

VILLAGE OF CARBON

LAND USE BYLAW NO. 98-694

September 1998

**Prepared by
Palliser Regional Municipal Services
&
Village of Carbon**

BYLAW NO. 98-694

VILLAGE OF CARBON LAND USE BYLAW

WHEREAS the Council shall, pursuant to the provisions of the Municipal Government Act, pass a Land Use Bylaw;

WHEREAS the Council of the Village of Carbon has decided to divide the Municipality into districts and to regulate the use and development of land and buildings within the Municipality as prescribed in the Bylaw; and

NOW THEREFORE the Council of the Village of Carbon hereby enacts as follows:

CARBON LAND USE BYLAW

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PART I

Purpose & Definitions

1. Purpose

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 the Village of Carbon.

2. Definitions

In this Bylaw:

"Accessory Building" or **"Accessory Use"** means a building use which in the opinion of the Development Officer or Municipal Planning Commission is subordinate, or incidental to the principal building or use located on the same site;

"Act" means the Municipal Government Act S.A. 1994 Ch. M.26-1 as amended;

"Adjacent" means land that is contiguous to a parcel of land and includes land that would be contiguous if not for a highway, road, river, stream or railway;

"Amusement Enterprise" means a commercial establishment for public entertainment or recreation including, but not limited to, bowling alleys, theaters, and billiard parlors;

"Apartment" means a residential building designed and built to contain three or more dwelling units with shared services, facilities and outside entrances;

"Attached Housing" means a building designed and built to contain three or more dwelling units separated from each other by a fire rated wall each unit having separate entrances from grade level. (For purpose of this Bylaw, Garden, Linked, Row, Townhouses, four-plex, five-plex, and six-plex units which meet this criteria are considered to be attached housing.);

"Bed & Breakfast Establishment" means a lodging facility within an owner occupied dwelling, having no more than three (3) guest rooms, providing a common washroom and dining facilities but no cooking facilities in guest rooms;

"Bench" means an intermediary plateau or an area which occurs between the top of a slope (valley bottom lands) and an escarpment or valley wall top (or rim). Benchlands typically have a slope of between 1 and 15 percent and a particular valley edge may have more than one bench at different elevations;

"Brink of Slope" means the point where at the top of a slope the grade begins to fall off at a rate steeper than 20 percent;

"Buffer" means a row of trees, shrubs, earth berm or fencing to provide visual screening and separation between sites and districts;

"Building" includes anything constructed or placed on, in, over, or under land, but does not include a primary highway or a public roadway;

"Carport" means a structure attached to a principal or accessory building, designed and used for the shelter and storage of vehicles which must have at least the side which abuts the side yard and one end unenclosed;

"Car Wash" means a facility for the washing, cleaning or polishing of motor vehicles on a commercial basis;

"Church" means a building primarily devoted to religious worship;

"Clinic" means an establishment in which medical, dental or other professional healing treatment is given to human beings;

"Community Center" means a building owned and operated by the Municipality or a community service group which provides social, recreational and other facilities for the general public, but not religious institutions;

"Corner Site" means a site at the intersection of two or more streets;

"Council" means the Council of the Village of Carbon;

"Daytime Child Care Services" means development licensed by the Province of Alberta to provide daytime personal care and education to children, but does not include overnight accommodation. Typical uses include daycare centers, day nurseries, kindergartens, nursery schools, and play schools;

"Development" means:

- (a) an excavation or stockpile and the creation of either of them, or
- (b) a building or an addition to, or replacement or repair of a building and the construction or placing in, on, over or under land of any of them, or
- (c) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the land or building, or
- (d) a change in the intensity of use of land of a building that results in or is likely to result in a change in the intensity of use of the land or building;

"Development Authority" means:

- (a) a person (or persons) appointed as a Development Officer pursuant to a resolution of Council, or
- (b) where a Municipal Planning Commission is authorized to act as a Development Officer, the Municipal Planning Commission, or
- (c) where a Municipal Planning Commission is authorized to act as a Development Officer, in addition to a person appointed as a development officer, either or both of them;

"Development Permit" means a document authorizing a development issued pursuant to a land use bylaw;

"Discretionary Use" means a use of land or a building or a building provided for in this land use bylaw for which a development permit may be issued upon an application having been made;

"District" means an area of land designated on the Land Use District Map as a land use district;

"Drinking Establishment" means an establishment licensed by the Alberta Liquor Control Board, in which alcoholic beverages are served for consumption on the premises and any preparation or serving of food is accessory thereto. This term includes, but is not limited to bars, taverns, pubs and lounges;

"Duplex" means a structure on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced ceiling and floor extending from exterior wall to exterior wall, and may contain a common stairwell exterior to both dwellings;

"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, jacks, or any other temporary foundation;

"Dwelling Unit" means a complete building or self-contained portion of a building, containing a room or suite of rooms operated as a single housekeeping unit, intended to be used as a permanent or semi-permanent domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities;

"Easement" means a right to use land generally for access to other property or as a right-of-way for a public utility;

"Escarpment Land" means the land which forms the outer walls of a valley where a large drop in elevation exists;

"Existing" means existing as of the date of adoption of this Bylaw;

"Extensive Agricultural" means systems of tillage and animal husbandry through which one may gain livelihood from large areas of land by the raising of crops or the rearing of livestock either separately or in conjunction with one another in unified operations and includes buildings and other structures incidental to the operation but does not include feedlots, intensified hog operations or poultry farms;

"Fence" means a vertical physical barrier constructed out of typical building material to prevent visual or unauthorized access or both;

"Financial Institution" means a bank, treasury branch, trust company, credit union or similar establishment;

"Front Lot Line" means the boundary dividing the lot from the abutting street. In the case of a corner lot, the shorter boundary shall be deemed to be the front lot line;

"Front Yard" means a yard extending across the full width or a parcel from the front line of the parcel to the front wall of the main building situated on the parcel;

"Garage, Private" means an accessory building designed and used for storage of motor vehicles and includes a carport;

"Gross Floor Area" means the total area of all floors of a building, excluding the area of basement floors, EXCEPT THAT basement suites in apartment buildings shall be included in the calculation of gross floor area;

"Height" means, when used with reference to a building or structure, the vertical distance between a horizontal plane through grade level and a horizontal plane through:

- (a) the highest point of the roof in the case of a building with a flat roof or a deck roof,
- (b) the average level of a one-slope roof,
- (c) the highest point in the case of a pitched, gambrel, mansard, or hipped roof;

"Home Occupation" means any occupation, trade, profession, or craft carried on by an occupant of an residential building or a use secondary to the residential use of the building, and which does not change the residential nature of the building nor the neighborhood or have any exterior evidence of such secondary use other than a small name plate, not exceeding 0.18 m² (2 sq. ft.) in area. A home occupation does not include the outside storage of materials, goods or equipment, nor the employment of more than one paid assistant other than the occupant and the occupant's family;

"Hotel or Motel" means a building providing sleeping accommodation which may also contain commercial uses and such additional uses as restaurants, dining rooms, room service, or public convention facilities;

"Infill Development" means the development of up to two parcels of land within an established urban neighbourhood for residential, commercial, industrial, institutional or other uses. Infill development or subdivision normally utilizes sites less than 12,000 m² (129,171.2 sq.ft.) gross area and have existing developments adjacent to the infill site on parcels with a frontage equal to or less then 16 m (52.5 ft.);

"Landscaping" means to change or modify the natural features of a site so as to make it more attractive by adding lawns, trees, shrubs, ornamental plantings, fencing, walks, drives, or other structures and materials;

"Lane" means a public thoroughfare which provides a secondary means of access to a site or sites;

"Light Manufacturing" means the assembly or packaging of articles from previously prepared materials, but does not include uses which may be obnoxious by reason or emission of odors, dust, noise, smoke or vibrations;

"Loading Space" means a space for parking a commercial vehicle while being loaded or unloaded;

"Main Building" means a building in which is conducted the main or principal use of the site on which it is erected;

"Manufactured Home" means a detached dwelling built in an enclosed off site factory environment in one or more sections and intended to be occupied in a location other than where it was manufactured. Manufactured homes include homes that are completely self-contained single section dwelling units or are incomplete multi-section modules that are placed together and completed on site. A manufactured home is transported to the building site on dollies (wheels) or a flat bed truck and after placement, the dollies are

removed from the site. Manufactured homes may be constructed to either the CSA Z240 or CSA A277 Standards;

"Manufactured Home Single-wide" means a manufactured home consisting of a single unit designed to be towed in a single load;

"Manufactured Home Double-wide" means a manufactured home consisting of two sections separately towable, but designed to be joined together at the site to form one dwelling unit;

"Manufactured Home Park" means a parcel of land under one title which has been planned, divided into manufactured home lots and improved for placement of manufactured homes for permanent residential use;

"Manufactured Home Subdivision" means an area subdivided by registered plan, containing lots for manufactured homes by free-hold or leasehold tenure;

"Medical Clinic" means a facility for the provision of human health services without overnight accommodation;

"Municipality" means, where the context requires, the area of land contained within the boundaries of the Village of Carbon's corporate limits, as delineated on the Land Use Map, being Part VIII of this Bylaw;

"Municipal Planning Commission" (MPC) means a Municipal Planning Commission which may be established by Council pursuant to the Municipal Government Act;

