

BY-LAW NO. 257-18

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A By-law to Repeal Land Use By-law 166-1991 and all Amendments thereto and Adopt Land Use By-law 257-18 as the Land Use By-law for the Village of Rosalind in the Province of Alberta

Pursuant to Section 640 of the Municipal Government Act revised statues of Alberta 2000 Chapter M-26.

The Council of the Village of Rosalind duly assembled in open meeting hereby enacts the following. (see attached)

RECEIVED FIRST READING THIS
13TH DAY OF JULY 2023
IN THE VILLAGE OF ROSALIND
IN THE PROVINCE OF ALBERTA

* _____
*MAYOR
* _____
*CHIEF ADMINISTRATIVE OFFICER

RECEIVED SECOND READING
THIS 10th DAY OF AUGUST 2023
IN THE VILLAGE OF ROSALIND,
IN THE PROVINCE OF ALBERTA

* _____
*MAYOR
* _____
*CHIEF ADMINSTRATIVE OFFICER

RECEIVED THIRD AND FINAL
READING THIS 10TH DAY OF
AUGUST 2023, IN THE VILLAGE
OF ROSALIND, IN THE PROVINCE
OF ALBERTA

* _____
*MAYOR
* _____
*CHIEF ADMINISTRATIVE OFFICER

How to Use the Land Use Bylaw

The following is intended for information purposes only and does not form part of the Land Use Bylaw.

The Land Use Bylaw establishes regulations for the use of land and buildings in the municipality. Regulations differ depending on the location and type of development contemplated. Land Use District Maps provide direction for development and use of land on specific parcels throughout the municipality. The Land Use Bylaw also includes general regulations which apply to some or all development. It is important when reviewing the Land Use Bylaw to consider both the general and Land Use specific regulations that may apply to your property.

The Land Use Bylaw reflects municipal regulation only – other Bylaws, regulations and Acts of the Municipal, Provincial and Federal government must also be observed. Where possible, the Land Use Bylaw attempts to outline these other requirements. This is not to say that the Land Use Bylaw contains an exhaustive list; instead, it is up to each individual to ensure that the laws of each level of government governing the use of land and development are observed.

When using the Land Use Bylaw, it is suggested that the user follow these steps:

1.	Locate the subject property on the Land Use District Map. Note the district title that applies to the property.
2.	Cross check with the Table of Contents in the Land Use Bylaw to determine the location of the specific Land Use District. The Land Use Districts are included in Part 7. Each Land Use District includes a list of permitted and discretionary uses, subdivision and development regulations and other specific regulations as necessary. These regulations are used to determine the use of land and the types of development that can occur in each Land Use District.
3.	Review the General Regulations included in Part 6: General Regulations of this Bylaw to determine if there are any general regulations that may apply to the subject property or development. General regulations address issues such as parking, on-site and off-site servicing requirements, signs, etc. may apply to all developments but are not generally listed in each land use district.
5.	Discuss your proposed land use or development with staff from the municipality. Staff are pleased to explain the process and to assist you with specific issues. The staff may also assist you with other Land Use Bylaw situations such as enforcement of municipal regulations.

For more information on the Land Use Bylaw, contact rosalindvillage@xplornet.com or review the municipal website at www.villageofrosalind.ca.

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Part 1 General

101 Purpose

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

- (1) to establish agencies, offices, and procedures for reviewing and making decisions on applications for Development Permits and subdivision approvals and for issuing decisions on those matters;
- (2) to prescribe a procedure to notify owners of land likely to be affected by the issue of a Development Permit or subdivision approval;
- (3) to establish a procedure for appeals against the decisions of the Development Authority,
- (4) to divide the municipality into districts; and
- (5) to prescribe and regulate for each district the purposes for which land and buildings may be used.

102 Definitions

“Accessory Building” means a building separate and subordinate to the main building, the use of which is incidental to that main building and is located on the same lot. This includes fabric covered buildings and ground-mounted solar energy systems with a surface under 10 m².

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

“Act” means the Municipal Government Act being the Revised Statutes of Alberta, 2000, Chapter M-26 and amendments thereto.

“Adjacent land” means land that is contiguous to a subject parcel of land, including land that would be contiguous if not for a highway, road or river or stream, and any other land identified by the Development Authority for the purpose of notification.

“Applicant” means the registered owner of the land or his or her representative or agent certified as such.

“Auto Wrecker” means a site containing six or more inoperative or unlicensed vehicles which has been or are to be, dismantled to obtain parts for sale.

“Bareland Condominium” means a condominium in which the units are defined in relation to the land rather than in relation to a structure, created specifically through subdivision and registered as a condominium plan in accordance with the Condominium Property Act, RSA 2000, c. C-22.

“Building” has the meaning set out in the MGA, but for the purposes of calculating coverage of a lot, does not include patios, driveways, or other at-grade hard surfaces.

“Bulk Oil and Gas Depots” means lands, buildings and structures for the bulk storage and distribution of petroleum products and may include key lock retail sales. This does not include automotive gas bars or service stations.

“Cannabis” means cannabis plant, fresh cannabis, dried cannabis, cannabis oil and cannabis plant seeds and any other substance defined as cannabis in the Cannabis Act (Canada) and its regulations, as amended from time to time and includes edible products that contain cannabis.

“Cannabis Accessory” means cannabis accessory as defined in the Cannabis Act (Canada) and its regulations, as amended from time to time.

“Cannabis Lounges” means development where a purpose of the facility is to allow for the consumption of Cannabis within the premises that is authorized by provincial or federal legislation.

“Cannabis Retail Sales” means a retail store licensed by the Province of Alberta where Cannabis and Cannabis Accessories are sold to individuals who attend at the premises that is authorized by provincial or federal legislation.

“Council” means the Council of the Village of Rosalind.

“Development” means in addition to the meanings listed in the MGA; the demolition or removal of a building

“Development Appeal Board” means a development appeal board appointed pursuant to Section 33 of the Act, or the Council where it is the Development Appeal Board by virtue of Section 33 (2) of the Act.

“Development Authority” means either an individual appointed under this Bylaw

“Development Officer” means a person filing the role of Development Authority.

“Development Permit” means a document authorizing a development issued under this Bylaw

“Discretionary Use” means the use of land or building provided for in Part 7 of this Bylaw or which a Development Permit may be issued (with or without conditions) upon an application having been made.

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

Where the context requires, dwelling may mean the residential part of a building which is also used for other purposes.

“Dwelling Unit” means a self-contained living premises for one household, but may contain a self-contained suite for a family member or servant (see Residence, Detached)

“Fabric Covered Building” means a steel-framed, fabric-membrane pre-engineered building for temporary and permanent industrial, commercial applications, including warehouse, equipment storage, manufacturing facilities and event centers. All fabric covered buildings shall require the appropriate building permits to ensure all aspects of the development is in accordance with the Alberta Safety Codes including appropriate foundation construction and building anchoring.

“Flanking Street” means the street adjacent to the side yard of a parcel.

“Food Establishment” means a food establishment as defined in the Food Regulation, AR 240/85, or its successors.

“Grade” means the average elevation of the four corners of the site as determined by the Development Authority.

“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 floor. Basement suites shall be included in the calculation of gross floor area only in the case of apartment buildings.

“Gross Floor Ratio” means the ratio of decimal value resulting from dividing the gross floor area of all buildings by the total site area of the parcel on which the buildings are located.

“Group Home” means a dwelling which is operated by a recognized social services agency employing paid staff and which provides room and board and other care to no more than six disabled clients.



Illustration 2: Building Height

“Height, Building” means the vertical dimension of such building or structure from grade to the midpoint of the roof measured between the ridge and eave, as per Illustration 2: Building Height.

“Highway” includes a proposed highway which has been designated in the Alberta Gazette.

“Home Business” means the accessory use of a principal dwelling, or a combination of a principal dwelling and garage, to operate a business which may generate more than one business associated visit per day. The business use must be secondary to the residential use of the building and not change the residential character of the home which it occupies.

“Home Office” means the accessory use of a principal dwelling to operate a business which does not require business associated visits; does not require any non-resident persons employed within the dwelling; and does not extend the business activity to the outside yard. The business use must be secondary to the residential use of the building.

“Letter of Compliance” means a letter issued by the Development Authority certifying that the use of land and buildings and the placement of buildings comply with the Bylaw.

“Livestock” means horses, cattle, sheep, swine, fur-bearing animals raised in captivity, game production animals within the meaning of the Livestock Industry Diversification Act, live poultry and bees, but does not include wild boars.

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

“Lot Area” means the total area of a parcel in meters.

“Lot Coverage” means the combined area, measured at 0.6 m (2 ft) above grade, of all buildings on a parcel excluding all features which would be permitted under this Bylaw as projections into required yards.

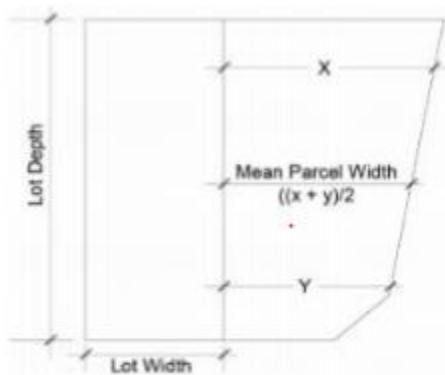


Illustration 3: Lot Dimensions

“Lot Depth” means the average distance between the front and rear property lines, as per Illustration 3: Lot Dimensions.

“Lot Width” means the distance between the side property lines of a parcel at the minimum permissible front yard, measured parallel to the road or to the tangent on a curved road. For rectangular and pie parcels, this distance should be measured at front yard setback line and at rear setback line and the average determined,

as per Illustration 3: Lot Dimensions.

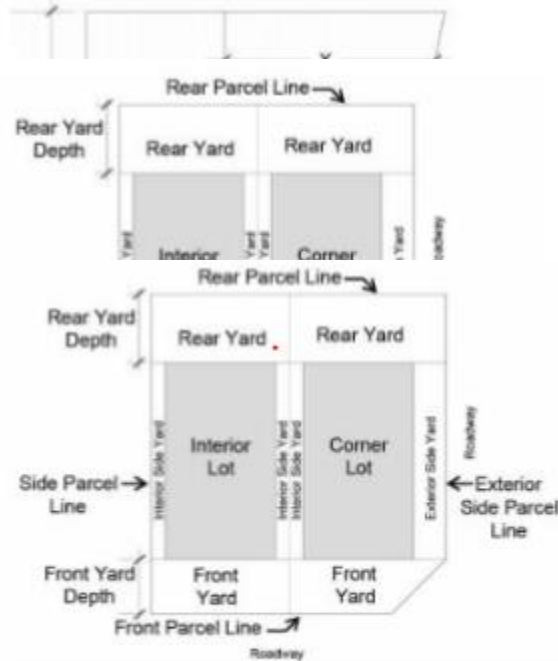


Illustration 4: Lot Setbacks

“Lot, Corner” means a parcel having a frontage on two or more public roadways at their intersection or junction.

“Lot Interior” means a parcel which is bounded by only one roadway. See Illustration 4: Setbacks

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

“Main Road” means a numbered highway, a secondary road, a county grid road, or a diversion or realignment of any of these.

“Manufactured Home” refer to definition or **Residence, Manufactured.**

“Manufactured Home Park” means a development for manufactured homes that may be a bareland condominium or an unregistered subdivision of unit lots that are rented or leased. Ownership and responsibility for the maintenance of internal roads, services and park amenities rests with the management.

“Move-in Building” means a previously used building which is moved on to a new site.

“Municipal Development Plan” means the Village wide plan prepared in accordance with Section 632 of the Municipal Government Act.

“Municipality” means the Village of Rosalind.

“Non-Conforming Building” means a building

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

“Non-Conforming Use” means a lawful specific use

- (a) Being made of land or a building or intended to be made of a building lawfully under construction, at the date a land use bylaw or any amendment thereof
- (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.

“Outdoor Storage” means the storage of equipment, goods and/or materials in the open air. Typical include pipe yards or vehicle or recreational vehicles or heavy equipment storage compounds.

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

“Parking Stall/Space” means a gravel or pavement area at least 2.7 m (8.8 ft) wide and 5.5 m (18 ft) long.

“Permitted Use” means the use of land or a building provided for a Part 7: Land Use District Regulations of this Bylaw for which a Development Permit shall be issued (with or without conditions) upon an application having been made, provided the proposed development conforms in every way with this Bylaw.

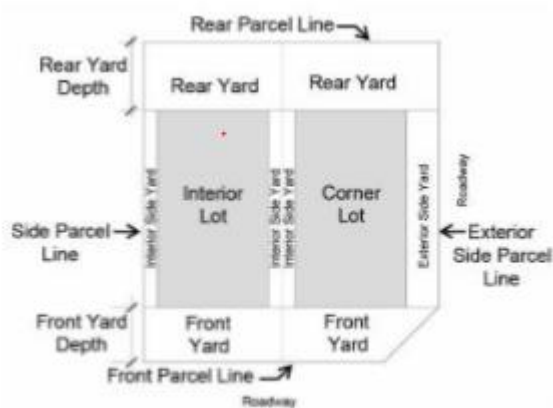


Illustration 4: Lot Setbacks

“Property Line” means any boundary of a parcel.

