;
- (103) **PLACE OF WORSHIP** means a development where worship and related religious, philanthropic, and social activities occur. Accessory developments include rectories, manses, classrooms, and dormitories. Places of worship include churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries;
- (104) **PROJECTION** means an extension beyond the exterior wall of a building;
- (105) **PUBLIC USE** means a development where public services are provided by the municipality, by any local board or agency of the municipality, by any department, commission or agency of the Government of Alberta or of Canada, or by any public utility. Uses include police stations, government offices, police stations, fire halls, ambulance depots, hospitals, public schools, utility offices, and similar developments;
- (106) **PUBLIC UTILITY** means a public utility as defined in the Act;
- (107) **PUBLIC UTILITY BUILDING** means a building as defined in the Municipal Government 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;
- (108) **REAR YARD** means that area running the full width of the main building in perpendicular distance from the rear property line to the nearest point on the foundation of the main building having regard' for projections from the main building;
- (109) **RECREATIONAL FACILITY** means a development for sports and active recreation within an enclosed building. Recreational facilities include bowling alleys, ice arenas, curling rinks, and swimming pools;

- (110) **RECREATIONAL VEHICLE** means a vehicular-type unit primarily designed as temporary living quarters for recreational camping or travel use, which either has its own motive power, or is mounted on or drawn by another vehicle. Recreational vehicles include vehicles commonly referred to as travel trailers, 5<sup>th</sup> wheels, tent trailers, camping trailers, truck campers, park models, and motor homes;
- (111) **RECREATIONAL VEHICLE PARK** means a development which is designed for or intended to be used for the temporary location of more than one recreational vehicle;
- (112) **RENOVATION** means an addition to, deletion from, or change to any building which does not require a permit pursuant to the Safety Codes Act other than a plumbing permit or an electrical permit;
- (113) **RENTABLE UNIT** means a separate unit of a hotel or motel used or intended to be used for the temporary accommodation of one or more persons;
- (114) **ROAD** means land shown as a road on a Plan of Survey that has been filed or registered in the Land Titles Office and includes a bridge forming part of a road and any structure incidental to a road, but does not mean a highway;
- (115) **ROW HOUSING** means a dwelling containing three or more dwelling units with each unit having direct access to the outside grade, but shall not mean "apartment" (Figure 6);

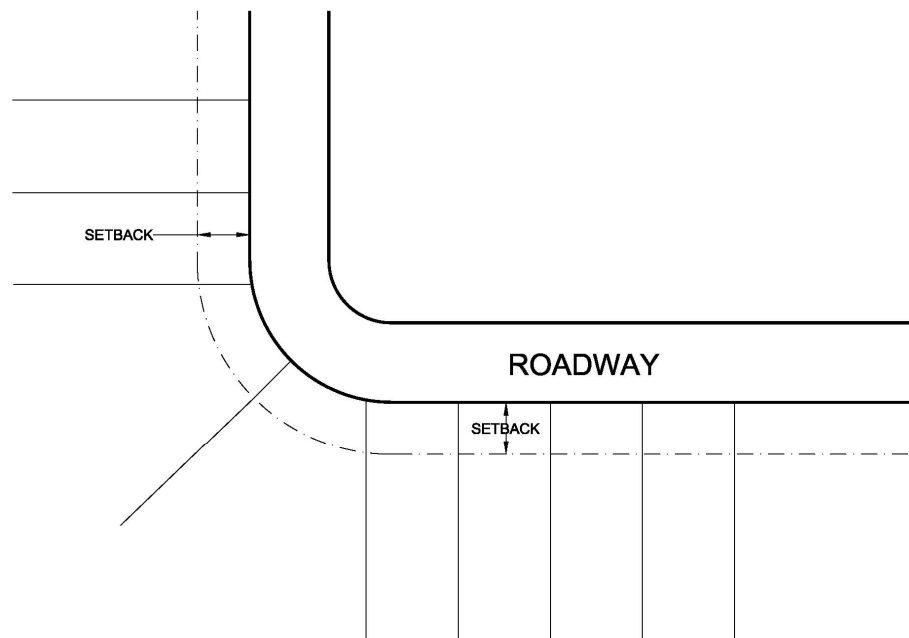


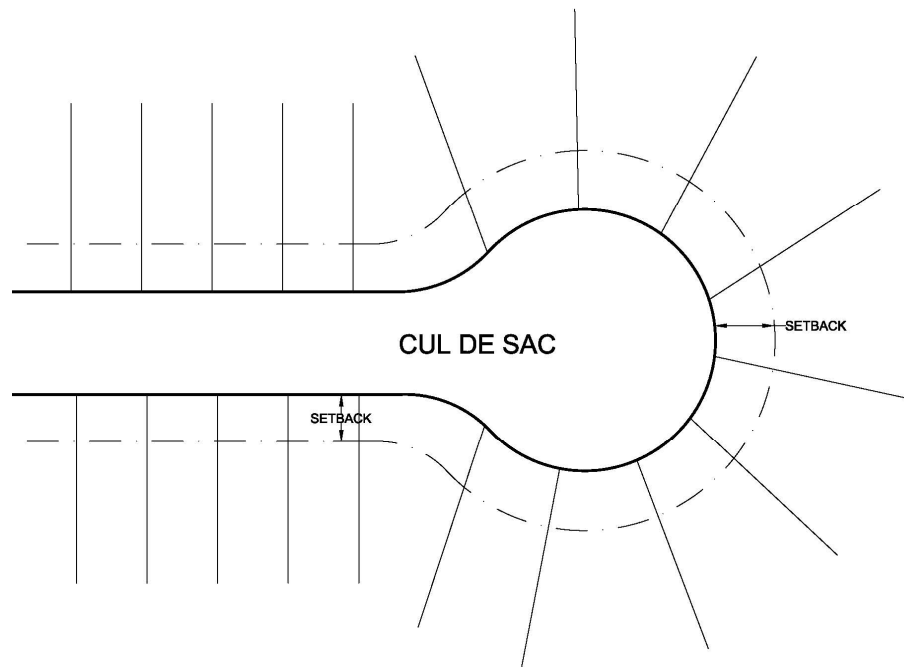
**Figure 6: Row Housing**

- (116) **SEA CAN** means a container which is used as a storage vault and includes sea/land/rail shipping containers;
- (117) **SECONDARY SUITE** means a self-contained additional dwelling unit within a single detached dwelling or within an accessory building structure that is located on a lot in a Residential District. A secondary suite may be located in a basement;



- (118) **SENIORS' APARTMENTS** means a development consisting of dwelling units in the form of either a row housing development or an apartment development which is designed and managed to accommodate senior citizens, with or without the provision of services to the senior citizens, and which is operated by a non-profit housing corporation or by an agency of any level of government;
- (119) **SERVICE STATION** means a development where gasoline, lubricating oils, and other automotive fluids and accessories for motor vehicles are bought and sold. Service stations may also include facilities for the servicing or repairing of motor vehicles, and a towing service dispatch point, but not including body repair or paint shops;
- (120) **SETBACK** means the minimum horizontal distance between a lot line and the nearest point on the exterior wall of a building on the parcel (Figure 7);





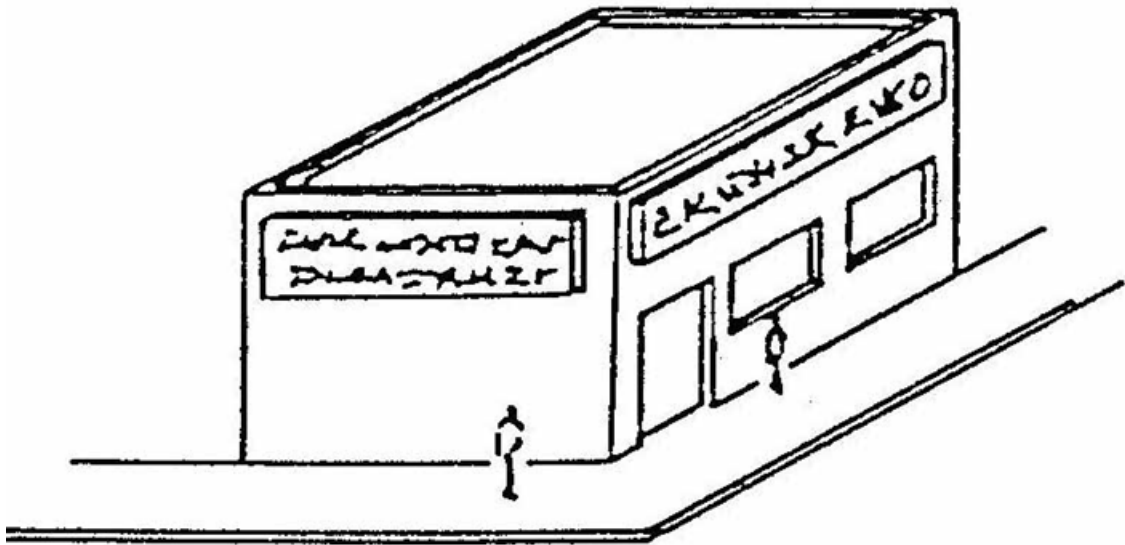
**Figure 7: Setbacks**

- (121) **SIGN** means an object or device intended for the purpose of advertising or calling attention to any person, matter, thing or event;
- (122) **SIGN, CANOPY** means a sign which is part of or attached to the outside edge of a canopy but which does not extend below the bottom edge or surface of the canopy (Figure 8);



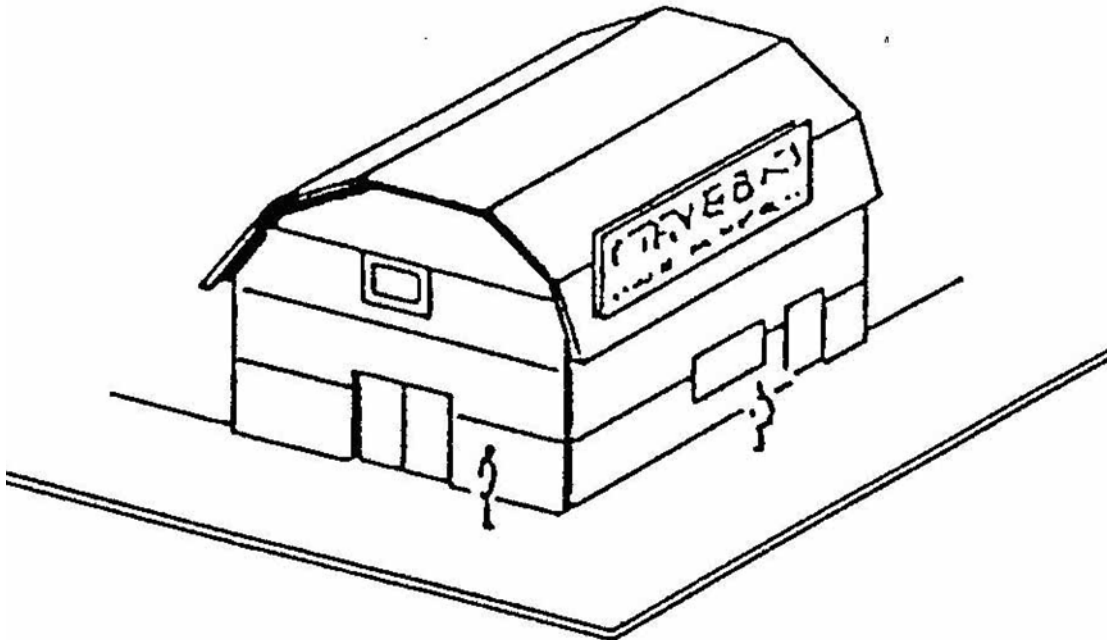
**Figure 8: Canopy Sign**

- (123) **SIGN, FASCIA** means a sign attached to or placed flat against an exterior vertical surface of a building, and projects no more than 0.1 m (0.33 ft.) from the surface of the building, and does not project above the roof or parapet (Figure 9);



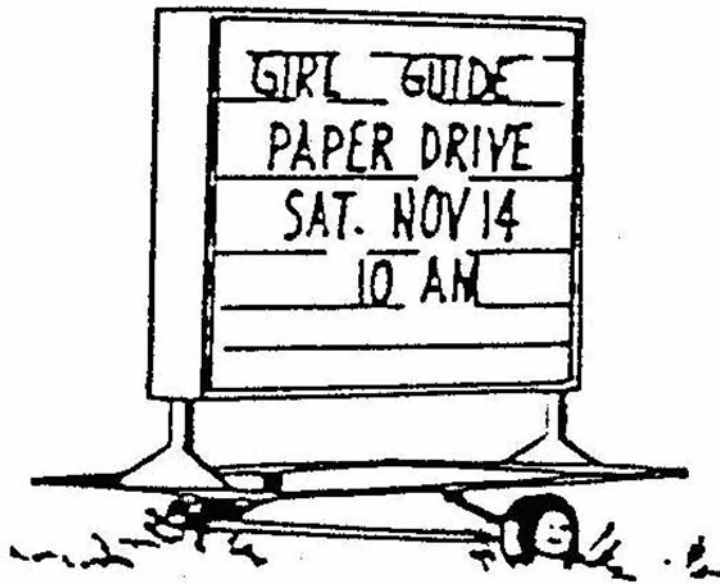
**Figure 9: Fascia Sign**

- (124) **SIGN, PROJECTING** means a sign affixed to a building or part thereof and extending beyond the building by more than 0.3 m (1.0 ft.). This does not include a sign attached to the ground;
- (125) **SIGN, ROOF** means a sign erected upon, against or directly above the roof of a building or the top of a parapet wall (Figure 10);