"Non-Conforming Building" means a building lawfully constructed or lawfully under construction at the date this Bylaw becomes effective, as required by the Act, and which does not or will not comply with the requirements of this Bylaw;

"Non-Conforming Use" means a lawful specific use being made of land or a building or intended to be made of a building lawfully under construction at the date this Bylaw becomes effective, as required by the Act, and which does not or will not comply with the requirements of this Bylaw;

"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;

"Permitted Use" means the use of land or of a building which is listed in the column captioned, "Permitted Uses" in the lists of Permitted and Discretionary Uses appearing in this Bylaw and for which, when it meets the applicable provisions of this Bylaw, a Development Permit shall be issued;

"Personal Service Shops" means a facility for providing a service on a commercial basis to individuals and includes, but is not limited to such uses as photography studios, dry cleaning establishments and barber shops;

"Principal Use" means the main purpose for which a building or lot is used;

"Private Club or Organization" means an athletic, social, recreational or service organization which is privately owned and operated;

"Property Line" means a legal boundary of the lot;

"Protrusion of Escarpment" is that portion of a toe of slope which projects into bottom lands at a length of at least 30 m (98.4 ft.) and has a characteristic pointed shape depending on its length and width;

"Public or Quasi-public Building Facilities and Installations" includes a church or any building which is used by the public for the purpose of assembly, instruction, culture or enlightenment or for a communal activity, but does not include a school, or place of public entertainment for which an admission fee is customarily charged. In addition, it includes 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;

"Rear Yard" means a yard extending across the full width of a parcel from the rear wall of the main building situated on the parcel to the rear line of the parcel;

"Retail Store" means a building where goods, wares, merchandise, substances, articles or things are stored, offered or kept for sale at retail and includes storage on or about the store premises of limited quantities of such goods, wares, merchandise, substances, articles or things, sufficient only to service such as a store;

"School, Public or Separate School" means a place of instruction operated with public funds pursuant to the School Act of Alberta and any amendments;

"Screening" means a visual separation between sites, districts or land use activities provided by a fence, wall, berm, landscaping;

"Service Station" means a facility for the service and repair of motor vehicles and for the sale of gasoline, lubricating oils and accessories for motor vehicles and which may provide a towing service;

"Semi-Detached Single-Family Dwelling" means a building comprised of two single-family dwellings horizontally attached by a common party wall. Dwellings of this type are often called side-by-side duplex;

"Shopping Center" means a group of commercial establishments planned, developed, owned, and managed as a unit with off-street parking provided on the site;

"Side Yard" means a yard extending from the front wall of the main building situated on a parcel to the rear wall of the main building and lying between the side line of the parcel and the side foundation of the main building;

"Sign" means any word, letter, model, picture, symbol, device or representation used as, or which is in the nature of, wholly or in part, an advertisement, announcement or direction. Any structure, or portion thereof, which is used primarily to carry, hold, maintain, support or sustain a sign is construed as being part of the sign, and except as hereinafter provided, is subject to all regulations governing signs. Without restricting the generality of the foregoing, a sign includes posters, notices, panels, boarding and banners;

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

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- (b) **"Billboard"** means a structure, primarily self-supporting, which is used for the display of general advertising, the subject matter of which is not necessarily related to the use or ownership of the property on which the structure is located.
 - (c) **"Fascia Sign"** means a sign placed flat and parallel to the face of the building so that no part projects more than one foot from the building;
 - (d) **"Free-Standing Sign"** means a sign on a standard or column permanently attached to the ground and which is not connected in any way to any building or other structure;
 - (e) **"Projecting Sign"** means a sign which is attached to a building or structure so that part of the sign projects more than one foot from the face of the building or structure;
 - (f) **"Roof Sign"** means any sign placed on or over a roof;

"Similar Use" means a specific use of land or of a building that is not expressly mentioned in this Bylaw but which the Development Officer has determined to be similar in character and purpose to a use listed as a Permitted or Discretionary Use in the district in which such use is proposed;

"Single-Family Dwelling" means a building containing one dwelling unit only; but does not include semi-detached one family dwellings or manufactured homes;

"Site" means:

- (a) a quarter section; or
- (b) a river lot or settlement lot shown on an official plan referred to in Section 32 of the Surveys Act that is filed or lodged in the Land Titles Office; or
- (c) a part of a parcel where the boundaries of the part are separately described in a certificate of title other than by reference to a legal subdivision; or
- (d) a part of a parcel where the boundaries of the part are described in a certificate of title by reference to a plan of subdivision;

"Subdivision and Development Appeal Board" means a subdivision and development appeal board appointed pursuant to Section 627 of the Municipal Government Act;

"Temporary Development" refers to a proposed development, where the intent is to operate the use or structure for a specified period of time, not to exceed one (1) year from the effective date of the permit issued in relation to the temporary development. Any temporary development permit will state a date on which the development will cease;

"Toe of a Slope" means the point where at the bottom of a slope, the grade begins to rise at a rate steeper than 20 percent;

"Tradesman's Shop" means an establishment for the operation of a trade including but not limited to a painter, electrician, upholsterer, printer and appliance repairman, but does not include establishments which may be obnoxious by reason of emission of odours, dust, smoke noise or vibration;

"Utilities" means any one or more of the following:

- (a) systems for the distribution of gas, whether artificial or natural;

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- (b) facilities for the storage, transmission, treatment, distribution or supply of water;
 - (c) facilities for the collection, treatment, movement, or disposal of sanitary sewage;
 - (d) storm sewer drainage facilities;
 - (e) systems for electrical distribution and lighting;
 - (f) systems for telephone & cable TV distribution;

"Width" means the average horizontal distance between the side boundaries of a site;

"Yard" means a part of a parcel upon or over which no main building is erected.

All other words and expressions have the meanings respectively assigned to them in the Municipal Government Act S.A. 1994 Ch. M.26-1 as amended.

PART II

Administrative Agencies

3. Development Officer

- (1) The Office of the Development Officer is hereby established and shall be filled by a person or persons appointed by resolution of Council.
- (2) The Development Officer shall:
 - (a) perform such duties specified in Part III of this Bylaw;
 - (b) keep and maintain for the inspection of the public during office hours, a copy of this Bylaw and all amendments thereto and ensure that copies of some are available to the public at a reasonable charge.

4. Municipal Planning Commission

- (1) The Municipal Planning Commission (MPC) established by Bylaw shall perform such duties as are specified in Part III of this Bylaw.

5. Subdivision and Development Appeal Board

- (1) The Subdivision and Development Appeal Board (SDAB) established by Bylaw No.95-674 shall perform such duties as set forth in Bylaw No.98-694, Sections 627 - 630 and 678 - 682 of the Act, and Part IV of this Bylaw.

PART III

Development Permit Application

6. Control of Development

- (1) No development other than that designated in Section 7 shall be undertaken within the Municipality unless an application for it has been approved and a development permit has been issued.

7. Development Permit Not Required

It shall not be necessary to obtain a Development Permit prior to commencement of the following developments but the development shall otherwise comply with the provisions of this Bylaw.

- (1) The carrying out of works of maintenance or repair to a building provided that such work:
 - (a) does not include structural alterations;
 - (b) does not change the use or intensity of the use of the structure.
- (2) The completion of a building which could be prohibited by this Bylaw, but was lawfully begun on or before the date of the first official notice (Sections 606 and 692 of the Act) of this Bylaw provided the building:
 - (a) is completed within 12 months of the notice; and
 - (b) complies with any development permit issues for it.
- (3) The use of any such building as is referred to in subsection (2) for the purpose for which construction was commenced.
- (4) The erection or construction of gates, fences, walls or other means of enclosure (other than on corner lots or where abutting a road used by vehicular traffic) less than one metre (3.2 ft.) in height in front yards and less than six feet in side and rear yards, and the maintenance, improvement and other alterations of any gates, fences, or walls or other means or enclosure.
- (5) A temporary building, the sole purpose of which is incidental to the erection or alteration of a building, for which a permit was issued under this Bylaw.
- (6) The maintenance or repair of public works, services or utilities carried out by or on behalf of federal, provincial and municipal public authorities on land which is publicly owned or controlled.
- (7) The use of a building or part thereof as a temporary polling station for a Federal, Provincial, or Municipal election, referendum or plebiscite.
- (8) The construction, maintenance and repair of private walkways, pathways, driveways, and similar works.

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- (9) Those signs outlined in Section 38 as not requiring a development permit.
 - (10) An official notice, sign, placard or bulletin required to be displayed pursuant to provisions of Federal, Provincial or Municipal Legislation.
 - (11) The erection or construction or replacement of one (1) garden/tool shed per site, which does not exceed 13.4 m² (144 sq. ft.) in floor area and 3.05 m (10 ft.) in height.

8. Application for a Development Permit

- (1) An application for a development permit shall be made to the Development Officer using the approved form and shall be accompanied by:
 - (a) a site plan, drawn to scale, which shows the following:
 - i) legal description of the site with north arrow;
 - ii) area and dimensions of the land to be developed including the front, rear, and side yards if any;
 - iii) area and dimensions of the land to be developed including the front, rear and side yards if any;
 - iv) any provisions for off-street loading and vehicle parking, including all access and exit points to the site; and
 - v) the position and distances of any existing buildings, roads, water bodies, trees or other physical features on the land to be developed.
 - (b) floor plans and elevations and sections if required by the Development Officer;
 - (c) a statement of uses;
 - (d) a statement of ownership of land and interest of the applicant therein;
 - (e) the estimated commencement and completion dates;
 - (f) the estimated cost of the projected or contract price;
 - (g) the development permit fee as set by Council.
- (2) The Development Officer may require additional copies of the application or of plans and specifications as well as such additional information (photographs, inspection reports, engineering analysis, etc.) as the Development Officer may deem necessary.