“Property Line, Front” means a property line adjacent to the public roadway other than a lane, and in the case of more than one property line adjacent to the public roadway, the front property line shall be the side that gains access to the property.

“Property Line, Rear” means the property line furthest from opposite the front property line.

“Property Line, Side” means a property line other than a front or rear property line. See Illustration 4: Lot Setbacks

“Public or Quasi-Public Uses” includes but is not limited to schools, community halls and post offices.

“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.

“Public Utility Uses” includes but is not limited to roads, power/gas/fiber optic/cable/phone lines/gas plants, compressor stations, radio/cellular/internet towers (under 30 m or 100 ft) and municipal infrastructure (drainage ditches, etc.)

“Registered Owner” means

(a) in the case of land owned by the Crown in the right of Alberta or the Crown in the right of Canada, the Minister of the Crown having the administration of the land or

(b) in the case of any other land,

(c) in the case of any other land,

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

“Residence, Apartment” means a residential use consisting of at least 3 dwelling units, but shall not mean ‘row housing’.

“Residence, Detached” means a freestanding dwelling not forming part of, and not physically attached to, any other dwelling or structure. It is intended to be used by a single household, but which may contain a separate suite for a family member or servant. This includes different construction types such as modular home, pre-existing moved onto site, site built and staff.

“Residence, Duplex” means two dwelling units sharing a common wall, each with a separate outside entrance at grade.

“Residence, Manufactured” means a residential building containing one dwelling unit, built in a factory, and transported in one or more sections to a suitable site. Manufactured homes typically have a long, narrow rectangular plan, low roof pitch and narrow eaves. Manufactured homes have replaced mobile homes, which are no longer built in Alberta. A modular home is not a manufactured home.

“Residence, Modular Home” means a new residential building containing one dwelling unit, built in a factory and transported to site to be permanently installed on a permanent foundation and which appears indistinguishable in design and finish from a stick-built house.

“Residence, Pre-existing moved onto site” means a residential building that has previously been constructed or placed on a different parcel for occupancy and has been relocated to serve as a residence at its new location. A moved-in residence is not of new construction and does not include a mobile home.

“Residence, Row Housing” means a residential use where a building or buildings on a lot are each used for at least three dwelling units with each unit having direct access to the outside grade but shall not mean ‘apartment’.

“Residence, Site Built” means a residential use that is built on site with one piece of lumber at a time.

“Residences, for Staff” means a building or portion of a building provided for the purpose of housing persons employed on the property and provided by the employer. Units may include dormitory or separate fully contained units. Residents must be currently employed with the commercial operation.

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

“Sign” means an object or device intended for the purpose of advertising or calling attention to any person, matter, thing or event.

“Site” means one or more lots or parcels for which an application for development permit is being made and may include streets, lanes walkways and any other land surface upon which development is proposed.

“Solar Energy System” means any device or combination of devices employed in the collection, storage and/or distribution of solar energy for space heating or cooling, electricity generation, or water heating and that occupies 162.5 m² (1,750 ft²) of surface area or less, or that is used primarily for on-site electrical consumption and not commercial distribution.

“Temporary Building” means a building which will be removed within a year of its being erected. Note that this definition is not the same as that in the Alberta Building Code.

“Violation Notice” means the document issued by the Village to a person who has committed an offence under Section 16 of this Bylaw.

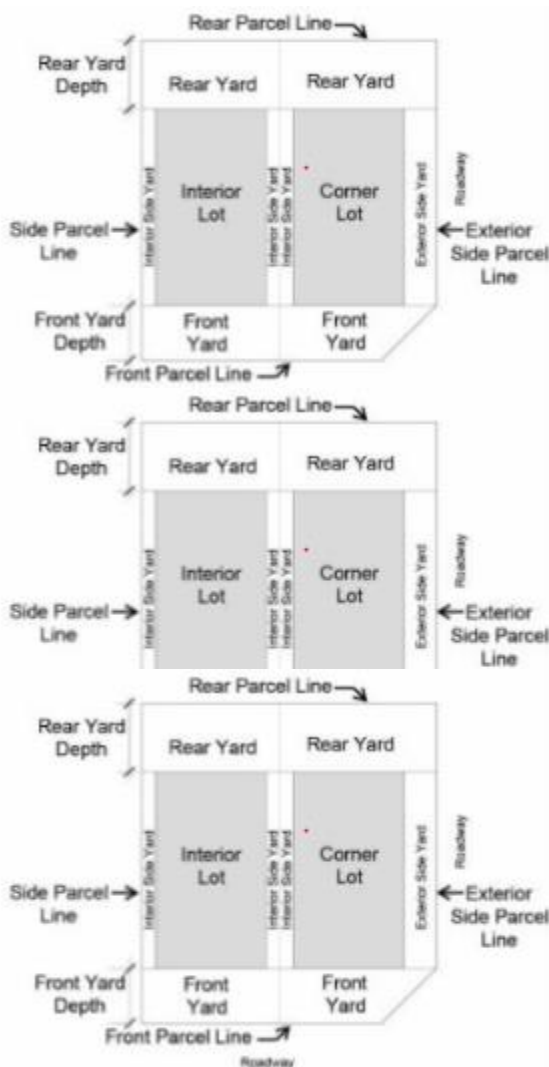


Illustration 4: Lot Setbacks

“Yard” means that part of a lot over which no main building is erected, unless otherwise permitted in this Bylaw. See Illustration 4: Lot Setbacks

“Yard, Exterior Side” means the side yard of a corner that abuts the longer of the two public roadways.

“Yard, Front” means a yard extending the whole width of the lot, from the front wall of the main building to the front property line. See Illustration 4: Lot Setbacks

“Yard, Rear” means a yard extending the whole width of the lot, from the rear wall of the main building to the rear property line. See Illustration 4: Lot Setbacks

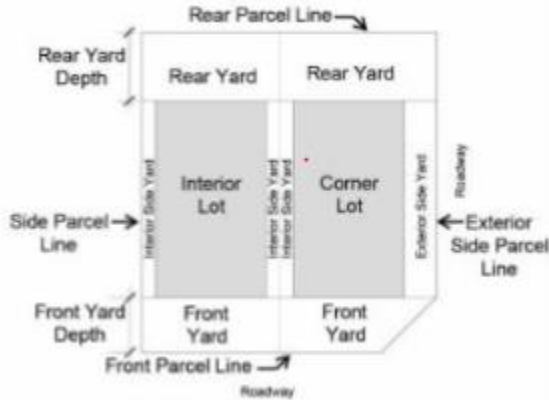


Illustration 4: Lot Setbacks

“Yard, Side” means a yard between the side wall of a main building to the side property line of the lot. See Illustration 4: Lot Setbacks

All other words are interpreted as defined in the MGA or regulations, or, where no such definition exists, by their dictionary meanings.

103 Interpretation

103.1 This Bylaw uses the terms Shall, Should and May. The interpretation of these words is intended as:

- (1) Shall is a directive term that indicates a mandatory action requiring compliance without discretion.
- (2) Should is a directive term that provides direction to strive to achieve the outline action, but enables the Municipality some discretion.
- (3) May is a directive term that provides notification that the regulation or action can be enforced if the Municipality chooses to do so and is usually dependent on the Municipality’s interpretation of the circumstances particular to a property or application.

103.2 Any dispute as to the meaning of a word, or the boundaries of a land use district, shall be settled by a resolution of Council.

103.3 In accordance with Alberta Land Titles practice, all areas and distances in this Bylaw are in metric measure. Imperial equivalents are given as a convenience but may not be exact. In case of conflict, the metric measure shall govern.

103.4 The words he, him, and his are to be read as she, her, and hers, and the singular is to be read as the plural, as the case requires.

103.5 Where the boundary of a lot is also the boundary between two land use districts, and the lot boundary is then changed through subdivision, the land use classification follows the new boundary.

103.6 Where a road is closed and added to an adjacent parcel, the added area takes the land use classification of the parcel to which it is added.

103.7 Building setbacks are measured from the footings of the building, not from overhangs.

103.8 Building Height is measured by determining roof type, and applying the following:

- (1) For hip and gable roof types Height shall be determined by measuring from the horizontal plane through Grade to the midpoint of the highest roof. The midpoint is determined to be between the end of the eave, and the top of the roof.
- (2) For the flat roof type, Height shall be determined by measuring from the horizontal plane through Grade to the midpoint of the highest parapet, provided the resulting top of the parapet is no more than 0.4 m (1.3 ft) above the maximum Height allowed in the zone.
- (3) For mansard and gambrel roof types, Height shall be determined by measuring from the horizontal plane through Grade to the midpoint of the highest roof. The midpoint is determined to be between the deck line and the top of the roof.
- (4) For all other roof types, including saddle, dome, dual-pitch, shed, butterfly or combination roofs, the Development Authority shall determine Height by applying one of the previous three types that is most appropriate for balancing the development rights and the land use impact on adjacent properties.

103.9 Where this Bylaw allows an exercise of discretion or judgement, the discretion or judgement is that of the Development Authority or, on appeal, that of the Intermunicipal Subdivision and Development Appeal Board.

104 Amendment

104.1 A person may apply to have this Bylaw amended, by applying in writing, furnishing reasons in support of the application, and paying the appropriate fee as established from time to time by the Municipality.

104.2 Council may at any time initiate an amendment to this Bylaw.

104.3 An application to change the districting of any land may be initiated only by the owner of that land, or by Council.

104.4 Council may refuse to accept an application to amend this Bylaw if a substantially similar application was denied in the previous twelve (12) months.

105 Repeal of previous Bylaws

105.1 Bylaw 166 and any amending bylaws thereto are repealed.

106 Forms and Fees

106.1 Fees referred to in this Bylaw shall be established by resolution of Council.

106.2 Forms required to administer this Bylaw may be created by the Development Authority and do not require formal adoption by Council.

Part 2: Administration

201 Development Authority

- 201.1 Pursuant to Section 624 of the Municipal Government Act, the office of Development Authority is hereby established and shall be filled by a person or persons appointed by resolution of Council. If no person is appointed, the post shall be filled by the chief administrative officer or their designate.
- 201.2 For the purposes of Section 542 of the MGA, the Development Authority is an authorized person of the municipality.
- 201.3 The Development Authority shall:
- 1) advise Council, and the public on development matters;
 - 2) keep a copy of this Bylaw, and any statutory plans, as amended and make them available to the public at a reasonable price;
 - 3) receive applications for Development Permits;
 - 4) refer applications to other municipalities, agencies, or persons as required by this Bylaw,
 - 5) where an application is for a permitted use in the relevant land use district, and complies in all respects with this Bylaw, and the Development Authority is of the opinion that there are no unusual circumstances, issue a Development Permit with or without conditions;
 - 6) refer applications in a Direct Control district to Council for decision;
 - 7) refer all other applications to Council for decision on discretionary uses and those applications with unusual circumstances;
 - 8) keep a register of all applications for Development Permits and the decisions made on those applications, report monthly to Council, and make this information available to the public at a reasonable price;
 - 9) issue letters of compliance;
 - 10) carry out the duties as prescribed in the MGA with regard to appeals or, designate a person to do the same; and
 - 11) perform such duties as established to enforce this Bylaw in conformance with the MGA.
- 201.4 Notwithstanding Section 201.3.7, Council may by resolution choose to delegate authority to municipal staff for items such as: discretionary decisions, setbacks, and variances.

202 Subdivision Authority

- 202.1 Pursuant to Section 623 of the Municipal Government Act, the Municipal Council shall serve as Subdivision Authority.
- 202.2 When an application for subdivision is received, the Subdivision Authority shall review the application along with information from the Subdivision Authority Officer, and if they are of the opinion that there is no unusual circumstances, approve an application for subdivision with or without conditions that complies with the municipalities planning documents.

202.3 When an application for subdivision is received, the Subdivision Authority shall review the application along with information for the Subdivision Authority Officer, and if they are of the opinion that the subdivision is non-compliant, but will not negatively impact the community then they may approve the subdivision with or without conditions.

202.4 The Subdivision Authority may require, as a condition of approval, the posting of a security deposit guaranteeing compliance with the conditions of the subdivision approval.

203 Subdivision Authority Officer

203.1 The Subdivision Authority Officer shall:

- Receive applications for subdivision
- Refer applications to other municipalities, agencies, or persons as required by this Bylaw, or at their discretion
- Refer applications to the Subdivision Authority for decision
- Keep and maintain for the inspection of the public during all reasonable hours, a copy of this Bylaw and all amendments thereto
- Keep a register of all applications for subdivision, including the decisions thereon and the reasons therefore
- Assist the Subdivision Authority on any appeals.

203.2 For the purposes of right of entry, the Subdivision Authority Officer is hereby declared to be an authorized person of Council.

204 Intermunicipal Subdivision and Development Appeal Board

204.1 The Intermunicipal Subdivision and Development Appeal Board established by Bylaw 258-19 shall hear and decide upon appeals against the decision (or lack of decision) of the Development Authority and of the Subdivision Authority, except where the authority of the Land and Property Rights Tribunal applies as identified in Section 678(1) of the MGA.