**Figure 10: Roof Sign**

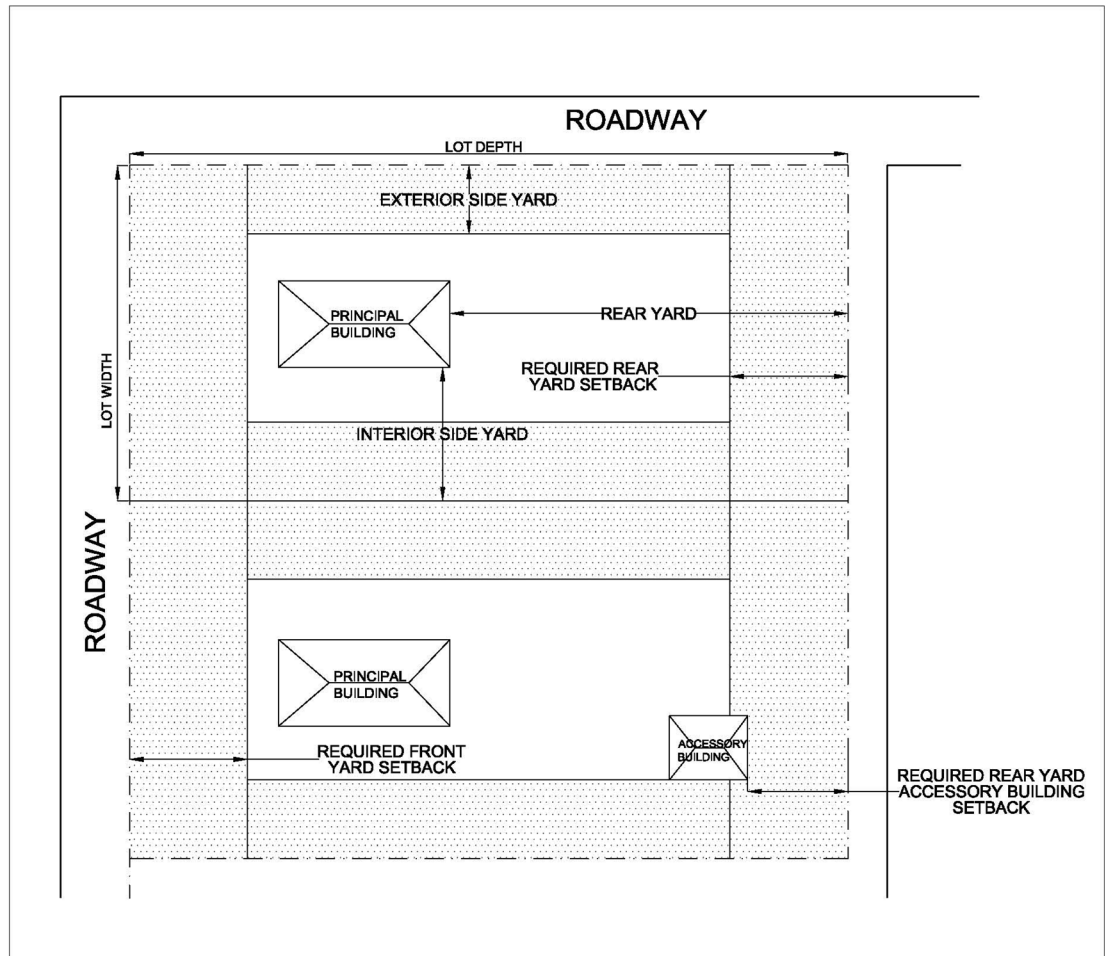
- (126) **SIGN, TEMPORARY** means a sign on a standard or column fixed to its own self-contained base and capable of being moved manually (Figure 11);



**Figure 11: Temporary Sign**

- (127) **SITE** means any lot or parcel of land as defined in the Act;
- (128) **SITE BUILT** means a building that is constructed primarily on its site. Although some components may be prefabricated off-site, the building is erected, framed, and finished by workers on location using stock materials;
- (129) **SITE PLAN** means a plan outlining development for a site, the contents of which are as required by this Bylaw;
- (130) **SOLAR ENERGY CONVERSION SYSTEM** means an energy conversion system including appurtenances which converts solar energy to a usable form of energy to meet all or part of the energy requirements of the on-site user;
- (131) **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;
- (132) **STRUCTURAL ALTERATIONS** means the addition to, deletion from, or change to any building which requires a permit other than a plumbing permit or an electrical permit pursuant to the Safety Codes Act;
- (133) **SUBDIVISION AND DEVELOPMENT APPEAL BOARD** means a subdivision and development appeal board established by Council pursuant to the Act;
- (134) **SUBSTANDARD LOT** means any lot which is smaller, in area or in any dimension, than the minimum area or dimension stipulated in the regulations of the District in which the lot is located;
- (135) **TEMPORARY** means such time limit as set by the Development Authority in a development permit, and does not refer to a type of building or use;

- (136) **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;
- (137) **VEHICLE, HEAVY** means any vehicle, with or without a load, that exceeds a maximum gross vehicle weight rating of Class 3 or higher as designated by the Canadian Transportation Equipment Association (4537 kg or 10,000 lbs.), or a bus with a designated seating capacity of more than ten (10). Heavy vehicles do not include recreational vehicles;
- (138) **VEHICLE, RECREATIONAL** means a vehicular-type unit primarily designed as temporary living quarters for recreational camping or travel use, which either has its own motive power, or is mounted on or drawn by another vehicle. Recreational vehicles include but are not limited to vehicles commonly referred to as travel trailers, 5<sup>th</sup> wheels, tent trailers, camping trailers, truck campers, park models, and motor homes;
- (139) **VETERINARY CLINIC** means a development where domestic pets are cared for and treated. Veterinary clinics primarily involve out-patient care and minor medical procedures involving hospitalization for fewer than four (4) days. All animals shall be kept within an enclosed building. Veterinary clinics do not include animal hospitals or small animal breeding and boarding establishments;
- (140) **VETERINARY HOSPITAL** means a development where livestock as well as domestic pets are cared for and treated. Veterinary hospitals primarily involve out-patient care, but may include medical procedures involving hospitalization for more than four (4) days. All animals shall be kept within an enclosed building. Veterinary hospitals are distinct from veterinary clinics (which serve only domestic pets) and do not include kennels;
- (141) **WIND ENERGY CONVERSION SYSTEM, SMALL** means a wind energy conversion system consisting of a wind turbine, tower and associated control or conversion electronics, which has a rated capacity of not more than 300 kW, and whose primary purpose is to provide electrical power for use on-site (either behind-the-meter or off-grid) rather than produce power for resale);
- (142) **WORK CAMP** means a short-term accommodation and related ancillary facilities usually designed to accommodate labourers in the oil and gas sector;
- (143) **YARD** means a part of a parcel upon or over which no main building above ground level is erected;
- (144) **YARD, FRONT** means that area running the full width of the main building in perpendicular distance from the front line to the nearest point on the foundation of the main building having regard for projections from the main building;
- (145) **YARD, REAR** means a yard extending across the full width of a lot from the rear line of the lot to the nearest wall of the main building;



**Figure 12: Yards**

- (146) **YARD, SIDE** means a yard extending from the front wall of the main building situated on a lot to the rear wall of the main building and lying between the side line of the lot and the side wall of the main building having regard for projections from the main building;

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

## 1.6 ESTABLISHMENT OF DISTRICTS

- (1) For the purpose of this Bylaw the Village of Alliance is divided into the following Districts:
- R1** Single Family Residential District
  - R2** Residential District
  - C1** Central Commercial District
  - C2** Highway Commercial District
  - M1** Unserviced Industrial District
  - M2** Serviced Industrial District
  - I** Institutional
  - P** Recreational, Parks and Municipal Land
  - A** Urban Reserve District

- (2) For the purposes of this Bylaw, the R1 and R2 Districts shall be considered to be Residential Districts, and the other Districts shall be considered to be Non-Residential Districts. The C1 and C2 Districts shall be considered to be Commercial Districts, and the M1 and M2 Districts shall be considered to be Industrial Districts.
- (3) The boundaries of the districts listed in subsection 1.6 (1) are as delineated on the Land Use District Map being Schedule A attached hereto.
- (4) Where uncertainty exists as to the boundaries of Districts as shown on the Land Use District Map, the following rules shall apply:
  - Rule 1 Where a boundary is shown as following a road, lane, stream, bank break, or canal, it shall be deemed to follow the centre line thereof.
  - Rule 2 Where a boundary is shown as approximately following a lot line, it shall be deemed to follow the lot line.
  - Rule 3 In circumstances not covered by Rules 1 and 2 the location of the District boundary shall be determined:
    - (a) where dimensions are set out on the Land Use District Map, by the dimensions so set out, or
    - (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.
- (5) Where the application of the above rules does not determine the exact location of the boundary of a District, Council, either on its own motion or upon written application being made to it by any person requesting the determination of the exact location of the boundary, shall fix the portion of the District boundary in doubt or dispute in a manner consistent with the provisions of this Bylaw and with the degree of detail as to measurements and directions as the circumstances may require.
- (6) After Council has fixed a District boundary pursuant to the provisions of subsection (5), the portion of the boundary so fixed shall not be thereafter altered except by an amendment of this Bylaw.
- (7) The Development Authority shall maintain a list of Council's decisions with respect to boundaries or portions thereof fixed by it.

## **1.7 ESTABLISHMENT OF FORMS**

- (1) For the purpose of administering the provisions of this Land Use Bylaw, Council shall, by resolution, authorize the preparation and the use of such forms and notices as it may deem necessary.

## **2.0 AGENCIES**

### **2.1 DEVELOPMENT AUTHORITY**

- (1) The office of the Development Authority is hereby established and such office shall be filled by a person or persons to be appointed by resolution of Council.
- (2) The Development Authority shall perform such duties that are specified in this Bylaw.
- (3) The Development Authority shall keep and maintain for the inspection of the public during all reasonable hours a copy of this Bylaw and all amendments thereto, and keep a register of all applications for development, including the decisions thereon and the reasons therefore.
- (4) For the purposes of Section 542 of the Act, the Development Authority is hereby declared to be an authorized person of the Council.

### **2.2 SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

- (1) The Subdivision and Development Appeal Board established by the municipality's Subdivision and Development Appeal Board Bylaw shall perform such duties as are assigned to it in Section 4.0 of this Bylaw.



## **3.0 DEVELOPMENT PERMITS, RULES AND PROCEDURES**

### **3.1 CONTROL OF DEVELOPMENT**

- (1) No development other than that described in Section 3.2 shall be undertaken within the municipality unless a development permit has been issued and the appeal period has elapsed.

### **3.2 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT**

The following development shall not require a development permit:

- (1) The carrying out of works of maintenance, renovation or repair to any building, provided that such works do not include structural alterations or additions or require a building permit.
- (2) The completion of a building which was lawfully under construction at the date of the approval of this Bylaw, provided that the building is completed in accordance with the terms of any permit granted in respect of it and subject to the conditions to which such permit was granted, and provided also that the building, whether or not a permit was granted in respect of it, is completed within a period of twelve (12) months from the said date of the approval of this Bylaw.
- (3) The use of any such buildings referred to in subsection (2) for the purpose for which construction was commenced.
- (4) The erection or construction of gates, fences, walls or other means of enclosure (other than on corner lots or where abutting on a road used by vehicular traffic) less than 1.0 m (3.28 ft.) in height in front yards and less than 2.0 (6.6 ft.) in side and rear yards, and the maintenance, improvement and other alterations of any gates, fences, walls or other means of enclosure.
- (5) A temporary building, the sole purpose of which is incidental to the erection or alteration of a building for which a permit has been issued under this Bylaw, provided that the temporary building is removed within thirty (30) days of substantial completion of the building for which the permit has been issued, or as determined by the Development Authority.
- (6) The temporary storage of construction material on a site, the sole purpose of which is to construct or alter a building for which a permit has been issued under this Bylaw, provided that the construction material is removed within thirty (30) days of substantial completion of the building for which the permit has been issued, or as determined by the Development Authority.
- (7) The maintenance and repair of public works, services and utilities carried out by or on behalf of federal, provincial and municipal public authorities, on land which is publicly owned and controlled.
- (8) The construction of public utilities to service the immediate area.