9. Deciding on Development Permit Applications

- (1) The Development Officer shall:
 - (a) receive, consider and decide on an application for a development permit for those uses listed as a permitted use for the relevant land use district and comply with the minimum standards for that district;
 - (b) refer, at his/her discretion, a permit application for an industrial development for comments to those authorities (provincial and regional) where interest or jurisdiction may be affected;
 - (c) refer with his/her recommendations, to the Municipal Planning Commission for its consideration and decision, applications for a development permit for those uses which constitute discretionary uses and which have been assigned to it for consideration and decision;
 - (d) refer to the Municipal Planning Commission at his/her discretion any application which in his/her opinion should be decided by the Commission.

- (2) The Municipal Planning Commission shall:
 - (a) decide on applications for a development permit for those uses listed as discretionary uses for the relevant land use district;
 - (b) approve the application unconditionally or impose conditions considered appropriate, either permanently or for a limited period of time, or refuse the application.

- (3) An application may be approved where the proposed development does not comply with the required front yard, side yard, rear yard and/or floor area requirements of any district in this Bylaw if, in the opinion of the Municipal Planning Commission, the proposed development would not:
 - (a) unduly interfere with the amenities of the neighborhood;
 - (b) materially interfere with or affect the use, enjoyment or value of the neighbouring properties;
 - (c) the amount of variance does not exceed 20% for front, side, rear, and/or floor area requirements in any district.

- (4) In the case where a proposed specific use of land or a building is not provided for in any land use district in the Bylaw, the Municipal Planning Commission may determine such a use is similar in character and purpose to another use of land or building that is included in the list of permitted and discretionary uses prescribed for that land use district.

- (5) The Municipal Planning Commission may require, as a condition of issuing a development permit, the applicant to enter into an agreement to construct or pay for the construction of public roadways or parking facilities, to install or pay for the installation of utilities or to pay off-site levy or redevelopment levy imposed by Bylaw.

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- (6) If a development permit application is refused, the Development Officer need not accept another application for the same or similar use on the same parcel for six (6) months after the refusal.
 - (7) If a decision is not made on a development permit application within 40 days after its receipt by the Development Officer, the applicant may deem it to be refused at the end of the 40 day period.
 - (8) The Development Officer or Municipal Planning Commission may issue a temporary Development Permit, for a period not exceeding one (1) year.
 - (9) No permit shall be issued for any development on a site, the area or the width of which is less than the minimum prescribed for the district in which the site is located, except that a lot of separate record in the Land Titles Office which contains less than the minimum area or width may be used subject to the discretion of the Municipal Planning Commission if all other requirements of the Land Use Bylaw and amendments are thereto observed.

10. Development Permits & Notices

- (1) The development permit granted pursuant to this Bylaw does not come into effect until 14 days after the date an order, decision or development permit is communicated as described in Section 10(3) of this Bylaw. Any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant.
- (2) Where an appeal is made pursuant to Section 11 of this Bylaw, a development permit which has been granted shall not come into effect until the appeal has been determined and the permit may be modified or nullified thereby.
- (3) When a permit has been granted, the Development Officer shall:
 - (a) immediately post a notice of the decision conspicuously on the property for which the application has been made and/or;
 - (b) a notice in writing shall be immediately mailed to all registered owners of land who in the opinion of the Development Officer may be affected and/or;
 - (c) a notice shall be immediately published in a newspaper circulating in the municipality stating the location of the property which the application has been made and the use approved.
- (4) If the Development authorized by a permit is not commenced within the 12 months from the date of its issue or carried out with reasonable diligence, the permit is deemed to be void, unless an extension to this period has previously been granted by the Development Officer / Municipal Planning Commission.
- (5) A decision by the Development Officer / Municipal Planning Commission on an application for a development permit shall be given in writing and a copy of it sent to the applicant.
- (6) When the Development Officer / Municipal Planning Commission refuses an application for a development permit, the decision shall contain reasons for the refusal.

PART IV

Appeals

11. Appeal Procedure

- (1) An appeal may be made to the Subdivision and Development Appeal Board where the Development Officer / Municipal Planning Commission:
 - (a) refuses or fails to issue a development permit to a person within 40 days of receipt of the application;
 - (b) issues a development permit subject to conditions;
 - (c) issues an order under Section 14 of this Bylaw.

- (2) The person applying for a development permit or affected by the order, under subsection (1), or any other person complying with the appeal requirements as set out in the Act may appeal the decision or development permit of the Development Officer / Municipal Planning Commission to the Subdivision and Development Appeal Board.

- (3) An appeal shall be made by serving a written notice of appeal, stating the reasons for the appeal, to the Secretary of the Subdivision and Development Appeal Board within 14 days after the date of the order, decision or permit issued by the Development Officer / Municipal Planning Commission was either:
 - (a) first published in a newspaper circulating in the area; or
 - (b) posted on the site of the property which is the subject of the application; or
 - (c) received by the applicant, whichever of these occur first.

- (4) For the purpose of subsection 3(c), the date of receipt of the decision is deemed to be five (5) days from the date the decision was mailed.

12. Public Hearing

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

- (2) The Subdivision and Development Appeal Board shall give at least 5 days notice in writing of the public hearing to:
 - (a) the appellant or any person acting on his/her behalf;
 - (b) The Development Officer / Chairman of the Municipal Planning Commission from whose order, decision or development permit the appeal is made;
 - (c) those registered owners of land in the municipality who were notified under subsection 10(3)(b) and any other person who in the opinion of the Subdivision and Development Appeal Board, is affected by the order, decision or permit;

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- (d) the Director/Senior Planner of Palliser Regional Municipal Services;
 - (e) such other persons as the Subdivision and Development Appeal Board specifies.
- (3) The Subdivision and Development Appeal Board shall make available for public inspection before the commencement of the public hearing all relevant documents and materials respecting the appeal, as they become available, subject to Section 217 of the Act, including:
- (a) the application for the development permit, its refusal and the appeal therefrom; or
 - (b) the order of the Development Officer / M.P.C. under Section 14, as the case may be.
- (4) At the public hearing referred to in subsection (1), the Board shall hear:
- (a) the appellant or any person acting on his/her behalf;
 - (b) the Development Officer / Chairman of the Municipal Planning Commission from whose order, decision or development permit the appeal is made, or if a person is designated to act on behalf of the Development Officer, that person;
 - (c) any other person who was served with notice of the hearing and who wishes to be heard or a person acting on his/her behalf; and
 - (d) any other person who claims to be affected by the order, decision or permit and that the Subdivision and Development Appeal Board agrees to hear or person acting on his/her behalf.

13. Decision

- (1) The Subdivision and Development Appeal Board shall give a written decision together with reasons for the decision within 15 days of the conclusion of the hearing.
- (2) A decision made under this part of the Bylaw is final and binding on all parties and all persons subject only to an appeal upon a question of jurisdiction or law pursuant to Section 688 of the Municipal Government Act. An application for leave to appeal to the Court of Appeal shall be made:
 - (a) to a judge of the Court of Appeal; and
 - (b) within 30 days after the issue of the order, decision, permit, or approval sought to be appealed.

PART V

Enforcement & Administration

14. Orders of Compliance

- (1) Where the Development Officer finds a development or use of land or buildings is not in accordance with:
 - (a) Part 17 of the Act or the regulations under that part of the Act; or
 - (b) a Development Permit or Subdivision Approval; or
 - (c) this Land Use Bylaw; or
 - (d) an order, decision, or permit of the Subdivision and Development Appeal Board or Municipal Government Board;

the Development Officer may, by notice in writing, order the registered owner, the person in possession of the land or buildings or the person responsible for the contravention or all or any of them to:

- (a) stop the development or use of the land or buildings in whole or in part as directed by the notice; or
 - (b) demolish, remove or replace the development; or
 - (c) take such other measures specified in the notice so that the development or use of the land or building is in accordance with Part 17 of the Municipal Government Act, the regulations under Part 17 of the Act, a development permit, subdivision approval or this Bylaw, as the case may be, within the time period set out in the notice.
- (2) A person who receives an order referred to in subsection (1) may appeal to the Subdivision and Development Appeal Board in accordance with Part IV of this Bylaw.

15. Enforcement

- (1) Where a person fails or refuses to comply with an order directed to them under Section 14(1), or an order of the Subdivision and Development Appeal Board under Section 687(3)(c) of the Act within the time specified, the Council or a person appointed by it may, in accordance with Section 545 and 646 of the Act, enter upon the land or building and take such action as is necessary to carry out the order.
- (2) Where the Council or a person appointed by it carries out an order, the Council shall cause the costs and expenses incurred in carrying out the order to be placed on the tax roll as an additional tax against the property concerned and that amount shall be collected in the same manner as taxes on land.
- (3) A person who contravenes or fails to comply with a development permit or a condition attached thereto is guilty of an offense and is liable on summary conviction to a fine.