Part 3: Development Permits

301 Control of Development

301.1 No development other than that listed in Section 303 Development Not Requiring a Development Permit of this Bylaw shall be undertaken within the municipality unless an application for it has been approved and a Development Permit has been issued.

302 Non-conforming Buildings and Uses

302.1 If a building or land use is not allowed in this Bylaw, but was legally in existence at the date of passage of this Bylaw, it may continue legally as a non-conforming use and be maintained pursuant to Section 643 of the MGA.

303 Development Not Requiring a Development Permit

303.1 The following development shall not require a Development Permit:

- 1) Accessory Buildings smaller than 10m² (107ft²), provided that they are set back from property lines by the distances set out in Part 6: General Regulations and Part 7 Land Use District Regulations of this Bylaw. This includes fabric covered buildings.
- 2) The completion and use of building which was lawfully under construction at the date of adoption of this Bylaw
- 3) The construction of gates, fences, walls, or other means of enclosure that comply with the height and siting requirements of Part 6: General Regulations.
- 4) The provision of foster care in a private home.
- 5) The carrying out of works of maintenance or repair to any building, provided that such works do not include structural alterations or major works of renovations.
- 6) Facilities, infrastructure, works and other construction by or on behalf of the municipality. Some examples include, but are not limited to, community halls, parks, recreation facilities, and utility buildings.
- 7) The erection of towers, flagpoles, satellite dishes and other poles not exceeding 6.0m (20 ft) in height from grade and used for non-commercial purposes.
- 8) Solar Energy Systems used for residential purposes where incorporated into or affixed to a main or accessory building in such a way that site coverage is not increased and in compliance with Section 643 (Solar Energy Systems)
- 9) Buildings and uses exempted by Sections 618 or 619 of the MGA.
- 10) The construction or maintenance of any utility, work or improvement in a street or utility lot.
- 11) A temporary building or travel trailer, the sole purpose of which is incidental to the erection or alteration of a building, for which a permit has been issued.
- 12) Landscaping and paving, provided that grades and water flows are not substantially altered and the changes are aligned with Section 629 (Landscaping)
- 13) Internal alterations to a building, provided these alterations do not result in an increase in the number of sleeping accommodations, dwelling units, or a change in use to the building. Note: Safety Codes permits may still be required.
- 14) The construction and maintenance of a railway line.
- 15) A change of use of land or building where the new use is permitted in that land use district and conforms in everyway with this bylaw.
- 16) 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.

- 17) Official notices, signs, placards or bulletins required or permitted to be displayed pursuant to the provisions of federal, provincial or municipal legislation.
- 18) Signs which are an announcement for a particular public or community event and will be removed after the occurrence of that event.

304 Application for a Development Permit

304.1 An application for a Development Permit shall be made to the Development Authority in writing on the appropriate form, and at the request of the Development Authority shall be accompanied by:

- 1) the legal description of the property;
- 2) a statement of ownership of land and interest of the applicant therein;
- 3) a Certificate of Title for the property (must be less than thirty (30) days old);
- 4) a statement of present and proposed uses;
- 5) a site plan, drawn to scale, showing:
 - a) the boundaries of the lot;
 - b) the locations of existing and proposed buildings;
 - c) the front, rear and side yards;
 - d) the drainage of the property;
 - e) provision for off street loading;
 - f) vehicle access and parking;
 - g) proposed landscaping;
 - h) any flood hazard areas and historic flood elevations;
 - i) known wetlands, water courses, water bodies and drainage courses on or contiguous to the site;
 - j) the Development Authority may require the site plan to be drawn by a qualified professional.
- 6) building floor plans and elevations and sections;
- 7) photo from all sides of building for a moved in structure;
- 8) the estimated commencement and completion dates;
- 9) the estimated cost of the project or contract price;
- 10) pre-construction site condition form; and
- 11) the appropriate fee.

304.2 If the Development Authority has any doubt as to the boundaries of the lot, he may require that the site plan be drawn by an Alberta Land Surveyor.

304.3 If the Development Authority has any doubts about the existence or boundaries of wetlands or water bodies they may require a biophysical impact study prepared by a qualified professional.

304.4 If the Development Authority has any doubt as to the safety or suitability of the site for the proposed purpose, he may require the applicant to provide engineering, environmental and other reports as part of the application.

304.5 In the case where an application for a Development Permit has been refused initially or on appeal, the Development Authority may refuse to accept another

application for a permit on the same property and for the same or similar use of the land by the same or any other applicant for twelve (12) months after the date of previous refusal, unless the circumstances have changed sufficiently to warrant otherwise.

305 Public Consultation

305.1 Before deciding on an application for a Development Permit for a discretionary use, or before relaxing, waiving, or interpreting any part of the Bylaw, the Development Authority may, at his discretion, consult the owners of adjacent land by mail or by advertising, and if the neighbouring landowners reply within fourteen (14) days, the Development Authority shall consider their comments and recommendations before issuing a Development Permit. (Note: The Development Authority may consult the neighbours prior to issuing a permit, but any discretionary approval must be sent to them under Section 311 Notice of Decision, and they have the right to appeal).

306 Referral to Other Authorities

306.1 An application for a discretionary Development Permit or subdivision adjacent to another municipality, or in an area covered by an Intermunicipal Development Plan (IDP), shall be referred to the other municipality for comments and recommendations.

306.2 The Development Authority may refer an application to any other government or regulatory agency or any other person or authority for their advice.

306.3 If no response to a referral is received within fourteen (14) days (twenty (20) days for subdivision), the Development or Subdivision Authority may proceed as if the other municipality or agency had offered no objection.

307 Decision by the Development Authority

307.1 Within twenty (20) days after receipt of an application for a development permit, the Development Authority will determine whether the application is complete. An application is complete if, in the opinion of the Development Authority, the application contains the documents and information necessary to review and process the application. The twenty (20) day period may be extended by an agreement in writing between the applicant and the Development Authority. The manner in which notice of an application for a development permit being determined to be complete or incomplete by the Development Authority shall be as follows:

- 1) Application Determined to be Complete: Letter and/or email immediately issued to applicant advising that the application is complete and to be processed, or issue of decision approving the application prior to the expiry of the 20 day period after receipt of the application.
- 2) Application Determined to be Incomplete: Letter and/or email immediately issued to applicant advising that the application is incomplete due to outstanding information required. The correspondence will identify a date by which the outstanding information identified therein must be submitted.

- 3) Application for which a determination of completeness is not made: Letter and/or email immediately issued following the 20th day stating the application is complete and being processed.
 - 4) Application deemed incomplete, with information requested provided in the specified time: Letter and/or email immediately issued to applicant deeming the application complete and to be processed.
- 307.2 The Development Authority shall decide upon an application for a Development Permit within forty (40) days of receiving a complete application.
- 307.3 An application for a Development Permit may, at the option of the applicant, be deemed to be refused when a decision is not made on it by the Development Authority within forty (40) days after receipt of the complete application by the Development Authority, and the applicant may appeal as if the application had been refused.
- 307.4 An applicant for a Development Permit may authorize the Development Authority in writing to take a longer period of time to make a decision.
- 307.5 In the case where a proposed specific use of land or a building is not provided for in any district in this Bylaw, the Development Authority may determine that such use is similar in character and purpose to a permitted or discretionary use prescribed for that district in **Error! Reference source not found.**
- 307.6 Pursuant to Section 640(6) of the MGA, the Development Authority may approve an application for a Development Permit notwithstanding that the proposed development does not comply with this Bylaw, if, in his opinion, the proposed development would not unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land, and the proposed development conforms with the use prescribed for the land or building in the Bylaw.
- 307.7 The power to allow a non-conforming use extends to non-conforming buildings pursuant to Section 643(5)(c) of the MGA.
- 307.8 In making a decision, the Development Authority may approve the application unconditionally, or impose conditions considered appropriate, permanently, for a limited period of time, or refuse the application.
- 307.9 When the Development Authority refuses an application for a Development Permit, the decision shall contain reasons for the refusal.
- 307.10 A decision of the Development Authority on an application for a Development Permit shall be given in writing and a copy of it sent to the applicant and to any person who has expressed an interest in the matter.

308 [Conditions attached to Development Permits](#)

- 308.1 The Development Authority may issue a Development Permit subject to the condition that the applicant does any of the following:
- 1) obtains permits under the Safety Codes Act;
 - 2) obtains permits from Alberta Transportation and Economic Corridors for all development within the highway setback requirements;

- 3) obtains permits under other legislation;
 - 4) complies with any covenants, caveats, easements, or other encumbrances on title;
 - 5) provides a real property report certifying that any building meets the setback requirements of this Bylaw;
 - 6) provides an engineer's report confirming that the site is safe for the proposed use;
 - 7) amends the proposal to conform with this or other Bylaws;
 - 8) pays an off-site levy imposed by Bylaw;
 - 9) enters into an agreement pursuant to the MGA concerning servicing of the site;
 - 10) registers an easement to protect a utility line;
 - 11) repairs any municipal improvements that may be damaged as a result of the development;
 - 12) finishes a building, landscapes, or paves a lot within a stated period of time;
 - 13) grades and drains a lot to the satisfaction of the municipality;
 - 14) constructs sufficient parking and loading spaces;
 - 15) registers a restrictive covenant concerning architectural controls and landscaping;
 - 16) does any other thing reasonably necessary to ensure that the development is compatible with neighbouring land uses; and
 - 17) security deposits, guaranteeing that any of the above conditions are met.
- 308.2 The Development Authority may impose a time limit on the applicant for compliance with the Development Permit conditions.

309 Requirements of Other Authorities

- 309.1 A permit issued under this Bylaw is subject to Provincial and Federal law, other Bylaws, statutory plans, and inter-municipal agreements.
- 309.2 A permit issued under this Bylaw shall not allow anything which is not allowed under the terms of an easement registered on the title to the land in question.
- 309.3 When making a decision on an application for a Development Permit, the Development Authority may consider, but is not bound by, any caveat, restrictive covenant, or other encumbrance registered on the title to the land.

310 Validity of Development Permits

- 310.1 A Development Permit does not come into effect until fourteen (14) days after the date of issue.
- 310.2 If a Development Permit is issued and is then appealed, the permit is suspended until the matter has been heard and decided by the Intermunicipal Subdivision and Development Appeal Board.
- 310.3 If the development authorized by a permit is not commenced within twelve (12) months from the date of its issue, or carried out with reasonable diligence, the

permit is void, unless an extension has previously been granted by the Development Authority.

311 Notice of Decision

311.1 When a Development Permit has been issued for a use listed as permitted in that land use district, and no relaxation or waiver has been given, the Development Authority should immediately post a notice to that effect on the municipal web site, and/or may also post a notice on the property, and/or in the municipal office.

311.2 When a permit has been granted under Section 307.5 to 307.7 of this Bylaw, or for a discretionary use, the Development Authority:

- 1) shall immediately mail a notice in writing, as required by the MGA to all registered owners of adjacent land, and of any other land within 100m of the subject property, and to any other person who, in the opinion of the Development Authority, may be affected;
- 2) shall comply with any municipal advertising requirements in an existing advertising bylaw, if applicable;
- 3) may immediately publish in a newspaper circulating in the municipality, a notice stating the location of the property for which the application has been made and the use approved;
- 4) may post in municipal office;
- 5) may post the permit on the municipal web site; and
- 6) may post a notice of the decision on the property for which the application has been made.

311.3 The notice of an approved Development Permit shall state whether any third party has the right to appeal, and if so, how that appeal may be made.

312 Continuation of Controls

312.1 A condition attached to a Development Permit issued under a former Bylaw continues under this Bylaw.

Part 4: Appeals

401 Appeal Procedure

401.1 An appeal against a decision made under this Bylaw shall be heard by the Intermunicipal Subdivision and Development Appeal Board (the Board) as established by Bylaw. They shall hear all appeals except those pertaining to subdivision of lands:

- 1) within the Green Area (i.e. Crown lands), as established by Ministerial Order under the Public Lands Act;
- 2) within the setbacks from highways, waste management facilities, landfills, or sewage treatment facilities as defined by the Subdivision and Development Regulation; and
- 3) adjacent to or containing a body of water.
- 4) Subdivision appeals that relate to these lands should be heard and decided upon by the Land and Property Rights Tribunal, as set out in Section 678(2) of the MGA.

401.2 Appeal of Development Permit Decisions

- 1) The Development Authority and the Board shall observe the procedures set out in Sections 684 to 687 of the MGA when administering and hearing appeals for development.
- 2) The Board may refuse to admit as evidence newspaper clippings, audio tapes, video tapes, and other records where the Board and the parties to the appeal are unable to question the person who originated the proposed submission.
- 3) In making its decision, the Board must comply with the Municipal Development Plan and any inter-municipal development plan or area structure plan, and by the uses of land set out in this Bylaw, but may vary other requirements of the Land Use Bylaw to the extent allowed by Section 687(3) of the MGA.