- (9) In a non-Residential Land Use District, the use of a building or part thereof as a temporary polling station, Returning Officer's headquarters, candidate's campaign office and any other official temporary use in conjunction with a federal, provincial, or municipal election, referendum or census.
- (10) A single storey accessory building not greater than 10 m<sup>2</sup> (107.6 ft.<sup>2</sup>) in floor area and with a height of 3.0 m (9.8 ft.) or less.
- (11) The construction of a hard-surfaced driveway.
- (12) Landscaping where the proposed grades will not adversely affect the subject or adjacent lots, except when landscaping forms part of a development for which a development permit has been issued.
- (13) Satellite dishes.
- (14) Uncovered patios.
- (15) Minor home occupations.
- (16) Signs, provided:
  - (a) they are campaign signs for federal, provincial, municipal or school board election provided that:
    - (i) such signs are removed within one (1) day after the election date, and
    - (ii) the consent of the property owner or occupant is obtained, and
    - (iii) such signs do not obstruct or impair vision or traffic, and
    - (iv) such signs are not attached to trees or utility poles, and
    - (v) such signs indicate the name and address of the sponsor and the person responsible for removal, and
    - (vi) such signs do not exceed 0.84 m<sup>2</sup> (9 ft.<sup>2</sup>) in area, and
    - (vii) only one (1) sign is located on each lot; or
  - (b) they are an announcement for a particular public or community event and will be removed after the occurrence of the event; or
  - (c) they are located so as to be visible through the window of a business establishment; or
  - (d) they are posted or exhibited in or on an operating motor vehicle if the vehicle is not temporarily or permanently parked solely for the purpose of displaying the sign; or
  - (e) they are exhibited solely to identify the land or building on which it is displayed, or to direct visitors to a specific occupant of a building, if the sign does not exceed 0.19 m<sup>2</sup> (2.0 ft.<sup>2</sup>) in area and conforms with all other orders, bylaws and regulations affecting such signs; or
  - (f) they relate to the sale, lease or rental of the building or parcel on which they are located provided that there are no more than two such signs on a single lot, they each do not exceed 0.84 m<sup>2</sup> (9 ft.<sup>2</sup>) in area, and in the opinion of the Development Authority, they do not constitute a hazard to persons using the public road or reduce the amenity of an adjacent parcel.

- (17) The demolition or removal of any building or structure for which a development permit would not be required pursuant to subsection (1) or subsections (4) through (16) above, both inclusive.

### **3.3 NON-CONFORMING BUILDINGS AND USES**

- (1) A non-conforming use of land or a non-conforming use of a building may be continued but if that use is discontinued for a period of six (6) consecutive months or more, any future use of the land or building shall conform with the provisions of this Land Use Bylaw.
- (2) A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, shall not be enlarged or added to and no structural alterations shall be made thereto or therein.
- (3) A non-conforming use of part of a lot shall not be extended or transferred in whole or in part to any other part of the lot and no additional buildings shall be erected upon the lot while the non-conforming use continues.
- (4) A non-conforming building may continue to be used but the building shall not be enlarged, added to, rebuilt or structurally altered except:
  - (a) as may be necessary to make it a conforming building, or
  - (b) as the Development Authority considers necessary for the routine maintenance of the building, or
  - (c) in accordance with the powers possessed by the Development Authority pursuant to the Act and Section 3.6(9) of this Bylaw to approve a development permit notwithstanding any non-compliance with the regulations of this Bylaw.
- (5) 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 shall not be repaired or rebuilt except in accordance with the Land Use Bylaw.
- (6) The use of land or the use of a building is not affected by reason only of a change of ownership, tenancy or occupancy of the land or building.
- (7) Pursuant to the Act, when
  - (a) on or before the day on which this Bylaw or any Bylaw for the amendment thereof comes into force, a development permit has been issued; and
  - (b) the enactment of the Bylaw would render the development in respect of which the permit was issued a non-conforming use or non-conforming building;the development permit continues in effect.

### **3.4 PERMISSION FOR DEVELOPMENT**

- (1) An application for a development permit shall be made to the Development Authority on the appropriate form and shall be accompanied by:
  - (a) a site plan showing;

- (i) the north point;
- (ii) the legal description of the land;
- (iii) the provision and form of landscaped open space;
- (iv) parking provision and layout, if applicable;
- (v) dimensions and construction standards of interior roads, sidewalks, walkways, trails and street lighting, if applicable;
- (vi) the location of utility rights-of-way, if applicable;
- (vii) provision for emergency services, including access by emergency vehicles, if applicable;
- (viii) the location, dimension and screening of waste and recycling containers, if applicable;
- (ix) setbacks and yards, including outlines of roof overhangs on all buildings;
- (x) access points to the site;
- (xi) the position and distance of any existing buildings in relation to the proposed development;
- (b) one copy of the elevation and section drawings for the Town's use;
- (c) a statement of the existing and proposed uses on the site;
- (d) a copy of the current title and, if the applicant is not the landowner, an indication of the landowner's consent for a third party to apply for a development permit pertaining to his or her property;
- (e) the estimated commencement and completion dates;
- (f) the estimated cost of the project or contract price; and
- (g) the signature of the applicant indicating that all information supplied is accurate.

(2) In addition to the requirements listed in Section 3.4(1), the Development Authority may require that each application for a development permit be accompanied by:

- (a) exterior elevations showing height, horizontal dimensions and finishing materials of all buildings, existing and proposed;
- (b) a parcel grading plan indicating the elevations of the parcel at all corners and the grade at all corners of the proposed development as well as the grades of the adjacent streets, lanes and sewers servicing the parcel;
- (c) a storm water drainage plan indicating how storm water is to be dealt with on-site;
- (d) a biophysical assessment to assess the impact of a proposed development on the environment or any phase of environmental site assessment to determine the possible contamination of a subject site and the mitigative measures necessary to eliminate such contamination;
- (e) a vibration study to ascertain whether the proposed development can withstand the vibration produced by a railway or other industrial use, where a proposed development is to occur adjacent to a railway or industrial use;
- (f) a Real Property Report, signed by an Alberta Land Surveyor, along with a signed authorization form or letter from the Alberta Land Surveyor stating that the Town may utilize the Surveyor's Real Property Report for evaluating the compliance of the proposed or existing development against all land use regulations relating to the use and building(s) that is (are) the subject of the development permit application; and/or

- (g) such other information as may be required by the Development Authority.
- (3) In addition to the requirements listed in Sections 3.4(1) and (2), the Development Authority may require that each application for a development permit for a light, medium, or heavy industrial use be accompanied by information respecting the following:
- Type of Industry
  - Size of buildings
  - Number of employees
  - Water demand and source
  - Type of effluent and method of disposal
  - Transportation routes to be used (rail and road)
  - Reason for specific location
  - Any ancillary works required (pipeline, railway spurs, etc.)
  - Anticipated residence location of employees, and/or any such other information as may be reasonably required by the Development Authority
- (4) Each application for a development permit shall be accompanied by a fee, the value of which shall be set by resolution of Council.
- (5) Where physical constraints can be overcome by using engineering techniques such as the construction of pilings or retaining walls, or the installation of pumps or recharging wells, the Development Authority may issue a development permit based on the implementation of a plan or report presenting the solution and bearing the signature and seal of a qualified, professional engineer.
- (6) In making a decision, the Development Authority may impose such conditions as are required to ensure compliance with this Bylaw including both the verification by either an official appointed by the Village or by certification by either an engineer or an Alberta Land Surveyor that the implementation of any technical studies requested by the Development Authority have been completed in accordance with the Development Authority's approval, as well as the undertaking of any mitigative or elimination measures described in the reports and information indicated in 3.4(1) and (2) above.
- (7) All site plans provided with development permit applications will append the application and once approved, shall be deemed conditions of approval.
- (8) The Development Authority may require an irrevocable letter of credit from the developer guaranteeing performance of the site plan or any of the other conditions of the approval of a development permit, if deemed necessary by the Development Authority.
- (9) The Development Authority may make a decision on a development permit application notwithstanding that all of the information required above has not been submitted.

### 3.5 PERMISSION FOR DEMOLITION

- (1) Notwithstanding the provisions of Section 3.7 (6), a development permit for demolition shall be considered void if demolition is not commenced within thirty (30) days from the date of the issuance of the development permit and not completed within sixty (60) days from the date of issuance of the development permit, unless stipulated otherwise on the development permit.
- (2) The demolition of any structure must be done in accordance with the Alberta Safety Codes Act, the Alberta Building Code and CSA Standard S350-M1980, “Code of Practice for Safety in Demolition of Structures.”
- (3) In addition to the requirements of Section 3.4 of this Bylaw, an application for a development permit for the demolition of a building shall include the following information:
  - (a) the value of the building;
  - (b) the alternatives to demolition if the building is of historic or architectural value;
  - (c) the purpose of the building demolition and the type of structure to replace the demolished building, if applicable;
  - (d) a work schedule of the demolition and site cleanup (the sequence of demolition must be such that at no time will a wall or a portion of a wall be left standing unsupported in an unstable condition or in danger of accidental collapse);
  - (e) an indication that asbestos materials have been removed;
  - (f) the destination of debris materials;
  - (g) the length of time before the site is to be redeveloped and treatment of the site after demolition but prior to development (if materials are to be stored on site, a site plan will be required indicating the location of such materials in relation to property lines and other buildings);
  - (h) a copy of the development approval, if applicable;
  - (i) the form of demolition to be used (heavy equipment or by hand);
  - (j) the method whereby public safety is to be protected;
  - (k) an indication that all utility services to the site and/or the building have been disconnected;
  - (l) an indication that buildings on adjoining properties have been considered to ensure that damage will not occur to them or their foundations from the demolition;
  - (m) an indication that the local Fire Chief has been consulted for determining the fire safety plan required; and
  - (n) an indication that any tanks containing flammable or combustible liquids must be removed before demolition begins and be purged of inert materials.
- (4) Before consideration of a development permit application for demolition, the Development Authority may also require the applicant to complete:
  - (a) a Hazardous Materials Assessment Report, and/or

- (b) any phase of an environmental site assessment in order to determine whether the site is contaminated and the mitigative measures necessary to eliminate such contamination.
- (5) As a condition of approving a development permit for the demolition of a building, the Development Authority may, in addition to other requirements, require that the applicant undertake any and all actions deemed, in the sole opinion of the Development Authority, necessary to ensure the complete and safe demolition of the building, disposal of materials and debris, and site cleanup.

### **3.6 ROLE AND POWERS OF THE DEVELOPMENT AUTHORITY**

- (1) The Development Authority shall receive, consider and decide on all applications for a development permit. All decisions on applications for a development permit shall be given in writing to the applicant.
- (2) The Development Authority may request verbal or written comments from any Provincial or local authorities, utilities and agencies whose interest or jurisdiction may, in the opinion of the Development Authority, be affected.
- (3) In making a decision, the Development Authority may approve the application unconditionally, permanently or for a limited period of time, impose conditions considered appropriate, or refuse the application.
- (4) If an application is refused or conditionally approved by the Development Authority, the notice of decision shall contain the reasons for the refusal or the conditions imposed as part of the approval.
- (5) The Development Authority may require with respect to a development that, as a condition of issuing a development permit, the applicant enter into an agreement to do any or all of the following:
  - (a) to construct or pay for the construction of a road required to give access to the development;
  - (b) to construct or pay for the construction of:
    - (i) a pedestrian walkway system to serve the development, or
    - (ii) pedestrian walkways that will connect the pedestrian walkway system serving the development with a pedestrian walkway system that serves, or is proposed to serve, an adjacent development, or both;
  - (c) to install or pay for the installation of utilities that are necessary to serve the development;
  - (d) to construct or pay for the construction of:
    - (i) off-street or other parking facilities, and
    - (ii) loading and unloading facilities;
  - (e) to pay an off-site levy imposed by bylaw; and
  - (f) to give security to ensure that the terms of the agreement noted herein are carried out.
- (6) All decisions on applications for a development permit shall be given in writing to the applicant.