16. Amendments to the Bylaw

-
- (1) Any person may apply to have this Bylaw amended.
 - (2) The Council may initiate amendments by its own motion.
 - (3) All applications for amendments of this Bylaw shall be made using the approved form, accompanied by:
 - (a) the fee determined by the Council;
 - (b) a statement of the applicant's interest in the land;
 - (c) any drawings, plans or maps required by the Development Officer; and
 - (d) any documents as required by the Development Officer.
 - (4) All amendments of this Bylaw shall be made Council by bylaw in conformity with the Act and the regulations.
 - (5) Prior to second reading being given to any amending bylaw, it shall be referred to the Director/Senior Planner of Palliser Regional Municipal Services for comment and such comments are to be read at the public hearing.
 - (6) If an application for an amendment to this Bylaw has been refused by Council, then Council need not accept an application for an amendment for the same use on the same parcel for a period of six (6) months from the date of refusal.

17. Existing Land Use Bylaw

- (1) Bylaw No. 590 and amendments thereto are hereby repealed.

PART VI

Land Use Districts

18. Districts

(1) For the purpose of this Bylaw, the municipality is divided into the following Districts:

- R-1 - Residential District
- RG - Residential General District
- SHR - Small Holdings Residential District
- C-B - Commercial District
- M-1 - Industrial District
- P - Community Service District
- UR - Urban Reserve District

19. District Boundaries

(1) The locations and boundaries of the land use districts are shown on the Land Use District Maps, which form Part VIII of this Bylaw.

(2) The locations of boundaries shown on the Land Use District Maps shall be governed by the following rules:

Rule 1. Where a boundary is shown as following a street, lane, stream or canal, it shall be deemed to follow the centerline thereof.

Rule 2. Where a boundary is shown as approximately following a lot line, it shall be deemed to follow the lot line.

Rule 3. In circumstances not covered by Rules 1 and 2 the location of the district boundary shall be determined:

- (a) using any dimensions given on the map; or
- (b) where no dimensions are given, measurement using the scale shown on the map.

(3) Where the exact location of the boundary of a land use district cannot be determined using the rules in subsection (2), the Council, on its own motion or on a written request, shall fix the location:

- (a) in a manner consistent with the provisions of this Bylaw; and
- (b) with the appropriate degree of detail required.

(4) The location of a district boundary, once fixed, shall not be altered except by an amendment of this Bylaw.

-
- (5) The Council shall keep a list of its decisions fixing the locations of district boundaries.
 - (6) In addition to the provisions for development as contained under each Land Use District, the General Land Use Regulations listed in Part VII of the Land Use Bylaw shall apply to every development.

20. R-1 - Residential District

(1) Purpose

The purpose and intent of this district is to provide single family residential development.

(2) Permitted Uses

- Single-family dwellings
- Accessory buildings and uses
- Permitted signs

(3) Discretionary Uses

- Home occupations
- Churches
- Public and quasi-public buildings, facilities and installations
- Daytime child care services
- Public parks
- Manufactured homes (double wide)

(4) Minimum Requirements

(a) Site Area:

- (i) 464.5 m² (5,000 sq. ft.) for single-family dwellings, and manufactured homes;
- (ii) Other uses at the discretion of the Municipal Planning Commission.

(b) Lot Width:

- (i) 15.24 m (50 ft.) for single-family dwellings, and manufactured homes;
- (ii) Other uses at the discretion of the Municipal Planning Commission.

(c) Front Yard:

- (i) 5 m (16.4 ft.) for single-family dwellings;
- (ii) Other uses at the discretion of the Municipal Planning Commission.

(d) Side Yard:

- (i) 1.52 m (5 ft.) for single-family dwellings
- (ii) 3.05 m (10 ft.) abutting the flanking street on corner lots;
- (iii) One 3.05 m (10 ft.) side yard (excluding corner lots) to provide alternate access to the rear of the buildings in the laneless subdivision;
- (iv) Accessory buildings shall be sited in accordance with Section 30 of this Bylaw; and
- (v) Other uses at the discretion of the Municipal Planning Commission.

-
-
- (e) Rear Yard:
 - (i) 7.62 m (25 ft.) for single-family dwellings
 - (ii) 1.52 m (5 ft.) for an accessory building
 - (iii) Other uses at the discretion of the Municipal Planning Commission.
 - (f) Gross Floor Area:
 - (i) 84 m² (904.2 sq. ft.) for single-family dwellings;
 - (ii) Other uses at the discretion of the Municipal Planning Commission.

(5) Maximum Limits

- (a) Height:
 - (i) 10.67 m (35 ft.) for principal buildings and shall not exceed three storeys;
 - (ii) 5 m (16.4 ft.) for accessory buildings; and
- (b) Site Coverage:
 - (i) 40% of the site area for single-family dwellings;
 - (ii) 15% of the site area for accessory buildings; and
 - (iii) Other uses at the discretion of the Development Officer / Municipal Planning Commission.

(6) Parking

Parking shall be provided according to the following:

- (a) Single-family dwellings - One (1) parking or garage space per dwelling unit;
- (b) Churches - One (1) parking space per 15 seats; and
- (c) Other uses at the discretion of the Development Officer / Municipal Planning Commission.

(7) Screening

- (a) Garbage and waste material must be stored in weather and animal proof containers. Garbage and waste material storage must be screened from public thoroughfares, excluding lanes.

21. R-G – Residential General District

(1) Purpose

The purpose and intent of this district is to provide for a residential neighborhood in which a variety of housing types may be accommodated.

(2) Permitted Uses

- Single-family dwellings
- Accessory buildings and uses
- Permitted signs

(3) Discretionary Uses

- Semi-detached dwellings
- Duplexes
- Attached housing
- Apartment buildings
- Bed & Breakfast establishments
- Home occupations
- Churches
- Public and quasi-public buildings, facilities and installations
- Daytime child care services
- Family and group care facilities
- Senior citizens housing
- Manufactured homes
- Public parks

(4) Minimum Requirements

(a) Site Area:

- (i) 371.6 m² (4,000 sq. ft.) for a single-family dwelling;
- (ii) 610 m² (6,566.2 sq. ft.) for a duplex;
- (iii) 228.0 m² (2,454 sq. ft.) for each unit in a semi-detached dwelling;
- (iv) 183.0 m² (1,970 sq. ft.) for interior units and 228.0 m² (2,454 sq. ft.) for end units for attached housing;
- (v) 650 m² (7,000 sq. ft.) for apartment buildings;
- (vi) Other uses at the discretion of the Development Officer / Municipal Planning Commission.

(b) Lot Width:

- (i) 12.2 m (40 ft.) for a single-family dwelling;
- (ii) 15.2 m (50 ft.) for a duplex;
- (iii) 7.6 m (25 ft.) for each unit in a semi-detached dwelling;
- (iv) 6.1 m (20 ft.) for interior units and 7.6 m (25 ft.) for end units for attached housing;
- (v) 18.3 m (60 ft.) for apartment buildings;
- (vi) Other uses at the discretion of the Development Officer / Municipal Planning Commission.

-
- (c) Front Yard:
 - (i) 5 m (16.4 ft.) for single-family dwellings, manufactured homes duplexes and apartments;
 - (ii) Other uses at the discretion of the Development Officer / Municipal Planning Commission.

 - (d) Side Yard:
 - (i) 1.5 m (5 ft.) for dwellings;
 - (ii) 2.1 m (7 ft.) for dwellings having the principal entrance provided from a side yard;
 - (iii) 3.0 m (9.8 ft.) for dwellings abutting the flanking street on corner lots;
 - (iv) Accessory buildings shall be sited in accordance with Section 30 of the General Land Use Regulations of this bylaw;
 - (v) Other uses at the discretion of the Development Officer / Municipal Planning Commission.

 - (e) Rear Yard:
 - (i) 7.6 m (25 ft.) for principal buildings; and
 - (ii) Accessory buildings shall be sited in accordance with Section 30 of the General Land Use Regulations of this bylaw.

 - (f) Gross Floor Area:
 - (i) 85 m² (914.6 sq.ft.) for single-family dwellings;
 - (ii) 75 m² (807 sq.ft.) for semi-detached dwellings
 - (iii) 56 m² (600 sq.ft.) for each dwelling unit in a duplex and attached housing units;
 - (iv) 37 m² (398.3 sq.ft.) for apartments;
 - (v) 78.1 m² (840 sq. ft.) for manufactured homes;
 - (vi) Other uses at the discretion of the Development Officer / Municipal Planning Commission.

(5) Maximum Limits

- (a) Height:
 - (i) 10.5 m (35 ft.) for principal buildings;
 - (ii) 4.5 m (15 ft.) for accessory buildings;
 - (iii) 13.7 m (45 ft.) for attached housing and apartments
 - (iv) Other uses at the discretion of the Development Officer / Municipal Planning Commission.

(b) Site Coverage:

- (i) 40% for single-family dwellings, semi-detached dwellings, duplexes and attached housing;
- (ii) 55% for single-family dwellings with an attached garage
- (iii) 15% for accessory buildings;
- (iv) Total site coverage including accessory buildings shall not exceed 55%;
- (v) Other uses at the discretion of the Development Officer / Municipal Planning Commission.