401.3 Appeal of Subdivision Decisions

- 1) The Subdivision Authority and the Board shall observe the procedures set out in Sections 678 to 682 of the MGA when administering and hearing appeals for subdivision.
- 2) As identified in Section 678(1) of the MGA, a subdivision decision may only be appealed by the applicant, a Government Department (if circulated pursuant to the Subdivision and Development Regulations), by Council (where they are not the subdivision authority), or a school board (with respect to municipal and school reserves).
- 3) The Board is not required to hear from anyone other than a person or entity notified pursuant to Section 679(1) of the MGA, and each owner of adjacent land to the land subject of the appeal.
- 4) In making a decision the Board shall consider those items set out in Section 680(2) of the MGA, amongst other items.

401.4 Appeal of Stop Order

- 1) As per the MGA, in the case of stop order decisions, the process can be appealed but not the decision itself.

402 [Judicial Review](#)

- 402.1 A decision of the Intermunicipal Subdivision and Development Appeal Board 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 MGA.

Part 5: Enforcement

501 General

501.1 The enforcement powers granted to the Development Authority under this Bylaw are in addition to any enforcement powers the municipality or any of its officers may have under the Municipal Government Act or any other applicable legislation. The Development Authority may exercise all such powers concurrently.

501.2 Municipal Council shall from time to time, taking into account social and economic factors including the resources available to it and the various demands made upon those resources by the residents of the Municipality determine the extent of enforcement made under this Bylaw so as to optimize use of those resources.

502 Offences

502.1 Any owner, lessee, tenant or occupant of land, a building, a structure or a sign thereon, who, with respect to such land, building, structure:

- 1) contravenes; or
- 2) causes, allows or permits a contravention of any provision of this Bylaw commits an offence.

502.2 It is an offence for any person:

- 1) to construct a building or structure;
- 2) to commence a Use or change of intensity of Use;
- 3) to make an addition or alteration thereto; or
- 4) to place a Sign on land;

for which a Development Permit is required but has not been issued or is not valid under this Bylaw.

503 Stop Order and Right of Entry

503.1 Pursuant to the Municipal Government Act, the Development Authority may issue, to any or all of the following:

- 1) the owner of the land, building or structure;
- 2) the person in possession of the land, building or structure; and
- 3) the person responsible for the contravention, a Stop Order under the Act.

503.2 Where a person fails or refuses to comply with the Stop Order, the Municipality may take such action as is necessary to carry out the order.

503.3 The costs and expenses incurred in carrying out an Stop Order shall be placed on the tax roll. The amount so placed shall be deemed for all purposes to be a tax imposed pursuant to the Municipal Government Act, from the date it was added to the tax roll and forms a special lien against the parcel of land in favour of the municipality from the date it was added to the tax roll.

503.4 After notice to the owner or occupant in accordance to the Municipal Government Act, a Development Authority, or Bylaw Enforcement Officer, may enter a property to conduct any inspection to determine compliance with this Bylaw.

503.5 A person shall not prevent or obstruct a Development Authority, or Bylaw Enforcement Officer, from carrying out any official duty under this Bylaw or the Act.

Part 6: General Regulations

601 Application of this Part

601.1 Regulations in Part 6: General Regulations apply to all land use districts, unless different regulations applying to particular land use districts are set out in Part 7: Land Use District Regulations of this Bylaw.

601.1 No lot shall be created by subdivision unless it has access to a developed public road, built to municipal standards.

601.2 No Development Permit shall be issued unless the lot has access to a maintained road, built to the standards of the road authority.

601.3 Access by easement alone is not sufficient to satisfy the Sections above, except in the case of a highway commercial development, where mutual crossing agreements with the municipality may be accepted.

602 Accessory Buildings and Garages

602.1 Where a structure is attached to the principal building on a site by a roof, an open or enclosed structure, a floor or a foundation, it is to be considered a part of the principal building and not as an accessory.

602.2 Accessory buildings in an exterior side yard are permitted.

602.3 No more than two accessory buildings shall be placed on one residential lot.

602.4 An accessory building shall not exceed one storey, nor 6m (20 ft) in height.

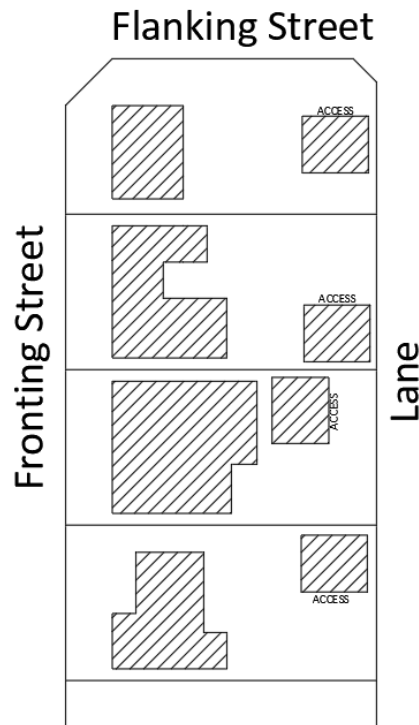
602.5 The total combined floor area of accessory buildings shall not exceed 12% of the site area.

602.6 Detached garages and accessory buildings shall be located:

- 1) a minimum of 2 m (6.6 ft) from the dwelling;
- 2) no closer to the front property line than the front of the main building;
- 3) no closer than 1 m (3.3 ft) from any property line, except where the vehicle doors of the detached garage face a lane or street abutting the site, in which case the garage shall be no closer than 6 m from the lane or street;
- 4) no closer than 1 m (3.3 ft) from the side property line except where an agreement exists between the owners of adjoining properties to build their garages centered on the property line, in which case a fire wall shall be constructed to the satisfaction of the Fire Chief;

- 5) no closer than 1 m (3.3 ft) from the side property line and from the rear property line in the case of an angular or curved approach from a lane; and with roof overhang within 0.5 m (2 ft) of the side or rear property line.

602.7 Accessory buildings including garages shall not be permitted unless the principal building is constructed, or proposed to be constructed, on the same lot as part of the same development permit.



603 Airports and Airstrips

603.1 Where a development is proposed within 1,000m of the boundary of an airport or airstrip, or when the Development Authority deems necessary, the Development Authority shall refer the proposal to Transport Canada and to the airport authority for an opinion.

603.2 If, in the opinion of Transport Canada or the airport authority, the proposed development would conflict with flight operations, the Development Authority may refuse the application, or may require that it be amended to mitigate the conflict.

603.3 The provisions of this Section shall take precedence even where a proposed use is permitted under another Section of this Bylaw.

604 Alberta Building Code

604.1 The design and construction of new buildings shall be in accordance with the Alberta Building Code regulations.

604.2 Building separations are identified in Part 7: Land Use District Regulations and Part 6: General Regulations. A relaxation may be permitted if a waiver has been obtained from the Fire Chief.

605 Apartments

605.1 In addition to the specific regulations noted in this bylaw, the Development Authority, when issuing a development permit for a high density residence building, may impose such conditions as he thinks necessary regarding building size, location on lot, setbacks, parking, access, landscaping, and such other matters as appear necessary to protect the interest of future residents of the proposed building, neighbouring residents, and the municipality as a whole.

606 Auto Wreckers

606.1 The part of an auto wrecking site used for storage and dismantling of vehicles shall be fenced to a height of at least 2m (6.6 ft) with opaque material of a colour and material satisfactory to the Development Authority.

606.2 As a condition of issuing a Development Permit for an auto wrecking yard, the Development Authority may set standards of performance and maintenance, and may require that a security deposit be posted to guarantee the required standards are met.

606.3 If the operator of an auto wrecking yard does not meet the standards set out in a Development Permit, the municipality may revoke the Development Permit, proceed under Sections 645 and 646 of the MGA, and use the security, as per Part 5: Enforcement, to offset any costs to the municipality.

607 Bare Land Condominiums

607.1 The Subdivision Authority will not endorse a bare land condominium plan unless it has been approved through the subdivision process.

607.2 Prior to endorsing a bare land condominium plan, the municipality may require that roads and reserves are first created by subdivision.

607.3 Bare land condominiums, and property owned by a number of people, must be laid out in such a way that, should the land be subdivided at a future date, individual owners can obtain title to lots which meet the requirements of the MGA for separate titles.

608 Bed and Breakfasts

608.1 Bed and Breakfasts must be run by the resident owners of the property.

608.2 A Bed and Breakfast shall not change the residential character and appearance of the building, and the Development Authority may regulate signage and other matters to that end.

608.3 A Bed and Breakfast shall have no more than four guest rooms, and these rooms must be located in the main building.

608.4 The Development Authority may stipulate a lower number of guest rooms to maintain the residential character of the community.

608.5 The only meal provided to the registered guests in a Bed and Breakfast shall be breakfast, and no food shall be prepared within the guest rooms.

608.6 One on-site parking stall is required for each guest room in addition to parking required by Section 634 Parking. On-site parking must be provided at the rear of the main building in conformity with regulation 608.2 noted above.

609 Cannabis

609.1 Cannabis Retail Sales must be conducted from a permanent building, they cannot operate from a temporary building, structure or vehicle.

609.2 Cannabis Retail Sales sites must comply with all federal and provincial requirements. Where the County's regulations are more restrictive the County's regulations will take priority.

609.3 A Cannabis Retail Sales use must be located at least 500m from any other existing Cannabis Retail Sales use.

609.4 The separation distance between Cannabis Retail Sales and other uses outlined in the provincial regulations, as well as other Cannabis Retail Sales uses shall be measured from the closest point on the parcel (property line) on which the the proposed Cannabis Retail Sales is located to the closest point of the parcel (property line) upon which the other use is located. The separation distances shall not be measured from district boundaries or walls of the buildings.

609.5 The site of a Cannabis Retail Sales shall be landscaped and designed in a manner consistent with Crime Prevention Through Environmental Design (CPTED) planning principles.

609.6 Cannabis Retail Sales can only operate from 10am to 10pm.

609.7 The operator of a Cannabis Retail Sales must ensure that nuisances, including odour, are addressed to the satisfaction of the Development Authority.

609.8 The sale of Cannabis and Cannabis Accessories is limited to a Cannabis Retail Sales use in the Land Use District(s) of the Land Use Bylaw. Cannabis Retail Sales, Cannabis Accessories, and Cannabis Lounges will not be considered a like or similar use to any other commercial, industrial, residential, or institutional use.

610 Communication Towers

610.1 Industry Canada is responsible for regulating radio communication in Canada and for authorizing the location of radio communication facilities, including communication towers. In making its decision regarding the communication tower and related facilities, Industry Canada considers the following:

- 1) the input provided by the Development Authority;
- 2) compliance with Transport Canada's painting and lighting requirements for aeronautical safety;
- 3) Health Canada's safety guidelines respecting limits of exposure to radio frequency fields; and
- 4) an environmental impact assessment may be required in order to comply with the Canadian Environmental Assessment Act.

610.2 An applicant shall consider the following:

- 1) Unless demonstrated to be impractical, transmission antennae shall be mounted on existing structures (including buildings or towers).
- 2) The tower base and guy wire anchors must meet all applicable setbacks to roads and property lines.
- 3) Communication towers shall be located in a manner that minimizes adverse visual impacts on surrounding natural environment and residential communities. The Development Authority may require landscaping and/or screening measures to mitigate adverse visual effects.
- 4) Sites for commercial communication towers shall be fenced with suitable protective anticlimb fencing as required by the Development Authority.

610.3 All applications for new communication towers shall identify any existing such structures within a 3.2 km (2 mile) radius of the proposed structure, and shall provide documentation explaining, to the satisfaction of the Development Authority, why co-location is not a viable alternative to a second structure. Where Transport Canada requires that a communication tower be lighted, the applicant shall ensure that lighting impacts on adjacent properties are minimized.

610.4 In addition to the requirements enumerated in Regulation 304, a Development Permit application for a Communication Tower shall identify existing vegetation to be retained, removed, or replaced, as well as avoidance or mitigation measures, land uses and structures on the site and abutting properties, and demonstration that the site location has minimal impacts on adjacent lands.

611 Connection to Municipal Services

611.1 All developments must connect to municipal services unless hook-up to the services is unfeasible or undesirable, the Development Authority may then accept alternative servicing measures provided that the servicing measures meets the requirements of provincial guidelines, regulations and legislation.

612 Corner and Double Fronting Lots

612.1 Notwithstanding the provisions of this Bylaw, the Development Authority may require any corner site to provide an additional front yard or yards other than that required by the Bylaw, having regard to the orientation and access of any development, conditions pertaining to roadway visibility, and the front yard requirements of adjacent properties.

613 Damage to Local Improvements

613.1 The Development Authority may require, as a condition of issuing a development permit, that a developer provide a letter of credit or cash security to cover cost of repairing local improvements which may be damaged during process of development. The security shall be returned if no damage results from development.

614 Design, Construction, and Treatment of Buildings

614.1 The design, siting, external finish, and architectural appearance of any proposed building, structure, or sign must be acceptable to the Development Authority having due regard for the amenities and character of the existing development and neighbouring development.

6.14.2 In addition to the specific regulations noted in this Bylaw, the Development Authority, when issuing a development permit for a permitted or discretionary use, may impose such conditions as he thinks necessary regarding:

- 1) Building size;
- 2) Location on lot;
- 3) Setbacks;
- 4) Parking;
- 5) Access;
- 6) Landscaping;
- 7) Exterior finishes;
- 8) Elevations;
- 9) Pedestrian oriented design; and
- 10) Such other matters as appear necessary to protect the interest of future development, neighbouring properties, and the municipality as a whole.