- (7) In the case where an application for a development permit has been refused pursuant to Section 3.0 of this Bylaw or ultimately after appeal pursuant to Section 4.0 of this Bylaw, the submission of another application for a permit on the same property and for the same use of the land by the same or any other applicant may not be accepted by the Development Authority for at least six (6) months after the date of the previous refusal, subject to Council indicating otherwise.
- (8) In the case where a proposed specific use of land or a building is not provided for in any district in the Bylaw, the Development Authority may determine that such use is similar in character and purpose to a permitted or discretionary use prescribed for that District in Section 7.0.
- (9) The Development Authority may approve an application for a development permit even though the proposed development does not comply with the regulations of this Bylaw, or if the development is to be a rebuilding, an enlargement, an addition, or a structural alteration of a non-conforming building, if, in the opinion of the Development Authority:
  - (a) the proposed development would not
    - (i) unduly interfere with the amenities of the neighbourhood, or
    - (ii) materially interfere with or affect the use, enjoyment or value of neighbouring properties, and
  - (b) the proposed development does not conflict with the use prescribed for the land or building in the bylaw.
- (10) A Development Authority may suspend or revoke a development permit:
  - (a) at any time, where the permit was issued on the basis of incorrect information, fraud, non-disclosure, or misrepresentation on the part of the applicant, or
  - (b) within fourteen (14) days of issue of the permit, where the permit was issued in error.
- (11) If a person fails to comply with a notice under Section 645 of the Act, the Development Authority may suspend or cancel any existing development permit by notice, in writing, to the holder of the permit.
- (12) A person whose development permit is suspended or cancelled under this Section may appeal to the Subdivision and Development Appeal Board.

### **3.7 DEVELOPMENT PERMITS AND NOTICES**

- (1) A permit granted pursuant to this Bylaw does not come into effect until fifteen (15) days after the date that notice of an order, decision or development permit is received as described in Section 3.7(4) of this Bylaw. For the purposes of this Bylaw, notice is deemed to be received on the fifth day after the date of the issuance of the order, decision, or permit. Any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant.



- (2) When a permit has been issued for the development of a permitted use, and no provisions of this bylaw have been relaxed, varied, or misinterpreted, the development permit issued becomes effective on the next day following the decision.
- (3) Where an appeal is made pursuant to Section 4.0 of this Bylaw, a development permit which has been granted shall not come into effect until the appeal has been determined and the permit may be modified or nullified thereby.
- (4) When a permit has been granted for an application for a permitted or discretionary use, the Development Authority:
  - (a) shall immediately post a notice of the decision conspicuously on the property for which the application has been made; and /or
  - (b) shall immediately mail a notice in writing to all owners of land who in the opinion of the Development Authority may be affected; and/or
  - (c) shall immediately cause to be published in a newspaper circulating in the municipality a notice stating the location of the property for which the application has been made and the use approved; and/or
  - (d) shall immediately post a notice in a conspicuous place open to public view in the Village Office; and/or
  - (e) shall immediately post a notice on the Village's internet website.
- (5) The notices issued pursuant to Section 3.7(4) above shall indicate:
  - (a) the date a decision on the development permit application was made;
  - (b) the location and use of the parcel in respect of which the application has been made and the decision of the Development Authority; and
  - (c) that an appeal of a development permit for a discretionary use or for a permitted use in which the regulations were relaxed, varied, or misinterpreted may be made by a person affected by the decision by serving written notice of the appeal and paying the appropriate appeal fee to the Subdivision and Development Appeal Board before the effective date of the development permit.
- (6) If the development authorized by a permit is not commenced within 12 months from the date of its issue, or completed within twenty-four (24) months of commencement, the permit is deemed to be void, unless an extension to this period has previously been granted by the Development Authority.
- (7) If the Development Authority has specified that a development permit is to remain in effect for a specified period, the development permit shall be considered void if development is not commenced and completed within the time period specified in the development permit.
- (8) When a development permit becomes void, a new application for a permit is required before development may proceed. There shall be no obligation to approve such application on the basis that a previous application had been approved for that development.

### **3.8 DEVELOPER'S RESPONSIBILITY**

- (1) A person to whom a development permit has been issued shall obtain from the appropriate authority, where applicable, permits relating to building, grades, sewers, sanitary and storm water disposal, water mains, electricity and highways, and all other permits required in connection with the proposed development.
- (2) The applicant shall be financially responsible during construction for any damage by the applicant, his servants, his suppliers, agents or contractors to any public or private property.
- (3) The applicant shall prevent excess soil or debris from being spilled on roads, lanes and sidewalks, and shall not place soil or any other materials on adjacent lot without permission in writing from adjacent property owners.
- (4) Sections 3.8(2) and (3) may be enforced pursuant to Section 4.0 of this Bylaw. Any costs incurred as a result of neglect to public property may be collected where financial guarantees have been required pursuant to this Bylaw.
- (5) A person in receipt of a development permit issued pursuant to this Bylaw must obtain where applicable any permits required pursuant to the Alberta Safety Codes Act, some of the regulations/provisions of which may not be consistent with the regulations/provisions of this Bylaw.
- (6) A development permit is not transferable without the prior consent of:
  - (a) the Development Authority; or
  - (b) the Subdivision and Development Appeal Board, if the permit was issued by the Subdivision and Development Appeal Board.

## **4.0 APPEALS**

### **4.1 APPEAL PROCEDURE**

- (1) An application for a development permit shall, at the option of the applicant, be deemed to be refused when a decision thereon is not made by the Development Authority within forty (40) days after receipt of the application by the Development Authority and the person claiming to be affected may appeal in writing as provided for in Section 4.0 of this Bylaw as though he/she had received a refusal at the end of the period specified in this subsection, unless the applicant and the Development Authority have entered into an extension agreement.
- (2) An appeal may be made to the Subdivision and Development Appeal Board where a Development Authority:
  - (a) refuses or fails to issue a development permit to a person within forty (40) days of receipt of a completed application or prior to the expiry date of an agreement between the applicant(s) and the Development Authority to extend the 40-day period herein described, or
  - (b) issues a development permit subject to conditions, or
  - (c) issues a stop order under the Act.
- (3) An appeal may be made to the Subdivision and Development Appeal Board by the person applying for the permit or affected by an order, decision or development permit, or any other person affected by an order, decision or development permit issued by the Development Authority.
- (4) Notwithstanding Sections 4.1(1), (2) and (3), 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.
- (5) An appeal to the Board shall be commenced by serving a written notice of appeal, together with reasons for the appeal and the development appeal fee as established by resolution of Council to the Secretary of the Board within fourteen (14) days after:
  - (a) in the case of an appeal made by a person referred to in the Act or under Section 4.1(3) of this Bylaw, the date on which
    - (i) the person is notified of the order of decision or issuance of the development permit, or
    - (ii) if no decision is made with respect to the application for a development permit after forty (40) days of the receipt of an application, or
  - (b) in the case of an appeal made by a person referred to in the Act or under Section 4.1(3) of this Bylaw, the date on which the notice of the issuance of the permit was given in accordance with the Bylaw.

### **4.2 APPEAL HEARING**

- (1) Within thirty (30) days of receipt of a notice of appeal, the Board shall hold an appeal hearing respecting the appeal.

- (2) The Subdivision and Development Appeal Board shall give at least five (5) days notice in writing of the appeal hearing to:
  - (a) the appellant,
  - (b) the Development Authority from whose order, decision or development permit the appeal is made,
  - (c) those registered owners of land in the municipality who were notified under Section 3.7 (4)(b) and any other person who in the opinion of the Subdivision and Development Appeal Board, are affected by the order, decision or permit, and
  - (d) such other persons as the Subdivision and Development Appeal Board specifies.
  
- (3) The Subdivision and Development Appeal Board shall make available for public inspection before the commencement of the hearing all relevant documents and materials respecting the appeal including:
  - (a) the application for the development permit, its refusal and the appeal therefrom, or
  - (b) the order of the Development Authority under Section 5.1, as the case may be.
  
- (4) At the hearing referred to in subsection 4.2(1), the Board shall hear
  - (a) the appellant or any person acting on their behalf,
  - (b) the Development Authority from whose order, decision or development permit the appeal is made, or if a person is designated to act on behalf of the Development Authority, that person,
  - (c) any other person who was served with notice of the hearing and who wishes to be heard or a person acting on their behalf, and
  - (d) any other person who claims to be affected by the order, decision or permit and that the Subdivision and Development Appeal Board agrees to hear or a person acting on their behalf.

### **4.3 DECISION**

- (1) The Subdivision and Development Appeal Board shall:
  - (a) make and keep a written record of its proceedings which may be in the form of a summary of the evidence presented to it at the hearing, and
  - (b) give its decision in writing together with reasons for the decision within fifteen (15) days of the conclusion of the hearing.
  
- (2) In determining an appeal, the Board:
  - (a) shall comply with any statutory plan and, subject to subsection (c) below, this Land Use Bylaw,
  - (b) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own,
  - (c) may make an order or decision or issue or confirm the issue of a development permit notwithstanding that the proposed development does not comply with the Land Use Bylaw if, in its opinion,
    - (i) the proposed development would not

- (A) unduly interfere with the amenities of the neighbourhood,  
or
    - (B) materially interfere with or affect the use, enjoyment or value of the neighbouring properties, and
  - (ii) the proposed development conforms with the use prescribed for that land or building in the Land Use Bylaw.
- (3) A decision made under this part of the Bylaw is final and binding on all parties and all persons subject only to an appeal upon a question of jurisdiction or law pursuant to the Act. An application for leave to appeal to the Court of Appeal shall be made
  - (a) to a judge of the Court of Appeal, and
  - (b) within thirty (30) days after the issue of the order, decision, permit or approval sought to be appealed.

## 5.0 ENFORCEMENT

### 5.1 CONTRAVENTION

- (1) Where a Development Authority finds that a development or use of land or buildings is not in accordance with
  - (a) the Act or the regulations, or
  - (b) a development permit or subdivision approval, or
  - (c) the Land Use Bylaw,the Development Authority may, by notice in writing, order the registered owner, the person in possession of the land or buildings or the person responsible for the contravention or all or any of them to:
  - (d) stop the development or use of the land or buildings in whole or in part as directed by the notice, or
  - (e) demolish, remove or replace the development, or
  - (f) take such other measures as are specified in the notice so that the development or use of the land or buildings is in accordance with the Act, the regulations, a development permit, subdivision approval or this Bylaw as the case may be,within the timeframe specified by the notice.
- (2) A person who receives a notice referred to in Section 5.1(1) may appeal to the Subdivision and Development Appeal Board pursuant to Section 4.0 of this Bylaw.
- (3) Where a notice is issued under Section 5.1(1), the notice shall state the following and include any other information considered necessary by the Development Authority:
  - (a) an explanation of the contravention, and a statement indicating under which provisions of this Bylaw or the Act the order is being carried out;
  - (b) the alternatives and processes which the person responsible for the contravention may pursue in order to correct the contravention; and
  - (c) a time frame in which the contravention must be corrected prior to the Village pursuing action.
- (4) Where a person fails or refuses to comply with an order directed to them under Section 5.1 or an order of the Subdivision and Development Appeal Board under Section 4.0 the Development Authority or other person appointed by Council may, in accordance with Section 542 of the Act, enter upon the land or building and take such action as is necessary to carry out the order.
- (5) Where the Development Authority or other person appointed by Council carried out an order, Council shall cause the costs and expenses incurred in carrying out the order to be placed on the tax roll as an additional tax against the property concerned and that amount shall be collected in the same manner as taxes on land.

## 5.2 OFFENSES AND PENALTIES

- (1) A person who:
  - (a) contravenes any provision of the Act or the regulations under the Act,
  - (b) contravenes this Bylaw,
  - (c) contravenes an order under Section 5.1 of this Bylaw and/or Section 645 of the Act,
  - (d) contravenes a development permit or subdivision approval or a condition attached thereto, and/or
  - (e) obstructs or hinders any person in the exercise or performance of his powers or duties under this Act, the regulations under the Act or this Bylawis guilty of an offense and is liable to a fine prescribed in Section 566 of the Municipal Government Act.
- (2) If a person is found guilty of an offense under Section 5.2 of this Bylaw (Section 557 of the Act), the court may, in addition to any other penalty imposed, order the person to comply with:
  - (a) the Act and the regulations under the Act,
  - (b) this Bylaw,
  - (c) an order under Section 5.1 of this Bylaw and/or Section 645 of the Act, and/or
  - (d) a development permit or subdivision approval or a condition attached to a development permit or subdivision approval.
- (3) Any written notice, or order, or decision that is required under any provision of this Bylaw to be provided to any person shall be deemed to have been so provided if it is:
  - (a) delivered personally to the person or their agent it is directed to; or
  - (b) mailed by regular mail to the last known address of the person it is directed to; or
  - (c) left with any agent or employee or resident at the last known address of the person to whom it is directed.

## 5.3 VIOLATION TICKETS

- (1) In addition to the process and penalties described above, the Development Authority or any other person identified as a designated officer by the Council for the purposes of this Section, shall be authorized to issue violation tickets in respect to any contravention of this Bylaw.
- (2) Violation Tickets
  - (a) The Development Authority or any other person identified as a designated officer by the Council for the purposes of this Section, may issue a violation ticket to any person alleged to have breached any provision of this Bylaw.
  - (b) The violation ticket shall specify the alleged offence committed by the person to whom the violation ticket is issued and require payment, within twenty-one (21) days from the date of issue of the violation ticket, of a fine to the Village.