(6) Off-Street Parking

Off-Street Parking shall be provided according to the following:

- (a) Dwellings - One (1) parking or garage spaces per dwelling unit;
- (b) Apartment buildings/ attached housing - One (1) parking or garage space per dwelling unit plus one (1) parking or garage space per seven (7) dwelling units shall be assigned for guest parking;
- (c) Churches - One (1) parking space per 15 seats;
- (d) Daytime child care service - One (1) parking or garage space per staff member;
- (e) Family and Group care facility - One (1) parking or garage space per staff member and one (1) visitor parking space per 6 residents;
- (f) Other uses - at the discretion of the Development Officer

(7) Landscaping & Screening

- (a) A minimum of 10% of the site area for apartment buildings and attached housing shall be landscaped or developed in order that it can be utilized as an amenity area. Balconies may be considered a part of the amenity area.
- (b) Garbage and waste material must be stored in weather and animal proof containers and screened from adjacent sites and public thoroughfares, including lanes to the satisfaction of the Development Officer / Municipal Planning Commission.
- (c) Attached housing and apartment complexes shall store garbage and waste material in a single weather and animal proof collective container, designed and located on the site to the satisfaction of the Development Officer / Municipal Planning Commission.

(8) Design, Character & Appearance of Buildings

The design, siting, external finish, architectural appearance and landscaping generally of buildings, including accessory buildings or structures and signs and any reconstruction shall be to the satisfaction of the Development Officer / Municipal Planning Commission in order that these shall be in general conformity in such matters with adjacent buildings

22. SHR – Small Holdings Residential District

(1) Purpose

The purpose and intent of this district is to provide land of low agricultural value for larger lot residential development, free from incompatible uses.

(2) Permitted Uses

- Single-family dwellings
- Accessory buildings and uses
- Permitted signs

(3) Discretionary Uses

- Manufactured homes
- Home occupations
- Public and quasi-public buildings, facilities and installations
- Public parks

(4) Minimum Requirements

(a) Site Area:

- (i) 0.3 ha (0.7 acres) for all uses;
- (ii) Lots served by a private water and / or sewer system at the discretion of the Development Officer / Municipal Planning Commission to ensure compliance with the Plumbing Code;
- (iii) With the approval of the Development Officer / Municipal Planning Commission, the site area may be less in the case of lots legally created prior to this Bylaw;
- (iv) Other uses at the discretion of the Development Officer / Municipal Planning Commission.

(b) Lot Width:

- (i) 30 m (98.4 ft.);
- (ii) Lots served by a private water and / or sewer system at the discretion of the Development Officer / Municipal Planning Commission to ensure compliance with the Plumbing Code;
- (iii) Other uses at the discretion of the Development Officer / Municipal Planning Commission.

(c) Front Yard:

- (i) 8 m (26.2 ft.) from an internal subdivision road;
- (ii) 50 m (164 ft.) from a country grid road, or road allowance;
- (iii) Other uses at the discretion of the Development Officer / Municipal Planning Commission.

(d) Side Yard:

- (i) 3 m (9.8 ft.) except on a corner parcel where the minimum side yard abutting a public roadway shall not be less than 6 m (19.7 ft.);

-
- (ii) Other uses at the discretion of the Development Officer / Municipal Planning Commission.
 - (e) Rear Yard:
 - (i) 7.5 m (24.6 ft.) for single-family dwellings, manufactured homes;
 - (ii) Other uses at the discretion of the Development Officer / Municipal Planning Commission.
 - (f) Gross Floor Area:
 - (i) 85 m² (914.6 sq. ft.) for single-family dwellings;
 - (ii) 78 m² (840 sq. ft.) for manufactured homes;
 - (iii) Other uses at the discretion of the Development Officer / Municipal Planning Commission.

(5) Maximum Limits

- (a) Height
 - (i) 10.67 m (35 ft.) for principal buildings and shall not exceed three storeys;
 - (ii) 6 m (19.7 ft.) for accessory buildings;
 - (iii) All other uses at the discretion of the Development Officer.
- (b) Site Coverage
 - (i) 7% of the site area for single-family dwellings;
 - (ii) 3% of the site area for accessory buildings;
 - (iii) Other uses at the discretion of the Development Officer / Municipal Planning Commission.

(6) Parking

Parking shall be provided according to the following:

- (a) Single-family dwellings - One (1) parking or garage space per dwelling unit;
- (b) Recreational vehicles or holiday trailers shall not be parked or stored in the front yard;
- (c) Other uses at the discretion of the Development Officer / Municipal Planning Commission.

(7) Screening

- (a) Garbage and waste material must be stored in weather and animal proof containers. Garbage and waste material storage must be screened from public thoroughfares, excluding lanes.

(8) Objects Prohibited or Restricted in Yards

- (a) No persons shall allow a motor vehicle used for stock car races, a motor vehicle which has all or part of its superstructure removed, or a motor vehicle which is in a dilapidated or unsightly condition to remain or be parked on a parcel unless it is suitably housed or screened to the satisfaction of the Development Officer.

(b) A holiday trailer parked on a parcel may be used for living and sleeping accommodation by a bona fide tourist for a period not to exceed three weeks.

(c) Not more than two holiday trailers shall be stored or parked on a parcel.

(9) Roadway Standards

(a) All "SHR" Small Holding Residential lots shall be served by either a paved or graveled all-weather road, engineered and designed to a standard required by the Village of Carbon.

(10) Utilities

(a) All "SHR" Small Holding Residential lots shall be connected to the municipal water and sewer services of the Village of Carbon.

23. C-B - Commercial District

(1) Purpose

The purpose and intent of this district is to provide for centralized commercial and retail development serving the Village and the surrounding rural areas.

(2) Permitted Uses

- Permitted signs

(3) Discretionary Uses

- Professional, financial and administrative offices
- Post offices
- Financial Institutions
- Retail stores
- Personal service shops
- Restaurants
- Coin laundries and cleaners
- Libraries
- Public parks
- Accessory buildings and uses
- Amusement enterprises
- Hotels and motels
- Funeral homes
- Medical, dental and other health clinics
- Printshop
- Service stations
- Public and quasi-public buildings and facilities and installations
- Automobile and farm equipment sales, service and repairs
- Repair and service shops
- Private clubs and lounges
- Daytime child care services
- Car washes
- Building materials sales and service
- Warehousing
- Veterinary clinics
- Tradesman's shops
- One or more dwelling units above or attached to the first storey of a C – B building
- Bus terminals
- Churches
- Funeral homes

(4) Minimum Requirements

- (a) Site Area:
- (i) As required by the Development Officer/Municipal Planning Commission.
- (b) Lot Width:

(i) As required by the Development Officer/Municipal Planning Commission.

(c) Front Yard:

(i) Based on the front yard provided by neighbouring buildings and is to be determined for each application by the Development Officer / Municipal Planning Commission.

(d) Side Yard:

(i) 3 m (9.8 ft.) adjacent to residential districts;

(ii) No side yard is required where a fire-wall is provided but if a side yard is provided, it must be 1 m (3.3 ft.).

(e) Rear Yard:

(i) 6.1 m (20 ft.) or as required by the Development Officer / Municipal Planning Commission.

(5) Maximum Limits

(a) Site Coverage:

(i) 80%

(b) Height:

(i) 13.72 m (45 ft.) unless otherwise approved by the Development Officer / Municipal Planning Commission.

(6) Parking

(a) Parking should be provided according to the following:

- | | |
|--|---|
| (i) Professional, financial & administrative offices (including banks) | - One (1) parking space per 74 m ² (800 sq. ft.) of gross floor area in the building. |
| (ii) Retail shops, repair and service shops | - One (1) parking space per 74 m ² (800 sq. ft.) of gross floor area in the building. |
| (iii) Clinics | - Two (2) parking spaces per 93 m ² (1,000 sq. ft.) of gross floor area in the building. |
| (iv) Restaurants | - One (1) parking space per ten (10) seats. |
| (v) Hotels & Motels | - One (1) parking space per guest suite. |

-
- (vi) Funeral Homes
 - One (1) parking space per 3 seats.
 - (vii) Libraries
 - One (1) parking space per 74 m² (800 sq. ft.) of gross floor area in the building.
 - (viii) Other uses at the discretion of the Development Officer / Municipal Planning Commission.
- (b) Notwithstanding subsection 6(a) should the Development Officer / Municipal Planning Commission deem it advisable it may reduce or waive the parking space requirements for proposed development or redevelopment of a commercial site within the Central Business Land Use District:
- (i) where the configuration of the buildings to be developed and those adjacent buildings is such that the provision of required parking is not practical; or
 - (ii) where the dimensions or site area is inadequate to reasonably accommodate the proposed development and required parking.

(7) Landscaping and Screening

- (a) Sites abutting a residential district shall be screened from view to the satisfaction of the Development Officer / Municipal Planning Commission.
- (b) Outside storage areas of material and equipment shall be screened from adjacent sites and public thoroughfares.
- (c) Garbage and waste material must be stored in weather and animal proof containers and screened from adjacent sites and public thoroughfares.
- (d) Exterior mechanical equipment (including heating and air conditioning units) shall be screened to the satisfaction of the Development Officer.

24. M-1 - Industrial District

(1) Purpose

The purpose and intent of this district is to provide for a range of manufacturing, warehousing and other industrial land uses, including those which required access to railway facilities.