615 Decks

615.1 For the purpose of establishing yards and setbacks,

- 1) a deck which is attached to a main building, and which has a walking surface 60 cm (2 feet) or more above ground, is deemed to be part of the main building; and
- 2) a deck which has a walking surface less than 60 cm (2 feet) above ground is not bound by yard and setback requirements.

615.2 All decks shall:

- 1) be no higher than 1.5m (5ft) and
- 2) have the same minimum setbacks as the principle building.

616 Drive In Businesses

616.1 Location: Despite their being listed as approved uses in a land use district, drive in businesses are permitted only where passing traffic will not be impeded, and traffic entering and leaving the business will not endanger pedestrians.

616.2 Curb Cuts: Curb cuts shall be situated at a location approved by the Development Authority, and no closer than 12 metres (40 feet) to the curb intersection of two streets.

616.3 Hard surfacing: All parts of the site to which vehicles have access shall be hard surfaced and drained to the satisfaction of the Development Authority.

616.4 Parking and stacking: The lot shall be large enough to accommodate all necessary parking, and provide room for vehicles awaiting service so that they do not back up into the adjacent street.

616.5 Garbage control: The site shall be provided with adequate garbage receptacles, and shall be fenced to the satisfaction of the Development Authority so garbage is prevented from blowing off the site.

616.6 Screening: If the site is adjacent to a residence, the Development Authority may require that the site be screened to his satisfaction.

617 Encroachments and Overhangs into Yards

617.1 Balconies and decks may encroach into the required yard setback by the following distances:

- 1) 1.5 metres (5 feet) into yards of 4 metres (13 feet) or more, and
- 2) 60 cm (2 feet) into yards of less than 4 metres (13 feet).

617.2 Other features attached to a building such as bay windows, chimneys, eaves, open steps, and sills may encroach into the required yard setback required by Part 7 by the following distances:

- 1) 60 cm (2 feet) into yards of 1.5 metres (5 feet) or more, and
- 2) 0.45m (18 inches) into yards of less than 1.5 metres (5 feet).

617.3 Encroachments greater than those set out above may be allowed by the Development Authority but are deemed to be discretionary and thus appealable.

618 Encroachments and Overhangs into Roads

618.1 No sign, building, or parking stall may encroach over or onto a road unless the person responsible for the encroaching object

- 1) has signed an encroachment agreement with the municipality, and
- 2) where required by the municipality, maintains liability insurance of at least \$1 million and naming the municipality as co-insured.

618.2 This section does not apply to fascia signs encroaching less than 30cm over a road.

619 Fabric Covered Buildings

619.1 The Development Authority may issue a Development Permit for a fabric covered building, for a specific time frame, at their discretion.

619.2 The applicant shall reapply for the Development Permit prior to the expiry of the original Development Permit, and provide photos less than thirty (30) days old, at which time the fabric covered building shall be inspected with regard to aesthetic appeal, structural stability, and safe functioning.

619.3 Notwithstanding the above, a fabric building whose footprint is under 10.0m² is considered an accessory building, and does not require a Development Permit.

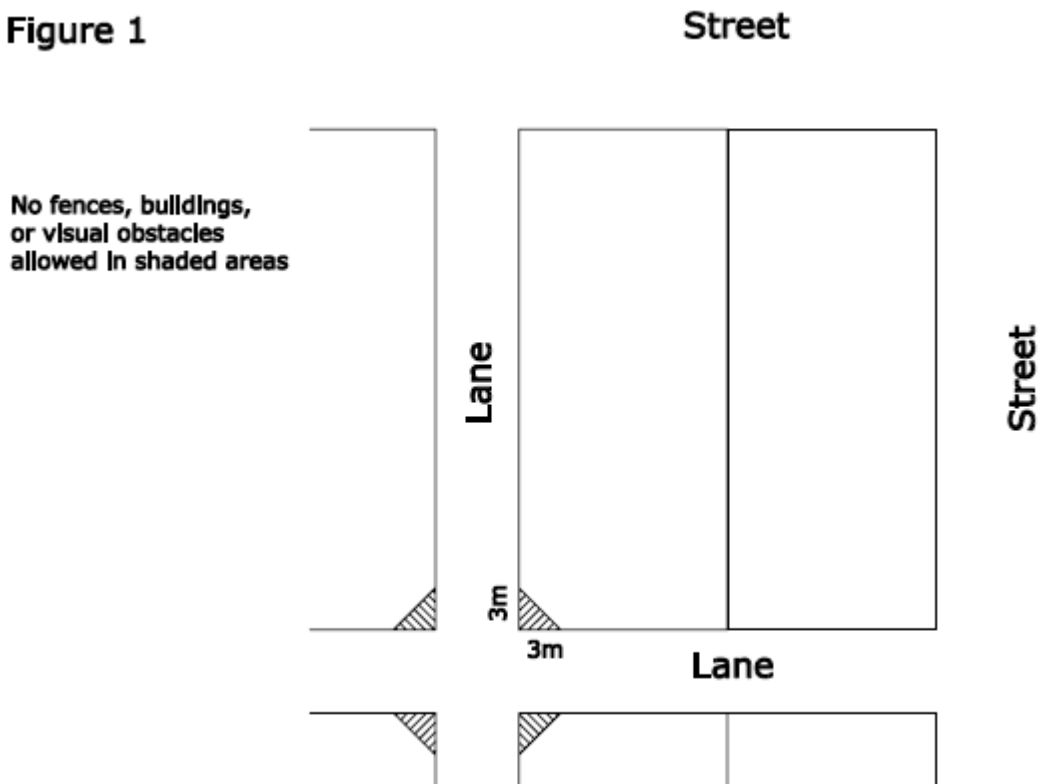
619.4 The Development Authority may refuse to issue a Development Permit for a fabric covered building if there is no main building on the lot.

620 Fences

620.1 In residential districts, no fence shall be higher than 1.75 metres (6 feet) in side and rear yards and no higher than 1 metres (3 feet) in front yards.

- 620.2 The height limits for front yard apply to any side of a lot facing or flanking a street.
- 620.3 The maximum fence heights allowed in this section do not apply to swimming pools, which are governed by the Alberta Building Code.
- 620.4 Barbed wire may be used only
- 1) for fences surrounding land on which the grazing of livestock is allowed, and
 - 2) as the top strand of a fence in a commercial or industrial district, and provided the top strand is at least 1.75 metres (6 feet) above ground level.
- 620.5 No electric fence shall be constructed except as an internal cross-fence on land on which grazing of livestock is allowed.
- 620.6 No fence or other obstruction to visibility shall be constructed within 3 metres (10 feet) of the intersection of two lanes, as shown in the diagram below.

Figure 1



- 620.7 A person wishing to construct a fence that does not comply with this section shall apply for a Development Permit and the permit shall be advertised as a discretionary use.
- 620.8 Fences shall be constructed of a material satisfactory to the Development Authority.
- 620.9 All fencing and hedges shall be located on private property.

621 [Garage Sales](#)

- 621.1 A maximum of three (3) garage sales per calendar year may be held from one location and for no longer than three (3) consecutive days.

621.2 A Home Business Development Permit shall be required to exceed the restrictions defined in Regulation 624.1.

622 Grading of Lots

622.1 No land shall be filled or raised, and no grading or drainage shall be undertaken, affecting adjacent property, unless a development permit has been issued for the work.

- 1) Any lot grading and drainage must comply with the municipality's engineering standards or, if no such standards have been adopted, with good municipal engineering practice.
- 2) In no case shall the water from one lot drain on to another lot unless this is explicitly allowed in a development permit AND the person whose lot is being drained has the written permission of the person whose land will receive the water.
- 3) An application for a development permit application for a new building shall include a lot grading and drainage plan showing existing and proposed ground levels on the lot in question and on neighbouring lots, roads, and lanes, and shall normally provide for a minimum 4% slope away from buildings.

623 Height of Buildings

623.1 No dwellings or other buildings containing sleeping accommodation shall be constructed with more than two floors above ground level without the specific approval of the Development Authority acting on the advice of the municipal Fire Chief and/or Safety Codes Officer.

624 Home Business

624.1 A Development Permit shall be required for any new Home Business from the date of passing of this Bylaw.

624.2 A Home Business shall be considered an accessory use to a principal dwelling.

624.3 A maximum of one (1) Home Office or Home Business is permitted per lot in conjunction with a principal dwelling.

624.4 A Home Business:

- 1) May not occupy more than 25% of the gross floor area of the principal building;
- 2) May use accessory buildings for business activities, provided the accessory buildings meet the requirements of the district and Subsection 602;
- 3) Shall maintain the residential character of land, buildings or structures;
- 4) Shall not produce offensive noise, vibration, smoke, dust, odours, heat, glare, electrical or radio disturbance;
- 5) Shall not adversely affect the privacy and enjoyment of adjacent dwellings or the amenities of the neighbourhood;
- 6) Shall not permit Outside Storage unless it is screened to the satisfaction of the Development Authority;
- 7) Shall have a maximum of three (3) employees on site at any one time, of which only one (1) may be a non-resident; and

- 8) Shall have a maximum of six (6) persons, including employees and clients, on site at any one time.
- 624.5 It is the responsibility of the business operator to obtain any other approvals or licenses that may be required by other legislation and regulations.
- 624.6 Automotive Services shall only be considered a Home Business if all activities are fully contained within a building and no more than one (1) vehicle is on site for service at any time.
- 624.7 Signage for a Home Business shall not exceed 0.3 m² and shall be placed inside a window or flat on a building, so as to not project into any yards.
- 624.8 Not more than one (1) commercial vehicle with one (1) accessory trailer (gross vehicle weight not exceeding 4,500 kgs), shall be used in conjunction with any Home Business.
- 624.9 If, at any time, any of the requirements for Home Businesses have not been complied with the Development Authority may suspend or cancel the Development Permit.
- 624.10 Off-street parking shall be in accordance with Section 636 of this Bylaw. Parking for all commercial vehicles associated with a Home Business must be provided on the lot upon which the Home Business is located.
- 624.11 A maximum of one (1) Home Office or Home Business is permitted per lot in conjunction with a principal dwelling.

627 Industrial Development and Waste

- 627.1 Any disposal of waste shall comply with all Provincial Regulations and municipal Waste Management Bylaws, where applicable.
- 627.2 The Development Authority may require, as a condition of a Development Permit, for any dangerous goods that are produced; processed; handled; stored; or disposed of on-site, that a risk assessment review statement is prepared by a qualified professional satisfactory to the Development Authority, to determine whether the proposed development is to be approved, approved with conditions, or refused. Guidelines for preparation of the risk assessment review statement will be provided by the municipality.
- 627.3 With all Industrial Development Permit applications, the applicant must provide an environmental management plan that describes how the facility will avoid, in the case of a flood, the release into the environment of a substance in an amount, concentration or level, or at a rate of release that causes or may cause significant adverse effect.
- 627.4 The Development Authority may require the environmental management plan to address any or all of:
- 1) materials and solid waste in general
 - 2) liquid waste
 - 3) Noxious odours
 - 4) Noise and vibration
 - 5) Energy efficiency

6) traffic

627.5 The Development Authority may require a construction management plan indicating how the following goals will be addressed:

- 1) Minimize waste, e.g. by selecting products that conform to required material dimensions
- 2) Separate waste materials for recycling where possible, and
- 3) Manage hazardous materials and wastes

628 **Keeping of Animals**

6328.1 This section does not apply to auction marts, veterinary clinics, land occupied by an agricultural society, or land owned by the municipality and rented to third parties for farming purposes.

628.2 No livestock are permitted within the municipality, other than on lands designated as Agricultural, or as approved in a separate bylaw (e.g. Chicken Bylaw).

628.3 Sensitive natural areas, such as wetlands and riparian areas should be fenced from livestock.

628.4 Manure shall not be left unincorporated for an unreasonable length of time within 300m of a residence, school, hospital, or food establishment, unless the owner of the residence, school, hospital, or food establishment consents in writing.