- (c) Persons contravening any provision of this Bylaw to whom violation tickets are issued shall be liable for a penalty of \$500.00 for a first offence and \$1000.00 for a second or subsequent offence. Each day that a breach of the Bylaw has occurred may be considered to be a separate offence.
- (d) The violation ticket shall be served upon the alleged offender personally or by single registered regular mail. If payment is made within the time limit, then such payment shall be accepted in lieu of prosecution for the offence.
- (e) If a person who has been served with a violation ticket fails to pay the fine specified therein, then the right of the alleged offender to settle the alleged offence without a court appearance shall no longer apply and prosecution for the alleged offence shall proceed.
- (f) If the person who was served with the violation ticket is thereafter prosecuted and convicted of the offence specified in the violation ticket, the fine imposed shall not be less than \$500.00, plus court costs, for each offence.



## **6.0 GENERAL REGULATIONS**

### **6.1 SUBDIVISION OF LAND**

- (1) Where the development of land involves a subdivision of land, no development permit shall be issued until the subdivision has been registered at the Land Titles Office.

### **6.2 NUMBER OF DWELLING UNITS ON A LOT**

- (1) No development permit shall be issued for more than one (1) dwelling unit on a lot.
- (2) Notwithstanding Section 6.2 (1) above, a development permit may be issued for more than one (1) dwelling unit on a lot if:
  - (a) the dwelling unit is a secondary suite or an approved accessory building and conforms to the regulations for secondary suites contained within this Bylaw, or
  - (b) the additional dwelling units are contained within dwellings such as an apartment, duplex, or row housing and are located in a Land Use District where such a development is allowed.

### **6.3 SIGN REGULATIONS**

- (1) **General Sign regulations:**
  - (a) No sign of any sort, with the exception of that to advertise the sale of a dwelling or a lot in a Residential District, shall be erected on land or affixed to the exterior of a building, including a fence, unless a development permit has been issued.
  - (b) The Development Authority may require the removal of any sign which, in his opinion, is unsightly, offensive, or is in such a state of disrepair as to constitute a hazard.
  - (c) No sign shall be of a size or design such that it obstructs the vision of persons using the roads or sidewalks abutting the lot on which the sign is located.
  - (d) Signs incorporating flashing lights, animation, and fluorescent colours are prohibited.
  - (e) No sign shall obstruct the view of or be otherwise confused with an official traffic sign or traffic signal device.
  - (f) The Development Authority may require an engineer-approved plan prior to the issuance of a development permit in order to ensure that a proposed sign does not threaten public safety.
  - (g) In the event of business closure, the business owner (or receiver) shall be responsible for the immediate removal of all signs upon closure of the business.

- (2) **Portable Signs:**
- (a) A single portable sign may be allowed on a lot at a given time, and a minimum of thirty (30) days shall elapse between the removal of one portable sign and the erection of another.
  - (b) The use of portable signs shall be limited to a maximum of sixty (60) days following which time the sign shall be removed from the lot.
  - (c) No portable sign shall be higher than 2.0 m (6.6 ft.) above grade or larger than 3.0 m<sup>2</sup> (32.3 ft<sup>2</sup>) in area.
- (3) **Signs for Home Occupations**
- (a) When an occupant of a dwelling has been granted a development permit for a home occupation, that person may place a single sign, not larger than 0.2 m<sup>2</sup> (2.2 ft.<sup>2</sup>), flat against a wall or window of the dwelling.
- (4) **Awning, Canopy, and Projecting Signs**
- (a) Signs projecting from the wall of a building are not allowed in Residential Districts.
  - (b) In all Non-Residential Districts, a single canopy sign shall be allowed for each side of the lot that abuts a road.
  - (c) All signs of this type shall have a vertical clearance of not less than 2.5 m (8.2 ft.) above the road grade.
  - (d) No sign of this type shall project to within 1.0 m (3.3 ft) of the carriageway of a road or interfere in any way with access to overhead utility lines.
- (5) **Wall, Fascia, and Roof Signs**
- (a) In all Non-Residential Districts, a wall, fascia, or roof sign shall be allowed providing it:
    - (i) indicates only the name and nature of the development;
    - (ii) projects no more than 0.3 m (1.0 ft.) from the wall to which it is attached;
    - (i) provides a minimum of 2.5 m (8.2 ft.) vertical clearance above grade;
    - (iv) projects no more than 2.0 m (6.5 ft.) above the top of the wall to which it is attached.

## 6.4 ACCESSORY BUILDINGS

Where a structure is attached to the main building by either of an open or enclosed roofed structure it is considered to be part of that main building and not an accessory building.

### (1) **Height**

In Residential Districts, unless otherwise provided:

- (a) accessory buildings shall not exceed 6.0 m (19.7 ft.) in height, and
- (b) no more than 12% of the site shall be covered by the accessory building(s).

(2) **Appearance**

- (a) In all Districts, all accessory buildings shall have an exterior finish of paint, siding or stucco, or other material as approved by the Development Authority. This exterior finish shall match or harmonize with the main building and be compatible with adjacent development.
- (b) Sea cans must be well-maintained and in good condition, or alternatively, must be adequately buffered to the satisfaction of the Development Authority. The Development Authority may require that a sea can be given a fresh coat of paint before the issuance of a development permit.

(3) **Temporary Development Permits**

Development permits for non-permanent accessory buildings including but not limited to garage shelters and sea cans shall be issued on a temporary basis for a period not to exceed three (3) years. The three (3) year period may be extended at the discretion of the Development Authority.

(4) **Yards**

No accessory buildings, other than gazebos, shall be located in a front yard.

(5) **Renewable Energy and Satellite Dishes**

Notwithstanding any height restrictions in this Bylaw to the contrary, small wind energy conversion systems, solar energy conversion systems and satellite dishes may be allowed at the discretion of the Development Authority, so long as they conform to national standards and are installed according to the recommendations of the system manufacturer. Free-standing small wind energy conversion systems, solar energy conversion systems and satellite dishes must conform to all other regulations pertaining to accessory buildings.

**6.5 LANDSCAPING, SCREENING, TREE PLANTING**

- (1) As a condition of the granting of a development permit, all proposed landscaping and planting must be carried out within twelve (12) months of occupancy or commencement of operation of the proposed development.
- (2) Any landscaping plan shall be such that the finished surface contours do not affect drainage either onto or off of an adjacent lot.
- (3) Should the Development Authority, in his sole opinion, deem a proposed development to be potentially unsightly, the submission and implementation of a proposal outlining the screening of such unsightly development shall be a condition of the issuance of a development permit. This screening shall be carried out in accordance with the direction of the Development Authority.
- (4) In any Residential District, acceptable landscaping for the front yard shall include manicured lawns, rock gardens, water features, ornamental plants and the cultivation of vegetables, or a combination thereof.

- (5) The clearing of vegetation on new lots shall be minimized in order to maintain aesthetic and visual buffers from neighbouring properties. A site plan detailing the protection of existing trees shall accompany any application for a development permit. If trees must be removed due to development, the landowner/developer shall be required to plant an equivalent number of trees at an alternate location in the Village deemed appropriate by the Development Authority.

## 6.6 PARKING REQUIREMENTS

- (1) The following minimum number of parking spaces shall be provided at the Development Authority's discretion and maintained by the developer of a parcel or building in any Land Use District as described in Part Seven of this Land Use Bylaw. The Village shall require 60% of the parking spaces to be built in accordance with the dimensions in Figure 13 and 40% of the parking spaces to be built in accordance with the dimension in Figure 14.

Note:

Any calculation of the number of required spaces which produces a requirement for part of a parking space shall be rounded up to the next highest integer.

### USE

### MINIMUM NUMBER OF PARKING SPACES

#### Commercial

Amusement Establishments	1 space/20 m <sup>2</sup> (215 ft. <sup>2</sup> )
Child Care Facilities	1 space/employee
General Retail Establishments	1 space/employee, plus 1 space/40 m <sup>2</sup> (430 ft. <sup>2</sup> )
Eating and Drinking Establishments	1 space/10 seats
Motels/Hotels	1 space/guest room
Offices	1 space/employee
Offices that are Financial Services	1 space/employee, plus 1 space/40 m <sup>2</sup> (430 ft. <sup>2</sup> )
Personal Service Shops	1 space/20 m <sup>2</sup> (215 ft. <sup>2</sup> )
Vehicles and Equipment Sales	1 space/50 m <sup>2</sup> (538 ft. <sup>2</sup> )

#### Industrial

Minimum requirement	1 space per 3 employees at maximum shift, with a minimum of 6 spaces
Office Area	1 space/50 m <sup>2</sup> (538 ft. <sup>2</sup> )
Other Area	1 space/50 m <sup>2</sup> (538 ft. <sup>2</sup> )

#### Institutional

Hospitals and Nursing Homes	1 space/2 employees, plus 1 space/4 beds
Places of Worship	1 space/4 seats
Schools:	
Elementary	1 space/employee

Senior High

1 space/employee, plus

1 space/20 students

## Residential

All

1.75 spaces/dwelling unit

Major home occupations

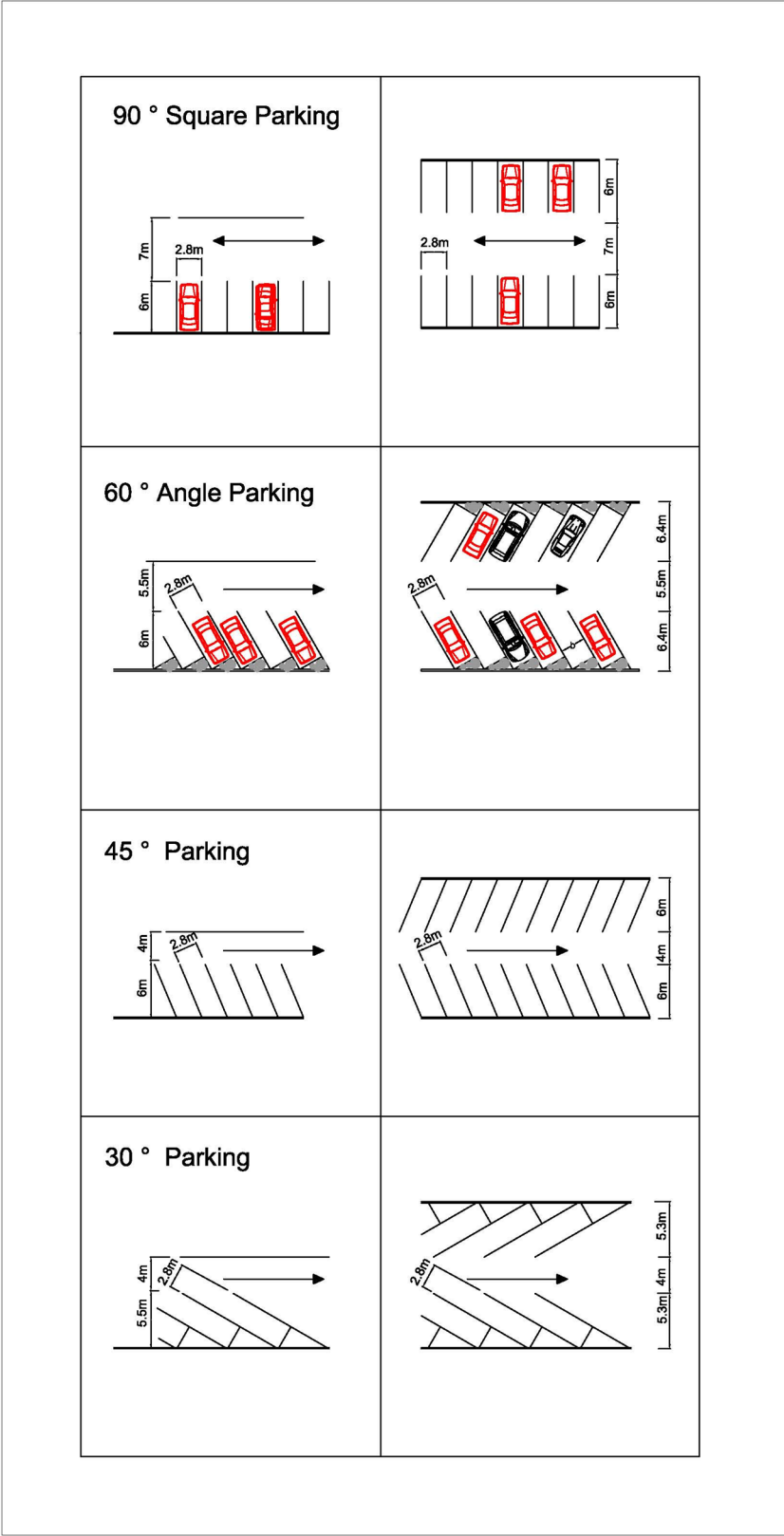
As required by the Development Authority

- (2) The number of spaces required for uses not listed above shall be determined by the Development Authority having regard to similar uses listed above and the estimated traffic generation and attraction of the proposed development.
- (a) When a building is enlarged or the use of a parcel or building is changed or increases on intensity, the additional parking spaces required shall be limited to the difference between the requirement of the original building or use and that of the enlarged building or intensified use.