(2) Permitted Uses

- Accessory buildings and uses
- Permitted signs

(3) Discretionary Uses

- Warehousing, including retail and wholesale outlets
- Machinery sales, service and rentals
- Truck terminals
- Automobile, truck and recreational vehicle sales, service and repairs
- Automobile body and paint shops
- The manufacturing, packaging or assembly of articles from previously prepared materials
- The manufacturing, assembly repair and maintenance of electrical and mechanical equipment
- Truck and freight terminals
- Bulk fuel depots and sales
- Equipment and machinery sales and rental establishments
- Automotive, truck and recreation vehicle service and repair establishments
- Electrical, plumbing, heating, building, and mechanical contractor establishments
- Recycling, storage, salvage, and wrecking yards
- Sand, gravel and building material storage
- Professional, financial and administrative offices
- Veterinary clinics
- Bulk fertilizer distribution and storage
- Flour and feed mills
- Propane gas distribution
- Building material sales, storage and processing
- Grain elevators
- Oil and gas well servicing establishments
- Outdoor storage and equipment and supplies
- Seed cleaning plants
- Solid waste transfer station
- Commercial recreational and tourism establishments

(4) Minimum Requirements

- (a) Area of Site:
- i) 464 m² (4,994.6 sq.ft.) or as required by the Development Officer / Municipal Planning Commission.
- (b) Width of Site:
- (i) All sites 15 m (49.2 ft.).

-
- (c) Front Yard:
 - (i) 6.1 m (20 ft.)
 - (d) Side Yard:
 - (i) 1.5 m (5 ft.) in all cases except where a firewall is provided; in which case, no side yard is required;
 - (ii) In a laneless subdivision, one unobstructed side yard shall be a minimum of 6 m (19.7 ft.) in width excluding corner sites with alternate rear access. This does not include accessory building when they are located to the rear of the principal building and separated from such buildings by a distance of at least 6 m (19.7 ft.);
 - (iii) 6 m (19.7 ft.) when it abuts a residential district.
 - (e) Rear Yard:
 - (i) As required by the Development Officer / Municipal Planning Commission.

(5) Maximum Limits

- (a) Height:
 - (i) Grain elevators and seed cleaning plants 50 m (164 ft.);
 - (ii) All other uses 10 m (32.8 ft.) unless otherwise approved by the Development Officer.

(6) Special Requirements

- (a) The operation of all uses shall comply with the environmental and public health performance standards of the Provincial Government. If the Development Officer / Municipal Planning Commission believes a proposed use may conflict with those standards, he shall refer the application to the appropriate Provincial Department for clarification prior to issuing a Development Permit;
- (b) The Municipal Planning Commission may prescribe screening and landscaping for uses which involve storage of goods, machinery, vehicles, building materials, waste materials, and other items.

(7) Parking

Off-street parking shall be provided according to the following:

- (a) All uses
 - One (1) parking space per 93` m² (1,000 sq. ft.) of gross floor area plus one (1) loading space per 1,858 m² (20,000 sq. ft.) gross floor area.

(8) Landscaping and Screening

- (a) A minimum of 10% of the site area must be landscaped in accordance with a plan approved by the Development Officer/Municipal Planning Commission;
- (b) Any trees or shrubs which die, that were planted under the approved plan, must be replaced the next planting season;
- (c) Sites abutting a residential district or public thoroughfare shall be screened from view to the satisfaction of the Development Officer/Municipal Planning Commission;
- (d) Outside storage areas of material and equipment should be screened from adjacent sites and public thoroughfares;
- (e) Garbage and waste material must be stored in weather and animal proof containers and screened from adjacent sites and public thoroughfares; and
- (f) Exterior mechanical equipment (including heating and air conditioning units) shall be screened to the satisfaction of the Development Officer/Municipal Planning Commission.

25. **P - Community Service District**

(1) Purpose

The purpose and intent of this district is to provide recreational, educational and community uses.

(2) Permitted Uses

None

(3) Discretionary Uses

- Swimming pools
- Schools
- Senior citizens' housing
- Libraries
- Community halls
- Sports fields
- Tennis courts
- Cemeteries
- Hospitals
- Clinics
- Campgrounds
- Fire halls
- Museums
- Hockey arenas
- Golf courses
- Exhibition grounds
- Municipal buildings and facilities
- Parks and playgrounds
- Public and quasi-public buildings, installations and facilities
- Accessory buildings & uses
- Permitted signs

(4) Development Requirements

The Development Officer / Municipal Planning Commission shall evaluate each development permit for this district on its merit and establish suitable development requirements for each individual application.

(5) Parking

Parking (on site) shall be provided according to the following:

- | | |
|---|---|
| <p>(a) Public places of assemble including sports arenas, ball parks and other recreational or amusement places</p> | <p>- One (1) parking space per 10 seat-in spaces.</p> |
|---|---|

-
- (b) Hospitals
 - One (1) parking space per 93 m² (1,000 sq. ft.) of gross floor area.
 - (c) Libraries and Clinics
 - One (1) parking space per 93 m² (1,000 sq. ft.) of gross floor area.
 - (d) Schools
 - Elementary & Junior High
 - One (1) parking space per class-room.
 - Senior High
 - Four (4) parking spaces per class-room.

(6) Screening

Garbage and waste material must be stored in weather and animal proof containers and screened from adjacent sites and public thoroughfares including lanes.

26. UR - Urban Reserve District

(1) Purpose

The purpose and intent of this district is to reserve lands outside of the developed area of the Village which is intended for future development.

(2) Permitted Uses

- Parks
- Accessory buildings and uses
- Permitted signs

(3) Discretionary Uses

- Single-family dwellings - on existing parcels only
- Public and quasi-public buildings, installations and facilities
- Gravel, sand and building material excavation and storage
- Market gardens
- Horticultural nurseries
- Greenhouses
- Agriculture, but not including feedlots, hog barns poultry farms and fur farms
- Abattoirs
- Golf courses, driving ranges and associated clubhouses

(4) Development Requirements

The Development Officer / Municipal Planning Commission shall evaluate each development permit for this district on its merit and establish suitable development requirements for each individual application.

(5) Regulations

- (a) The design, siting, site coverage, yards, height of buildings, external finish and landscaping generally of all buildings and structures shall be to the satisfaction of the Development Officer / Municipal Planning Commission who in determining a development permit application shall take into account:
 - (i) the general purpose of the district; and
 - (ii) the existing uses and prospective uses of land in the vicinity.
- (b) The Development Officer/Municipal Planning Commission may require an area structure plan before recommending approval of a subdivision.
- (c) The Development Officer / Municipal Planning Commission shall be satisfied prior to the granting of a development permit that the proposed use will not prejudice the orderly development of the area including the future establishment of residential, commercial, industrial, recreational, and service facilities on a neighborhood and community basis. The Development Officer may request assistance in this regard from the Palliser Regional Planning Commission.

PART VII

General Land Use Regulations

27. Subdivision of Land

- (1) A development requiring subdivision of land shall not be issued a development permit until such time as subdivision approval has been received from the Subdivision Approving Authority or upon appeal, the Municipal Government Board or the Subdivision and Development Appeal Board.

28. Non-Conforming Buildings and Uses

- (1) A non-conforming use of land or a non-conforming use of a building may be continued but if that use is discontinued for a period of six consecutive months or more, any future use of the land or building shall conform with the provisions of the Land Use Bylaw then in effect.
- (2) A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, shall not be enlarged or added to and no structural alterations shall be made thereto or therein.
- (3) A non-conforming use of part of a lot shall not be extended or transferred in whole or in part of any other part of the lot and no additional buildings shall be erected upon the lot while the non-conforming use continues.
- (4) A non-conforming building may continue to be used but the building shall not be enlarged, added to, rebuilt or structurally altered except:
 - (a) as may be necessary to make it a conforming building, or
 - (b) as the Development Officer considers necessary for the routine maintenance of the building.
- (5) If a non-conforming building is damaged or destroyed to the extent of more than 75 percent of the value of the building above its foundation, the building shall not be repaired or rebuilt except in accordance with this Land Use Bylaw.
- (6) The use of land or the use of a building is not affected by reason only of a change of ownership, tenancy or occupancy of the land or building.

29. Fencing

- (1) In a residential district, a fence or hedge located within a rear or side yard of a lot, shall not exceed 1.83 m (6 feet) in height.
- (2) In a residential district, a fence or hedge located within the front yard of a lot, shall not exceed 1 m (3.2 feet) in height.
- (3) In a residential district, a fence or hedge located within a corner lot shall not exceed 1 m (3.2 feet) in height from the building facing the streets.

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- (4) Swimming pools shall be fenced with a minimum height of 1.8 m (6 feet) to the satisfaction of the Development Officer.

30. Accessory Building & Uses

- (1) A structure which is attached to the principle building by a roof, a floor or a foundation is not an accessory building, it is to be considered part of the principal building.
- (2) An accessory building shall not be used as a dwelling.
- (3) An accessory building or use shall be located at least 0.91 m (3 feet) from any principal building.
- (4) The total combined floor area of an accessory building shall not exceed 15% of the site area.
- (5) On corner lots, the distance between an accessory building and the street flanking the lot shall not be less than the side yard requirement for the principal building in that particular land use district.
- (6) No accessory building or use shall be located in the front yard of a residential district.
- (7) Accessory buildings exceeding a floor area of 10.5 m² (113 sq. ft.) shall be constructed upon a permanent concrete foundation.
- (8) The siting of an accessory building shall be in accordance with Exhibit 1.