629 **Landscaping and Screening**

629.1 The Development Authority shall use his discretion in requiring all development to be properly screened and maintained. In considering a Development Permit application, the Development Authority may:

- 1) Impose landscaping or screening requirements as conditions on a Development Permit for any permitted or discretionary use if they would serve to improve the quality or compatibility of the proposed development with surrounding properties.
- 2) Impose conditions requiring the retention of trees or additional plantings of such a type and extent that are considered necessary
- 3) Require that a landscaping plan be submitted in conjunction with an application for any non-residential development, and that the landscaping plan be approved by the Development Authority prior to the issuance of the Development Permit
- 4) Require screening from view any development that is:
 - a) Designated for commercial, industrial or institutional uses, and is located adjacent to a residential property line or to lanes that abut a neighbouring residential property.
 - b) Designated for commercial, industrial or institutional uses, and is located adjacent to a provincial highway or municipal road or municipal road allowance.
 - c) Used for storage of goods, sea cans, machinery, vehicles, buildings, or waste materials except for the purposes of sale, promotion display; and/or

- d) Used as a landfill site, gravel pit, sewage lagoon, sewage treatment plant, parking lot, auto wrecking operation, salvage yard, lumber yard, or similar use.
 - 5) Relax or vary any screening or landscaping requirements where such a relaxation or variance would improve the quality or compatibility of the proposed development or would not adversely impact surrounding properties; and
 - 6) Require, as a condition of a Development Permit, that the owner enter into a development agreement with the municipality respecting the landscaping that will be required by the Development Authority. Under the agreement, the owner shall provide the municipality with an irrevocable letter of credit or other security acceptable to the municipality for a value equivalent to 100% of the estimated cost of the work, as deemed acceptable by the municipality, to ensure that the landscaping is completed with reasonable diligence within one year from the date the Development Permit is issued, and adequately maintained for two (2) additional growing seasons thereafter.
- 629.1 Screening requirements shall be determined at the discretion of the Development Authority at the time of Development Permit application, but in general, screening shall consist of fences, hedges, landscaped earthen berms, or a combination thereof, and shall be constructed to a minimum height of 1.83 (6 ft).
- 629.2 Wherever practicable, existing natural vegetation should be retained and plantings for landscaping or screening purposes should be drought-tolerant and/or indigenous species.
- 629.3 Natural vegetation may be applied to satisfy landscaping or screening requirements as determined by the Development Authority.

630 Lighting and Light Pollution

- 630.1 Exterior lighting shall not be a hazard or a nuisance to roadway traffic or adjacent properties.
- 630.2 Any outdoor lighting for any development shall be located and arranged so that no direct rays of light are directed at any adjoining properties, interfere with the use and enjoyment of neighbouring lands, or interfere with the effectiveness of any traffic control devices.

631 Loading

- 631.1 Each loading space shall have dimensions of not less than 3 metres (9.8 feet) in width and 8 metres (26.2 feet) length.
- 631.2 Each loading space shall be graded and surfaced to dispose of stormwater runoff.
- 631.3 The following chart is offered as a guide to the Development Authority in requiring a minimum number of off-street loading spaces in relation to various new development proposals. Complete discretion shall be exercised by the

Development Authority in the matter, but in no case shall a development not provide any off-street loading spaces.

USE	MINIMUM NUMBER OF SPACES
Retail, industrial or similar uses	1 per 500m ² (5382ft ²) of gross floor area Two spaces required between 500m ² (5382ft ²) and 2500m ² (26,911ft ²) of gross floor area, and Additional space for each additional 2500m ² (26,911ft ²) of gross floor area or fraction thereof
Office buildings, schools, inst, etc	1 per 2500m ² (26,911ft ²)

631.4 All off street loading facilities shall:

1. Be designed so that no part of a vehicle encroaches on a street, lane, or other public property; and
2. Shall be screened from any residential use adjacent to the property.
3. Each loading space shall be graded and surfaced to dispose of stormwater runoff.

632 Manufactured Home

632.1 Manufactured Homes mounted on permanent foundations, may exist provided that the Development Authority is satisfied that the unit will not be an eyesore or a fire hazard or otherwise degrade the neighbourhood.

632.2 All accessory structures such as patios, porches, additions, skirting, and storage facilities shall be of a quality satisfactory to the Development Authority, so that the design and construction will complement the manufactured home.

632.3 The undercarriage of each manufactured home shall be suitably enclosed from view by skirting or such other means that is satisfactory to the Development Authority. Hitches shall be removed or properly screened.

632.4 Each manufactured home shall be placed upon a concrete pad, or minimum gravel base, with four concrete piles with tie down loops, and supported by blocks, as approved by the Development Authority.

632.4 All manufactured homes must be CSA approved.

633 Moved-In Buildings

633.1 Existing buildings may be moved on to a lot in the municipality where this is explicitly allowed in the regulations for the particular land use district.

633.2 A person wishing to move an existing building on to a lot shall make an application for a development permit in the usual way and shall also provide:

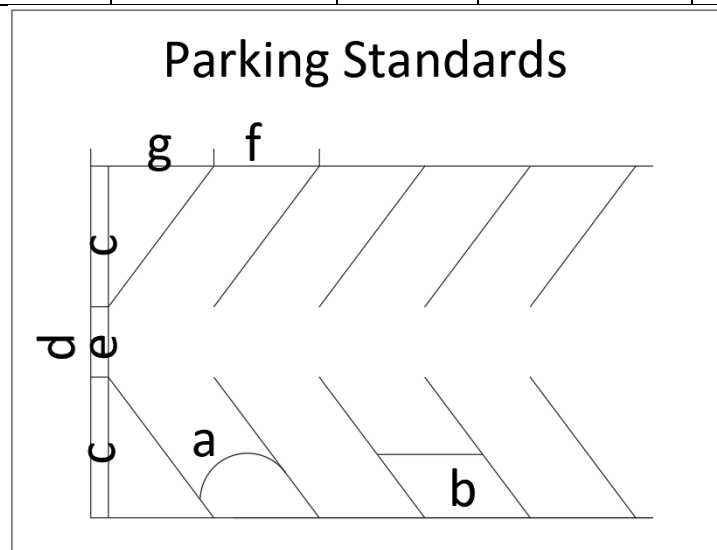
- 1) photographs showing all sides of the building;
- 2) a statement of the type of construction, condition, and age of the building; and

- 3) a statement of proposed improvements with an estimate of costs.
- 633.3 The Development Authority may inspect the building which is proposed to be moved in, or have another qualified person do so, and in either case the expenses of such inspection, including the inspector's time, shall be paid by the applicant before any development permit is issued.
- 633.4 The Development Authority shall consider whether the building is compatible with the character of the neighbourhood in which it is proposed to be set, and may refuse a development permit if, in his opinion, the building is unsuitable.
- 633.5 The Development Authority may issue a development permit subject to such conditions as he believes necessary to bring the building up to a suitable standard within 12 months from the date of issuance of the development permit.
- 633.6 The Development Authority may also require security in the form of a letter of credit or cash under Section 308 of the Bylaw.
- 633.7 This section does not apply to new storage sheds, or to temporary buildings authorized under Section 303 of the bylaw, or to new manufactured houses being moved in to a district where they are a permitted or discretionary use.

634 Parking

634.1 The minimum size for a parking space shall be as stated in the following table:

A	B	C	D	E	F	G
Parking Angle in Degrees	Width of Stall in Metres	Depth of Stall Perpendicular to Maneuvering in Metres	Overall Depth in Metres	Width of Maneuvering Aisle in Metres	Stall Width in Metres	Free Space Length in Metres
0	3	3	10	4	5.5	0
30	3	5	14	4	6.0	8.7
45	3	5.5	15	4	4.2	5.5
60	3	5.5	17	6	3.5	3.6
90	3	5.5	17	6	3.0	0



634.2 The minimum number of off-street parking spaces required for each use/development shall be as stated in the following table.

Use of Building/Development	Minimum Required Spaces
1 & 2 family dwelling unit	2 per dwelling unit
3 family & greater dwelling units	1.5 per dwelling unit
Retail Stores	1 per employee
Food establishment, etc.	1 per 3 employees and 1 per 10 seating spaces
Hotels, motels, etc.	1 per employee and 1.0 per sleeping unit
Religious institutions, halls, etc.	1 per three employees and 1.0 per ten seating spaces or when the greatest amount of parking will be required after normal business hours, the Development Authority may count nearby public parking as part of the required on-site parking.
Elementary/Junior High	1 per employee
Senior High School	1 per employee plus 1.0 per twenty students
Manufacturing, wholesale, etc.	1.0 per employee
Hospitals and similar use	1 per employee plus 1.0 per four beds
Mixed Uses	Proposed developments of more than one use shall provide parking stalls equal to the sum of the requirements for the individual uses.
Other	To the satisfaction of the Development Authority.

635 Prohibited Objects in Yards

635.1 In a residential district, no person shall keep a vehicle weighing greater than 4500 kg for longer than is reasonably necessary to unload the vehicle.

635.2 Despite section 637.1, a motor home or other recreational vehicle may be stored on a lot.

635.3 In a residential district, no person shall keep visible any wrecked or partially dismantled vehicle, or any other object which in the opinion of the Development Authority is unsightly or offensive.

635.4 Garbage shall be contained in weatherproof and animal-proof containers.

635.5 No person shall keep on any visible part of any lot:

- 1) Any dismantled or wrecked vehicle for more than one month.
- 2) Any object which is unsightly or will offend neighbours, in the opinion of the Development Authority.

636 Religious Institution

- 636.1 The site on which a religious institution is situated shall have a minimum frontage of 30 metres (98.4 feet).
- 636.2 Front, side and rear yards shall be those required within the district in which the religious institution site is located.

637 Safety and Suitability of Building Sites

- 637.1 Notwithstanding that a use of land may be permitted or discretionary in a land use district, the Subdivision Authority may refuse to approve the subdivision of a lot and the Development Authority may refuse to issue a Development Permit, if in his opinion, the proposed building site is not safe and/or suitable for the intended structure.
- 637.2 A building site is deemed unsafe or unsuitable if it:
- 1) does not have safe legal and physical access to a public road;
 - 2) is subject to more than a 1:100 annual risk of flooding, calculated using methods acceptable to Alberta Environment and Parks;
 - 3) has a high water table which makes the site unsuitable for foundations;
 - 4) consists of muskeg or unconsolidated material unsuitable for building;
 - 5) is situated on an unstable slope;
 - 6) is closer than 100 m (328 ft) (or such lesser distance as the Alberta Energy Regulator (AER) may approve in writing) to an oil or gas well or pipeline;
 - 7) is within the setback distance required by the AER from a sour oil or gas facility;
 - 8) is situated over an abandoned coal mine or oil or gas well or pipeline;
 - 9) may be endangered by aircraft operations;
 - 10) is unsafe due to contamination by previous land uses;
 - 11) has an inadequate or unsafe water supply;
 - 12) is situated closer to a confined feeding operation, intensive livestock operation, or manure storage facility than the minimum distance separation established in AOPA;
 - 13) it is not large enough to accommodate buildings with the yard and setback requirements of this Bylaw;
 - 14) would prevent or interfere with the natural and economic extension of a nearby developed area, a coal mine, an oil or gas field, a sewage treatment plant, a waste disposal or transfer site, a gravel pit, a pipeline, a road system;
or
 - 15) is subject to any easement, caveat, restrictive covenant, or other registered encumbrance which makes it impossible to build on the site.
- 637.3 Nothing in this Section shall prevent the Subdivision Authority approving a lot, or prevent the Development Authority from issuing a Development Permit, if he is satisfied that there is no risk to persons or property, and the owner/developer:
- a) The owner/developer undertakes appropriate remedial actions
 - b) The owner/developer in writing demonstrates an understanding of the risk;

- c) The owner/developer in writing accepts responsibility for the environmental risk; and
- d) That these concerns will be met by appropriate engineering measures.

638 Sequence of Development

638.1 The Development Authority may refuse to issue a Development Permit for an accessory building if no main building exists on the lot.

639 Service Stations and Gasoline Sales

639.1 The lot containing a service station shall have a minimum area of 1,100 square metres (12,000 square feet) and shall have a frontage of at least 30 metres (100 feet).

639.2 Where a service station is not part of a larger commercial development such as a shopping centre, the buildings shall cover no more than 15% of the area of the lot.

639.3 Fuel pumps and above-ground fuel storage tanks shall be set back at least 9 metres (30 feet) from the front and side property lines, but if this bylaw contradicts the Alberta Building Code, the Code shall govern.

639.4 A development permit for a service station does not allow autobody work, auto wrecking, or the sale of vehicles, unless this is specifically written in the development permit.

639.5 The requirements of section 617, Drive In Businesses, also apply to service stations. TB

639.6 Service stations are encouraged to be located at the intersection of 2 or more streets. Yard requirements are as follows:

Front Yard: 12 metres (39.4 feet)

Rear Yard: 6 metres (19.7 feet)

Side Yard: One yard setback shall be at least 12 metres (39.4 feet) and the other shall not be less than 1.5 metres (4.9 feet), provided that where these uses are located on a flanking street, the 12 metres (39.4 feet) setback shall be provided on the side of the building abutting the flanking street.

639.7 Notwithstanding that a use of land may be permitted or discretionary in a land use district, no service station, bulk fuel dealership, or other business dealing in liquid or gaseous fuels shall be permitted without the approval of the Fire Commissioner.

640 Setbacks

640.1 Where the municipality or Alberta Transportation and Economic Corridors intends to widen a road, building setbacks shall be measured from the proposed property line of the future right of way, where it is known to the Development Authority.

641 Shipping Containers

- 641.1 Shipping containers shall only be allowed in the land use districts where they are listed as a permitted or discretionary use in Part 7: Land Use District Regulations.
- 641.2 When the use of the shipping container is for the purpose of storage it shall be a permitted use. However, if the use is for a dwelling or other purpose it shall be discretionary.
- 641.3 An application for a Development Permit for a proposed shipping container(s) must be completed and submitted to the Development Authority along with the appropriate application fee and at least two (2) recent colour photographs of the container (one end view and one side view) must accompany the application.
- 641.4 There shall be a primary use on the property where the shipping container is proposed.
- 641.5 The front, rear, and side setback requirements shall be regulated by the Development Authority and the requirements of the appropriate land use district.
- 641.6 The maximum number of shipping containers permitted in any other land use shall be two (2), unless otherwise regulated by the Development Authority.