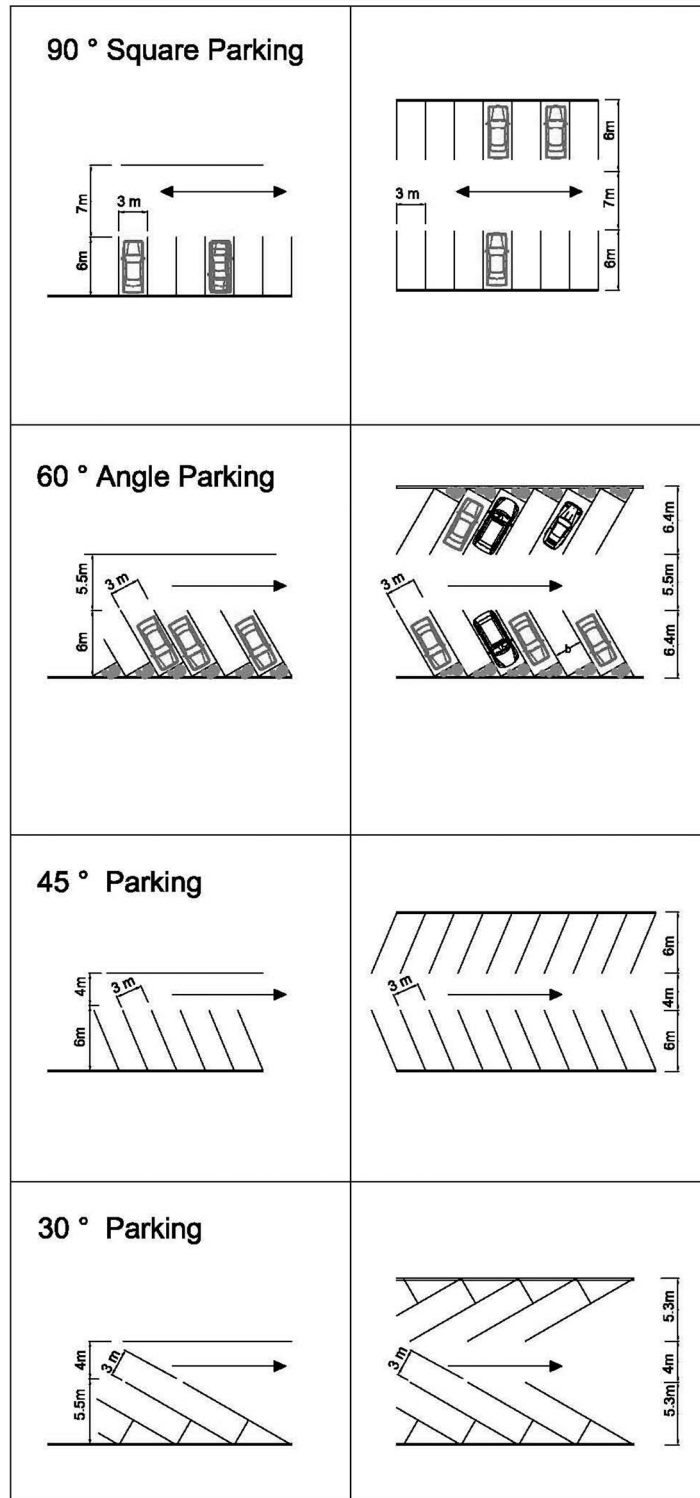
(3) Off-site and Communal Parking Facilities

In Districts other than Residential Districts, and subject to approval by the Development Authority, required parking for any development may be provided on another lot, separate from the development in accordance with the following:

- (a) The parking, in the opinion of the Development Authority, must be suitable, easily accessible and within a reasonable distance of the associated development.
- (b) Future use of the lot must be ensured to the satisfaction of the Development Authority. This may be done by a restrictive covenant registered on the title, a suitable bond posted by the developer, or by any other legal method.
- (c) At the option of the Development Authority, in lieu of off-street parking, a developer shall pay the Village to provide equivalent public parking. The Development Authority shall determine the amount of money in lieu of parking, based on current market values, and the money shall be used only to provide off-street public parking.



**Figure 13: Small Car Parking Requirements**



**Figure 14: Large Car Parking Requirements**

## 6.7 WORK CAMPS

- (1) All work camps shall be considered temporary developments.
- (2) All work camps require a development permit and the Development Authority shall give due regard to the need, location and type of camp, prior to rendering its decision.
- (3) A development permit for a work camp may be issued for up to one (1) year, at which time an application may be made for a continuance of the use for one (1) additional year, after which new development permit approval is required.
- (4) The Development Authority may establish whatever conditions for the approval of a work camp that it, at its sole discretion, deems reasonable to ensure that the work camp will be a temporary development.
- (5) An application for a development permit for a work camp must provide the following information:
  - (a) the location, type and purpose of the camp;
  - (b) adjacent land uses;
  - (c) the method for connecting the proposed development to municipal water, sewage, waste disposal and storm water systems;
  - (d) the number of persons proposed to live in the camp;
  - (e) the start date for the development, date of occupancy by residents, and removal date for the camp; and
  - (f) reclamation measures to be completed once the camp is no longer needed.
- (6) All work camps must:
  - (a) be linked to a specific project(s) for which a valid and current Development Permit has been issued. If the project is located in another municipality a copy of the current approved development permit must be provided to the municipality by the developer. Work camps will only be permitted to accommodate workers for the project(s) to which they are linked;
  - (b) have all required access, including internal roadways and intersection improvements, provided to the satisfaction of the Development Authority at the sole cost to the developer;
  - (c) be designed so that all points of access and egress are located to the satisfaction of the Development Authority and Alberta Transportation, if Alberta Transportation approval is required;
  - (d) be able to accommodate a minimum of twenty (20) persons and a maximum of three hundred (300) persons;
  - (f) have adequate buffering measures such as berms, fences and landscaping. The form of the buffering will be determined by and to the satisfaction of the Development Authority;
  - (g) provide on-site security staff;
  - (h) provide all parking on the lot with all parking areas developed to the satisfaction of the Development Authority. Normally, on site parking for private motor vehicles will adhere to the same standard as parking for a



- hotel/motel. Parking should be provided adjacent to the work camp units rather than in a centralized parking lot separate from the units;
- (i) post security with the Village of Alliance sufficient to remove and/or reclaim the site if the work camp remains on site after the project is completed or if the work has stopped to the extent that the municipality no longer feels that the work camp is necessary to the project, or to reclaim the site if needed after the work camp has been removed from the site; and
  - (j) be separated from adjacent land uses.
- (7) Maximum lot coverage shall be such that space is available for all the parking on the lot, together with the applicable setbacks and required landscaping as determined by the Development Authority.
  - (8) Adjacent buildings in work camps shall be located sufficient distance from each other as required for fire protection purposes as determined by the Alberta Safety Codes Act and by the Development Authority.
  - (9) Screening and fencing of storage areas shall be to the satisfaction of the Development Authority.
  - (10) The work camp should be designed such that the work camp units are organized around a central amenity space, to be landscaped to the satisfaction of the Development Authority. The central amenity space should be designed to function as an informal meeting/community area.

## **6.8 MANUFACTURED AND MOBILE HOMES**

- (1) Before a development permit is issued for a manufactured or mobile home, the Development Authority must receive verification that the home fully complies with both the CSA Z240 MH National Mobile Home Standard (certified with a CSA label) and the Alberta Building Code (ABC). In order to ascertain compliance the Development Authority will require an inspection by an Alberta Safety Codes Officer.
- (2) Should the inspection by the Alberta Safety Codes Officer indicate that upgrades to the manufactured or mobile home are necessary to bring the home into compliance with the CSA Z240 standard or the ABC, all required upgrades shall be made before the occupancy of the building for residential purposes.
- (3) In addition to the requirements of Sections 6.8(1) and 6.8(2) above, a manufactured or mobile home must meet the following aesthetic regulations:
  - (a) The height of the main floor above grade shall be consistent with the height of the main floor of dwellings in the immediate and general area.
  - (b) The roof pitch shall be consistent with the roof pitch of dwellings in the immediate and general area.
  - (c) Exterior finishing materials used on the roof and exterior walls shall be consistent with the materials used on dwellings in the immediate and general area and in good condition.
  - (d) Minimum roof overhang or eaves should be consistent with the overhang or eaves of dwellings in the immediate and general area.

- (e) The design of each manufactured or mobile home shall ensure the side or end facing the road on which the home fronts contains a prominently placed front door, and windows in quantity and size that are consistent with dwellings in the immediate area.
- (f) Every manufactured or mobile home shall be placed on a full perimeter foundation that complies with the Alberta Building Code unless the manufactured or mobile home is designed to be supported on longitudinal floor beams, in which case an alternate skirted foundation system as described in CSA Z240.10.1 may be employed.
- (g) The full perimeter foundation or the skirting material utilized on an alternative skirting foundation should be parged in order to create the same finished appearance customarily found on concrete basements of single detached dwellings in the immediate and general area.

Any required aesthetic upgrades to the manufactured or mobile home must be completed before occupancy of the building for residential purposes. The completion of foundation or skirting material must be completed within 30 days of the placement of the mobile or manufactured home on a lot.

## **6.9 FENCES, HEDGES AND WALLS**

- (1) Notwithstanding any other regulation respecting required yards in this Bylaw, a fence, hedge or wall may be constructed along a boundary line of a lot or immediately adjacent to a main building.
- (2) No fence, wall, hedge or other enclosure shall be higher than:
  - (a) 1.82 m (6.0 ft.) measured as the average elevation from the ground, except
  - (b) 0.91 m (3.0 ft.) within a required front yard.

## **6.10 SECONDARY SUITES**

- (1) A secondary suite shall:
  - (a) be an accessory use to the main dwelling on a lot,
  - (b) if within the main building on the lot, create minimal structural change to the front exterior of the main building, so that the building appears as a single dwelling unit,
  - (c) have a minimum floor area of 35.0 m<sup>2</sup> (378 ft<sup>2</sup>),
  - (d) have a maximum floor area equal to no more than 40% of the floor area of the main dwelling if the secondary suite is not in a basement, except that if the secondary suite is in a basement, the maximum size shall be determined at the sole discretion of the Development Authority,
  - (e) contain sleeping, cooking, and bathroom facilities,
  - (f) have full utility services through service connection from the main dwelling,
  - (g) comply with the Alberta Building Code and all other Provincial and Municipal regulations,
  - (h) be provided with off-street parking in accordance with this Bylaw, and
  - (i) where applicable, not be considered in the maximum density prescribed for the District in which the secondary suite is located.

- (2) The lot on which a secondary suite is located shall:
  - (a) be limited to one secondary suite, and
  - (b) not be subdivided (in title) as a result of the presence of a secondary suite.
- (3) A secondary suite shall not be developed within the same dwelling containing a group care facility or bed and breakfast establishment.
- (4) A recreational vehicle cannot be used as a secondary suite.

## 6.11 HOME OCCUPATIONS

- (1) General Provisions:
  - (a) A home occupation shall be operated as a secondary use only and shall not change the principal character and external appearance of the dwelling in which it is located.
  - (b) No advertisement or sign visible from the exterior of the dwelling shall be allowed as part of a home occupation other than that provided for under subsection 6.3 (3).
  - (c) Subject to Section 6.3 of this Bylaw, one non-illuminated fascia sign or nameplate may be placed within or flat against the dwelling unit or any accessory building to identify a home occupation provided the sign or nameplate is not greater than 0.2 m (2.2 ft.<sup>2</sup>) in area.
  - (d) A home occupation shall not be allowed if, in the opinion of the Development Authority, the home occupation would be more appropriately located in a Commercial or Industrial District.
  - (e) A home occupation shall not, in the opinion of the Development Authority, be a source of inconvenience, or materially interfere with or affect the use, enjoyment or value of any neighbouring parcel by way of excessive noise, smoke, steam, odour, dust, vibration or refuse matter which would not be commonly found in the neighbourhood.
  - (f) There shall be no mechanical or electrical equipment used which create visual, audible or electrical interference in radio or television reception.
  - (g) Persons wishing to operate a major home occupation from their place of residence shall be required to apply for a development permit from the Village of Alliance. The applicant shall be required to obtain a business license prior to the issuance of a development permit. Each application for a home occupation shall be accompanied by a description of the business to be undertaken in the dwelling, an indication of the anticipated number of business visits per week, and details for the provision of parking along with other pertinent details of the business operation.
  - (h) A home occupation shall be reviewed by the Village of Alliance when complaints are registered against the home occupation by an affected landowner. A permit issued for a home occupation is liable for recall on the basis of non-compliance on 30 days notice.
  - (i) A home occupation permit does not exempt compliances with health regulations or any other municipal or provincial regulations.
  - (j) Home occupation permits shall be valid only for one (1) year at which time they shall be subject to an application for renewal.

- (k) A home occupation shall not generate pedestrian or vehicular traffic or parking shortage in excess of that which is characteristic of the land use district in which it is located.
  - (l) Any vehicles parked on-street as a result of the home occupation shall, in the opinion of the Development Authority, not be a source of inconvenience to adjacent landowners or tenants.
- (2) In addition to the requirements of subsection 6.14 (1), a major home occupation shall comply with the following regulations:
- (a) The major home occupation shall not, in the opinion of the Development Authority, generate pedestrian or vehicular traffic or parking which is excessive for its location relative to other dwellings.
  - (b) The number of non-resident employees or business partners working on-site shall not exceed one (1) at any time.
  - (c) There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business allowed on the site. Storage related to the business activity shall be allowed in either the dwelling or accessory buildings.
  - (d) Articles offered for sale shall be limited to those produced within the dwelling or the accessory building(s).
- (3) In addition to the requirements of subsection 6.14 (1), a minor home occupation shall comply with the following regulations:
- (a) The minor home occupation shall not employ any person on-site other than a resident of the dwelling. Nor shall the business be such that any clients come to the dwelling.
  - (b) There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business allowed on the site. Storage and the business activity itself shall only be allowed inside the dwelling and not in an accessory building. The minor home occupation does not involve the display of goods in the interior of the residence.
- (4) The applicant for a home occupation shall be responsible for acquiring all necessary Alberta Safety Codes permits.

## **6.12 REMOVAL OF TOPSOIL**

A development permit shall be required for the removal of topsoil from any lot or portion of lot within the municipality. Such a development permit shall only be granted when it can be demonstrated to the satisfaction of the Development Authority that the removal of topsoil is related to an approved development permit for the use of land or construction on the land and/or in relation to an approved landscaping plan.

## 7.0 LAND USE DISTRICTS

### 7.1 R1 – RESIDENTIAL DISTRICT

#### **Purpose:**

To establish areas for low density residential development in the form of detached dwellings and compatible uses which are connected to the municipal sewer and water systems.

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

- (a) Type A Single Detached Dwellings
- (b) Minor Home Occupations
- (c) Buildings and uses accessory to permitted uses

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

- (a) Boarding/Lodging Houses
- (b) Bed and Breakfast Establishments
- (c) Day Homes
- (d) Duplexes
- (e) Major Home Occupations
- (f) Parks
- (g) Places of Worship
- (h) Public Utilities that have no workshop as a part of the development
- (i) Row Housing
- (j) Secondary Suites
- (k) Buildings and uses accessory to discretionary uses

#### **(3) Site Requirements for Permitted Uses:**

- (a) The minimum lot area for a Type A Single detached dwelling shall be 475 m<sup>2</sup> (5113 ft.<sup>2</sup>) if the lots are bordered on one side with a lane, and 555 m<sup>2</sup> (5974 ft.<sup>2</sup>) if the lots are not bordered by a lane, or such greater size necessitated to meet minimum yard requirements.
- (b) The minimum yard requirements shall be
  - (i) Front Yard: 6.0 m (19.7 ft.)
  - (ii) Side Yard: 1.5 m (5 ft.) on both sides of the building shall be required except:
    - where the lot width exceeds 15 m (50 ft.), a minimum of 10% of site width up to a maximum of 3.0 m (9.8 ft.) shall be required on both sides of the building.
    - where on a corner lot, a minimum of 3.0 m (9.8 ft.) shall be required as a side yard abutting the road, and 1.5 m (5 ft.) on the other side.
  - (iii) Rear Yard: 6.0 m (19.7 ft.)

- (c) The minimum floor area for a Type A Single detached dwelling (not including attached garage):
- |   |  |
|---|--|
| One Storey                                | 85 m <sup>2</sup> (915 ft. <sup>2</sup> )  |
| One and One Half Storey<br>or Split Level | Upper Floor: 37 m <sup>2</sup> (400 ft. <sup>2</sup> )<br>Lower Floor: 70 m <sup>2</sup> (750 ft. <sup>2</sup> )     |
| Two Storey                                | Upper Floor: 60.3 m <sup>2</sup> (650 ft. <sup>2</sup> )<br>Lower Floor: 60.3 m <sup>2</sup> (650 ft. <sup>2</sup> ) |
| Bi-Level                                  | Upper Floor: 79 m <sup>2</sup> (850 ft. <sup>2</sup> )   |
- (d) The maximum allowable building height of a Type A Single detached dwelling shall be 8.0 m (26 ft.).
- (e) The maximum lot coverage shall be 40%.
- (f) OTHER requirements are:
- (i) Accessory buildings shall be:
- 1.0 m (3.3 ft.) from the main building provided that all requirements pursuant to the Alberta Safety Codes Act are satisfied
  - 1.0 m (3.3 ft.) from any property line provided that vehicle access doors to a garage are no closer than 5.2 m (17 ft.) from the property line which the doors face.
- (ii) No fence or wall shall be:
- Higher than 1.82 m (6.0 ft.) from surrounding grade in side and rear yards.
  - Higher than 0.91 m (3.0 ft.) in required front yards

**(4) Site Requirements for Discretionary Uses:**

- (a) The minimum lot area for duplexes shall be 555 m<sup>2</sup> (5974 ft.<sup>2</sup>).
- (b) The minimum lot area for row housing units shall be 240 m<sup>2</sup> (2583 ft.<sup>2</sup>) for both interior and corner units.
- (c) The minimum lot areas for all other uses shall be established by the Development Authority, taking each case on its own merits.

**(5) Yard Requirements for Discretionary Uses:**

- (a) The minimum yard requirements shall be the standards specified in Sections 7.1.3(b) above.

**(6) Secondary Suites**

Secondary Suites may be allowed in basements, at the same grade as the main dwelling unit, above the dwelling unit, or within an accessory building.

**(7) Row Housing**

- (a) The maximum density for row housing shall be 35 dwelling units per ha (14 per ac.).
- (b) All other development regulations for row housing shall be at the discretion of the Development Authority.
- (c) The Development Authority shall not issue a development permit for row housing, or other form of higher density residence unless he is satisfied that the proposed development is suitable in the neighbourhood, bearing in mind its potential impact on the neighbourhood.

**(8) Other requirements are:**

- (a) The Development Authority may refer applications for development permits for discretionary uses to any agency the Development Authority feels is necessary for comments.
- (b) Accessory buildings in parks shall have a maximum height of 8.0 m (26 ft.).
- (c) Major home occupations may be allowed if:
  - (i) in the opinion of the Development Authority the dwelling in which it is proposed to carry on the major home occupation has adequate floor space and the use conforms with the residential nature of the dwelling;
  - (ii) the major home occupation is carried on entirely within the building and that no more than one outside employee is engaged;
  - (iii) the Development Authority attaches the condition that no display of goods may be visible on the premises.

## 7.2 R2 – RESIDENTIAL DISTRICT

### Purpose:

To establish an area for higher density residential development in the form of apartments.

### (1) Permitted Uses:

- (a) Apartments
- (b) Minor home occupations
- (c) Buildings and uses accessory to permitted uses

### (2) Discretionary Uses

- (a) Major home occupations
- (b) Buildings and uses accessory to discretionary uses

### (3) Site Requirements:

- (a) The minimum lot area for apartments shall be 555 m<sup>2</sup> (5974 ft.<sup>2</sup>) for four (4) dwelling units or less. The minimum lot area for apartments for more than four (4) dwelling units but less than twelve (12) shall be 1100 m<sup>2</sup> (12,000 ft.<sup>2</sup>). The minimum lot area for apartments for twelve or more dwelling units shall be at the discretion of the Development Authority.
- (b) The minimum yard requirements shall be
  - (i) Front Yard: 6.0 m (19.7 ft.)
  - (ii) Side Yard: 6.0 m (19.7 ft.) on both sides of the building
  - (iii) Rear Yard: 6.0 m (19.7 ft.)
- (c) Maximum building height for apartments – 2 storeys or 8.0 m (26 ft.), whichever is the lesser
- (d) The maximum lot coverage shall be 40%.
- (e) Accessory buildings shall be:
  - 1.0 m (3.3 ft.) from the main building provided that all requirements pursuant to the Alberta Safety Codes Act are satisfied
  - 1.0 m (3.3 ft.) from any property line provided that access doors to a garage are no closer than 5.2 m (17 ft.) from the property line which the doors face.
- (f) No fence or wall shall be:
  - Higher than 1.82 m (6.0 ft.) from surrounding grade in side and rear yards.
  - Higher than 0.91 m (3.0 ft.) in required front yards



## 7.3 C1 – CENTRAL COMMERCIAL DISTRICT

### **Purpose:**

To establish a central, pedestrian-oriented commercial service and business district that acts as the central focus of business activity in the Village of Alliance.

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

- (a) Eating and Drinking Establishments
- (b) Equipment Rental Establishments
- (c) Funeral Homes
- (d) General Retail Establishments
- (e) Government Services
- (f) Health Services
- (g) Hotels
- (h) Indoor Amusement Establishments
- (i) Motels
- (j) Offices
- (k) Parking Lots, but not for Heavy Vehicles
- (l) Parks
- (m) Personal Service Shops
- (n) Public Uses
- (o) Public Utilities
- (p) Veterinary Clinics
- (q) Buildings and uses accessory to permitted uses

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

- (a) Automotive and Equipment Repair Shops
- (b) Bowling Alleys
- (c) Billiard Halls
- (d) Child Care Facilities
- (e) Cinemas
- (f) Drive-in Businesses
- (g) Dwelling Units in a building which is, in part, occupied by any other use listed as either a permitted or a discretionary use in the C1 District
- (h) Entertainment Establishments
- (i) Gas Bars
- (j) Manufacture or treatment of products essential to an adjacent retail business, if the floor space area is not greater than 400 m<sup>2</sup> (4300 ft.<sup>2</sup>) and provided further that all manufacture or treatment occurs indoors, for example, a bakery, dry cleaner, etc.
- (k) Private Clubs
- (l) Service Stations
- (m) Workshops used by a carpenter, a wood-worker, a metal worker, a painter, a pipe fitter, a decorator, an electrician, a plumber, a printer, an upholsterer, or by a similar tradesperson
- (n) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (o) Buildings and uses accessory to discretionary uses

**(3) Site Requirements:**

- (a) The minimum lot area shall be 235 m<sup>2</sup> (2530 ft.<sup>2</sup>), the minimum lot width shall be 7.5 m (25 ft.), and the minimum lot depth shall be 32 m (105 ft.).
- (b) The minimum yard requirements shall be:
  - (i) Front yard: not required
  - (ii) Side yard: not required unless directly abutting a Residential District. In such cases side yards shall be required at the discretion of the Development Authority.
  - (i) Rear yard: no part of the main building shall be closer than 3.0 m (9.8 ft.) to the rear line to provide sufficient area for loading and waste disposal
- (c) The maximum height of a building shall be 10.0 m (33 ft.) without the approval of the Development Authority.
- (d) Other requirements are:
  - (i) Each parcel shall have access to a lane at one side or the rear.
  - (ii) Accessory buildings shall be a minimum of 3.0 m (9.8 ft.) from the main buildings.
  - (iii) No fence or wall shall be:
    - Higher than 2.0 m (6.6 ft.) from surrounding grade in side and rear yards.
    - Higher than 1.0 (3.3 ft.) in front yards unless more than one yard fronts onto a road, then each yard shall be deemed to be a front yard.

**(4) Additional Site Requirements for Gas Bars and Service Stations**

Notwithstanding Subsection (3) above,

- (a) gas bars and service stations shall have a minimum lot area of 925 m<sup>2</sup> (9956 ft.<sup>2</sup>),
- (b) the maximum lot coverage shall be 50%,
- (c) placement of gasoline pumps must meet the requirements of regulations pursuant to the Alberta Safety Codes Act but must not be less than 4.5 m (15 ft.) from the main building, and
- (d) minimum side and rear yards shall be 1.5 m (5 ft.).

**(5) Additional Site Requirements for Outdoor Storage**

- (a) Outdoor storage in the C1 District will only be allowed as an accessory to an approved permitted or discretionary use, and only when approved by the Development Authority.
- (b) All outdoor storage shall be screened from view from roads, lanes, and adjacent properties to the satisfaction of the Development Authority.

## 7.4 C2 – HIGHWAY COMMERCIAL DISTRICT

### **Purpose:**

To establish an area in which services and commercial establishments cater specifically to the motoring public.

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

- (a) All uses listed as Permitted Uses within the C1 District
- (b) Automotive and Equipment Repair Shops
- (c) Automotive, Recreational Vehicle, and Truck Sale/Rental Establishments
- (d) Bulk Oil Sales Establishments
- (e) Drive-in Businesses, except for Car Washes
- (f) Gas Bars
- (g) Greenhouses and Plant Nurseries
- (h) Industrial and Agricultural Vehicle and Equipment Sale/Rental Establishments
- (i) Outdoor Storage
- (j) Private Clubs
- (k) Recreational Vehicle Parks
- (l) Service Stations
- (m) Buildings and uses accessory to permitted uses

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

- (a) All uses listed as Discretionary Uses within the C2 District except for those listed as Permitted Uses in Section 7.4(1) above
- (b) Car Washes
- (c) Convenience Retail Stores
- (d) Outdoor Amusement Establishments
- (e) Parking Lots, including Parking Lots for Heavy Vehicles
- (f) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (g) Buildings and uses accessory to discretionary uses

### **(3) Site Requirements:**

- (a) The minimum lot area shall be 1000 m<sup>2</sup> (10,764 ft.<sup>2</sup>).
- (b) The maximum lot coverage shall be as determined by the Development Authority.
- (c) The minimum yard requirements shall be
  - (i) Front Yard – 5.0 m (16.4 ft.)
  - (ii) Side Yards – 3.0 m (9.8 ft.) or 10% of the width of the lot, whichever is lesser. This requirement may be relaxed at the discretion of the Development Authority if the location of the building and the appearance of the site is, in the opinion of the Development Authority, improved.
  - (iii) Rear Yard – 3.0 m (9.8 ft.)

- (d) The maximum height of a building shall be 10 m (33 ft.) unless otherwise approved by the Development Authority.
- (e) Other requirements are:
  - (i) The front yard of all development in the C2 District shall be graveled and compacted, oiled, paved or landscaped to the satisfaction of the Development Authority. Adequate painted fencing not less than 1.0 m (3.3 ft.) high shall be required for all drive-in businesses and shall be so erected as to prevent dispersal of litter from the lot.
  - (ii) All applications for development adjacent to Highway #602 shall be referred to Alberta Transportation for their comments.

**(4) Additional Requirements for Discretionary Uses:**

- (a) A dwelling unit may be allowed only after submission of a Phase I Environmental Assessment, and, if required, a Phase II Environmental Assessment, and, if required, the undertaking of a Phase III Environmental Assessment to the Development Authority that indicates that either
  - (i) the site for the dwelling unit is not contaminated, or
  - (ii) any contamination of the site for the dwelling unit has been removed.
- (b) A minimum 6.0 m (19.7 ft.) buffer shall be required adjacent to a highway right-of-way. At the discretion of the Development Authority, the buffer may be reduced, but in no case shall the buffer provided be less than 3.0 m (9.8 ft.).

**(5) Additional Site Requirements for Outdoor Storage**

- (a) Outdoor storage in the C2 District will only be allowed as an accessory to an approved permitted or discretionary use, and only when approved by the Development Authority.
- (b) All outdoor storage shall be screened from view from roads, lanes, and adjacent properties to the satisfaction of the Development Authority.

## 7.5 M1 – UNSERVICED INDUSTRIAL DISTRICT

### **Purpose:**

To provide an area for industrial uses that are not connected to the municipal water and sewer systems.

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

- (a) Equipment Rental Establishments
- (b) Light Industrial Uses
- (c) Medium Industrial Uses
- (d) Veterinary Clinics
- (e) Buildings and uses accessory to permitted uses

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

- (a) Auctioneering Establishments
- (b) Greenhouses and Plant Nurseries
- (c) Heavy Industrial Uses
- (d) Industrial and Agricultural Vehicle and Equipment Sale/Rental Establishments
- (e) Outdoor Storage
- (f) Parking Lots, including Parking Lots for Heavy Vehicles
- (g) Public Utilities
- (h) Veterinary Hospitals
- (i) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (j) Buildings and uses accessory to discretionary uses

#### **(3) Site Requirements:**

- (a) The minimum lot area shall be 1000 m<sup>2</sup> (10,764 ft<sup>2</sup>).
- (b) The maximum lot coverage shall be as determined by the Development Authority.
- (c) The minimum yard requirements shall be:
  - (i) Front Yard: 8 m (26 ft.).
  - (ii) Side Yard: 3.0 m (9.8 ft.) on each side of the building.
  - (iii) Rear Yard: 3.0 m (9.8 ft.).
- (d) The maximum height of a building shall be 10 m (33 ft.) unless otherwise approved by the Development Authority.
- (e) Other Requirements:
  - (i) Accessory buildings shall be a minimum of 3.0 m (9.8 ft.) from the main building.
  - (ii) The Development Authority may require that areas be fenced where deemed necessary by the nature of the development, considering aspects of safety and aesthetics.

- (iii) A burning facility will only be allowed at the discretion of the Development Authority, who shall consult with Alberta Environment and the fire chief in that regard.
- (iv) Where open storage is allowed, it shall be maintained in an orderly manner as allowed by the Development Authority.
- (v) At least one truck loading space shall be provided on each lot.
- (vi) Landscaping of all industrial land uses is required to the satisfaction of the Development Authority.
- (vii) All buildings shall be maintained in a neat and tidy manner so as to not appear unsightly. This includes the upkeep of landscaped areas and the removal of debris.
- (viii) Screening of unsightly areas shall be required to the satisfaction of the Development Authority.
- (ix) Notwithstanding any other provision of this Bylaw to the contrary, no livestock shall be allowed to be kept for any period longer than 24 hours within the M1 District.

## 7.6 M2 – SERVICED INDUSTRIAL DISTRICT

### **Purpose:**

To provide an area for medium to heavy industrial uses that are connected to the municipal water and sewer systems.

### (4) **Permitted Uses:**

- (a) Equipment Rental Establishments
- (b) Light Industrial Uses
- (c) Medium Industrial Uses
- (d) Veterinary Clinics
- (e) Buildings and uses accessory to permitted uses

### (5) **Discretionary Uses:**

- (a) Auctioneering Establishments
- (b) Heavy Industrial Uses
- (c) Industrial and Agricultural Vehicle and Equipment Sale/Rental Establishments
- (d) Outdoor Storage
- (e) Parking Lots, including Parking Lots for Heavy Vehicles
- (f) Veterinary Hospitals
- (g) Public Utilities
- (h) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (i) Buildings and uses accessory to discretionary uses

### (6) **Site Requirements:**

- (a) The minimum lot area shall be as required by the Development Authority.
- (b) The minimum yard requirements shall be
  - (i) Front Yard: 5.0 m (16.4 ft.)
  - (ii) Side Yards: 3.0 m (9.8 ft.) or 10% of the width of the lot, whichever is lesser. This requirement may be relaxed at the discretion of the Development Authority if, in his sole opinion, the appearance of the site is improved.
  - (iii) Rear Yard: 3.0 m (9.8 ft.)
- (c) The maximum height of a building shall be 10 m (33 ft.) unless otherwise approved by the Development Authority.
- (d) Other Requirements:
  - (i) Accessory buildings shall be a minimum of 3.0 m (9.8 ft.) from the main building.
  - (ii) The Development Authority may require that areas be fenced where deemed necessary by the nature of the development, considering aspects of safety and aesthetics.

- (iii) A burning facility will only be allowed at the discretion of the Development Authority, who shall consult with Alberta Environment and the fire chief in that regard.
  - (iv) Where open storage is allowed, it shall be maintained in an orderly manner as allowed by the Development Authority.
  - (v) At least one truck loading space shall be provided on each lot
  - (vi) Landscaping of all industrial land uses is required to the satisfaction of the Development Authority.
  - (vii) All buildings shall be maintained in a neat and tidy manner so as to not appear unsightly. This includes the upkeep of landscaped areas and the removal of debris.
  - (viii) Screening of unsightly areas shall be required to the satisfaction of the Development Authority discretion.
  - (ix) Notwithstanding any other provision of this Bylaw to the contrary, no livestock shall be allowed to be kept for any period longer than 24 hours within the M2 District.
- (e) As a condition of granting a development permit, the Development Authority may impose such conditions as he thinks necessary to protect the value and owner's enjoyment of nearby property.



## 7.7 I – INSTITUTIONAL DISTRICT

### **Purpose:**

To establish areas for the development of facilities for community institutions and recreation.

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

- (a) Child Care Facilities
- (b) Government Services
- (c) Places of Worship
- (d) Public Uses
- (e) Public Utilities
- (f) Seniors' Apartments
- (g) Buildings and uses accessory to permitted uses

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

- (a) Group Care Facilities
- (b) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (c) Buildings and uses accessory to discretionary uses

### **(3) Site Requirements:**

As required by the Development Authority

## 7.8 P – RECREATION, PARKS AND MUNICIPAL LAND DISTRICT

### **Purpose:**

To provide an area for the preservation of public land in its natural state or its development as a park or recreation facility.

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

- (a) Parks
- (b) Buildings and uses accessory to permitted uses, other than for those buildings and uses listed in the listing of discretionary uses

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

- (a) Public Utilities
- (b) The following accessory buildings and uses to Parks:
  - (i) Changing facilities, showers, lockers, etc.
  - (ii) Clubhouses
  - (iii) Confectionary booths
  - (iv) Band Shells, gazebos
  - (v) Monuments
- (c) Government Services
- (d) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (e) Buildings and uses accessory to discretionary uses

### **(3) Site Requirements:**

- (a) As required by the Development Authority, who shall have the best interests of the surrounding area in mind.
- (b) As a condition of granting a development permit, the Development Authority may impose such conditions as she/he thinks necessary to protect the value and owner's enjoyment of nearby property.

## 7.9 UR – URBAN RESERVE DISTRICT

### **Purpose:**

To reserve land for future subdivision and development while allowing agricultural uses to continue.

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

- (a) All forms of agriculture excluding the keeping of livestock
- (b) Parks
- (c) Public Utilities
- (d) Buildings and uses accessory to permitted uses

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

- (a) Greenhouses and Plant Nurseries
- (b) Major Home Occupations
- (c) Minor Home Occupations
- (d) Type A Single Detached Dwellings – one (1) per lot
- (e) Interim uses which, in the sole opinion of the Development Authority, will not impede the eventual conversion of the land to urban uses
- (f) Buildings and uses accessory to discretionary uses

### **(3) Site Requirements:**

- (a) The minimum lot area shall be 0.4 ha (1 ac.). This requirement may be relaxed at the discretion of the Development Authority.
- (b) The minimum yard requirements shall be:
  - (i) Front Yard 6.0 m (19.7 ft.)
  - (ii) Side Yard: 3.0 m (9.8 ft.)
  - (iii) Rear Yard 6.0 m (19.7 ft.).

- (c) Other requirements are:

Notwithstanding any other provision of this Bylaw to the contrary, if a lot is greater than 1.2 ha (3.0 ac.) in area, one (1) horse may be allowed to be kept for each 0.4 ha (1.0 ac.) or part thereof of area in excess of 1.2 ha (3.0 ac.).

- (d) The maximum height of any building shall be 10.0 m (33 ft.).

## **8.0 ADMINISTRATION**

### **8.1 Application to Amend Bylaw**

- (1) A person may apply to have this Bylaw amended, by applying in writing to the Village, in care of the Development Authority, furnishing reasons in support of the application and paying the fee therefore required under Section 8.2(1)(a).
- (2) Council may at any time initiate an amendment to this Bylaw by directing the Development Authority to initiate an application therefore.

### **8.2 Form of Application**

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

### **8.3 Amending Bylaws**

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

### **8.4 Schedule**

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

### **8.5 Repealing Existing Controls**

Bylaw No. 94-02, as amended, and Bylaw No. 2001-06, as amended, are hereby repealed.

### **8.6 Date of Commencement**

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

**8.7 Attached Figures**

Various Figures are included within this Bylaw for information purposes, but they do not form part of this Bylaw even if specifically referenced to in the text of the Bylaw.

READ A FIRST TIME IN COUNCIL THIS \_\_\_ DAY OF \_\_\_\_\_, A.D. 201\_\_

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Administrative Officer

READ A SECOND TIME IN COUNCIL THIS \_\_\_ DAY OF \_\_\_\_\_, A.D. 201\_\_

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Administrative Officer

READ A THIRD TIME IN COUNCIL THIS \_\_\_ DAY OF \_\_\_\_\_, A.D. 201\_\_

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Administrative Officer



VILLAGE OF ALLIANCE  
LAND USE BYLAW

BYLAW NO. \_\_\_\_\_  
MAY, 2010

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