EXHIBIT 1

SITING OF ACCESSORY BUILDINGS

31. Off-Street Loading & Unloading for Commercial & Industrial Development

Any new industrial and commercial development or a substantial expansion of an existing development shall provide and maintain off-street loading and unloading spaces according to the following requirements:

- (1) The space shall not be less than 2.5 m (8 feet) wide and shall provide no less than 3.6 m (12 feet) overhead clearance;
- (2) The space shall be hard surfaced if the access is from a street or lane which is hard surfaced;
- (3) Access to the space shall be such that no backing and turning movements of vehicles causes interference with traffic on the adjoining or abutting streets or lanes;
- (4) Off-street loading and unloading spaces should be provided in accordance with the following:

<u>Use of Building or Site</u>	<u>Total Gross Floor Area</u>	<u>Spaces Required</u>
(a) Retail, industry warehousing or similar use	Less than 464.5 m ² (5,000 sq. ft.)	1
	464.5 m ² (5,000 sq. ft.) to 2322.5 m ² (25,000 sq. ft.)	2
	Each additional 2322.5 m ² (25,000 sq. ft.) or fraction thereof	1 additional
(b) Office Building, hospitals, public school or similar use	Up to 2782 m ² (30,000 sq. ft.)	1
	Each additional 2782 m ² (30,000 sq. ft.) or fraction thereof	1 additional

- (5) The above standards can be modified at the discretion of the Development Officer / Municipal Planning Commission.

32. Parking

- (1) The number of off-street parking spaces for any development shall be according to requirements set out for the land use district in which the space is located.
- (2) For a multiple use site, parking requirements shall be based on the calculation of parking required for each individual use.
- (3) Parking spaces for multi-unit dwellings shall not be less than 14.8 m² (160 sq. ft.) in area and not be less than 2.4 m (8 ft.) wide.

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- (4) Parking spaces for an apartment building shall not be located in the front yard.
 - (5) A parking space shall be located on the same site as the building or the use in respect of which it is required and shall be designated, located, and constructed to the Village's standards so that:
 - a) it is reasonably accessible to the vehicle intended to be accommodated there;
 - b) It can be properly maintained; and
 - c) It is satisfactory to the Development Officer in size, shape, location and construction.

33. Objects Prohibited or Restricted in Yards

No person shall keep or permit in any part of a yard in any residential district:

- (1) Any dismantled or wrecked vehicle for more than 30 successive days;
- (2) Any object or chattel which, in the opinion of the Development Officer is unsightly or tends to adversely affect the amenities of the district;
- (3) Any excavation, storage of material required during the construction stage unless all necessary safety measures are undertaken; the owner of such materials or excavations assumes full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work.

34. Site Development

The design, siting, external finish, architectural appearance and landscaping generally of all buildings, including any accessory buildings or structures and signs and any reconstruction shall be to the satisfactions of the Development Officer / Municipal Planning Commission in order that these shall be general conformity in such matters with adjacent buildings.

35. Home Occupations

- (1) All development permits issued for home occupations shall be revocable at any time by the Development Officer / Municipal Planning Commission, if in its opinion, the use is or has become detrimental to the amenities of the neighborhood.
- (2) The Development Officer / Municipal Planning Commission may issue a temporary permit for a home occupation.
- (3) Where the applicant for the home occupation is not the registered owner of the dwelling unit proposed to be used for a home occupation, the applicant shall provide to the Development Officer / Municipal Planning Commission written authorization from the registered owner(s).
- (4) A development permit issued for a home occupation shall remain valid unless:

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- (a) the applicant fails to purchase a valid business license as set out in the Village's current business bylaw;
 - (b) the Development Officer / Municipal Planning Commission revokes the development permit as set out in subsection (1).
- (5) A home occupation shall not include any use or operation which will cause or create a nuisance by way of dust, noise, smell, smoke or traffic generation.

36. Utilities

- (1) A development shall not be permitted if the development is not served by the public sewer and water system or a provincially approved private system.
- (2) A development shall not be permitted until satisfactory arrangements have been made by the developer for the supply of water, electric power, sewerage and street access to the development including payments of costs of installing or constructing any such utility or facility by the developer.

37. Drainage

- (1) At the discretion of the Development Officer / Municipal Planning Commission, the applicant shall be required to grade a parcel in such a manner that all surface water will drain from the building site to the back lane and/or front street.
- (2) The Development Officer / Municipal Planning Commission at its discretion may establish parcel and building elevation as a development condition if it is felt that drainage will affect neighbouring parcels.
- (3) The Development Officer / Municipal Planning Commission at its discretion may require the applicant to submit a storm drainage plan, indicating how drainage will be managed on the site.
- (4) The Development Officer / Municipal Planning Commission at its discretion may require the applicant to install a catch basin or similar drainage system on site if it is felt that drainage will otherwise affect neighbouring parcels.

38. Signs

- (1) No signs or advertising structures of a commercial, direction or information nature shall be erected on land or affixed to any exterior surface of any building or structure unless an application for this purpose has been approved and a development permit has been issued.
- (2) No signs or advertising structures shall be erected on or affixed to private property without the prior consent of the property owner or tenant.
- (3) No signs, billboards, advertising structures or signboards shall be erected on or affixed to public property without the prior consent of the appropriate public body.
- (4) No signs or advertisement shall resemble or conflict with a traffic sign.
- (5) All signs, with the exception of temporary signs, allowed under a Temporary Development Permit, shall be attached to a permanent foundation capable of supporting the sign.
- (6) All signs shall be designed and manufactured to a professional standard of quality equivalent thereto.
- (7) All signs shall be kept in a safe, clean, tidy and legible condition and may, at the discretion of the M.P.C., be required to be renovated or removed. Signs advertising businesses no longer in operation shall be removed.
- (8) No signs or advertising structures other than those specified under subsection 7(9), shall be permitted in a residential district.
- (9) No signs or advertising of any kind shall be permitted adjacent to a highway unless the prior approval of Alberta Transportation & Utilities has been obtained.
- (10) The following separation distances between signs shall be applied:
 - (a) 9.14 m (30 ft.) adjacent to a municipal road;
 - (b) 99.06 m (325 ft.) adjacent to a primary highway or as required by Alberta Transportation & Utilities.
- (11) Projecting signs may be permitted provided that:
 - (a) a minimum height clearance of 2.74 m (9 ft.) be provided from any sidewalk below;
 - (b) the signs shall not project above the roof by more than 0.91 m (3 ft.);
 - (c) the sign does not project within 0.61 m (2 ft.) of the curb;
 - (d) the sign does not project more than 2 m (6.5 ft.) from the face of the building;
 - (e) the sign does not exceed 9.29 m² (100 ft.²) in area.
- (12) Free standing signs (directional, advertising or identification) may be permitted provided that:
 - (a) the sign does not exceed 9.14 m (30 ft.) in overall height;
 - (b) the maximum total sign area allowable is 13.94 m² (150 ft.²);
 - (c) the sign shall be a minimum of 6.1 m (20 ft.) from a curb or 1.52 m (5 ft.) from the property line.

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- (13) Roof signs shall not exceed 9.29 m² (100 ft.²) and no portion of the sign shall extend beyond the periphery of the roof on which it is located.
- (14) Fascia signs may be permitted provided that:
- (a) the total sign area does not exceed a ratio of 20% of the face building to which the sign is attached;
 - (b) it shall not project above the roof or marquee by more than 0.91 m (3.0 ft.).
- (15) Solid awnings containing advertising shall be treated as projecting signs. However, at the discretion of the Development Officer or Municipal Planning Commission the minimum height clearance from the sidewalk may be relaxed.
- (16) Mobile signs may be permitted provided that:
- (a) Maximum sign area shall not exceed 10.03 m² (108 sq.ft.);
 - (b) Maximum height shall not exceed 2.44 m (8. ft.);
 - (c) The sign is not located in the sight triangle formed on a corner site by the two street property lines and a straight line which intersects them 5.02 m (16.5 ft.) from the corner where they meet;
 - (d) The lighting of a mobile sign does not adversely affect residential sites and/or traffic lights; and
 - (e) A valid development permit has been obtained for signs to be in place for more than 7 consecutive days.
- (17) For any sign which will overhang a sidewalk or other town property, the owner of the sign shall:
- (a) Indemnify and hold harmless the Municipality for any claim related to the construction and maintenance of the sign;
 - (b) Furnish a public liability insurance policy of such an amount satisfactory to the Council naming the Municipality as co-insured.
- (18) Small sign displayed for the discretion of convenience of the public, including signs which identify rest rooms, freight, entrance, parking entrance or exit, or the like, not exceeding 0.5 m² (5 sq. ft.) in area.

39. Relocation of Buildings

- (1) Where a development permit has been granted for the relocation of a building on the same site or from another site, the Municipal Planning Commission may require the applicant to provide a Performance Bond or letter or credit in the amount of \$10,000.00 (\$1,000.00 where the building to be relocated is accessory to a dwelling) to ensure completion of any renovations set out as a condition of approval of a permit. In addition, the Municipal Planning Commission shall require the applicant to provide proof of insurance during and after the relocation of the building.
- (2) All renovations to a relocated building are to be completed within one (1) year of the issuance of the Development Permit.
- (3) Application for a relocated building shall be accompanied by recent photographs to the satisfaction of the Development Officer / Municipal Planning Commission. Also, the views (in writing) of the adjacent registered property owners within a minimum of 60 m (196.85 feet) of a said parcel must be obtained.