642 Signs

- 642.1 No permit is required for a sign which:
- 1) is not visible from a public road or park, or
 - 2) is erected by a government or school authority, or
 - 3) concerns an election, or
 - 4) identifies the address or function of a building or parcel on which the sign stands, or
 - 5) advertises a sale or event taking place that day, or
 - 6) offers for sale or rent the parcel on which it stands, or
 - 7) advertises a business or activity taking place on that parcel, or
 - 8) advertises a product, service, or commodity offered for sale or rent on that parcel,

provided the size, style, number, and location of the sign meets the requirements of this bylaw.

A development permit is required for all signs other than those listed above. No sign shall be placed on the right of way of a road without the approval of the municipality.

- 642.2 Notwithstanding 11.2 and 11.3.1 above, temporary signs protected by Section 2(b) of the Constitution Act, 1982 (Canada), and signs advertising auctions and garage sales taking place that day, do not require a development permit, and may be placed on a road provided that the signs are not a danger to public safety, and are removed promptly after the election or event which is the subject of the sign.
- 642.3 The Development Authority shall require that a sign overhanging municipal property be constructed and maintained to such a standard that it is not a hazard to people, traffic, or property.

- 642.4 A sign may overhang a road only if the owner of the sign has entered into a written agreement with the municipality under which he accepts all liability.
- 642.5 The preceding section does not apply to fascia signs which encroach less than 15 cm (6 inches) over the road.
- 642.6 In residential districts:
- 1) Signs shall not exceed 1 square metre (10 square feet), or 3 square metres (32 square feet) on religious institutional property, and shall not be internally illuminated, fluorescent, or moving.
 - 2) Signs advertising a home Business or home office shall be attached to the wall of the building in which the office or occupation is carried on.
 - 3) Signs advertising garage and auction sales are permitted one day before and on the actual date of the sale.
 - 4) Signs shall be in good taste and compatible with the character of the neighbourhood.
 - 5) No more than one sign for each of the purposes listed in Subsection 642.1 shall be erected on a residential parcel, except where the parcel abuts two or more roads, a sign may be erected facing each road.
 - 6) Signs advertising commercial activities off site are not permitted.
- 642.7 No advertising other than signs exempted by Section 11.1, and billboards as defined elsewhere in this bylaw shall be placed within 100 metres of a provincial highway unless the approval of Alberta Transportation and Economic Corridors has first been obtained in writing.
- 642.8 Billboards on each side of a highway shall be separated by at least 200 metres.
- 642.9 For the purposes of this bylaw, vehicles or trailers parked for more than seven days on a private parcel adjacent to a highway, and bearing advertising material, are deemed to be signs but not billboards.
- 642.10 The Development Authority must not issue a development permit for a portable sign unless the sign is owned by the owner or lessee of the land on which it stands, or a person holding a current business licence.
- 642.11 No more than one portable sign may be placed on a lot for each 100 metres of frontage.
- 642.12 Portable signs are not permitted in residential districts.
- 642.13 Council may by resolution set an annual fee to be paid in respect of every portable sign displayed in the municipality.
- 642.14 Signs shall be designed, constructed, and maintained at the discretion of the Development Authority so they are compatible with the quality of the neighbourhood.
- 642.15 A sign which is not attached to a building shall be set back from a road or lane the same distance as if it were a building, unless the Development Authority is satisfied that it will not interfere with sight lines for drivers.
- 642.16 Notwithstanding any other part of this bylaw, the Development Authority may refuse to issue a development permit for any sign which in his opinion would be a danger to traffic, property, or public safety.

642.17 If in the opinion of the Development Authority a sign is a danger to traffic, property, or public safety, he may demand the immediate removal of the sign, and if he is unable to identify the person responsible for the sign, he may obtain right of entry under Section 542 of the Act, and remove the sign.

642.18 Where this bylaw provides no regulations governing the size, style, number, purpose, content, or location of sign, a permit may be issued by the Development Authority, but the use shall be deemed a discretionary use, and may be appealed to the Intermunicipal Subdivision and Development Appeal Board, which may confirm, amend, or revoke the permit.

642.19 The erection of signs for whatever purpose, must be approved by the Development Authority, who shall exercise discretion in sign specifications.

642.20 All Signs shall be designed and placed so that:

- 1) the size of sign does not dominate in context to other legal signs in the immediate area; and
- 2) the size of the sign does not adversely impact the architectural character of the building or adjacent buildings; and
- 3) the sign does not obstruct sight lines for vehicular traffic; and
- 4) the sign does not project onto a right-of-way or adjacent lands.
- 5) the sign does not obstruct the ability for pedestrians to move freely along the side walk;
- 6) the sign does not contribute to clutter on the site adversely affecting the aesthetic value of the
- 7) immediate surrounding area; and
- 8) the cumulative impacts of signage on the overall area does not adversely impact the aesthetic and visual character of the surrounding area.

642.21 The Development Authority may require the removal of any sign which, in their opinion is, or has become unsightly, abandoned, or is in such a state of disrepair as to constitute a hazard.

642.22 Freestanding signs shall be no higher than 6 m and must be in keeping with the height characteristics of the surrounding area.

642.23 Signs attached to a building shall cover no more than 30% of the area of the wall elevation it is on.

642.24 Signs attached to a building shall not extend more than 3 m above the roof grade and shall not exceed the maximum building height.

643 Solar Energy Systems

643.1 No development permit shall be issued for the construction or enlargement of any building which would significantly reduce the amount of sunlight falling on any solar collection system which is complete or under construction at the time of application for a permit.

643.2 Within all residential districts,

- 1) a solar energy system mounted on a roof with a pitch of less than 4:12 must not extend beyond the outermost edge of the roof, but may

- a) project a maximum of 0.5 m (1.6 ft) from the surface of the roof when the system is located 5.0 m or less from a side lot line, measured directly from any point along the property line; and
 - b) project a maximum of 1.3 m (4.3 ft) from the surface of the roof in all other cases; and
- 2) a solar energy system mounted on a roof with a pitch of 4:12 or greater may project a maximum of 1.3 m (4.3 ft) from the surface of the roof and must not extend beyond the outermost edge of the roof.

643.3 Within all other districts,

- 1) a solar energy system mounted on a roof with a pitch of less than 4:12 may project a maximum of 2.0 m (6.5 ft) from the surface of the roof and must be located at least 1.0 m (3.0 ft) from the edge of the roof; and
- 2) a solar energy system mounted on a roof with a pitch of 4:12 or greater may project a maximum of 1.3 m (4.3 ft) from the surface of the roof and must not extend beyond the outermost edge of the roof.

643.4 A solar energy system that is mounted on a wall

- 1) shall be located a minimum of 2.4m (7.9 ft) above grade; and
- 2) may project a maximum of 0.6m (2.0 ft) from the surface of the wall.

643.5 A ground-mounted solar systems shall be treated as an accessory building for the purpose of location, height and lot coverage.

644 Sour Gas Facility

644.1 Development proposed within 1.5 kilometers of a sour gas facility shall:

- 1) Be referred to the Alberta Energy and Utilities Board for comments and recommendation; and
- 2) The comments received shall guide the Development Authority in making a decision on the proposal.

645 Swimming Pools

645.1 Swimming pools shall only be allowed within the rear and side yards.

645.2 Swimming pools, including fencing and gates must meet all provincial regulations and legislation.

646 Utility Setbacks

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

647 Utility Easements

647.1 No building shall be constructed or placed on a utility easement unless:

- 1) In the opinion of the Development Authority, the building does not restrict access to the utility easement for the purpose of installation and maintenance of the utility, and,
- 2) Written consent has been obtain from the utility company to which the easement has been granted.

648 Visibility at Corners

648.1 The Development Authority may require the removal of any fence or vegetation which in his opinion is a hazard to traffic because it obstructs visibility.

Part 7: Land Use District Regulations

701 R.1(A) RAILWAY RESIDENTIAL DISTRICT

701.1 Purpose:

The purpose of the R.1(A) Railway Residential District is to provide land for the development of quality, low density residential houses along Railway Avenue.

701.2 Permitted Uses

- a. New single family houses of conventional construction
- b. Home Office
- c. Parks and playgrounds
- d. Accessory buildings to the above

701.3 Discretionary Uses

- a. Modular units
- b. Public utilities installations
- c. Religious Institutions
- d. Schools
- e. Swimming pools
- f. Basement suites
- g. Group homes
- h. Home business
- i. Utility Installations
- j. Parks
- k. Private Clubs
- l. Solar Arrays

701.4 Minimum Site Requirements

- a. The minimum site area for a residential parcel in this District shall be 500 square meters (5382 ft²) providing the parcel is laned.
- b. Laneless parcels shall have a minimum of 550 square meters (5920ft²).
- c. The minimum site width for interior parcels shall be 15 meters (49.2 feet), while that for corner parcels shall be 17 meters (55.8 feet).
- d. Notwithstanding the above, all corner parcels shall have a minimum site area of 600 square meters (6458 ft²).
- e. The minimum site requirements for all other permitted and discretionary uses shall be to the satisfaction of the Development Officer.

701.5 Minimum Yard Requirements

- a. Front Yard: 5 meters (16 feet)

- b. Side Yard: 2 meters (4.9 feet) on both sides of the building shall be required except:
 - Where the site width exceeds 15 meters (49.2 feet), a minimum of 10% of site width up to a maximum of 3 meters (9.8 feet) shall be required on both sides of the building.
 - Where in a laneless subdivision, one side yard shall be 1.5 meters (4.9 feet) and the other 3 meters (9.8 feet).
 - Where on a corner parcel, in accordance with Section 612.
- c. Rear Yard: No part of the main building shall be closer than 6 meters (19.7 feet) to the rear property line.

701.6 Minimum Floor Area

Residence: 85 square meters (914 ft²)

All other uses: to the satisfaction of the Development Officer

701.7 Maximum Building Height

Principal building: 10 meters (32.8 feet)

Accessory building: 5 meters (16.4 feet)

701.8 Maximum Site Coverage

35% for principal and accessory buildings

701.9 Regulations Regarding Specific Uses

- a. Home occupations may be permitted if:
 - i. In the opinion of the Development Officer, the dwelling has adequate floor space and the use conforms to the residential nature of the dwelling.
 - ii. The occupation is carried on entirely within the building and that no outside employees are engaged, and
 - iii. The Development Officer attaches the condition that no display of goods be visible on the premises.
- b. Minimum parking requirements shall be in accordance with those regulations prescribed in Part Six – General Regulations.

702 R.2 RESIDENTIAL DISTRICT

702.1 Purpose

The purpose of the R.2 Residential District is to provide land for a variety of residential developments.

702.2 Permitted Uses

- a. Single family dwelling units
- b. Duplexes
- c. Single and duplex modular units
- d. Basement suites
- e. Home Office
- f. Parks and playgrounds
- g. Public utilities installations
- h. Accessory buildings to the above

702.3 Discretionary Uses

- a. Apartments
- b. Row houses
- c. Moved-in single family dwellings
- d. Religious Institutions
- e. Schools
- f. Home Business
- g. Institutional uses
- h. Manufactured Home
- i. Swimming pools
- j. Group homes
- k. Utility Installations
- l. Parks
- m. Private Clubs
- n. Solar Arrays

702.4 Minimum Site Requirements

- a. The minimum site area for single family dwelling and mobile home parcels in this district shall be 420 square metres (4521 ft²), with a minimum parcel width of 13 metres (42.6 feet).
- b. The minimum site area for each side of a duplex shall be 325 square metres (3498 ft²) or 650 square metres (6997 ft²) in total.

- c. The minimum site area for rowhouses shall be 230 square metres (2476 ft²) for both interior and corner parcels.
- d. The minimum area for apartments are as follows:

1 bedroom apartment unit - 79 square metres	(850 ft ²) per unit
2 bedroom apartment unit - 97 square metres	(1044 ft ²) per unit
3 bedroom apartment unit - 116 square metres	(1249 ft ²) per unit
- e. The minimum site area for all other permitted and discretionary uses shall be to the satisfaction of the Development Officer.

702.5 Minimum Floor Area

- a. The minimum floor area for a single family dwelling unit in this district shall be 79 square metres (796 ft²), 65 square metres (700 ft²) for a duplex dwelling unit and row house unit, and 55 square metres (592 ft²) for an apartment dwelling.
- b. The minimum floor area for all other permitted and discretionary uses shall be to the satisfaction of the Development Officer.

702.6 Minimum Yard Requirements

Front Yard: 7 metres (23 feet). Landscaping shall be to the satisfaction of the Development Officer.

Side Yard: 1.5 metres (4.9 feet) on both sides of the building except where:

- where the site exceeds 15 metres (49.2 feet), a minimum of 10% of the site width up to a maximum of 3 metres (9.8 feet) shall be required on both sides of the building.
- where in a laneless subdivision, one side yard shall be 1.5 metres (4.9 feet) and the other 3 metres (9.8 feet).
- where on a corner parcel, in accordance with Section 612.

Rear Yard: No part of the main building shall be closer than 6 metres (19.7 feet) to the rear property line.

Other Yard Requirements: Accessory buildings shall be located in accordance with the regulations prescribed in Part 6: General Regulations.

702.7 Maximum Building Height

Principal building: 10 metres (32.8 feet)

Accessory building: 5 metres (16.4 feet)

702.8 Maximum Site Coverage

The maximum site coverage of buildings in this district shall be 35% and 50% for institutional buildings. In the case of apartment buildings, the development density shall be restricted by a 50 % maximum building floor/site area ratio.

702.9 Regulations Regarding Specific Uses

- a. Those regulations prescribed for the R.1 Residential District shall apply to the R.2 Residential District.
- b. Minimum parking requirements shall be in accordance with those regulations prescribed in Part 6: General Regulations.
- c. A permit may be granted to move a single family dwelling unit or mobile home into the R.2 district provided that:
 - the Development Officer inspects the building or mobile home or cause it to be inspected by a person he so appoints at the applicant's expense;
 - certain works of alteration, repair or maintenance as deemed necessary by the Development Officer of the building or mobile home and/or landscaping of the proposed site be carried out as a condition of the issue of a development permit insuring quality control;
 - the building or mobile home be placed on a foundation to the satisfaction of the Development Officer;
 - mobile homes be skirted with approved building materials and wheels removed.

703 C.1 CENTRAL COMMERCIAL DISTRICT

703.1 Purpose

The purpose of the C.1 Central Commercial District is to provide land for the development of retail land uses in the downtown area.

703.2 Permitted Uses

- a. Banks
- b. Personal service shops
- c. Bakeshops
- d. Business and professional offices
- e. Dry cleaners and laundries
- f. Eating establishments
- g. Retail stores
- h. Theatres, halls and hotels
- i. Post offices
- j. Wholesaling and warehousing - where the front portion of the building consisting of not less than 60% of the floor space is used for office space, and where open storage of goods is not permitted.
- k. Accessory buildings to the above permitted uses
- l. Utility Installations

703.3 Discretionary Uses

- a. Dwelling units above first floor
- b. Workshops accessory to permitted uses
- c. Parks
- d. Private clubs
- e. Public and quasi-public buildings
- f. Shipping Containers
- g. Solar Arrays

703.4 Minimum Site Requirements

- a. The minimum site area for a lot in this district shall be 140 square metres (1507 ft²), with a lot width of at least 4.5 metres (14.8 feet).
- b. Coverage of all buildings shall not exceed 90%, provided that adequate provision is made for parking and loading.

703.5 Minimum Yard Requirements

Front Yard: not required;

Side Yard: not required, unless abutting residentially owned land, in which case the side yard shall be at least 2 metres (6.6 feet) or one half the building height, whichever is the greater;

Rear Yard: 6 metres (19.7 feet), to provide for loading and waste disposal, as specified in Part 6: General Regulations.

703.6 Maximum Building Height

The maximum building height in this district shall not exceed 10 metres (32.8 feet).

703.7 Regulations Regarding Specific Uses

- a. Each lot in this district shall have lane access at the rear or side.
- b. Loading, parking and signing provisions shall be in accordance with the regulations prescribed in Part Six - General Regulations.

704 C.2 GENERAL COMMERCIAL DISTRICT

704.1 Purpose

The purpose of the C.2 General Commercial District is to provide land for those commercially oriented land uses requiring larger tracts of land for efficient operation.

704.2 Permitted Uses

- a. Banks
- b. Personal service shops
- c. Bakeshops
- d. Business and professional offices
- e. Dry cleaners and laundries
- f. Eating establishments
- g. Retail stores
- h. Theatres, halls and hotels
- i. Post offices
- j. Wholesaling and warehousing - where the front portion of the building consisting of not less than 60% of the floor space is used for office space, and where open storage of goods is not permitted.
- k. Wholesale and retail uses
- l. Accessory buildings to the above permitted uses
- m. Utility Installations

704.3 Discretionary Uses

- a. Dwelling units above first floor
- b. Workshops accessory to permitted uses
- c. Parks
- d. Private clubs
- e. Public and quasi-public buildings
- f. Car and truck washes
- g. Moving and cartage companies
- h. Automotive and machinery sales
- i. Gasoline service stations
- j. Bulk oil and gas depots
- k. Convenience stores
- l. Shipping containers
- m. Solar Arrays
- n. Other appropriate uses as deemed acceptable by the Development Officer.

704.4 Minimum Site Requirements

- a. The minimum site area for all permitted and discretionary uses in this district shall be 581 square metres (6254 ft²) with the exception of gasoline service stations, which shall have an area of at least 750 square metres (8070 ft²). The minimum site width shall be 15 metres (49.2 feet).
- b. Coverage for all buildings shall not exceed 75% provided that adequate provision is made for parking and loading.

704.5 Minimum Yard Requirements

Front Yard: not required

Side Yard: Internal lot: none

Corner lot: 3 metres (9.8 feet)

Rear Yard: The minimum rear yard setback shall be 6 metres (19.7 feet).

704.6 Maximum Building Height

The maximum building height in this district shall not exceed 10 metres (32.8 feet).

704.7 Regulations Regarding Specific Uses

Parking, loading, and signing provisions shall be in accordance with the regulations prescribed in Part 6: General Regulations.

705 C.3 HIGHWAY COMMERCIAL DISTRICT

705.1 Purpose

The purpose of the C.3 Highway Commercial District is to provide land for the development of land uses oriented towards the motoring public.

705.2 Permitted Uses

- a. Gasoline service stations
- b. Motels and hotels
- c. Travel bureaus, trailer parks and campsites
- d. Drive-in food establishment and cafes
- e. Automotive sales, including truck and farm equipment
- f. Cabaret and dancing establishments
- g. Accessory buildings to the above permitted uses
- h. Utility Installations

705.3 Discretionary Uses

- a. Car washes
- b. Manufactured home sales
- c. Bowling alleys
- d. Public parks
- e. Solar Arrays
- f. Shipping Containers

705.4 Minimum Site Requirements

- a. The minimum site area for all permitted and discretionary uses in this district shall be 1100 square metres (11,480 ft²).
- b. The minimum lot width shall be 30 metres (98.4 feet) except for gasoline service stations which shall have a minimum width of 45 metres (147.6 feet).

705.5 Minimum Yard Requirements

Front Yard: All buildings shall be set back a minimum of 7 metres (23 feet) from the front property line except for gasoline service stations which shall be set back as specified under Section 639: Service Stations and Gasoline Stations. Service station gasoline pumps shall not be closer than 4 metres (13.1 feet) to the property line.

Side Yard: A minimum side yard setback of 3 metres (9.8 feet) is required. In the event the land is abutting residential land, any side yard shall be one-half the building height or 3 metres (9.8 feet), which ever is

greater. The side yard setback for gas/service stations shall be as specified in Section 639: Service Stations and Gasoline Stations.

Rear Yard: The minimum rear yard setback shall be 6 metres (19.7 feet).

705.6 Maximum Building Height

The maximum building height of any building in this district shall be 10 metres (32.8 feet).

705.7 Regulations Regarding Specific Uses

- a. Parking, loading, and signing provisions shall be in accordance with the regulations prescribed in Part 6: General Regulations.
- b. Any highway commercial operations shall be served by a service road. Direct highway access shall be allowed on the advice of Alberta Transportation and Economic Corridors.
- c. All highway developments shall be referred to the Local Road Authority and Alberta Transportation and Economic Corridors for comment.

706 M INDUSTRIAL DISTRICT

706.1 Purpose

The purpose of the Industrial District is to provide land on which industry of various forms may locate.

706.2 Permitted Uses

- a. Heavy and light industrial uses including:
 - i. manufacturing
 - ii. processing
 - iii. repairing
 - iv. storage
 - v. warehousing distributions providing the operation does not create objectionable conditions respecting:
 - noise
 - vibrations
 - odour
 - smoke, dust
 - radiation
 - glare
 - heat
- b. Servicing establishments
- c. Utility Installations
- d. Moving and cartage companies
- e. Automotives and machinery sales
- f. Gasoline Service Stations
- g. Bulk oil and gas depots
- h. Shipping Containers
- i. Accessory buildings to the above

706.4 Discretionary Uses

- a. Abattoir
- b. Auto wreckers
- c. Bulk fertilizer stations
- d. Packing plants
- e. Auction markets
- f. Veterinary clinics
- g. Municipal utilities plant
- h. Cannabis Growing

- i. Solar Arrays
- j. Solar Farm
- k. Parks
- l. Other uses deemed acceptable by the Development Officer.

706.5 Minimum Site Requirements

The minimum site area for a lot in this district shall be 700 square metres (7535 ft²), with a minimum site width of 23 metres (75.4 feet).

706.6 Minimum Yard Requirements

Front Yard: The minimum front yard requirements shall be 6 metres (19.7 feet).

Side Yard: The minimum side yards shall be 3 metres (9.8 feet) or as defined by the limiting distance required in the Alberta Building Code.

Rear Yard: The minimum rear yard shall be 6 metres (19.7 feet).

706.7 Maximum Building Height

The maximum building height in this district shall be 10 metres (32.8 feet), without approval of the Municipal Fire Chief.

706.8 Regulations Regarding Specific Uses

- a. Parking, loading, and signing provisions shall be in accordance with the regulations prescribed in Part 6: General Regulations.
- b. Burning will be permitted within the Industrial District only if the burning facilities have been approved by the Fire Chief and Alberta Environment and Parks.
- c. Outdoor storage of materials shall be permitted only when accessory to a permitted principle use. The area shall be screened to a height deemed necessary by the Development Officer.
- d. The entire site and all buildings shall be maintained in a neat and tidy manner including the trimming and upkeep of landscaped areas, and the removal of debris and unsightly objects.
- e. Easements and Rights-Of-Way:
 - i. No building shall be sited closer than 15 metres (49.2 feet) to the centre line of a pipeline or the centre line of the pipeline right-of-way, whichever is the lesser.
 - ii. No building shall be closer than 5 metres (16.4 feet) to a railway right-of-way.
 - iii. No building shall be sited closer than 10 metres (32.8 feet) from the centre line of a utility within an easement, or closer than 3 metres (9.8

feet) from the boundary of any easement or right-of-way containing the utility, whichever is the lesser.

- f. Each industrial lot shall not have more than two approaches to any roadway, and shall be laid out having regard to traffic flow and safety, to the satisfaction of the Development Officer.

707 A AGRICULTURAL DISTRICT

707.1 Purpose

The purpose of the Agricultural District is to designate land for future urban conversion. In such areas, capital improvements will be kept to an absolute minimum.

707.2 Permitted Uses

- a. Agriculture and horticulture, excluding any intensive animal operations
- b. Single family dwelling units
- c. Utility Installations
- d. Shipping Containers
- e. Home Office
- f. Accessory billings to the above permitted uses

707.3 Discretionary Uses

- a. Such interim uses that will not impede the eventual conversion of land to normal urban use.
- b. Cannabis Growing
- c. Solar Arrays
- d. Solar Farms
- e. Home Business

707.4 Site Requirements

- a. The minimum site area for a lot in this district shall be 32 hectares (80 acres) or such smaller size of parcels as existed prior to this bylaw.
- b. The minimum yard requirements shall be:

Front Yard: A minimum building setback of 6 metres (19.7 feet).
Side Yard: A minimum building setback of 3 metres (9.8 feet).
- c. Other requirements are: No livestock, fowl or furbearing animals may be kept in the Agricultural District unless the parcel is greater than three acres, in which case a pony or horse may be permitted for each acre or part thereof in excess of three acres.

708 DC DIRECT CONTROL DISTRICT

708.1 In accordance with Section 641 of the MGA, the control of the use of land and buildings within a Direct Control District is reserved to Council.

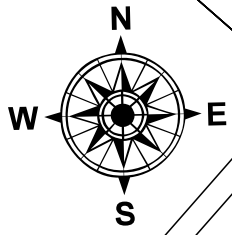
708.2 Prior to issuing or refusing a Development Permit, Council may request any information it deems necessary from the applicant, neighbours, or agencies.

708.3 In issuing a Development Permit, Council may:

- a. list which uses are allowed, and which are not;
- b. set building and lot sizes;
- c. stipulate the distances that buildings are to be set back from property lines;
- d. require the number, location, and treatment of parking stalls and loading areas;
- e. regulate outside storage;
- f. require landscaping and screening;
- g. set standards of performance;
- h. require that the developer enter into an agreement under Section 655 of the MGA; and
- i. do anything within its power under the MGA to ensure that the proposed development is carried out in a proper manner.





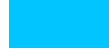

708.4 Despite Section 709.1, and pursuant to Section 642(3) of the MGA, Council may pass a resolution identifying a proposed development and delegating to the Development Officer the authority to issue or refuse a Development Permit for the proposed development.

708.5 In addition to the regulations stated above, any relevant Sections of Part 6: General Regulations shall also apply.



Land Use District Map Village of Rosalind Land Use Bylaw 257-18

Legend

- | | |
|--|--|
|  R1A - Railway Residential District |  C-2 - General Commercial |
|  R-2 - Residential |  M - Industrial |
|  C-1 - Central Commercial |  A - Agricultural |

Drawn July 2023