40. Projection Over Yards

- (1) Front Yards:
 - (i) Eaves, balconies, bay windows, shade projections, chimneys, un-enclosed decks, may project a maximum of 0.6 m (2 ft.) over or onto a required front yard;
 - (ii) Un-enclosed steps may project a maximum of 1.8 m (6 ft.) over or onto a required front yard.
- (2) Side Yards:
 - (i) Eaves, shade projections, chimneys, may project a distance not exceeding one half of the minimum side yard requirement for the lot;
 - (ii) Un-enclosed steps and landings shall be at grade to a side entrance and may project onto the entire required side yard. Un-enclosed steps and landings above grade shall be at the discretion of the Development Officer / Municipal Planning Commission;
 - (iii) Residential buildings with a side entrance requiring a side yard relaxation and/or having projections as described above shall maintain one side yard with no relaxation or projection except for eaves.
- (3) Rear Yards:
 - (i) Eaves, balconies, bay windows, shade projections, chimneys, un-enclosed decks and steps may project a maximum of 1.5 m (4.9 ft.) over or onto a required rear yard.

41. Daytime Child Care Services

- (1) The Development Officer / Municipal Planning Commission shall, in deciding whether to approve or refuse a Daytime Child Care Service, consider among other matters, potential traffic generation, proximity to park or other open or recreation areas, isolation of the proposed site from other residential uses, buffering or other techniques designed to limit any interference with other uses or the peaceful enjoyment of their properties by nearby residents, and consistency in terms of intensity of use with other development in the area.
- (2) The maximum number of children for which care may be provided in a Daytime Child Care Service may be established by the Development Officer / Municipal Planning Commission.

42. Dwelling Units on a Parcel

- (1) No person shall construct or locate or cause to construct more than one (1) dwelling unit on a parcel or lot, unless:
 - (i) the second or additional dwelling(s) is contained in a building designed for or divided into two or more dwelling units;
 - (ii) the Development Officer / Municipal Planning Commission may issue a permit for a second dwelling on a parcel, if it believes that the proposal would not:
 - unduly interfere with the amenities of the neighbourhood;
 - materially interfere with or affect the use, enjoyment or value of neighbouring properties; and
 - the proposed development complies with the standards and provisions of the Alberta Uniform Building Code.

43. Physical Environment

The Development Officer / Municipal Planning Commission may consider the environmental impact of any proposed development. The Development Officer / Municipal Planning Commission may refer the proposal to a relevant provincial department for comments on the nature of the environmental concern. Where a development is considered to have a significant environmental impact, the Development Officer / Municipal Planning Commission may request the developer to have an environmental evaluation prepared and submitted by an appropriate professional, or undertake its own environmental evaluation regarding the proposed development. All costs associated with an environmental evaluation are the responsibility of the developer.

44. General Requirements for Manufactured Homes

(1) Foundation:

A permanent foundation shall be provided on the stand of each manufactured home lot capable of supporting the maximum anticipated load of the manufactured home at all seasons without settlement or other movement.

(2) Skirting:

The undercarriage of each manufactured home shall be completely screened from view by the foundation or by skirting within 30 days of placement of the manufactured home.

(3) Additions, Porches etc.:

All accessory structures such as steps, patios, porches, additions, skirting and storage facilities shall be factory pre-fabricated units or of a quality equivalent thereto, so that design and construction will complement the manufactured home. Additions to a manufactured home shall have a foundation and skirting equivalent to that of the manufactured home. All manufactured homes shall be provided with steps and landings to all entrances within 30 days of their placement.

(4) Utilities:

Each manufactured home shall be connected to and be serviced by electrical power, natural gas, telephone, and the Village's sanitary sewer and water supply.

(5) Age:

All manufactured home units shall have Canadian Standards Association (CSA) Certificates. Manufactured Homes constructed more than eight (8) years before the date of application for a development permit shall not be allowed. The Development Officer / Municipal Planning Commission in the performance of its duties in discretionary approval of Development Permits may relax this condition where it is satisfied that the manufactured Home meets the standards of manufactured Homes constructed within the last (8) eight years.

45. Development Standards for Topographic Features (Exhibit 2)

(1) Sloped Areas

For hummocks, buttes and other isolated land projections, slopes of greater than 20% are considered unsuitable for development unless otherwise determined by the Development Officer and all slopes greater than 15% may require special engineering and other treatment. If these topographic features are leveled, resulting slopes shall not exceed 20% and the leveling, compaction or other engineering as well as environmental considerations must be to the satisfaction of relevant authorities. Related to the foregoing, satisfactory proposed contour and other plans may be required.

(2) Earth Grading

- (i) Protrusions of escarpments with a minimum width of 90 m (295.3 ft.) at its widest point shall not be removed.

- (ii) All protrusions of escarpments that are removed or leveled must result in grades where the protrusion formerly existed of not greater than 15% not including the adjoining escarpment wall.
- (iii) A maximum slope of 33% shall result for escarpment lands when protrusions are removed or leveled (i.e. for the escarpment wall formed by the cut of the former protrusion).

(3) Set-backs from Toes of Slopes

Unless otherwise determined by the Development Officer, set-backs from toes of slopes shall be as follows:

- (i) A minimum of 9.0 (29.5 ft.) from the toe of a slope when the height of the slope is greater than 3.0 m (9.8 ft.). When a slope is greater than 25.0 m (82 ft.) the minimum set-back shall be one-third (1/3) the height of the slope.

(4) For Valley or Coulee Breaks (escarpment rim)

The following set-backs from the front edge apply unless otherwise determined by the Development Officer.

Land Left Undisturbed for Valley Break (Escarpment Rim) or Coulee

Average Depth Of Valley	Distance of Land Left Undisturbed
0 – 15 m (0 – 49.2 ft.)	25 m (82 ft.)
15 – 30 m (49.2 – 98.4 ft.)	45 m (147.6)
> 30 m (98.4 ft.)	60 m (196.9)

Lanes and utilities may not be developed within these areas except when agreed upon by relevant authorities to serve public reserve parcels.

(5) For Benches

- (i) Parcel boundaries shall be set-back a minimum of 9 m (29.5 ft.) from the brink of a slope (front edge of a bench) when the height of the slope is greater than 3 m (9.8 ft.)
- (ii) When the front edge of a bench is steeper than 33% and higher than 25 m (82 ft.) the minimum set-back from the point where the slope begins to fall off at a rate greater than 33% shall be one-third (1/3) the height of the slope.

EXHIBIT 2

TOPOGRAPHICAL FEATURES

46. Undermining Or Subsidence Conditions

Where development is proposed for land which has potential undermining or subsidence conditions, no development permit shall be granted unless the Development Officer is satisfied that hazards and other problems will not adversely affect the development as proposed. Valid engineering tests may be required.

47. Land Adjacent to a Water Body or Water Course

In an undeveloped area, where a building or a structure is approved adjacent to a water course or water body, no part of such building or structure shall be sited less than 38 m (125 ft.) from said water course, or water body. In a developed area within the Village, this standard may not be practical. In these instances, each application for development is to be reviewed by the Development Officer and a set-back appropriate to the area in question is to be established. However, in all such cases, a minimum of 11 m (35 ft) must be observed. (NOTE: the high-water mark or the top of the bank should be used in determining the required set-backs.)

48. Land Within the 1:100 Year Floodplain

- (1) Development shall be discouraged on land within the 1:100 year floodplain as determined by Alberta Environment.
- (2) Notwithstanding the above and at the discretion of the Development Officer, development defined as infill development may be allowed on land within the 1:100 year floodplain. In all cases, as a condition of development approval, the developer shall hold the Municipality harmless from any damage to or loss of the development caused by flooding by way of an agreement registered as a caveat or restrictive covenant against the titles of the property being developed.
- (3) At the discretion of the Development Officer and where development does not constitute an infill situation as defined in this bylaw, development may be allowed on land within the 1:100 year floodplain if sufficient landfill can be provided to raise the building or development site above the elevation of the 1:100 year flood probability contour or other suitable flood proofing techniques can be employed.
- (4) Any development permit issued for development within the 1:100 year floodplain shall have as a condition of approval a save harmless agreement registered as a caveat or restrictive covenant against the title whose purpose shall be to hold the municipality harmless from any damage to or loss of the development caused by flooding.

Read a first time the 11th day of August, 1998.

Mayor

Municipal Administrator

Read a second time the 29th day of September, 1998.

Read a third time and finally passed the 29th day of September, 1998.

Mayor

Municipal Administrator

PART VIII

Land Use District Map

APPENDIX A

Forms

FORM A - DEVELOPMENT PERMIT APPLICATION

FORM B - STOP ORDER / ORDER OF COMPLIANCE

FORM C - APPLICATION FOR LAND USE BYLAW AMENDMENT

FORM D - NOTICE OF SUBDIVISION AND DEVELOPMENT APPEAL BOARD HEARING

FORM E - NOTICE OF DECISION OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD