



Village of Waskatenau

LAND USE BYLAW

BYLAW NO. 628/2010
OCTOBER 2010

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BYLAW 628/20101

LAND USE BYLAW

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

1.0 General

1.1 TITLE

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

1.2 SCOPE

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

1.3 PURPOSE

The purpose of this Bylaw is, amongst other things:

- (1) to divide the municipality into districts;
- (2) to prescribe and regulate the use(s) for each district;
- (3) to establish the Development Authority;
- (4) to establish a method for making decisions on development permit applications and issuing development permits;
- (5) to prescribe the manner in which notice is to be given of the issuance of a development permit;
- (6) to implement the policies of the statutory plans of the Village of Waskatenau;
- (7) to establish supplementary regulations governing certain specific land uses; and
- (8) to establish the procedures for making amendments to this Bylaw.

1.4 METRIC AND IMPERIAL MEASUREMENTS

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

1.5 INTERPRETATION

(1) In this Bylaw:

(1) “**ACCESSORY BUILDING**” means a building, separate from the principal building on the same parcel, the use of which, the Development Authority decides, is subordinate or incidental to that of the principal building;

(2) “**ACCESSORY USE**” means a use of a building or land which the Development Authority decides is subordinate or incidental to the principal use of the parcel on which it is located;

(3) “**ACT**” means the Municipal Government Act, R.S.A. 2000, as amended, and the regulations pursuant thereto;

(4) “**ADJACENT LAND**” means land that is contiguous to the parcel of land in question and includes;

- (a) land that would be contiguous if not for a highway, road, river or stream, and
- (b) any other land identified in the Land Use Bylaw as adjacent land for the purpose of notification;

(5) “**AMENITY AREA**” means an area which shall be provided subject to the regulations of this Bylaw and which must be developed for the active or passive recreation and enjoyment of the occupants of a residential development. Such area may be for either private or communal use and may be under either individual or common ownership;

(6) “**AMENITY AREA – PRIVATE OUTDOOR**” means an amenity area which shall be provided subject to regulations in this Bylaw but which must be developed for the active or passive recreation and enjoyment of the residents of a specific dwelling unit and which is immediately adjacent to and directly accessible from the dwelling unit it is intended to serve. Amenity areas may include: landscaped areas, patios, balconies, communal lounges, swimming pools, play areas and similar uses but does not include any area occupied at grade by a building’s service areas, ‘parking lots, aisles or access driveways;

(7) “**AMUSEMENT ESTABLISHMENTS**” means developments providing facilities where patrons are normally, but not necessarily participants. Typical uses include amusement parks, go-cart tracks and miniature golf establishments and also includes indoor amusement establishments which typically include billiard parlours, electronic games, arcades, bowling alleys and theaters;

(8) “**ANIMAL BOARDING FACILITY**” means a commercial facility used for feeding, grooming, housing, exercising and/or training of domestic animals not owned by

the occupant of the premises and for which the occupant of the premises receives remuneration;

(9) **“ANIMAL BREEDING AND/OR BOARDING FACILITY”** means an establishment for the keeping, breeding and/or raising of 3 or more animals which are not livestock for profit or gain, but shall not apply to the keeping of animals in a veterinary clinic for the purpose of observation and/or recovery necessary to veterinary treatment;

(10) **“ANIMAL CLINIC”** means the facility in which animals, birds or livestock are treated primarily on an outpatient basis;

(11) **“ANIMAL HOSPITAL”** means an establishment providing surgical or medical treatment or examination of domestic pets entirely within a building;

(12) **“ANIMAL HOSPITAL, LARGE”** means an establishment providing surgical or medical treatment or examination of livestock. Services may be provided within a building or outdoors;

(13) **“APARTMENT”** means a single building comprised of three or more dwelling units with shared entrance facilities;

(14) **“AREA OF COPY”** means the entire area within a single common continuous perimeter enclosing the extreme limits of the advertising message, announcement or decoration on the sign, and shall be for the purpose of area calculation be square or rectangular in shape;

(15) **“ASSEMBLY PLANT”** means a factory where manufactured parts are assembled into a finished product;

(16) **“AUCTION FACILITY”** means a building, structure or lands used for the storage and/or sale of goods and materials or livestock which are to be sold on the premises by public auction;

(17) **“AUTOMOBILE REPAIR SHOP, MAJOR”** means the general repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers such as collision service, body repair and frame straightening; painting and upholstery; vehicle steam cleaning; and under coating;

(18) **“AUTOMOBILE REPAIR SHOP MINOR”** means the minor repairs including incidental replacement of parts and motor service to passenger automobiles and trucks not exceeding one and one-half tons' capacity;

(19) **“AUTOMOBILE SALES”** means a development used for the sale, service and rental of motor vehicles, but does not include recreation vehicle sales or automotive body and paint service;

(20) **“BAKERY”** means a shop where baked goods are produced and offered for sale on the premises only;

(21) **“BAKERY – LARGE COMMERCIAL”** means a factory for producing, mixing, compounding or baking bread, biscuits, ice cream cones, cakes, pies, buns or any other bakery product of which flour or meal is the principal ingredient, but does not include a restaurant or other premises where any such product is made for consumption on the premise or a bake shop;

(22) **“BANK”** means an institution where money is deposited, kept, lent or exchanged;

(23) **“BASEMENT SUITE”** refers to a self-contained dwelling unit within the basement of a single detached dwelling;

(24) **“BASIC CAMPGROUND”** means an area used for a range of overnight accommodation, from tenting to un-serviced trailer sites, including accessory facilities that support the use, such as administration offices, laundry facilities, washrooms, support recreational facilities, but not including the use of mobile homes, trailers or other forms of moveable shelter on a permanent year-round basis;

(25) **“BED AND BREAKFAST ESTABLISHMENT”** means a minor and ancillary/subordinate commercial use of a residence where accommodation is provided for periods of fourteen (14) days or less in three or fewer guest rooms;

(26) **“BED SITTING ROOM UNIT”** means a dwelling unit in which the sleeping and living areas are combined and which in the opinion of the development authority, is not reasonably capable of being developed as a unit containing one (1) or more bedrooms;

(27) **“BOARDING FACILITY”** means a residence offering sleeping rooms and meals, normally in exchange for a fee, and where private cooking facilities are not available to the tenants;

(28) **“BUILDING”** means any thing constructed or placed on, in, over or under land, but does not include a highway or public roadway or a bridge forming part of a highway or public roadway;

(29) **“BUILDING HEIGHT”** means the vertical distance between lot grade and the highest point of a building; excluding an elevator housing, a mechanical housing, a roof stairway entrance, a ventilating fan, a skylight, a steeple, a chimney, a smoke stack, a fire wall, a parapet wall, a flagpole or similar device not structurally essential to the building (see **Figure 1**);

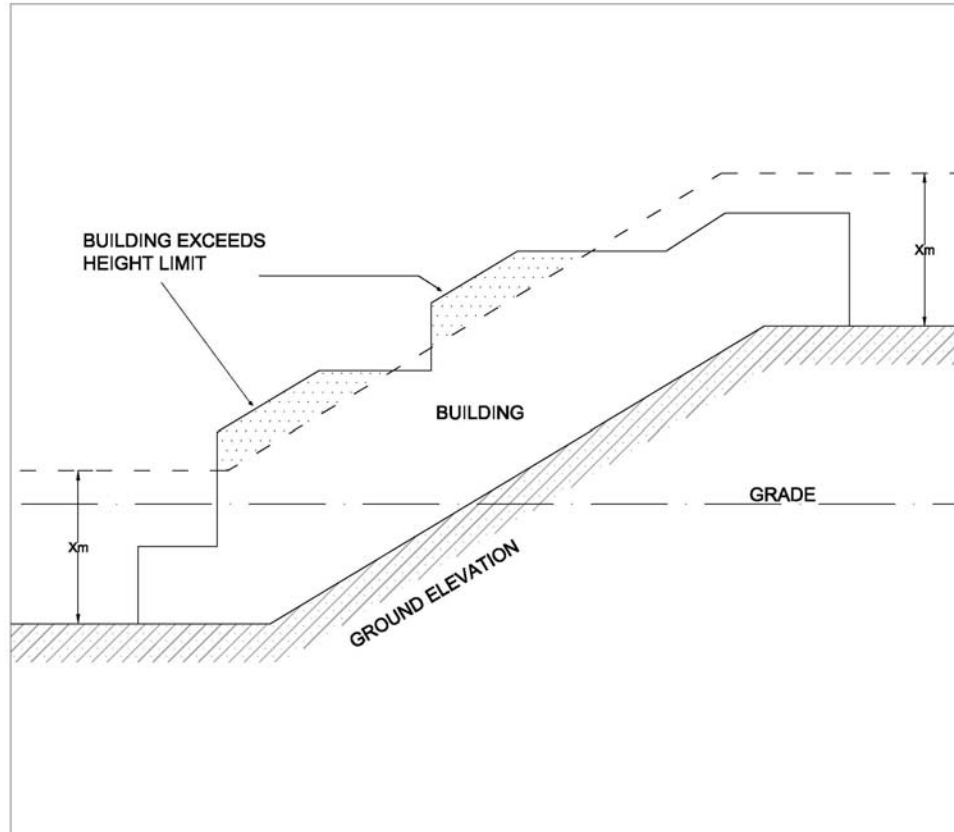


Figure 1: Building Height

- (30) **“BUILDING SUPPLY AND LUMBER OUTLET”** means a building or structure in which building or construction and home improvement materials area offered or kept for sale or rental and may include the fabrication of certain materials related to home improvement;
- (31) **“BULK FUEL STORAGE AND SALES”** means lands, buildings and structures for the storage, distribution of fuels and oils including retails sales and key lock operations;
- (32) **“BUSINESS OFFICE”** means a building or part of a building in which one (1) or more persons are employed in the management, direction or conducting of a business or where professionally qualified persons and their staff serve clients or patients who seek advice, consultation or treatment and may include the administrative offices of a non-profit or charitable organization;
- (33) **“CAMPGROUND, BASIC”** means an area used for a range of overnight accommodation, from tenting to un-serviced trailer sites, including accessory facilities that support the use, such as administration offices, laundry facilities, washrooms, support recreational facilities, but not including the use of mobile homes, trailers or other forms of moveable shelter on a permanent year-round basis;

- (34) “**CANOPY**” means a projection extending from the outside wall of a building normally for the purpose of shielding a part of the building from the sun;
- (35) “**CAR WASHING ESTABLISHMENTS**” means a building used for the purpose of washing motor vehicles;
- (36) “**CARPORT**” means a roofed structure used for storing or parking of motor vehicles and which has not less than 40% of its perimeter open and unobstructed;
- (37) “**CEMETERY**” means land that is set apart or used as a place for the interment of the dead or in which human bodies have been buried. A cemetery may also include a structure for the purposes of cremation of human remains and may include facilities for storing ashes or human remains that have been cremated or the interment of the dead in sealed crypts or compartments;
- (38) “**CHILD CARE FACILITY**” means an establishment licensed by the regional Child and Family Services Authority intended to provide care, educational services and supervision for 7 or more children for a period less than 24 hours at a time. This use includes group day care centres, out-of-school centres, nursery or play schools, and drop-in centres;
- (39) “**CLINIC**” means a building or part of a building used for the medical, dental, surgical or therapeutically treatment of human beings, but does not include a public or private hospital or a professional office of a doctor located in his residence;
- (40) “**CLUB OR LODGE**” means an association of persons, whether incorporated or not, united by some common interest, meeting periodically for cooperation or conviviality. Club shall also mean, where the context requires, premises owned or occupied by members of such association within which the activities of the club are conducted;
- (41) “**COMMUNITY HALL**” means a building or part of a building used for community activities without purpose of gain;
- (42) “**CORNER**” means the intersection of any two property lines of a parcel;
- (43) “**CORNER LOT**” means a lot with a side line abutting a road;
- (44) “**COUNCIL**” means the Council of the Village of Waskatenau;
- (45) “**CURB CUT**” means the lowering of a curb, sidewalk or boulevard to provide vehicular access to a parcel;
- (46) “**DAY CARE FACILITY**” means a provincially licensed child care facility

operated from a building other than a residence, excepting where a one family dwelling has been converted to a day care in which a dwelling unit or a basement suite might be located on a separate level of the dwelling. A day care shall supply supervision of a minimum of seven (7) children and a maximum of eighty (80) children. A minimum outside play space is required, to be calculated at $4\frac{1}{2} \text{ m}^2 \times \frac{1}{2}$ the capacity (e.g., a capacity of 20 children would require 45 m^2 of play area ($4.5 \text{ m}^2 \times 20/2$). For the purposes of this definition, a day care shall not include a day home, a family care facility, a group care facility, or a school operated by a School Division;

(47) “**DAY HOME**” means a provincially licensed child care facility operated from a residence supplying supervision of a maximum of six (6) children under the age of 11 years including any resident children. A day home shall supply an outside play space that is both fenced and gated, and shall meet all fire regulations and health regulation;

(48) “**DECK**” means any open structure attached to a building having a height greater than 0.6 m (2 ft.) above grade, and thereby requiring stairs and railings as outlined in regulations approved under the Safety Codes Act. A deck shall not have walls higher than 1.25 m (4.1 ft.);

(49) “**DENSITY**” means a measure of the average number of persons or dwelling units per unit of area;

(50) “**DESIGNATED OFFICER**” means a person authorized to exercise Development Authority powers on behalf of the Municipality pursuant to the provision of the Municipal Government Act;

(51) “**DEVELOPER**” means the owner of lands on which development is proposed, or any other person applying for a development permit;

(52) “**DEVELOPMENT**” means development as defined in the Act, and includes the following:

- (a) The carrying out of any construction or excavation, or other operations, in, on, over or under land, or the making of any change in the use or the intensity of use of any land, buildings or premises, and, without restricting the generality of the foregoing, includes the removal and/or placement of topsoil. For the purposes of this Bylaw, development also means the demolition of a building;
- (b) In a building or on a parcel used for dwelling purposes, any increase in the number of families occupying and living in the building or on the parcel; and any alteration or additions which provide for an increase in the number of dwelling units within the building or on the parcel;
- (c) The placing of refuse or waste material on any land;
- (d) The resumption of the use for which land or buildings had previously been utilized;
- (e) The use of the land for the storage or repair of motor vehicles or other

- machinery or equipment;
- (f) The continued use of land or of a building for any purpose for which it is being used unlawfully when this Bylaw comes into effect;
- (g) The more frequent or intensive use of land for the parking of trailers, bunkhouses, portable dwellings, skid shacks or any other type of portable building whatsoever whether or not the same has been placed or affixed to the land in any way; and
- (h) Includes the erection of signs;

(53) “**DEVELOPMENT AUTHORITY**” means the Development Authority established by this Bylaw and appointed by Council;

(54) “**DEVELOPMENT AUTHORITY OFFICER**” means the Development Authority Officer established by this Bylaw and appointed by Council;

(55) “**DEVELOPMENT PERMIT**” means a permit, issued by the municipality, that authorizes a specified development and includes, where applicable, plans, drawings, specifications or other documents. This permit is separate and distinct from a building permit;

(56) “**DISCONTINUED**” means the time at which, in the opinion of the Development Authority, substantial construction activity or use of land or a building has ceased;

(57) “**DISCRETIONARY USE**” means a use of land or buildings provided for in the District Regulations of this Bylaw, for which a development permit may be issued;

(58) “**DOUBLE FRONTING LOT**” means a lot which abuts two roads (except alleys as defined in the Traffic Safety Act, R.S.A. 2000, as amended), which are parallel or nearly parallel where abutting the lot, but does not include a corner lot (see Figure 3);

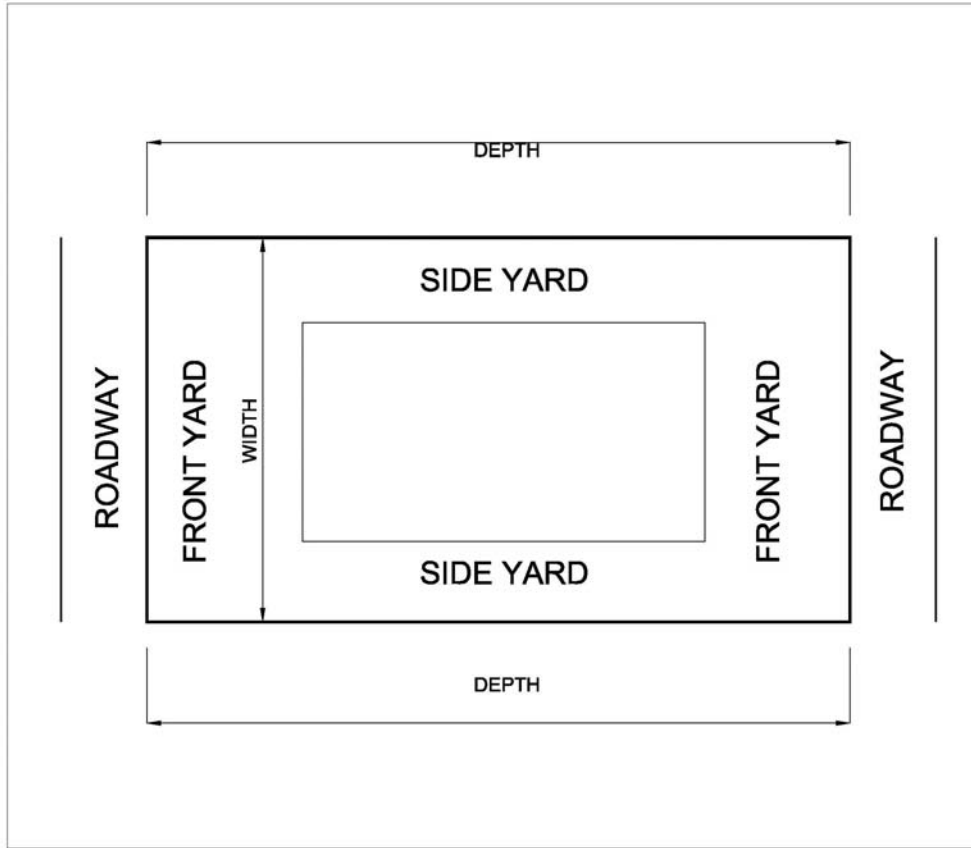


Figure 2: Double Fronting Lot

- (59) **“DRINKING ESTABLISHMENT”** means a development possessing a Class A Minors Prohibited liquor license, where the sale and consumption of liquor on site are open to the public and where liquor is the primary source of business;
- (60) **“DRIVE-IN BUSINESS”** means an establishment which normally provides service to customers travelling in motor vehicles driven onto the site;
- (61) **“DUPLEX, SIDE-BY-SIDE”** means a building containing two dwelling units sharing one common wall regardless of the number of storeys, and in no case being located above or below each other;
- (62) **“DUPLEX, VERTICAL”** means a building containing two dwelling units, the dwelling area of one being located above the dwelling area of the other, either in whole or in part, each with a separate private entry;
- (63) **“DWELLING”** means any building used exclusively for human habitation, whether or not it is supported on a permanent foundation or base extending below ground level. This definition shall include all single detached dwellings, including all site built homes, modular homes, and manufactured homes, duplexes, and multi-unit dwellings;

(64) “**DWELLING, SINGLE DETACHED**” means a freestanding dwelling that does not abut any other dwelling on an adjoining lot and where all sides of the dwelling are surrounded by yards or open areas within the lot;

(65) “**DWELLING UNIT**” means a room or suite of rooms used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities, and which is not separated from direct access to the outside by another separate dwelling unit. A dwelling unit does not contain more than one room, which, due to its design, plumbing, equipment, and/or furnishings, may be used as a kitchen;

(66) “**EASEMENT**” means a right to use land, generally for access to other property or as a right-of-way for a public utility;

(67) “**EATING AND DRINKING ESTABLISHMENT**” means a development where patrons may purchase and consume food and/or alcoholic beverages on site where food, rather than alcohol, is the predominant item consumed. An eating establishment does not include an entertainment establishment;

(68) “**ENTERTAINMENT ESTABLISHMENT**” means a development where persons may be entertained by music, theatre, or the like. An entertainment establishment includes theatre, dancing or cabaret entertainment, whether recorded or live. An eating and drinking establishment may contain within it an entertainment establishment, but only if specifically provided for in an approved development permit;

(69) “**EXCAVATION**” means the space created by the removal of soil, rock or fill for the purposes of construction;

(70) “**EXTENSIVE RECREATION**” means a recreation use that does not need a permanent structure and includes hunting, fishing, canoeing and camping;

(71) “**FAMILY CARE FACILITY**” means a facility which provides resident service in a dwelling to six (6) or fewer individuals who are not related to the resident household. These individuals are handicapped, aged, disabled, or in need of adult supervision and are provided service and supervision in accordance with their individual needs. This category includes boarding homes for children, group homes and family homes;

(72) “**FENCE**” means a vertical physical barrier constructed for visual screening, sound abatement or security;

(73) “**FLANKING LOT**” means a lot with a side line abutting a road;

(74) “**FLOOR AREA**” means the space on any storey of a building between exterior walls and required firewalls, including space occupied by interior walls and partitions,

but not including exits and vertical spaces that pierce the storey or the area of the basement floor, EXCEPT THAT all basement suites and all dwelling units in apartment buildings shall be included in the calculation of floor area;

(75) “**FOUNDATION**” means a system or arrangement of foundation units through which the loads from a building are transferred to the supporting soil or rock;

(76) “**FRONTAGE**” means the length of a front line and, if on a double fronting lot or a corner lot, the sum of all lines abutting all roads;

(77) “**GAS BAR**” means a development where gasoline, lubricating oils, and other automotive fluids and automobile accessories are bought and sold. Gas bars do not include facilities for the servicing or repairing of motor vehicles and do not include service stations;

(78) “**GARAGE**” means a fully enclosed accessory building or part of the principal building, erected on a permanent foundation, which is designed and/or used primarily for the storage of motor vehicles;

(79) “**GARAGE SHELTER**” means an accessory building, commonly consisting of a metal frame covered by canvas and erected on a temporary foundation, which is used primarily for the storage of motor vehicles, which is not a garage;

(80) “**GENERAL INDUSTRIAL USES**” means land or buildings used for one or more of the following activities: the manufacturing, processing, assembling, cleaning, repairing, servicing, testing, storage, warehousing distribution or trans-shipment of materials, finished goods, products, or equipment;

(81) “**GRADE**” means the lowest of the average levels of finished ground adjoining each exterior wall of a building, but does not include localized depressions such as for vehicle or pedestrian entrances;

(82) “**GROSS LEASABLE AREA**” means the total floor area of a building, and includes enclosed and heated malls but excludes mechanical and utility rooms, public washrooms, stairwells and elevators;

(83) “**GROUP CARE FACILITY**” means a residence which is licensed or funded under an Act of the Parliament of Canada or the Province of Alberta to provide accommodation for a small group of persons living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, social or physical condition or legal status, require a group living arrangement for their well-being;

(84) “**GREENHOUSE**” means a building or the growing of flowers, plants, shrubs, trees and similar vegetation which are not necessarily transplanted outdoors on the same lot containing such greenhouse, but are sold directly from such lot at wholesale or retail;

(85) “**HEALTH SERVICES**” means establishments primarily engaged in furnishing medical, surgical or other services to individuals, including the offices of physicals, dentists, and other health practitioners, medical and dental laboratories, out-patient care facilities, blood banks, and oxygen and miscellaneous types of medical supplies and services;

(86) “**HEAVY EQUIPMENT SALES, SERVICE AND REPAIR**” means a building or part of a building or structure in which:

- (a) heavy machinery and equipment are offered or kept for sale, rent, lease or hire under agreement for compensation; and/or
- (b) heavy machinery and equipment are serviced or repaired.;

(87) “**HIGHWAY COMMERCIAL USE**” means a use intended primarily to provide commercial services for recreational, industrial and commercial travelers;

(88) “**HOME OCCUPATION, MAJOR**” means any business, occupation, trade, profession, or craft that is carried on as a secondary use within a dwelling by at least one permanent resident of said dwelling, and which increases traffic circulation in the neighbourhood in which it is located. A major home occupation does not change the character of the dwelling in which it is located or have any exterior evidence of secondary use other than a small sign as provided for in this Bylaw. A major home occupation does not include day homes, bed and breakfast establishments, or animal breeding and/or boarding facilities;

(89) “**HOME OCCUPATION, MINOR**” means any business, occupation, trade, profession, or craft that is carried on as a secondary use within a dwelling by at least one permanent resident of said dwelling, and which does not increase traffic circulation in the neighbourhood in which it is located. A minor home occupation does not change the character of the dwelling in which it is located or have any exterior evidence of secondary use other than a small sign as provided for in this Bylaw;

(90) “**HOTEL**” means a group of buildings where sleeping accommodation (with or without meals) is provided to the public, but where no individual private cooking facilities;

(91) “**HOUSEHOLD PET**” means a domesticated animal, such as a dog, cat, bird, rodent (including a rabbit), fish, or turtle, that is traditionally kept in the home for pleasure rather than for commercial purposes. Common household pet does not include reptiles (except turtles). This definition shall not include animals that are used to assist persons with disabilities;

(92) “**INDOOR AMUSEMENT FACILITY**” means a development facility within any building, room or area for entertainment activities where patrons are primarily participants. This shall include such activities as bingo, electronic games, bowling alleys

billiard halls and dance halls;

(93) “**INDOOR EATING ESTABLISHMENT**” means an establishment where food and drink are intended to be consumed within the confines of the establishment;

(94) “**LANDSCAPING**” means to preserve or change the natural features of a parcel by adding lawns, trees, shrubs, ornamental plantings, fencing, walks, driveways or other structures and materials as used in modern landscape architecture;

(95) “**LANE**” means a public thoroughfare for vehicles, the right-of-way of which does not exceed 10.0 m (32.8 ft.), providing a secondary means of access to a parcel, or as defined as an alley in the Traffic Safety Act, R.S.A. 2000, as amended;

(96) “**LINE, FRONT**” means the boundary line of a lot lying adjacent to a road. In the case of a corner lot, the shorter of the two boundary lines adjacent to the road shall be considered the front line;

(97) “**LINE, REAR**” means the boundary line of a lot lying opposite to the front line of the lot and/or farthest from a road;

(98) “**LINE, SIDE**” the boundary line of a lot lying between a front line and a rear line of a lot. In the case of a corner lot, the longer of the two boundary lines adjacent to the road shall be considered a side line;

(99) “**LIQUOR STORE**” - means a development where alcoholic beverages are offered to the public for retail sale for consumption off premises;

(100) “**LIVESTOCK**” means livestock as defined in the Agricultural Operations and Practices Act, R.S.A. 2000, as amended;

(101) “**LOADING SPACE**” means a space entirely on the same parcel as a building or group of buildings, intended for the temporary parking of a commercial vehicle while commodities are being loaded or unloaded;

(102) “**LOT**” means:

- (a) a part of a parcel of land described in a certificate of title if the boundaries of the part are described in the certificate of title other than by reference to a legal subdivision; or
- (b) a part of a parcel of land described in a certificate of title if the boundaries of the part are described in the certificate of title by reference to a plan of subdivision; or
- (c) 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;

- (103) “**LOT AREA**” means the total area of a lot;
- (104) “**LOT COVERAGE**” means the combined area of all buildings on a lot excluding specific features allowed under this Bylaw as projections into required yards;
- (105) “**LOT DEPTH**” means the average distance between the front and rear lines of a lot;
- (106) “**LOT, INTERIOR**” means a lot which has a road only on the front line;
- (107) “**LOT WIDTH**” means the distance between the side lines of a lot at the minimum allowable front yard, measured perpendicular to the line joining the mid point of the front line to the mid point of the rear line on a curved road;
- (108) “**MANUFACTURED HOME**” means a single detached dwelling comprised of one or more large factory-built sections. It is manufactured in full compliance with both the CSA Z240 MH National Mobile Home Standard and the Alberta Building Code (ABC), bearing a prominently displayed CSA Z240MH Mobile Home Label and an Alberta Municipal Affairs label that certifies compliance to both the CSA Z240MH Standard and the ABC;
- (109) “**MANUFACTURED HOME PARK**” means a lot on which manufactured homes may be located on stalls which have not been legally subdivided and which are leased or rented to the occupant, and may also include such services and facilities as administration, recreation, laundry, vehicle storage, and others to serve the residents of the park;
- (110) “**MANUFACTURED HOME SUBDIVISION**” means an area which has been separated by legal subdivision into parcels designated for manufactured homes;
- (111) “**MANUFACTURING USE**” means the use of land, buildings or structure for the purpose of manufacturing, assembly, making, preparing, inspecting, finishing, treating, altering, repairing, warehousing or storing or adapting for sale any goods, substances, article, thing or service;
- (112) “**MODULAR HOME**” means a dwelling conforming to the Canadian Standards Association A-277 Series certified standards in place at the time of manufacture, that is designed to be transported to the building site in a single piece or in pieces and assembled on-site on top of a site-constructed basement or foundation but does not include a dwelling that would be considered to be a manufactured home, a recreational travel trailer, a recreational vehicle or a park model unit;
- (113) “**MOTEL or MOTOR INN**” means a building or part thereof on the same site used to accommodate the travelling public for gain or profit, by supplying them with sleeping accommodation, with or without meals;

(114) **“MULTI-USE DEVELOPMENT”** means a development with planned integration of some combination of retail, office, residential, hotel, recreation or other functions. It is pedestrian-oriented and contains elements of a live-work-play environment. It maximizes space usage, has amenities and architectural expression and tends to mitigate traffic and sprawl;

(115) **“MULTI-UNIT DWELLING”** means a dwelling containing three or more dwelling units;

(116) **“MUNICIPALITY”** means the Village of Waskatenau, in the Province of Alberta;

(117) **“NATURAL AREA”** means an area of land and/or water especially dedicated to the protection and maintenance of biological diversity, and of natural and associated cultural resources, and managed through legal or other effective means. Areas such as groomed parks, recreational areas for sports, and schoolyards are not included in this definition;

(118) **“NATURAL RESOURCE PROCESSING”** means an industry engaged in the processing of natural resources such as clay, sand, gravel, lumber and natural gas, through primary treatment into a raw marketable form;

(119) **“NEIGHBOURHOOD CONVENIENCE STORE”** means a retail store where those goods required by area residents or employees on a day to day basis are the predominant product offered for sale. Typical uses include small food stores, drug stores, and variety stores selling confections, tobacco, groceries, beverages, pharmaceutical and personal care items, and/or printed matter;

(120) **“NEIGHBORHOOD PARK”** A neighborhood park includes physical characteristics appropriate for both active and passive recreation uses in a park setting with opportunities for interaction with nature such as trees and plantings. A Neighborhood Park has pedestrian access, and is accessible by bicycle and public transit;

(121) **“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;

(122) **“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 the Land Use Bylaw or any

- (b) amendment thereof affecting the land or building becomes effective, and 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;

(123) “**OCCUPANCY**” means the use or intended use of a building or part thereof for the shelter or support of persons or property;

(124) “**OFF-STREET PARKING**” means an off-street facility for the parking of three or more vehicles;

(125) “**OUTDOOR EATING ESTABLISHMENT**” means an establishment where food and drink are normally consumed either outside or inside the confines of the establishment;

(126) “**PARAPET WALL**” means that part of an exterior, party wall or fire wall extending above the roof line or a wall which serves as a guard at the edge of a balcony or roof;

(127) “**PARK**” means an area consisting largely of open space, which may include a recreational area, playground, playfield or similar use but shall not include a manufactured home park, a campground or a recreational vehicle park;

(128) “**PARKING FACILITY**” means the area set aside for the storage and parking of vehicles and includes parking stalls, loading spaces, aisles, entrances and exits to the area, and traffic islands where they are part of the parking facility;

(129) “**PARKING SPACE**” means a portion of a lot set aside for the parking of one vehicle;

(130) “**PATIO**” means any developed surface adjacent to a building which is less than 0.6 m (2.0 ft.) above grade;

(131) “**PERMITTED USE**” means the use of land or a building within a specific land use district, for which a development permit shall be issued, with or without conditions, provided the development conforms to the Land Use Bylaw;

(132) “**PERSONAL SERVICE SHOP**” means a development used for the provision of personal services to an individual which are related to the care and appearance of the body, or the cleaning and repair of personal effects. This includes barber shops, hairdressers, beauty salons, tailors, dressmakers, shoe repair shops, dry cleaning establishments and laundromats. This does not include health services;

(133) “**PLACE OF WORSHIP**” a facility for people to assemble in order to conduct religious services and related educational, philanthropic, or social activities and may

include rectories, manses, classrooms, dormitories and accessory buildings;

(134) “**PRINCIPAL BUILDING**” means a building which, in the opinion of the Development Authority:

- (a) occupies the major or central portion of a lot,
- (b) is the main building on the lot, or
- (c) constitutes the primary use for the lot;

(135) “**PRINCIPAL USE**” means the primary purpose, in the opinion of the Development Authority, of a building or lot. There shall be only one principal use on a lot unless otherwise allowed in this Bylaw;

(136) “**PRIVATE CLUB/LODGE**” means a building or part of a building used exclusively by the members and guests of a club for social, recreational or athletic activities;

(137) “**PUBLIC AND PRIVATE SCHOOLS**” means development where educational, training, or instruction occurs under the auspices of a School Division or under the auspices of an organization authorized by the Province to provide education similar to that which would be provided by a School Division. Public and private schools include the administration offices, storage, and maintenance operations of the School Division. Public and private schools include public and separate schools, community colleges, universities, technical and vocational schools, and private academies or “charter schools” (and similar schools), and their administrative offices and maintenance facilities;

(138) “**PUBLIC OR QUASI-PUBLIC SERVICES**” means a building used by the public for the purposes of assembly, instruction, or culture, or providing government services directly to the public. It includes government buildings, places of worship, community halls, and recreation facilities. Buildings containing public or quasi-public services may also contain facilities for eating and drinking establishments as an accessory use and, from time to time, part of a building containing public or quasi-public services may be used as an entertainment establishment;

(139) “**PUBLIC PARK**” means any open space or recreational area owned or controlled by the Corporation or by any Board, Commission or other Authority established under any statute of the Province and may include therein neighbourhood, community, regional and special parks or areas and may include one or more athletic fields, field houses, community halls, bleachers, swimming pools, greenhouses, botanical gardens, zoological gardens, bandstands, skating rinks, tennis courts, bowling greens, bathing stations, curling rinks, refreshment rooms, fairgrounds, arenas or similar uses;

(140) “**PUBLIC UTILITY**” means a public utility as defined in the Act;

(141) “**RECREATION, ACTIVE**” means a mix of uses in a neighborhood park that includes the following facilities or facility types: athletic fields, building or structures for

recreational activities, concession, community garden, courses or courts, children's play area, dog play area, or a bike path;

(142) “**RECREATION, PASSIVE**” means a mix of uses in a neighborhood park, undeveloped land or minimally improved lands which includes the following: landscaped area, natural area, ornamental garden, non-landscaped green space, stairway, decorative fountain, picnic area, water body, or trail without recreational staffing;

(143) “**RECREATIONAL USE**” means a development providing for commercial or non commercial leisure activities located to take advantage of the natural setting.

Without restricting the generality of the foregoing, this shall include:

- (a) non facility oriented recreational activities such as hiking, cross country skiing, rustic camping, and other similar uses; and
- (b) facility oriented recreational activities such as serviced campgrounds, recreational vehicle parks, picnic grounds, golf courses, marinas, swimming beaches, boat launches, parks, and other similar uses;

(144) “**RECREATIONAL VEHICLE**” means a vehicular type unit primarily designed as temporary living quarters for recreational camping, or travel use, which either has its own motor power or is mounted or drawn by another vehicle. Among other vehicles, travel trailers, camping trailers, truck campers, fifth wheels, and motor homes are recreational vehicles;

(145) “**RECREATIONAL VEHICLE PARK**” means any lot on which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes. Occupancy of the recreational vehicles located within the park is not to exceed a maximum of six months of any calendar year. The park may include accessory facilities for the use of the occupants as well as a permanent residence for the owner/operator of the park;

(146) “**RECYCLING DEPOT**” means a building in which used material is separated and processed prior to shipment to others who will use the materials to manufacture new products;

(147) “**RENOVATION**” means an addition to, deletion from, or change to any building which does not require a permit pursuant to the Safety Codes Act other than a plumbing permit or an electrical permit;

(148) “**RETAIL STORE**” means a development used for the retail sale of groceries, beverages, household goods, furniture and appliances, hardware, printed matter, confections, tobacco, pharmaceutical and personal care items, automotive parts and accessories, office equipment, stationary and/or similar goods from within an enclosed building. Minor public services, such as postal services and film processing depots, are allowed within retail stores. This does not include developments used for the sale of

alcoholic beverages, gasoline, heavy agricultural or industrial equipment; vehicle and equipment sales/rentals; or warehouse development;

(149) **“ROAD”** means a road as defined in the Act which is not a lane as defined in this Bylaw;

(150) **“SCHOOL”** means a public school, private school or charter school, a university, or a college authorized by the authority having jurisdiction;

(151) **“SEA CAN”** means a container which is used as a storage vault and includes sea/land/rail shipping containers;

(152) **“SECOND DWELLING”** means an additional detached dwelling unit on a property that would normally accommodate a single dwelling. A secondary suite is not considered second dwelling;

(153) **“SECONDARY SUITE”** means an additional separate dwelling unit on a property that would normally accommodate only one dwelling unit. A secondary suite is considered "secondary" or "accessory" to the primary residence on the parcel. It normally has its own entrance, kitchen, bathroom and living area;

(154) **“SERVICE STATION”** means a development used or intended to be used for any of the following: the servicing or repairing of motor vehicles, the sale of gasoline, the sale of lubricating oils and other automotive fluids, accessories for motor vehicles, and a towing service dispatch point;

(155) **“SETBACK”** means the minimum horizontal distance between a lot boundary and the nearest point on the exterior wall of a building on the lot (see Figures 4 and 5);

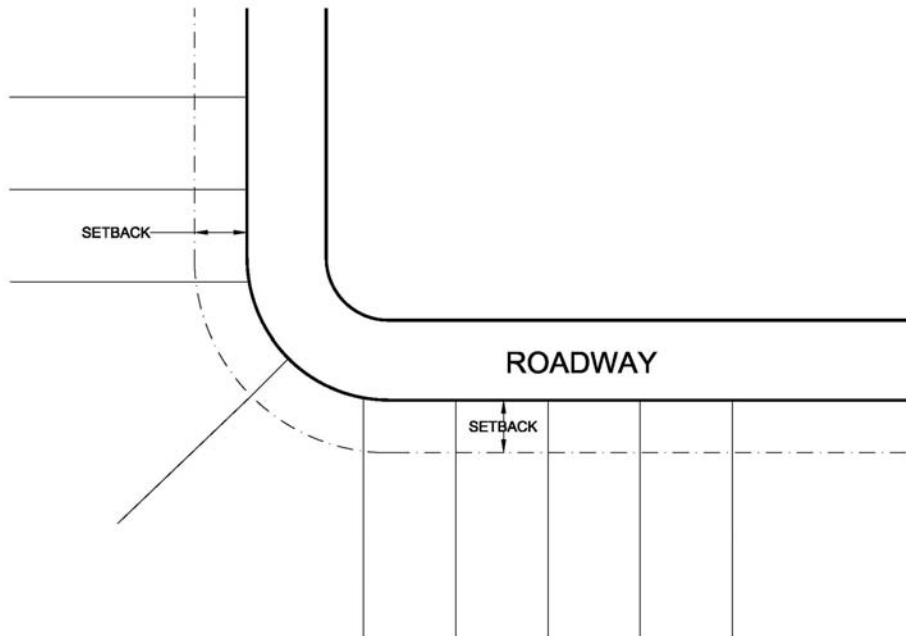


Figure 3: Setback Definition Diagram A

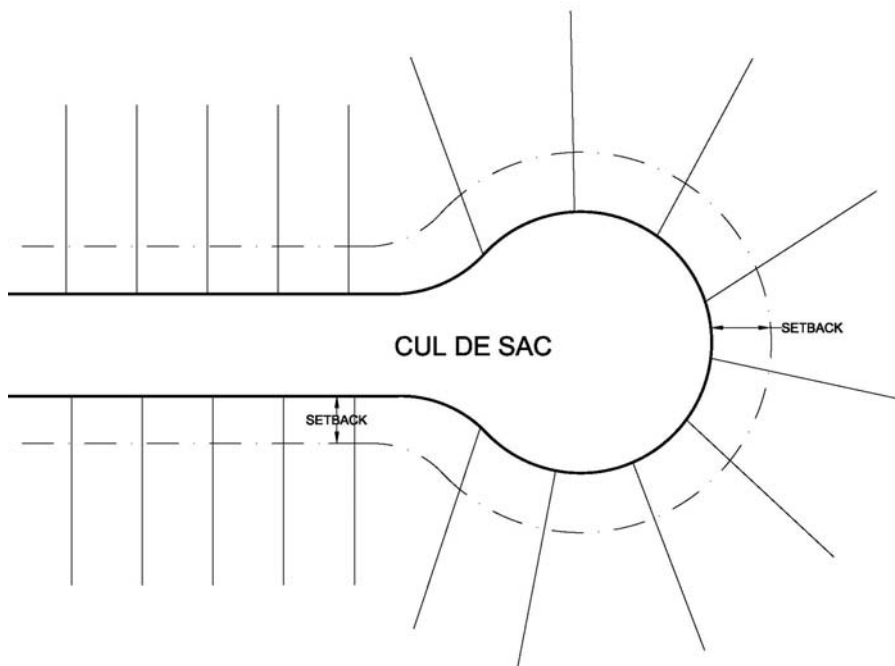


Figure 4: Setback Definition Diagram B

(156) **“SIGN”** means an object or device intended for the purpose of advertising or calling attention to any person, matter, thing or event;

(157) **“SIGN, CANOPY”** means a sign which is part of or attached to the outside edge of a canopy but which does not extend below the bottom edge or surface of the canopy

(see Figure 5);

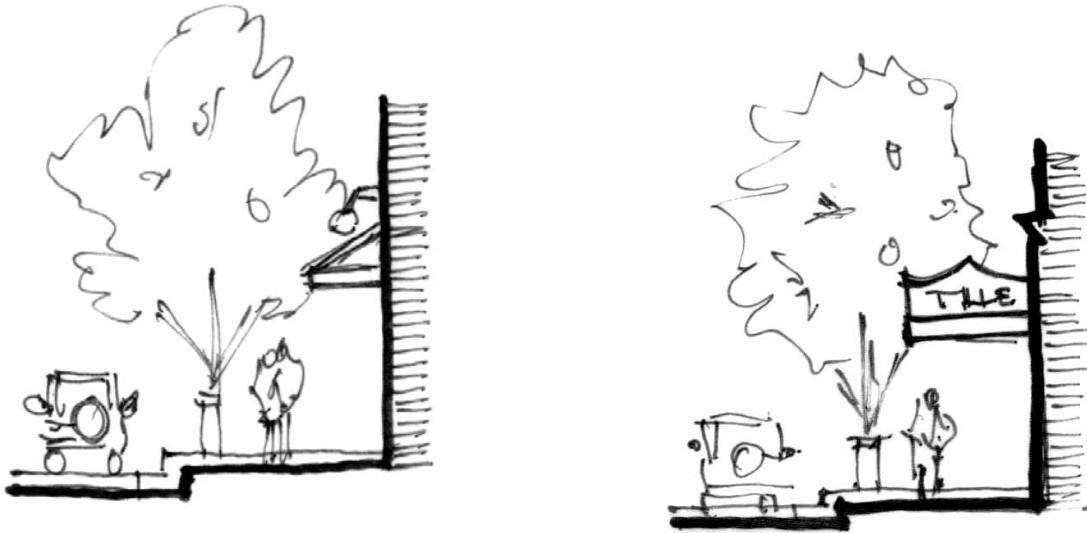


Figure 5: Canopy Signs

(158) “SIGN, FASCIA” means a sign attached to or placed flat against an exterior vertical surface of a building, and projects no more than 0.1 m (0.33 ft.) from the surface of the building, and does not project above the roof or parapet (see Figure 6);

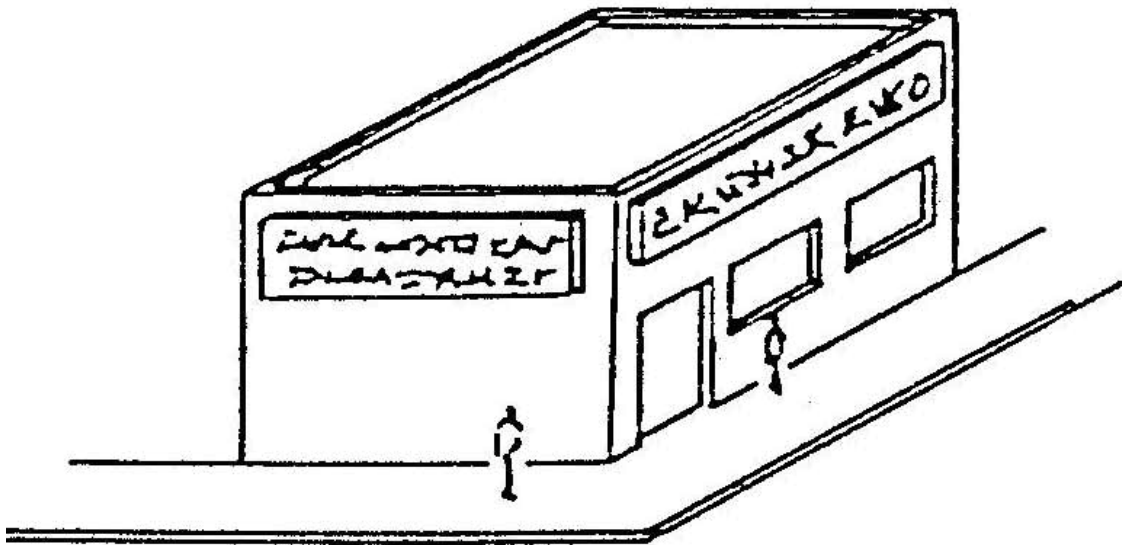


Figure 6: Fascia Sign

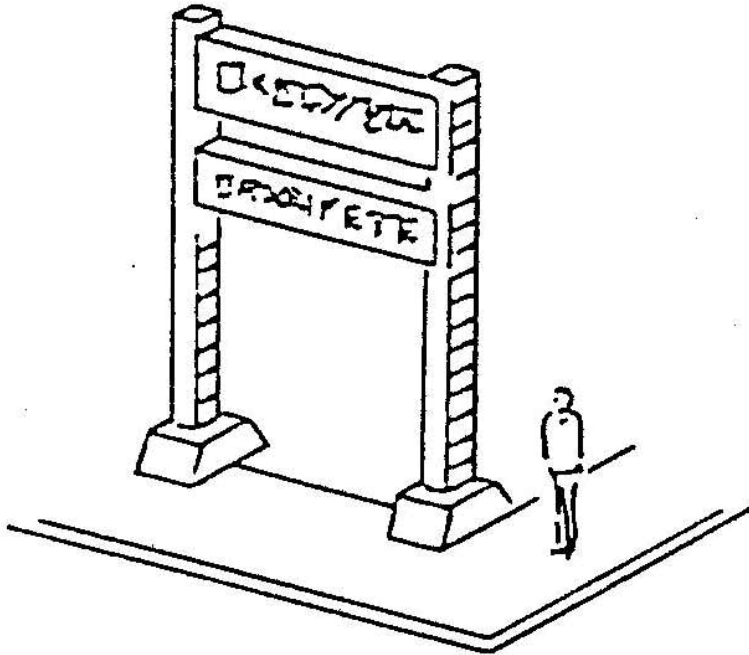


Figure 7: Freestanding Sign

(159) **"SIGN, FREESTANDING"** - means a sign supported by one or more uprights, braces or pylons, and stands independently of another structure (see Figure 7);

(160) **"SIGN, OFF-SITE"** means a sign that advertises goods, products, services or facilities not available on the site where the sign is located, and which may also direct persons to another location;

(161) **"SIGN, PROJECTING"** means a sign affixed to a building or part thereof and extending beyond the building by more than 0.3 m (1.0 ft.). This does not include a sign attached to the ground;

(162) **"SIGN, ROOF"** means a sign erected upon, against or directly above the roof of a building or the top of a parapet wall (see Figure 8);

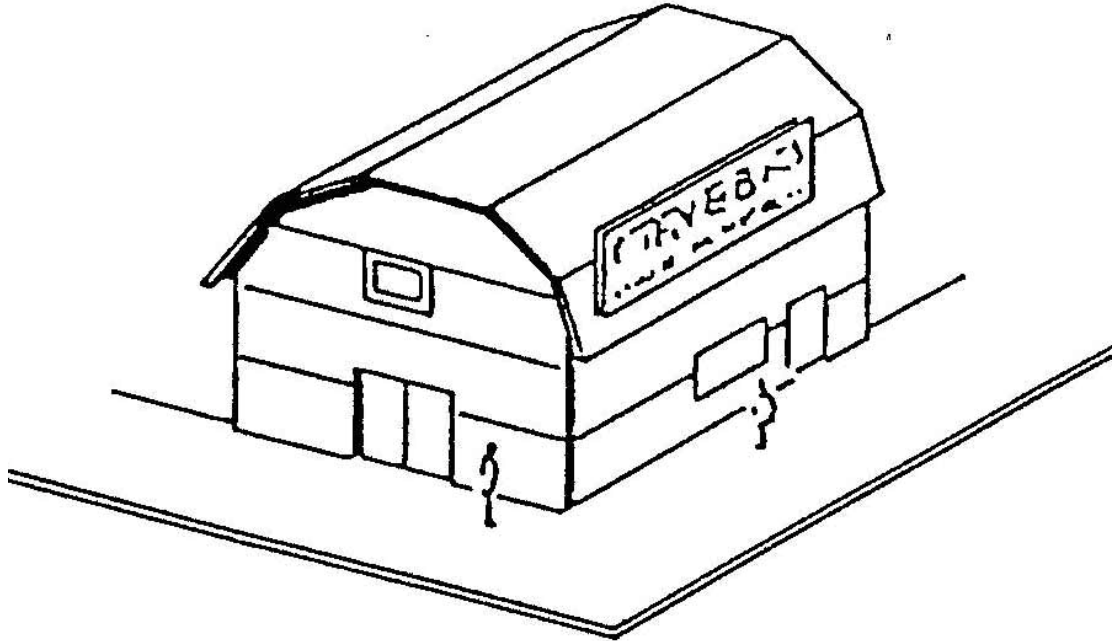


Figure 8: Roof Sign

(163) **"SIGN, TEMPORARY/ PORTABLE"** - means a sign on a standard or column fixed to its own self-contained base and capable of being moved manually (see Figure 9);



Figure 9: Temporary/Portable Sign

(164) **"SIGN, UNDER-CANOPY"** means a sign which is attached to the bottom surface or edge of a canopy;

(165) **"SIMILAR USE"** means a use which, in the opinion of the Development

Authority, closely resembles another specified use with respect to the type of activity, structure and its compatibility with the surrounding environment;

(166) **“SOLAR ARRAY”** means multiple solar panels use in conjunction to produce electricity;

(167) **“SOLAR PANEL, FREE STANDING”** means a device which is used to convert energy contained within the suns rays into electricity, which is not mounted or attached to any other structure for support;

(168) **“SOLAR PANELS, ROOF MOUNTED”** means a device which is used to convert energy contained within the suns rays into electricity, which is located, mounted, or attached to the roof of a structure;

(169) **“SITE BUILT”** means a building that is constructed primarily on its site. Although some components may be prefabricated off-site, the building is erected, framed, and finished by workers on location using stock materials;

(170) **“STALL”** means a portion of a manufactured home park on which a manufactured home may be placed;

(171) **“STORAGE USE”** means the primary use of a building or other structure for the storing of goods or materials;

(172) **“STOREY”** means the habitable space between the upper face of one floor and the ceiling or next floor above it. A basement or cellar shall be considered a storey if the upper face of the floor above it is more than 1.8 m (5.9 ft.) above grade;

(173) **“SUBDIVISION AUTHORITY”** means a Subdivision Authority established Pursuant to Section 623 of the Municipal Government Act;

(174) **“SUBDIVISION AND DEVELOPMENT APPEAL BOARD”** means a Subdivision and Development Appeal Board established and appointed for the Village of Waskatenau pursuant to Section 627 of the Municipal Government Act;

(175) **“SUBSTANDARD LOT”** means any lot which is smaller, in area or in any dimension, than the minimum area or dimension stipulated in the regulations of the District in which the lot is located;

(176) **“SURVEILLANCE SUITE”** means a single detached dwelling used solely to accommodate a person or persons related as a family, or employee, whose official function is to provide surveillance, maintenance and/or security for a development provided for in the land use districts in which surveillance suites are listed either as a permitted or discretionary use. The single detached dwelling shall form part of the development with which it is associated and clearly be a subordinate use of the parcel on

which it is located;

(177) **“TEMPORARY BUILDING”** means a building that has been approved for a limited time only;

(178) **“TEMPORARY USE”** means a use that has been approved for a limited time only;

(179) **“USE”** means a use of land or a building as determined by the Development Authority;

(180) **“UTILITY BUILDING”** means a building which contains the offices or any equipment used in connection with a public utility;

(181) **“VEHICLE, HEAVY”** means any vehicle, with or without a load, that exceeds a maximum gross vehicle weight rating of Class 3 or higher as designated by the Canadian Transportation Equipment Association (4537 kg or 10,000 lbs.), or a bus with a designated seating capacity of more than ten (10). Heavy vehicles do not include recreational vehicles;

(182) **“VEHICLE, RECREATIONAL”** means a vehicle primarily designed as temporary living quarters for recreational camping or travel use, which either has its own motive power, or is mounted on or drawn by another vehicle. Recreational vehicles include vehicles commonly referred to as travel trailers, 5th wheels, tent trailers, camping trailers, truck campers and motor homes;

(183) **“WALKWAYS and TRAILS”** means an area used for non-vehicular multi-modal transportation and/or recreational travel;

(184) **“WAREHOUSE”** means the use of a building or part o a building for the storage and distribution of goods, wares, merchandise, substances or articles and may include facilities for a wholesale or retail commercial outlet, but shall not include facilities for a truck or transport terminal or yard;

(185) **“WIND ENERGY CONVERSION SYSTEM, LARGE”** means one or more buildings designed to convert wind energy into mechanical or electrical energy and which has a rated capacity equal to or greater than 300 kW;

(186) **“WIND ENERGY CONVERSION SYSTEM, MICRO”** means a small-scale wind turbine, which is small is height and diameter and can be installed on the roof of a building or structure;

(187) **“WIND ENERGY CONVERSION SYSTEM, SMALL”** refers to a wind energy conversion system (WECS) consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 300 kW,

and which is intended to provide electrical power for use on-site (either behind the meter or off-grid) and is not intended or used to produce power for resale;

(188) **“WIND TURBINE TOWER”** refers to the guyed or freestanding structure that supports a wind turbine generator;

(189) **“WIND TURBINE TOWER HEIGHT”** The height above grade of the fixed portion of the wind turbine tower, excluding the wind turbine and rotor;

(190) **“YARD”** means a required open area unoccupied and unobstructed by any building or portion of a building above the general ground level of a lot, unless otherwise allowed in this Bylaw (see Figure 10);

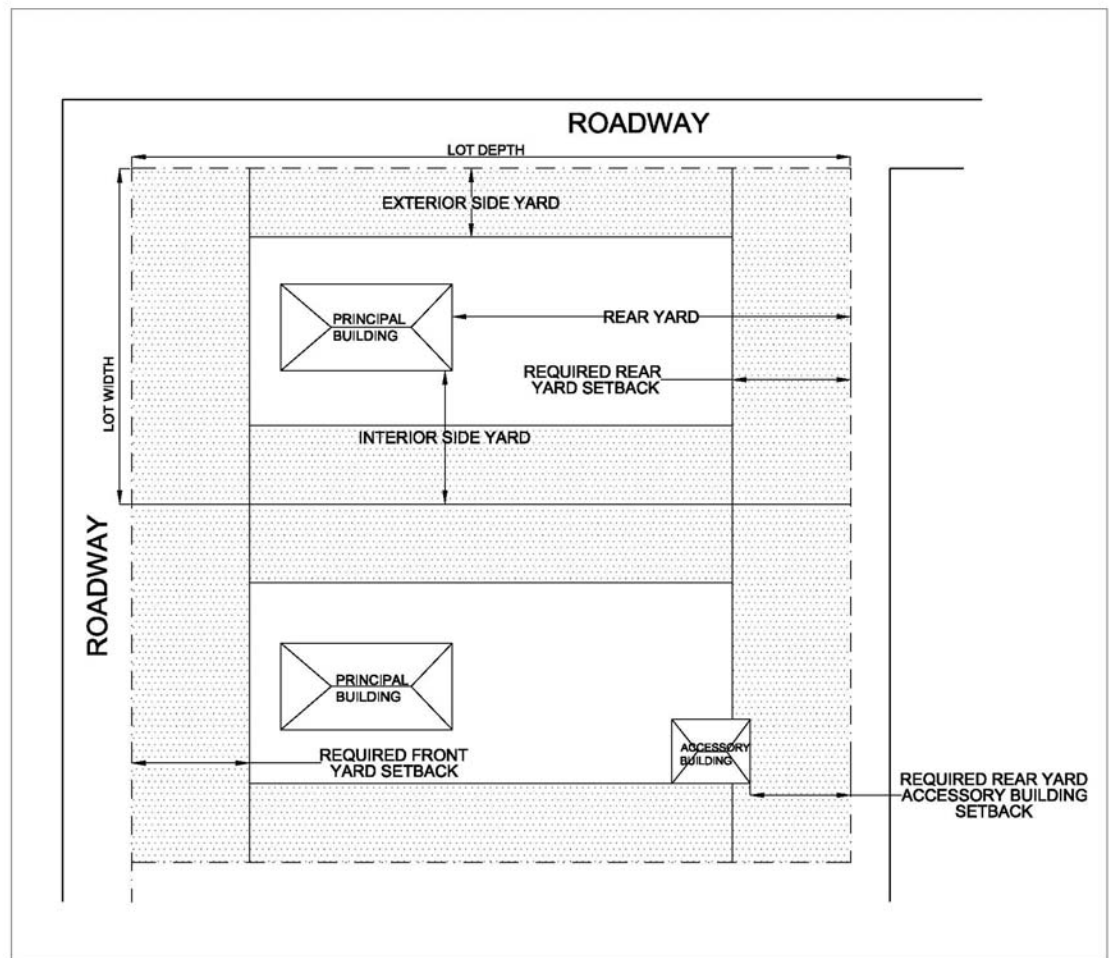


Figure 6: Yard Setback Requirements

(191) **“YARD, FRONT”** means that portion of a lot extending across the full width of the lot from the front line to the exterior wall of the specified building;

(192) **“YARD, REAR”** means that portion of a lot extending across the full width of

the lot from the rear line to the exterior wall of the specified building;

(193) “**YARD, SIDE**” means that portion of a lot extending from the front yard to the rear yard and lying between the side line and the exterior wall of the specified building;

and all other words and expressions have the meanings respectively assigned to them in the Act;

1.6 DEVELOPMENT AUTHORITY

- (1) The Development Authority of the Village of Waskatneau shall be as established by the municipality’s Development Authority Bylaw.
- (2) The Development Authority shall perform such duties that are specified in this Land Use Bylaw, and shall also, among other things:
 - (a) keep and maintain for the inspection of the public during all regular hours, a copy of this Land Use Bylaw and all amendments thereto, and
 - (b) keep a register of all applications for development including the decisions thereon and the reasons therefore.
- (3) For the purposes of the Municipal Government Act, the Development Authority or their designate(s) is/are hereby declared to be a Designated Officer of Council.

1.7 DEVELOPMENT AUTHORITY OFFICER

- (1) The Development Authority Officer shall be appointed by resolution of Council.
- (2) The Development Authority Officer shall perform such duties that are specified in this Bylaw.
- (3) The Development Authority Officer may sign, on behalf of the Development Authority, any order, decision, approval, notice or other thing made or given by the Development Authority or by the Development Authority Officer.
- (4) The Development Authority Officer shall keep and maintain for the inspection of the public during all reasonable hours, a copy of this Bylaw and all amendments thereto, and keep a register of all applications for development, including the decisions thereon.
- (5) For the purposes of Section 542 of the Act, the Development Authority Officer is hereby declared to be the designated officer.

1.8 MUNICIPAL PLANNING COMMISSION

- (1) The Municipal Planning Commission shall decide upon all development permit applications referred to it by the Development Authority Officer.
- (2) The Municipal Planning Commission may:
 - (a) provide recommendations for subdivision proposals to the Subdivision Authority;
and
 - (b) perform such other duties as described or implied in this Bylaw or as may be assigned to it by Council.

1.9 SUBDIVISION AND DEVELOPMENT APPEAL BOARD

The Subdivision and Development Appeal Board established by the municipality's Subdivision and Development Appeal Board Bylaw shall perform such duties as are specified in Part Four of this Bylaw.

1.10 COUNCIL

The Council shall perform such duties as are specified for it in this Bylaw

2.0 DEVELOPMENT PERMITS, RULES AND PROCEDURES

2.1 CONTROL OF DEVELOPMENT

No development other than that designated in Section 2.2 of this Bylaw shall be undertaken within the municipality unless an application for it has been approved and a development permit has been issued.

2.2 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

- (1) All development undertaken in the Village of Waskatenau requires an approved development permit prior to commencement, except the following if they conform to all other provisions of this Bylaw:
 - (a) works of improvement, maintenance or renovation to any building provided that such works do not include structural alterations or additions or require a building permit;
 - (b) the completion of development lawfully commenced before passage of this Bylaw, or amendments thereto, provided the development is completed in accordance with any permit granted in respect of it, within the time limit of such a permit or within twelve (12) months of the effective date of the Bylaw, whichever is earlier;
 - (c) the use of a development referred to in subsection (b) for the purpose for which development was commenced;
 - (d) the erection or placement of a temporary building or sign, the sole purpose of which is incidental to the erection of a building for which a development permit has been granted, provided the temporary building is removed within thirty (30) days of substantial completion or as determined by the development authority;
 - (e) the completion, alteration, maintenance or repair of a street, lane or utility within a public thoroughfare or utility easement, or connecting the same with any lawful use of buildings or land;
 - (f) any development carried out by or on behalf of the Crown but not including that carried out by or on behalf of a Crown corporation;
 - (g) any development carried out by or on behalf of the Village of Waskatenau provided that such development complies with all applicable provisions of this Land Use Bylaw;
 - (h) a single storey accessory building, excluding sea cans, which does not exceed 11.1 m² (120.0 ft.²) in floor area or 2.5 m (8.2 ft.) in height and is located in the rear yard of a residential parcel;

- (i) signs posted or exhibited in a building;
- (j) signs posted or exhibited in or on an operating motor vehicle if the vehicle is not temporarily or permanently parked solely for the purpose of displaying the sign;
- (k) a statutory or official notice of a function of the Village of Waskatenau;
- (l) traffic signs authorized by the Village of Waskatenau and/or Alberta provincial authorities;
- (m) a sign exhibited solely to identify the land or building on which it is displayed, or to direct visitors to a specific occupant of a building, if the sign does not exceed 0.19 sq m (2.0 sq ft.) in area and conforms with all other orders, bylaws and regulations affecting such signs;
- (n) a maximum of two (2) signs relating to the sale, lease or rental of the building or parcel on which they are located provided that, in the opinion of the Development Authority, they do not constitute a hazard to persons using the public road or reduce the amenity of an adjacent parcel and provided that all such temporary advertisements shall be removed by the advertiser within 15 days of the completion of the event or works to which such advertisements relate.
- (o) campaign signs for federal, provincial, municipal or school board elections on private properties for no more than thirty (30) days, or such other time as regulated under provincial or federal legislation provided that:
 - (i) such signs are removed within one (1) day after the election date,
 - (ii) the consent of the property owner or occupant is obtained,
 - (iii) such signs do not obstruct or impair vision or traffic,
 - (iv) such signs are not attached to trees or utility poles, and
 - (v) such signs indicate the name and address of the sponsor and the person responsible for removal;
- (p) signs for the purpose of identification, direction and warning or relating to a person, partnership or company carrying on a profession, business or trade, or relating to an institution of a religious, educational, cultural, recreational or similar character or to a residential hotel, apartment block, club or similar institution, not exceeding 1.1 sq. m (12.0 sq. ft.), which are:
 - (i) not illuminated; and
 - (ii) limited to one (1) sign per parcel;
- (q) the erection or construction of gates, fences, walls or other means of enclosure less than 0.9 m (3 ft.) in height in front yard and less than 6 ft. on side and rear yard does not require a development permit (see section 4.2.4 of this Bylaw). This includes the erection or construction of gates, fences, walls or other enclosures

less than 0.9 m (3 ft.) within 6 m (20 ft.) of the intersection of lanes, streets or a street and lane. The erection of any enclosures (fences, gates, walls) greater in height than figures alluded to above shall not be permitted unless otherwise provided in this Bylaw,

- (r) landscaping, where it does not include significant grade changes, stockpiling or excavation and in the opinion of the Development Authority does not adversely affect any adjacent parcel;
- (s) a patio; or
- (t) the demolition or removal of any building or structure for which a development permit would not be required pursuant to subsections (a) through (q) above, both inclusive.

2.3 NON-CONFORMING BUILDINGS AND USES

- (1) A non-conforming use of land or a non-conforming use of a building may be continued but if that use is discontinued for a period of six (6) consecutive months or more, any future use of the land or building shall conform with the regulations of the Land Use Bylaw then in effect.
- (2) The 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 unless specifically authorized by the Development Authority pursuant to the Act, and in accordance with the variance provisions set forth in Sections 2.6(4) and 2.6(5) of this Bylaw.
- (3) A non-conforming use of part of a parcel shall not be extended or transferred in whole or in part to any other part of the parcel and no additional buildings shall be erected upon the parcel while the non-conforming use continues.
- (4) A non-conforming building may continue to be used but the building shall not be enlarged, added to, rebuilt or structurally altered except:
 - (a) as may be necessary to make it a conforming building; or
 - (b) as the Development Authority considers necessary for the routine maintenance and ongoing use of the building.
 - (c) as specifically authorized by the Development Authority pursuant to the Act, and in accordance with the variance provisions set forth in Sections 2.6(4) and 2.6(5) of this Bylaw.
- (5) Pursuant to the Act, when:
 - (a) on or before the day on which this Bylaw or any Bylaw for the amendment thereof comes into force, a development permit has been issued; and

- (b) the enactment of the Bylaw would render the development in respect of which the permit was issued a non-conforming use or non-conforming building; the development permit continues in effect.
- (6) If a non-conforming building is damaged or destroyed to the extent of more than 75% of the value of the building above its foundation, the building shall not be repaired or rebuilt except in accordance with the Land Use Bylaw.
- (7) 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.

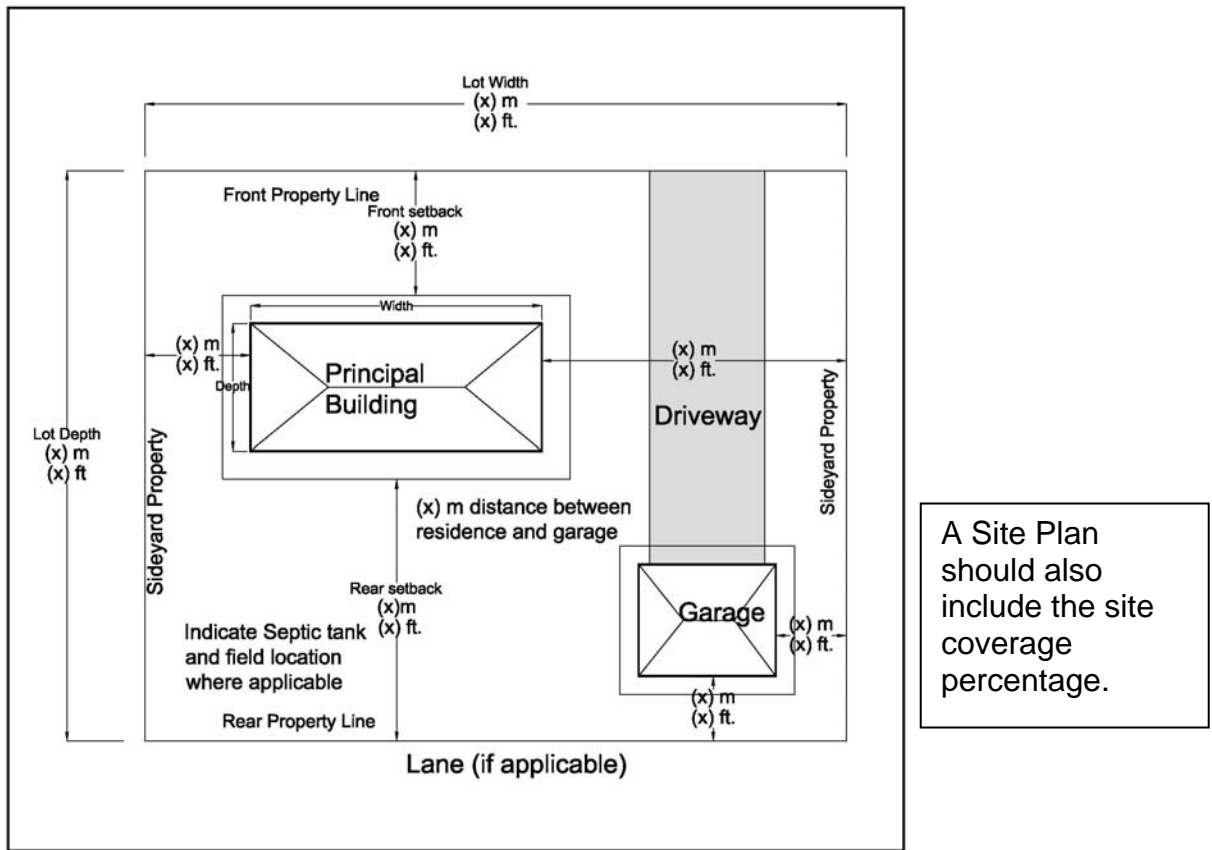


Figure 7: Sample Site Plan

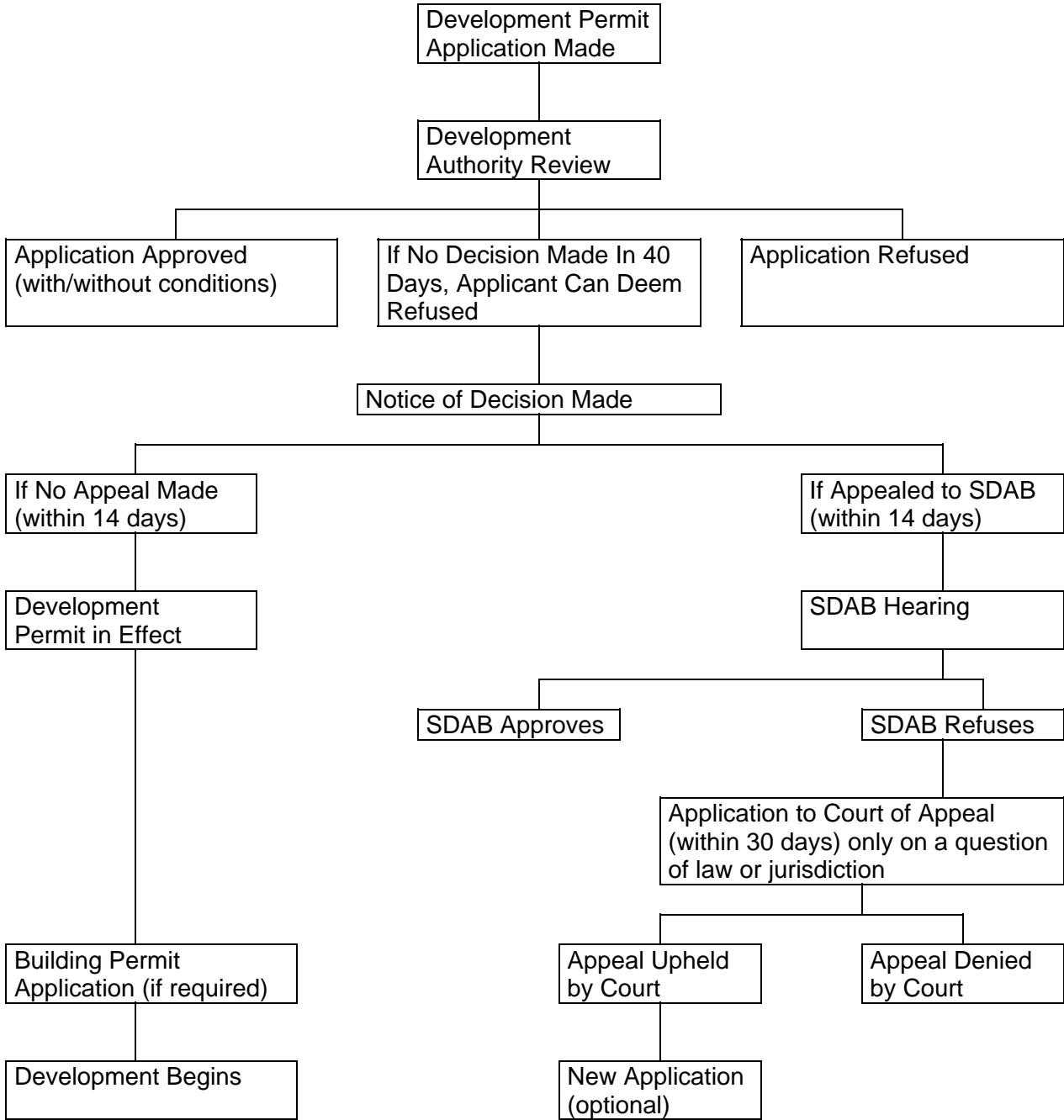
2.4 PERMISSION FOR DEVELOPMENT

- (1) An application for a development permit shall be made to the Development Authority in writing, in the form required by the Development Authority, and shall be accompanied by:
 - (a) a site plan, to scale, in duplicate showing the legal description; the front, rear, and side yards, if any; any provision for vehicle parking and access to the site;

- (b) building dimensions, to scale, including, but not limited to, the house, garage, decks and any covered structures such as car ports;
 - (c) the type and location of water supply and sewage and waste water disposal facilities;
 - (d) a statement of uses;
 - (e) a statement of ownership of the land and the interest of the applicant therein;
 - (f) the estimated commencement and completion dates;
 - (g) the estimated cost of the project or contract price;
 - (h) an application fee as established by resolution of Council; and
 - (i) any other information as required by the Development Authority.
- (2) The Development Authority may also require additional information in order to assess the conformity of a proposed development with this Bylaw before consideration of the development permit application shall commence. Such information may include:
- (a) floor plans;
 - (b) elevations and sections of any proposed buildings;
 - (c) a Real Property Report, or building site certificate; or other documentation indicating the exact location of all structures on the property in a form that is acceptable to the Development Authority;
 - (d) drainage, grading and landscaping plans which provide pre and post construction site elevations;
 - (e) in the case of the placement of on already constructed or partially constructed building on a parcel of land, information relating to the age and condition of the building and its compatibility with the District in which it is to be located; and/or
 - (f) a hydrogeological assessment, prepared by a registered professional engineer or hydrogeologist, of any potential flooding or subsidence hazard that may, in the sole opinion of the Development Authority, affect the subject site.
- (3) The Development Authority may make a decision on an application for a development permit notwithstanding that any information required or requested has not been submitted.

- (4) Each application for a development permit shall be accompanied by a fee as established by Council.
- (5) All applications for development permits on sites adjacent to another municipality shall be submitted to the other municipality for comments prior to rendering a decision. The Development Authority shall not be bound by the recommendation of the other municipality.

FIGURE 12: DEVELOPMENT PERMIT PROCESS



Note: This diagram is not adopted as part of this Bylaw.

2.5 PERMISSION FOR DEMOLITION

- (1) The demolition of any structure must be done in accordance with the Alberta Building Code and CSA Standard S350-M1980, “Code of Practice for Safety in Demolition of Structures”
- (2) In addition to the requirements of Section 2.4 of this Bylaw, an application for a development permit for the demolition of a building shall include the following information:
 - (a) the value of the building,
 - (b) the alternatives to demolition if the building is of historic or architectural value,
 - (c) the purpose of the building demolition and the type of structure to replace the demolished building, if applicable,
 - (d) a work schedule of the demolition and site cleanup (the sequence of demolition must be such that at no time will a wall or a portion of a wall be left standing unsupported in an unstable condition or in danger of accidental collapse),
 - (e) an indication that asbestos materials have been removed,
 - (f) the destination of debris materials,
 - (g) the length of time before the site is to be redeveloped and treatment of the site after demolition but prior to development (if materials are to be stored on site, a site plan will be required indicating the location of such materials in relation to property lines and other buildings),
 - (h) a copy of the development approval,
 - (i) the form of demolition to be used (heavy equipment or by hand),
 - (j) the method whereby public safety is to be protected (normally a fence that is at least 1.8 m (5.9 ft.) in height is required around the excavation or structure to be demolished),
 - (k) an indication that all utility services to the site and/or the building have been disconnected,

- (l) an indication that buildings on adjoining properties have been considered to ensure that damage will not occur to them or their foundations from the demolition,
 - (m) an indication that the local Fire Chief has been consulted for determining the fire safety plan required, and
 - (n) an indication that any tanks containing flammable or combustible liquids must be removed before demolition begins and be purged of inert materials.
- (2) The Development Authority may also require the applicant to complete a Hazardous Materials Assessment Report before consideration of the development permit application for demolition of a building shall commence.
 - (3) As a condition of approving a development permit for the demolition of a building, the Development Authority may, in addition to other requirements, require that the applicant undertake any and all actions he deems, in his sole opinion, necessary to ensure the complete and safe demolition of the building, disposal of materials and debris, and site cleanup.

2.6 DECISIONS ON DEVELOPMENT PERMIT APPLICATIONS

- (1) The Development Authority shall receive, consider and decide on all applications for a development permit.
- (2) In making a decision, the Development Authority may approve the application unconditionally, approve the application subject to those conditions he considers appropriate, approve the application permanently or for a limited period of time, or refuse the application.
- (3) The Development Authority may require that as a condition of issuing a development permit, the applicant enter into an agreement to construct or pay for the construction of roads, pedestrian walkways or parking areas which serve the development or which connect the walkway with another walkway system that serves or is proposed to serve an adjacent development, to install or pay for the installation of public utilities other than telecommunications systems or works, to pay an off-site levy, and/or to give security to ensure that the terms of the agreement noted herein are carried out.
- (4) In approving an application for a development permit, the Development Authority may impose the condition that the approved development be allowed to operate for a limited period of time, which shall be specified on the permit, and that upon the expiry of such time the use allowed shall be discontinued and any buildings that were erected as a result of the development permit shall be removed, and the site restored to its original condition prior to the issuance of the development permit.

- (5) The Development Authority may approve an application for a development permit even though the proposed development does not comply with the regulations of this Bylaw, or if the development is to be a rebuilding, an enlargement, an addition, or a structural alteration of a non-conforming building, if, in the opinion of the Development Authority:
 - (a) the proposed development would not:
 - (i) unduly interfere with the amenities of the neighbourhood; or
 - (ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land; and
 - (b) the proposed development conforms with the use prescribed for that land or building in this Bylaw.
- (6) When a development permit application is refused, the Development Authority may or may not, at their sole discretion, accept the submission of another application for a permit on the same parcel of land and for the same or similar use by the same or any other applicant for six (6) months after the date of the refusal.
- (7) An application for a development permit shall, at the option of the applicant, be deemed to be refused when a decision thereon is not made within forty (40) days after the Development Authority receives the application. The applicant may appeal the decision as though the application had been refused.
- (8) The Development Authority may suspend or revoke a development permit:
 - (a) at any time, where the permit was issued on the basis of incorrect information, fraud, non-disclosure, or misrepresentation on the part of the applicant; or
 - (b) within fourteen (14) days of issue of the permit, where the permit was issued in error.

2.7 NOTICE OF DECISION

- (1) When a development permit has been issued for a discretionary use or for a permitted use where a variance or relaxation of a regulation of this Bylaw has been granted, the Development Authority shall immediately:
 - (a) mail a notice in writing to all adjacent land owners who, in the sole opinion of the Development Authority, may be affected and/or
 - (b) publish a notice of the decision in a newspaper circulating in the municipality stating the location of the property and the use approved, and/or
 - (c) post a notice of the decision in the municipal office.
- (2) When approval of a permit has been issued, the form of notification as described in Subsection (1) above shall be done at the sole discretion of the Development Authority.
- (3) A development permit which has been issued does not come into effect until fifteen (15) days after the date the decision is publicized as described in Subsection (1) above. Any

development proceeded with prior to the expiry of this period is done solely at the risk of the applicant.

- (4) Where an appeal is made pursuant to Section 2.5 of this Bylaw, a development permit which has been issued shall not come into effect until the appeal has been determined. The permit may then be confirmed, modified or nullified.
- (5) If the development authorized by a permit is not commenced within twelve (12) months from the date of the permit's issue, or carried out with reasonable diligence, the permit is deemed to be void, unless an extension has been granted by the Development Authority.
- (6) A decision of the Development Authority on a development permit application shall be given in writing and a copy of it sent to the applicant.
- (7) When the Development Authority refuses a development permit application, the decision shall contain reasons for the refusal.
- (8) Where an appeal is made pursuant to Section 3 of this Bylaw, a development permit which has been granted shall not come into effect until the appeal has been determined and the permit modified or nullified thereby.

2.8 DEVELOPER'S RESPONSIBILITY

- (1) A person to whom a development permit has been issued shall obtain from the appropriate authority where applicable, permits relating to building, grades, sewers, sanitary and storm water disposal, water mains, electricity, and all other permits required in connection with the proposed development.
- (2) The applicant shall be financially responsible during construction for any damage by the applicant, his servants, his suppliers, agents or contractors to any public or private property.
- (3) The applicant shall prevent excess soil or debris from being spilled on public road allowances streets, lanes and sidewalks, and shall not place soil or any other materials on adjacent parcel without permission in writing from adjacent property owners.
- (4) No building or use shall be used or occupied and no change in the existing occupancy classification of a building shall be made until the developer, proposed user or proposed occupant of said building or use demonstrates that substantial completion, as determined by the Authority, has been undertaken.
- (5) Further to Section 2.8(4), a person in receipt of an occupancy permit issued pursuant to the Alberta Safety Codes is not in receipt of permission to occupy under this Bylaw.

- (6) A person in receipt of a development permit issued pursuant to this Bylaw must obtain where applicable a building permit issued pursuant to the Alberta Safety Codes Act, R.S.A. 2000, as amended, some of the regulations/provisions of which may not be consistent with the regulations/provisions of this Bylaw.

2.9 ON-SITE AND OFF-SITE SERVICES AND IMPROVEMENTS

- (1) Where any on-site services or improvements, or any off-site local improvements are required to service a proposed development, a developer shall not begin the excavation for the foundation nor commence the development until the Development Authority is satisfied that such services or improvements will be undertaken. In order to satisfy the Development Authority the developer will be required to enter into a development agreement with the Village as a condition of development permit approval.
- (2) No development permit shall be issued for a development to be serviced by private sewer and water systems until the systems have been approved by the appropriate agency.
- (3) All future development areas must be serviced to the satisfaction of the Development Authority.
- (4) All infrastructure improvement costs associated with the development will be borne by the proponent of the development.

3.0 APPEAL AND AMENDMENT

3.1 DEVELOPMENT APPEALS AND PROCEDURES

- (1) An appeal may be made to the Subdivision and Development Appeal Board where a Development Authority:
 - (a) refuses or fails to make a decision on a development permit application within forty (40) days of receipt of a completed application or prior to the expiry date of an agreement between the applicant(s) and the Development Authority Officer to extend the 40-day period herein described; or
 - (b) issues a development permit subject to conditions; or
 - (c) issues a development permit for a discretionary use, or for a permitted use pursuant to this Bylaw; or
 - (d) issues an order under Section 4.0 of this Bylaw.
- (2) A person applying for the permit or affected by an order under Section 4.1 (1), or any other person affected by a development permit, order or decision issued/made by the Development Authority, may appeal to the Subdivision and Development Appeal Board.
- (3) Notwithstanding Subsections (1) and (2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the Land Use Bylaw were relaxed, varied or misinterpreted.
- (4) Notwithstanding Subsections (1) and (2), no appeal to the Subdivision and Development Appeal Board lies in respect of the issuance of a development permit by Council.
- (5) An appeal shall be made by serving a written notice of appeal to the Secretary of the Subdivision and Development Appeal Board within fourteen (14) days after:
 - (a) the date the development permit, order or decision issued/made by the Development Authority was publicized in accordance with Section 2.7 of the Land Use Bylaw; or
 - (b) the forty (40) day or time extension agreement period, referred to in Section 3.1(1)(a) has expired.
- (6) Each notice of appeal shall be accompanied by a fee as set by Council.

3.2 APPEAL HEARING

- (1) Within thirty (30) days of receipt of a notice of appeal, the Subdivision and Development Appeal Board shall hold a hearing respecting the appeal.
- (2) The Subdivision and Development Appeal Board shall give at least five (5) days notice in writing of the hearing to:

- (a) the appellant;
 - (b) the Development Authority;
 - (c) the Municipal Council;
 - (d) those adjacent landowners in the municipality who were notified under Section 2.7 of this Bylaw and any other person who in the opinion of the Subdivision and Development Appeal Board, is affected by the order, decision or permit; and
 - (e) such other persons as the Subdivision and Development Appeal Board specifies.
- (3) The Subdivision and Development Appeal Board shall make available for public inspection before the commencement of the public hearing, all relevant documents and materials respecting the appeal including:
- (a) the application for the development permit, its refusal and the appeal therefrom; or;
 - (b) the order of the Development Authority under Section 4.0, of this Bylaw, as the case may be.

3.3 DECISION

- (1) At the hearing referred to in Section 3.2(1), the Subdivision and Development Appeal Board shall hear:
- (a) the appellant or any person acting on his behalf;
 - (b) the Development Authority from whose order, decision or development permit the appeal is made, or if a person is designated to act on behalf of the Development Authority, that person;
 - (c) any other person who was served with notice of the hearing pursuant to Section 3.2(2) and who wishes to be heard, or a person acting on his behalf; and
 - (d) any other person who claims to be affected by the order, decision or permit and that the Subdivision and Development Appeal Board agrees to hear, or a person acting on his behalf.
- (2) In determining an appeal, the Subdivision and Development Appeal Board:
- (a) shall comply with any applicable statutory plans and, subject to clause (d) below, the Land Use Bylaw;
 - (b) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;

- (c) must have regard to, but is not bound by, the Subdivision and Development Regulations;
 - (d) may make an order or decision or issue or confirm the issue of a development permit notwithstanding that the proposed development does not comply with the Land Use Bylaw if, in the opinion of the Subdivision and Development Appeal Board
 - (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring properties, and
 - (ii) the proposed development conforms with the use prescribed for the land or building in the Land Use Bylaw.
- (3) The Subdivision and Development Appeal Board shall give its decision in writing together with reasons for the decision within fifteen (15) days of the conclusion of the hearing.
- (4) 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 Appellate Division of the Supreme Court of Alberta shall be made:
- (a) to a judge of the Appellate Division; and
 - (b) within thirty (30) days after the issue of the order, decision, permit or approval sought to be approved.

3.4 APPLICATION TO AMEND BYLAW

- (1) Subject to the provisions of the Municipal Government Act, any Section or Part of this Bylaw may be amended in accordance with Section 4.5 of this Bylaw.
- (2) Any person applying to have this Bylaw amended shall apply in writing to the Development Authority, using the application form provided by the Village of Waskatenau, and request that the Development Authority submit the application to the Council.
- (3) As part of the application referred to in Section 4.5 (2), the applicant must provide the following information:
 - (a) reasons in support of the application;
 - (b) drawings showing the subject site, the proposed District and the proposed use and development to be proposed on the site, if applicable;
 - (c) the program of land servicing, if applicable

- (d) a recent title search of the land affected or other documents satisfactory to the Development Authority showing the applicant's interest in the said land, and
 - (e) where the applicant is an agent acting for the owner, a letter from the owner(s) authorizing the agent to make the application.
- (4) A person making an application to amend this Bylaw for a purpose other than the clarification of an existing provision of this Bylaw shall:
- (a) pay the Village of Waskatenau an application and advertising fee as set by Council;
 - (b) undertake in writing on a form provided by the Village of Waskatenau to be liable for, and pay on demand, all expenses made necessary by the processing of the proposed amendment which Village of Waskatenau may incur, whether it be enacted or not, including but not limited to map printing and reproduction costs, surveys and advertising charges; and
 - (c) sign a certificate authorizing the right of entry by the Development Authority to such lands or buildings as may be required for investigation of the proposed amendment.
- (5) Upon receipt of an application to amend the Land Use Bylaw, the Development Authority shall:
- (a) initiate or carry out any necessary investigation or analysis of the problems involved in or related to the amendment; and
 - (b) prepare a detailed report including all maps and relevant material for Council to consider.
- (6) Upon receiving the preliminary advice of the Development Authority, the applicant shall advise the Development Authority if:
- (a) he or she wishes the Council to proceed with the amendment as submitted by the person, or an alternative amendment proposed by the Council; or
 - (b) he or she wishes to withdraw his application for an amendment.
- (7) As soon as reasonably convenient the Development Authority shall submit the proposed amendment as originally applied for, or as alternatively chosen by the applicant, as the case may be, to the Council, accompanied by the report of the Development Authority and other relevant material, if any, and the Council shall then consider the proposed amendment.
- (8) Council may, at any time, initiate an amendment to this Bylaw, but prior to first reading of any proposed amendment the proposal shall be referred to the Development Authority Officer for reports and recommendations.

- (9) Notwithstanding anything in this Section or this Part, a proposed amendment which has been rejected by Council within the previous twelve (12) months may not be reconsidered unless Council otherwise directs.
- (10) Proposed amendments to this Bylaw are subject to those requirements and procedures set out in the Act regarding enactment of Bylaws, Section 692 specifically.
- (11) Prior to third reading of a proposed amendment, Council may require the applicant to apply for a development permit and negotiate a development agreement for the proposal which initiated said proposed amendment.

4.0 ENFORCEMENT, PENALTIES AND FINES

4.1 CONTRAVENTION

- (1) Where the Development Authority finds that a development or use of land or buildings is not in accordance with:
- (a) the Municipal Government Act or the regulations; or
 - (b) a development permit or subdivision approval; or
 - (c) the Land Use Bylaw;

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

- (a) stop the development or use of the land or buildings in whole or in part as directed by the notice; and/or
- (b) demolish, remove or replace the development; and/or
- (c) take such other measures as are specified in the notice so that the development or use of the land or buildings is in accordance with the Municipal Government Act, the regulations, a development permit, subdivision approval or this Bylaw,

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

- (2) Where a notice is issued under Section 4.1(1), the notice shall state the following and any other information considered necessary by the Development Authority:
- (a) An explanation of the contravention, and a statement indicating under which provisions of this Bylaw or the Act the order is being carried out;
 - (b) The alternatives and processes which the person responsible for the contravention may pursue in order to correct the contravention;
 - (c) A time frame in which the contravention must be corrected prior to the Village of Waskatenau pursuing action; and
 - (d) Advise the person of his right to appeal the notice to the Subdivision and Development Appeal Board.
- (3) Where a person fails or refuses to comply with an order directed to him pursuant to Section 4.1(1) or an order of the Subdivision and Development Appeal Board, the Council or a person appointed by it may, in accordance with the Act, enter upon the land or building and take such action as is necessary to carry out the order.
- (4) Where the Development Authority carries out an order, the municipality shall, as part of its process ask the courts to allow it to cause the costs and expenses incurred in carrying

out the order to be placed on the tax roll as an additional tax against the property concerned, and that amount shall be collected in the same manner as taxes on land.

4.2 OFFENSES AND PENALTIES

This Bylaw may be enforced, and the contravention of any provisions contained herein restrained, by the Court of Queen's Bench of Alberta upon action brought by Council, whether or not any penalty has been imposed for the contravention.

- (1) A person who:
 - (a) contravenes any provision of the Act or the regulations under the Act,
 - (b) contravenes this Bylaw,
 - (c) contravenes an order under Section ~~54.1~~ of this Bylaw and/or Section 645 of the Act,
 - (d) contravenes a development permit or subdivision approval or a condition attached thereto, and/or
 - (e) obstructs or hinders any person in the exercise or performance of his powers or duties under this Act, the regulations under the Act or this Bylaw

is guilty of an offense and is liable to a fine prescribed in Section 566 of the Municipal Government Act.

- (2) If a person is found guilty of an offense under Section ~~54.2~~ of this Bylaw (Section 557 of the Municipal Government Act), the court may, in addition to any other penalty imposed, order the person to comply with:
 - (a) the Act and the regulations under the Act,
 - (b) this Bylaw,
 - (c) an order under Section ~~54.1~~ of this Bylaw and/or Section 645 of the Act, and/or
 - (d) a development permit or subdivision approval or a condition attached to a development permit or subdivision approval.
- (3) Any written notice, or order, or decision that is required under any provision of this Bylaw to be provided to any person shall be deemed to have been so provided if it is:
 - (a) delivered personally to the person or their agent it is directed to; or
 - (b) mailed by regular mail to the last known address of the person it is directed to; or
 - (c) left with any agent or employee or resident at the last known address of the person to whom it is directed.

4.3 VIOLATION TICKETS

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

(2) Violation Tickets

- (a) The Development Authority or any other person identified as a designated officer by the Council for the purposes of this Section, may issue a violation ticket to any person alleged to have breached any provision of this Bylaw.
- (b) The violation ticket shall specify the alleged offence committed by the person to whom the violation ticket is issued and require payment, within 21 days from the date of issue of the violation ticket, of a fine to the Village.
- (c) Persons contravening any provision of this Bylaw to whom violation tickets are issued shall be liable for a penalty of \$50.00 for a first offence and \$100.00 for a second or subsequent offence. Each day that a breach of the Bylaw has occurred may be considered to be a separate offence.
- (d) The violation ticket shall be served upon the alleged offender personally or delivered by regular mail. If payment is made within the time limit, then such payment shall be accepted in lieu of prosecution for the offence.
- (e) If a person who has been served with a violation ticket fails to pay the fine specified therein, then the right of the alleged offender to settle the alleged offence without a court appearance shall no longer apply and prosecution for the alleged offence shall proceed.

5.0 GENERAL PROVISIONS

5.1 SUBDIVISION OF LAND

Where the development of land involves a subdivision of land, no development permit shall be issued until the subdivision has received a level of approval satisfactory to both the Subdivision Authority and the Development Authority.

5.2 ACCESSORY BUILDINGS

- (1) In a Residential District, an accessory building shall not:
 - (a) be allowed in a front yard;
 - (b) be within 2.0 m (6.56 ft) of a residence;
 - (c) be within 0.9 m (3.0 ft) of a side lot line;
 - (d) be within 0.6 m (2.0 ft) of a rear lot line;
 - (e) have an eave overhang within 0.3 m (1.0 ft) of a lot line;
 - (f) encroach upon an easement or right-of-way,
 - (g) exceed 4.5 m (15 ft) nor one (1) storey in height
 - (h) exceed more than 12% of the total site area.
- (2) The siting of an accessory building shall be in accordance with **Figure 13: Siting of Accessory Buildings**.
- (3) The siting of an accessory building on an irregularly shaped parcel shall be as approved by the Development Authority.
- (4) Development permits for non-permanent structures including but not limited to portable garage shelters shall be issued on a temporary basis for a period not to exceed three (3) years.
- (5) Where a garage has vehicle doors facing onto a lane, it shall be setback a minimum of 4.5 m (15.0 ft) from the rear parcel boundary.
- (6) An accessory building may not be used as a dwelling unless the accessory building is a garage with an approved garage suite and the parcel is located in a district which allows garage suites as a discretionary use, provided that the Development Authority approves

the development of a garage suite on the parcel and the development conforms to all relevant Safety Codes regulations.

Siting of Accessory Buildings

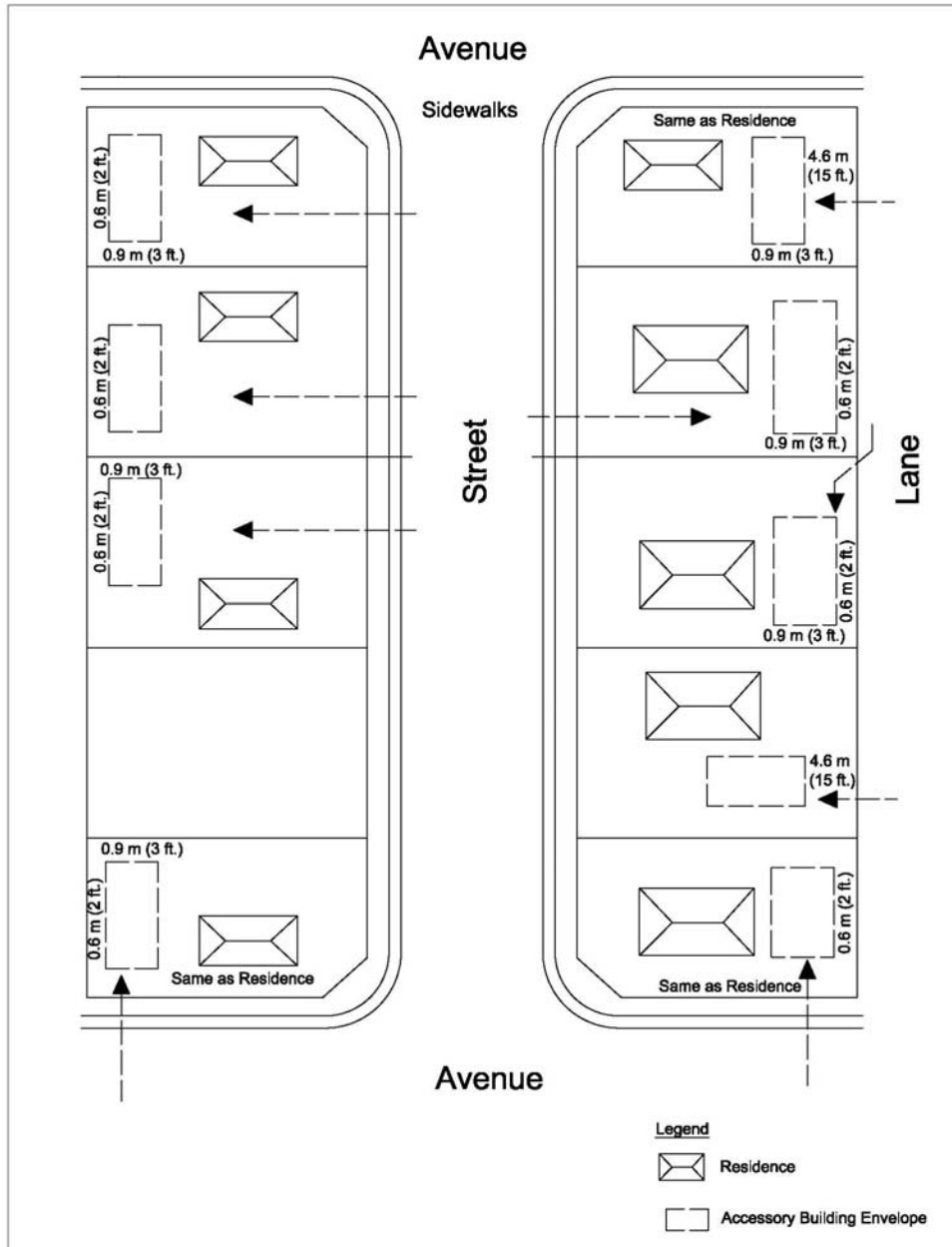


Figure 13: Siting of Accessory Buildings

- (7) Any building attached to the principal building by an open or enclosed roof structure is considered to be part of the principal building and not an accessory building.

5.3 SITE DEVELOPMENT

The design, character and appearance of any building, accessory building, structure or sign and any reconstruction located in any district must be to the satisfaction of the Development Authority and have due regard for:

- (a) amenities such as daylight, sunlight and privacy,
- (b) the character of development in the district including: the design, siting, external finish, architectural appearance and landscaping, and
- (c) its effect on adjacent parcels.

5.4 DWELLING UNITS ON A PARCEL

- (1) The number of dwelling units allowed in any one-family residential district shall not exceed one (1).
- (2) Notwithstanding subsection 5.4.1 above, the Development Authority may issue a permit to a person that would permit the construction or location of more than one dwelling unit on a parcel if additional dwelling units are permitted or discretionary within the applicable land use district and the second or additional dwelling unit:
 - (a) is contained in a building that, or in buildings each of which, is designed for or divided into (2) two or more dwelling units;
 - (b) is a building approved as a discretionary use as defined as a temporary building under the definitions;
 - (c) is a building as defined as a surveillance suite or temporary building under **Section 1.5.**

5.5 YARD REGULATIONS

- (1) Corner and Double Fronting Sites
 - (a) In a residential area, a parcel abutting two or more streets may, at the discretion of the Development Authority, be considered to have a front yard on each street in accordance with the front yard requirements of this Bylaw.
 - (b) In all cases, the location of a building on a corner parcel shall require approval by the Development Authority who shall consider the locations of adjacent buildings and front yard setbacks on adjacent parcels.
 - (c) In no case shall a side yard setback on the flanking side of a corner parcel be less than 3.6m (12.0 ft).
 - (d) On corner sites in all districts no fence, wall, tree, bush, structure or thing more than 3 ft. in height shall be erected, placed, or maintained within the triangular area formed by the intersecting street lines 4.57m (15 ft.) from their intersection.
- (3) Projections Over Yards

- (a) In all residential districts, the distances any buildings may project into a minimum yard requirement are:
 - (i) Front Yards: 1.5 m (4.9 ft).
 - (ii) Side Yards: 50% of the minimum side yard.
 - (b) In all other districts, the distances which any buildings may project into minimum yard requirements are:
 - (i) Front Yards: 1.5 m (4.9 ft).
 - (ii) Side Yards: 0.6 m (1.9 ft).
 - (c) No portion of a building other than an unenclosed stairway or porch, a bow, bay or box window, a chimney chase, an eave, awning or similar architectural feature shall project into a minimum yard requirement.
 - (d) No portion of any building other than an eave, awning or canopy, or a permitted sign shall project into a public right-of-way.
 - (e) If the development includes a an unenclosed stairway or porch, a bow, bay or box window, a chimney chase, an eave, awning or similar architectural feature then the yard requirements shall be measured from the leading edge of the architectural feature.
- (4) Zero Side Yard Developments
- (a) In any district, if a side yard of a parcel is reduced to zero metres, the development shall be required to meet all relevant safety provisions of the Building Code.
 - (b) In any district, the Development Authority may allow one side yard of a parcel to be zero metres where:
 - (i) the registered owner of the parcel abutting the zero side yard agrees to an encroachment easement equivalent to two minimum side yard requirements, satisfactory to the Development Authority and registered against the title of the said parcel, and
 - (ii) drainage from the roof of any building is directed only onto the parcel upon which the building is situated.

5.6 PARKING AND LOADING REGULATIONS

(1) Off-Street Parking

- (a) An off-street parking area:
 - (i) shall not be within 1.0 m (3.28 ft) of a public roadway;

- (ii) shall be designed to the satisfaction of the Development Authority with regard to the dimensions, and layout of parking stalls and maneuvering aisles; and
 - (iii) shall have street access and curb cuts located to the satisfaction of the Development Authority; and
 - (iv) shall be graded, drained, compacted and hard-surfaced to the satisfaction of the Development Authority.
- (b) All parking areas shall conform to the minimum parking standards set out in the following pages.

(2) Required Number of Off-Street Parking Spaces

All developed parcels are required to provide a minimum number of parking stalls based on the use of the parcel. In determining the parking requirement for a parcel:

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

Residential Uses

One or two unit dwelling.	2 per dwelling unit.
Multi-unit dwelling with one bedroom or less per unit.	1.5 per dwelling unit.
Multi-unit dwelling with two or more bedrooms per unit.	2 per dwelling unit.
Dwelling with self-contained units for senior citizens only.	2 for every 3 dwelling units.
Secondary and surveillance suites.	1 per suite

Commercial Uses

Business, administrative and professional office	1 per 46.0 m ² (495.0 ft ²) of gross leasable area.
Retail, personal service, equipment or repair shop with a gross leasable floor area of 1000.0 m ² (10,764.0 t ²) or less	1 per 30.0 m ² (323.0 ft ²) of gross leasable floor area.

Retail and personal service shop or shopping centre building with a gross leasable area over 1000.0 m ² (10,764.0 ft ²)	1 per 20.0 m ² (215.0 ft ²) of gross leasable floor area.
Private liquor store	3 stalls plus 1 stall per 30 m ² (323.0 ft ²) of gross leasable floor area.
Restaurant, beer parlour or cocktail bar	1 for each 6.0 m ² (65.0 ft ²) of gross floor area or 1 per five seating spaces and 1 per three employees at maximum shift, whichever is greater.
Drive-in business	6 except where more are required under other requirements of this section.
Car washing establishment	1 per washing stall plus 1 per three employees at maximum shift.
Take-out restaurant (food exclusively taken off-parcel)	1 for each 13.0 m ² (140.0 ft ²) of gross floor area plus 1 for each three employees on maximum shift.
Hotel, motor hotel, motels or apartment hotel	1 per sleeping unit and 1 space per three employees on maximum shift.

Places of Public Assembly

Theatre, auditorium, hall, church or other cultural or recreational facility.

1 per 7.5 seating spaces or 1 per 7.0 m² (75.0 ft²) used by the patrons, whichever is greater.

Schools

Elementary school or junior high school.
Senior high school (not including an associated auditorium, gymnasium or swimming pool).

2 per classroom.
4 per classroom.

Industrial Uses

Manufacturing or industrial plant, wholesale, warehousing and storage building and yard, service or repair establishment, research laboratory or public utility building.

1 per employee on maximum shift. This may be varied by the Development Authority to no less than 1 per 3 employees if it can be shown that fewer stalls are needed.

Hospitals and Similar Uses

Hospital, sanatorium, group care facilities, nursing home, convalescent home and senior citizens lodge.

1 per 100.0 m² (1,076.0 ft²) of floor area or 1 per four beds and 1 for every two employees on maximum shift, whichever is greater.

(3) Off-site and Communal Parking Facilities

In districts other than a residential district, and subject to approval by the Development Authority, required parking for any development(s) may be provided on another parcel, separate from the development(s) in accordance with the following:

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

(4) Off-Street Loading Spaces

- (a) Off-street loading spaces shall be required for all non-residential developments and apartments.
- (b) A loading space shall be designed and located so vehicles using it can park and maneuver within the parcel.
- (c) A loading space shall be at least 4.0 m (13.12 ft) wide, 8.0 m (26.24 ft) long, and 4.3 m (14.10 ft) high.
- (d) A loading area shall be graded, drained, compacted and surfaced to the satisfaction of the Development Authority.
- (e) Loading spaces shall be provided in accordance with the following:

Retail, industrial and the like, under 465.0 m ² (5,000.0 ft ²); and	one space;
between 465.0 m ² (5,000.0 ft ²) and 2,323.0 m ² (25,000 ft ²); and	two spaces
each additional 2,323 m ² (25,000 ft ²) or function thereof;	one space
Office building, place of assembly, institution, club or lodge, school, or any other use up to 2,787.0 m ² (30,000 ft ²); and	one space
each additional 2,787 m ² (30,000 ft ²) or fraction thereof	one additional space

(5) Sight Lines at Intersections

Sight triangle calculations shall be in accordance with the Roads and Transportation Association of Canada methods for determining crossing sight distances for roadways.

5.7 SIGN REGULATIONS

(1) General Sign Regulations

- (a) All signs, erected on land or affixed to the exterior of a building or structure, require a development permit unless specifically exempted by this Bylaw.
- (b) No sign or advertising structures, requiring a development permit, shall be erected or affixed to private property without the prior consent of the property owner or tenant.
- (c) No signs, billboards or advertising structures, requiring a development permit, shall be erected or affixed to public property without the prior consent of the appropriate public body.
- (d) No signs, billboards or advertising structures shall resemble or conflict with a traffic sign, nor shall it be a traffic hazard.
- (e) The Development Authority may order removal of any sign which, in his opinion, is unsightly or in such a state of disrepair as to constitute any other kind of hazard.
- (f) No sign shall be of such size or design as to, in the opinion of the Development Authority, obstruct the vision of persons using roads abutting the parcel.
- (g) Quality, aesthetic character and finishing of sign construction shall be to the satisfaction of the Development Authority.
- (h) Except as otherwise specified in this Bylaw, the maximum area of any sign shall be 3.0 m² (32.29 ft²).
- (i) Where, in the opinion of the Development Authority, a proposed sign in a commercial or industrial district might be objectionable to persons living in nearby residential districts, the Development Authority may impose such other regulations as he feels would protect the interests of the residents.

- (j) A flashing, animated or illuminated sign shall not be permitted where in the opinion of the Development Authority it might be objectionable to nearby residents or interfere with the safe movement of traffic.
- (k) The area around sign structures shall be kept clean and free of overgrown vegetation, and free from refuse material.
- (l) The Development Authority may require an engineer-approved plan prior to the issuance of a permit in order to ensure that a sign does not threaten public safety.
- (m) An off-site sign shall not be permitted in any district unless specifically provided for in the district regulations of this Bylaw.

(2) Signs in Residential Districts

- (a) When a person has been granted a development permit to conduct a business or professional practice in his residence, that person may place a sign, not larger than 0.2 m² (2.15 ft²), flat against an exterior wall of the building or on the inside of a window.
- (b) Name or number signs shall have a surface area of no more than 0.3 m² (3.23 ft²).
- (c) For multiple unit and boarding houses one identification sign not exceeding 1.0 m² (10.76 ft²) in area shall be allowed on each parcel.
- (d) All exterior signs shall be placed flat against a building or designed as part of an architectural feature.
- (e) No sign shall be permitted in a residential district except to identify a place of worship, school or other public institutions, home occupation or multiple unit residence.

(3) Freestanding Signs

Within all land use districts, except residential, one freestanding sign may be allowed per parcel as follows:

- (a) Where a parcel has more than 90.0 m (295.27 ft) of frontage, one additional freestanding sign may be erected for each additional 90.0 m (295.27 ft) or portion thereof.
- (b) Where a parcel is double fronting or flanking, subsection (a) applies to each frontage and/or flanking side.

- (c) The height of a freestanding sign shall not exceed 9.0 m (29.5 ft) above grade.
- (d) The face of a freestanding sign shall not exceed 8.0 m² (86.11 ft²) in area.
- (e) A freestanding sign shall not project within 0.6 m (1.96 ft) of a property line, or within 2.0 m (6.56 ft) of overhead utility lines.
- (f) The area around a freestanding sign shall be kept free of litter and overgrown vegetation.

(4) Awning, Canopy and Projecting Signs

- (a) In all non-residential districts, one awning, canopy or projecting sign shall be permitted for each side of the parcel which abuts a road.
- (b) No awning, canopy or projecting sign shall extend more than 2.0 m (6.56 ft) above the height of the building to which it is attached and no more than 9.0 m (29.5 ft) above grade.
- (c) No awning, canopy or projecting sign shall have a clearance less than 3.0 m (9.84 ft) above a public right-of-way.
- (d) No awning, canopy or projecting sign shall project within 1.0 m (3.3 ft) of a public road carriageway.
- (e) No awning, canopy or projecting sign shall be permitted where, in the opinion of the Development Authority, it obstructs free movement of pedestrians or vehicles or interferes with the repair of overhead utilities.

(5) Wall, Fascia and Roof Signs

- (a) Wall, fascia and roof signs shall be permitted in all land use districts, except residential, and shall indicate only the name and nature of the occupants of the development.
- (b) A wall, fascia or roof sign shall project no more than 0.3 m (0.98 ft) from the face of the building to which it is attached;
- (c) A wall, fascia or roof sign shall project no more than 2.0 m (6.56 ft) above the top of the wall to which it is attached and shall not exceed 9.0 m (30.0 ft) in height above grade.

(6) Existing Signs

These regulations shall not be applied to signs legally in existence at the date of the adoption of this Bylaw.

5.8 ANIMAL/BIRD REGULATIONS

- (1) An animal breeding and/or boarding facility:
 - (a) shall include buildings, cages and/or exercise areas to the satisfaction of the Development Authority, and
 - (b) shall be adequately screened from view from adjoining property owners.
- (2) The Development Authority may regulate the hours that the animals are allowed in the exterior exercise area, based on the land uses adjacent to or surrounding the site and the breed of the animal on-site.
- (3) An animal breeding facility is considered to be an accessory use to a principal residential use.
- (4)
 - (a) On any parcel in any Land Use District, no more than three (3) dogs shall be allowed unless a permit for a small animal breeding and/or boarding facility has been granted.
 - (b) On any residential parcel in any Land Use District, no more than 4 household pets, not to include more than three (3) dogs shall be allowed unless a permit for a small animal breeding and/or boarding facility has been granted pursuant this Land Use Bylaw.

5.9 LANDSCAPING

- (1) In all land use districts, no person shall commence or continue the removal of topsoil, without first obtaining an approved development permit.
- (2) Development permit applications for landscaping shall be accompanied by a general parcel grading plan, drainage plan and indicate any existing or proposed retaining wall construction.
- (3) There shall be provided upon occupancy of the development, a minimum topsoil coverage of 15.2 cm (6.0 in) and the affected area shall be landscaped to the satisfaction of the Development Authority.
- (4) In any commercial, industrial, or residential land use district, 90% of all areas of a parcel not covered by buildings, parking or vehicular maneuvering areas shall be landscaped to the satisfaction of the Development Authority.

- (5) Commercial buildings in residential areas must be screened by a solid or opaque fence of not less than 6 ft. in height adjacent to residential properties.
- (6) In the case of car washing establishments, service stations and gas bars, landscaping shall be provided and maintained to the satisfaction of the Development Authority. Solid fences shall be provided at least 5 ft in height and no higher than 7 ft. adjacent to residential areas.
- (7) In the case of apartments or rowhouses all off-street parking shall include a landscaped area, and in residential areas, a wall, hedge or wooden fence of not less than 4 ft. in height and not more than 7 ft. in height, shall be provided along the side property lines, all to the satisfaction of the Development Authority.
- (8) In any residential land use district, acceptable landscaping for the front yard shall include manicured lawns, rock gardens, xeriscapes and ornamental plants, or a combination thereof.
- (9) In any commercial land use district, off-street parking lots shall be landscaped by the planting of trees and/or shrubs in the amount of at least one tree and/or shrub for every 185.8 m² (2000 ft²) of parking lot area. The trees and/or shrubbery shall be of a type and size approved by the Development Authority. Trees/shrubbery required shall be located within the parking area in locations where visibility for the safe movement of persons and traffic is not impaired.
- (10) All required landscaping and planting must be carried out to the satisfaction of the Development Authority and within one (1) year (weather permitting) of occupancy or commencement of operation of the proposed development.
- (11) As a condition of a development permit, the Development Authority may require that the developer provide a financial guarantees, in a form acceptable to the Village of Waskatenau, up to the value of the estimated cost of the proposed landscaping/planting to ensure that such landscaping/planting is carried out with reasonable diligence.

5.10 OBJECTS PROHIBITED OR RESTRICTED IN YARDS

- (1) No person shall keep or permit in any part of any yard in any Residential District:
 - (a) any dismantled or wrecked vehicle for more than fourteen (14) successive days;
 - (b) any object or chattel which, in the opinion of the Development Authority, is unsightly or tends to adversely affect the amenities of the district in which it is located;
 - (c) any excavation, storage or piling up of materials required during the construction stage unless all necessary safety measures are under taken;

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;

- (d) any heavy vehicle;
 - (e) not more than two (2) recreational vehicles. However, the following regulations shall apply:
 - (i) The year round placement of one (1) recreational vehicle on a lot in a Residential District is allowed without a development permit.
 - (ii) A second recreational vehicle is only allowed on a lot without a development permit for a period not to exceed seven (7) days. A development permit is required for the time limit to be extended or for the placement of an additional recreational vehicle (beyond two (2)) for any length of time. However, applications for such permits will not normally be approved.
 - (iii) A recreational vehicle will only be allowed to be placed or parked in the front yard of a lot in a Residential District if it is located or parked on a driveway developed to the satisfaction of the Development Authority.
 - (iv) The placement of any recreational vehicle on a lot is for storage of the vehicle only. No person shall occupy the recreational vehicle for any period of time.
 - (v) No recreational vehicle shall be connected to any utility or municipal service, such as power, gas, water supply, or sanitary sewage disposal facilities.
 - (vi) The length of any recreational vehicle located on a lot in a Residential District shall not exceed 9.8 m (32 ft);
- (2) No person shall keep or permit in any part of any front yard in any Residential District a vehicle or a vehicle with a trailer attached, loaded or unloaded, of a maximum weight in excess of 4500 kilograms kg (9,920.8 lbs.).
- (a) This section does not apply if the vehicle:
 - (i) is a recreational vehicle and satisfies the requirements of Section 5.10(1)(e) above; or
 - (ii) is a commercial vehicle with the hazard warning lamps alight and in the process of loading or unloading goods.

6.0 SPECIAL PROVISIONS

6.1 MANUFACTURED HOMES

- (1) Before a development permit is issued for a manufactured home, the development authority must receive verification that the home fully complies with both the CSA Z240 MH National Mobile Home Standard and the Alberta Building Code (ABC). If the CSA Z240 sticker or the Alberta Municipal Affairs sticker verifying compliance to the ABC is missing, the development authority will require an inspection by an Alberta Safety Codes Officer.
- (2) Should an inspection by an Alberta Safety Codes officer be required, and should the inspection indicate that upgrades to the manufactured home are necessary to bring the home into compliance with the CSA Z240 standard or the ABC, all required upgrades shall be made before the issuance of a development permit.
- (3) In addition to the requirements of **Section 6.1** above, a manufactured home must meet the following aesthetic regulations:
 - (a) The height of the main floor above grade shall be consistent with the height of the main floor of dwellings in the immediate and general area;
 - (b) The roof pitch shall be consistent with the roof pitch of dwellings in the immediate and general area;
 - (c) Exterior finishing materials used on the roof and exterior walls shall be consistent with the materials used on dwellings in the immediate and general area and in good condition;
 - (d) Minimum roof overhang or eaves should be consistent with the overhang or eaves of dwellings in the immediate and general area;
 - (e) The design of each manufactured home shall ensure the side or end facing the street on which the home fronts contains a prominently placed front door, and windows in quantity and size that are consistent with dwellings in the immediate area;
 - (f) Every manufactured home shall be placed on a full perimeter foundation that complies with the Alberta Building Code unless the manufactured home is designed to be supported on longitudinal floor beams, in which case an alternate skirted foundation system as described in CSA Z240.10.1 may be employed;
 - (g) The full perimeter foundation or the skirting material utilized on an alternative skirting foundation should be parged in order to create the same finished

appearance customarily found on concrete basements of single detached dwellings in the immediate and general area.

- (h) All accessory structures, such as patios, porches, additions and skirtings, shall be:
 - (i) factory-prefabricated units or the equivalent thereof, and so designed and erected as to harmonize with the manufactured homes, and
 - (ii) considered as part of the main building, and
 - (iii) erected only after obtaining a development permit.
- (i) The floor area of porches and additions shall be proportionate to the floor area of the manufactured home unit and this relationship shall be determined by the Development Authority.
- (j) No accessory building, use or parking: space shall be located in the front yard of a manufactured home use.
- (k) For the purposes of storage, any furniture, domestic equipment or seasonally used equipment shall be stored in adequate covered storage or screening either individually on the lot or communally which shall conform to the Alberta Building Codes (ABC) standards.
- (l) The following regulations also apply to manufactured home uses located in residential subdivisions and manufactured home subdivisions:
 - (i) The hitch and wheels are to be removed from the manufactured home.
 - (ii) All manufactured homes shall be placed on a foundation or base. The manufactured home is to be attached by means of bolting or otherwise to the foundation or base.
 - (iii) The property is to be grassed and landscaped within one year from the date of issue of the development permit.
 - (iv) Minimum lot area and width may be less in the case of existing registered substandard lots, with the approval of the Development Authority.

Any required aesthetic upgrades to the manufactured home must be completed before the issuance of the development permit. The completion of foundation or skirting material must be completed within 30 days of the placement of the manufactured home on a site.

6.2 RELOCATION OF BUILDINGS OTHER THAN MOBILE AND MANUFACTURED HOMES

- (1) No person shall alter the location on a parcel of a building already constructed on that parcel, unless a development permit has been issued.
- (2) No person shall place on a parcel a building formerly erected or placed on a different parcel, including portable pre-fabricated buildings within any Commercial District.

- (3) Any application for a "moved-in building" considered by the Development Authority shall:
 - (a) be accompanied by recent colour photographs of the structure; and
 - (b) indicate if the building will meet current requirements of the Alberta Building Code (ABC), and if it does not, how the building will be brought up to these requirements; and
 - (c) meet all other requirements or conditions as required by the Development Officer.
- (4) The Development Authority may, at their discretion, require, prior to the approval of a development permit for a relocated building, that an inspection of the proposed relocated building be completed by the Development Authority or a designated officer to determine its suitability for relocation in the Village.

6.3 DEMOLITION OR REMOVAL OF BUILDINGS

- (1) Whenever a demolition or removal is carried out the person causing the same to be made, shall, at his own expense, protect from displacement any wall, sidewalk, or roadway, or other utility liable to be affected by such demolition or removal and shall sustain, protect and underpin the same so that they will remain in the same condition as before the demolition or removal was commenced and that adequate measures shall be taken by way of fencing and screening to ensure the general public safety.
- (2) Whenever a development permit is issued for the demolition or removal of a building, it shall be a condition of the permit that the site shall be properly cleaned, with all debris removed, and left in a grade condition. Such reclaiming of the site upon demolition or removal of a building shall be to the satisfaction of the Development Officer.

6.4 HOME OCCUPATIONS

- (1) General Provisions:
 - (a) A home occupation shall be operated as a secondary use only and shall not change the principal character and external appearance of the dwelling in which it is located.
 - (b) No advertisement or sign visible from the exterior of the dwelling shall be permitted as part of a home occupation other than that provided for under subsection (1)(c).
 - (c) Subject to Section 6.6 of the Bylaw, it is permissible to have one non-illuminated fascia sign or nameplate to identify a home occupation not greater than 3.0 sq ft (0.91 sq m) in an area placed within or flat against the dwelling unit or any accessory building.

- (d) A home occupation shall not be permitted in a residence if, in the opinion of the Development Authority, it would be more appropriately located in a commercial or industrial land use district.
 - (e) A home occupation shall not, in the opinion of the Development Authority, be a source of inconvenience, materially interfere with or affect the use, enjoyment or value of any neighbouring parcel by way of excessive noise, smoke, steam, odour, dust, vibration or refuse matter which would not be commonly found in the neighbourhood.
 - (f) There shall be no mechanical or electrical equipment used which creates visual, audible or electrical interference in radio or television reception.
 - (g) Persons wishing to operate a home occupation from their place of residence shall be required to apply for a development permit from the Village of Waskatenau. The applicant may be required to obtain a business license prior to the issuance of a development permit. Each application for a home occupation shall be accompanied by a description of the business to be undertaken in the dwelling, an indication of the anticipated number of business visits per week, and details for the provision of parking along with other pertinent details of the business operation.
 - (h) A home occupation, shall be reviewed by the Village of Waskatenau, when complaints are registered against the home occupation by an affected landowner. A permit issued for a home occupation is liable for recall on the basis of non-compliance on 30 days notice.
 - (i) A home occupation permit does not exempt compliances with health regulations or any other municipal or provincial regulations.
 - (j) Home occupation permits shall be valid only for one year at which time they shall be subject to an application for renewal.
 - (k) A home occupation shall not generate pedestrian or vehicular traffic or parking shortage in excess of that which is characteristic of the land use district in which it is located.
 - (l) Any vehicles parked on-street as a result of the home occupation shall, in the opinion of the Development Authority, not be a source of inconvenience to adjacent landowners or tenants.
- (2) In addition to the requirements of Section 6.4(1), a major home occupation shall comply with the following regulations:

- (a) The major home occupation shall not, in the opinion of the Development Authority, generate pedestrian or vehicular traffic or parking which is excessive for its location relative to other dwellings.
 - (b) The number of non-resident employees or business partners working on-site shall not exceed one (1) at any time.
 - (c) There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business allowed on the site. Storage related to the business activity shall be allowed in either the dwelling or accessory buildings.
 - (d) Articles offered for sale shall be limited to those produced within the dwelling or the accessory building(s).
 - (e) The major home occupation shall not be allowed if, in the opinion of the Development Authority, such use would be more appropriately located in a Commercial or an Industrial District having regard for the overall compatibility of the use with the residential character of the area.
- (3) In addition to the requirements of Section 6.4(1), a minor home occupation shall comply with the following regulations:
- (a) The minor home occupation shall not employ any person on-site other than a resident of the dwelling. Nor shall the business be such that any clients come to the dwelling.
 - (b) There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business allowed on the site. Storage and the business activity itself shall only be allowed inside the dwelling and not in an accessory building. The minor home occupation does not involve the display of goods in the interior of the residence.
- (4) All development permits for home occupations shall be revocable at any time by the Development Authority if in their opinion, the conditions of the permit have not been met.

6.5 BED AND BREAKFAST OPERATIONS

- (1) In addition to all other provisions and requirements of this Bylaw, the following additional requirements shall apply to home occupations in the form of bed and breakfast operations:
- (a) Persons wishing to operate a bed and breakfast operation shall be required to apply for a development permit from the Village of Waskatenau.

- (b) A bed and breakfast operation shall be limited to residential land use districts and shall be contained entirely within the principal dwelling on a parcel.
- (c) A bed and breakfast operation shall be limited to one meal provided on a daily basis to registered guests only with such meal being prepared in one common kitchen and served in one common room.
- (d) In addition to the off-street parking requirements for the dwelling unit itself, as stipulated in **Section 5.6** of this Bylaw, 1 (one) off-street parking space per rented guest room shall be required for a bed and breakfast operation.

6.6 SURVEILLANCE SUITES

- (1) The issuance of a development permit for a surveillance suite, as defined in this Bylaw, shall be in accordance with the following criteria and regulations:
 - (a) A development permit for a surveillance suite will only be issued if the surveillance suite is clearly compatible with and subordinate to the principal use of the subject parcel. Moreover, in the opinion of the Development Authority, the placement of a surveillance suite shall be compatible with all existing, principal development/land uses on adjacent properties and shall not interfere with future principal development/land uses of adjacent properties.
 - (b) Where a surveillance suite is allowed in accordance with this Bylaw, the Development Authority may issue a development permit for one surveillance suite per associated development or parcel.
 - (c) Detached surveillance suites shall be sited in accordance with siting regulations specified in the land use district within which the subject parcel is located or in accordance with the following requirements, whichever are more stringent:
 - (i) a minimum of 6.0 ft (1.83 m) from any buildings; and
 - (ii) a minimum of 6.0 ft (1.83 m) from the rear and side property lines; and
 - (iii) no closer than the front line of the principal building.
 - (d) Where a surveillance suite is manufactured home, the regulations of **Section 6.1** shall also apply.
 - (e) The minimum and maximum floor area of any non-basement surveillance suite, as defined in this Bylaw, shall be 500 ft² (46.45 m²) and 1000 ft² (92.9 m²) respectively.
 - (f) The quality of exterior treatment and design of any surveillance suite shall be to the satisfaction of the Development Authority, who shall ensure that the design, character and appearance of any surveillance suite is compatible with the

development(s)/use(s) with which the suite is associated as well as all development(s)/use(s) on adjacent properties.

6.7 SECONDARY SUITES

- (1) A secondary suite shall:
 - (a) be an accessory use to the main dwelling on a lot,
 - (b) create minimal structural change to the front exterior of the main dwelling, so that the building appears as a single dwelling unit,
 - (c) have a minimum floor area of 35 m² (378 ft²),
 - (d) have a maximum floor area equal to no more than 40% of the floor area of the main dwelling, if the secondary suite is not a basement suite, except that if the secondary suite is a basement suite, the maximum size shall be determined at the sole discretion of the Development Authority,
 - (e) contain sleeping, cooking, and bathroom facilities,
 - (f) have full utility services through service connection from the main dwelling,
 - (g) comply with the Alberta Building Code and all other Provincial and Municipal regulations,
 - (h) be provided with off-street parking in accordance with this bylaw, and
 - (i) where applicable, not be considered in the maximum density prescribed for the District in which the secondary suite is located.
- (2) The lot on which a secondary suite is located shall:
 - (a) be limited to one secondary suite, and
 - (b) not be subdivided (in title) as a result of the presence of a secondary suite.
- (3) A secondary suite shall not be developed within the same dwelling containing a group home or bed and breakfast establishment.
- (4) A secondary suite may be located within a main dwelling or an accessory structure, provided that it meets all other relevant regulations of this Bylaw. However, a secondary suite shall not be allowed to be located within or above a detached garage.
- (5) Where there is more than one approved single detached dwelling on a parcel, each approved single detached dwelling may contain a secondary suite, unless the dwelling contains a group home or bed and breakfast establishment.

- (6) A single detached dwelling must exist on a parcel prior to the approval of a development permit for a secondary suite.

6.8 PRIVATE LIQUOR STORE AND STORAGE FACILITIES

A person applying to develop a site as a private liquor store and storage facility where allowed under this bylaw shall comply with the following provisions:

- (1) Store size limitation - the retail and storage space shall be a minimum of 56 m² (600 ft²).

6.9 SERVICE STATIONS & GAS STATIONS

A person applying to develop a site as a service station or gas station establishment where allowed under this bylaw shall comply with the following provisions:

- (1) Service, or gas stations shall be located in such a manner that:
 - (a) No entrance or exit thereto for motor vehicles shall be within 60.9 m (200 ft.) of an entrance to or exit from a fire hall, public or private school, playground, library, church, hospital, children's or old people's home or other similar public or quasi-public use.
 - (b) No part of a service station or gas station building or of any pump or other accessory shall be within 6m (20 ft.) of a side or rear property line.
 - (c) Service stations shall have a front yard of not less than 40 ft., and no gasoline pump shall be located closer than 6m (20 ft.) to the front property line.
 - (d) Underground storage tanks shall be set back from adjacent buildings in accordance with applicable Provincial requirements.
- (2) Site Area and Coverage
 - (a) The minimum site area shall be 743.2 sq m (8,000 sq. ft.) and the maximum building coverage shall be 25% of the site area. For service stations including car washes the minimum site area shall be 1114.8 sq m (12,000 sq. ft.)
 - (b) In the case of a service station designed and built as part of a shopping centre the ratio of building space to parking space shall be as determined by the Development Authority.

- (3) Lighting

Any lighting proposed to illuminate off-street parking areas shall be located and

arranged so that all direct rays of light are directed upon the site only and nor on any adjoining properties.

(4) Use and Maintenance of Service Station Site and Building

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

- (a) be prohibited from the carrying on of the business of a public garage or parking garage (provided, however, that this shall not prevent the use of garage space available on any authorized service station for storage) or of any business or activity which is; obnoxious or offensive, or which may constitute a nuisance or annoyance to persons occupying lands in the immediate vicinity of the site of a service station by reason of dust, noise, gases, odour smoke or vibration.
- (b) be responsible for the proper, safe and orderly operation thereof and of motor vehicles using said service station or when repaired or serviced thereat, and without restricting the generality of the foregoing shall see:
 - (i) that operators of motor vehicles do not obstruct the sidewalks and boulevards abutting or adjacent to the service stations, and
 - (ii) that operators of motor vehicles enter and leave the service station only at the entrances and exits provided for such purposes and not elsewhere.
- (c) maintain on the boundaries of the site, where required by the Development Authority an appropriate fence not less than 1.5m (5 ft.) in height.

6.10 CAR WASHING ESTABLISHMENTS

A person applying to develop a site as a car washing establishment where allowed under this bylaw shall comply with the following provisions:

(1) Site Location

In addition to those locations permitted in this Schedule, a car washing establishment may be allowed as a discretionary use as part of a shopping center if the Development Officer is satisfied that it will not adversely effect an adjoining and use or the function of the shopping centre in relation to traffic circulation

(2) Site Area

The minimum site area shall be 6000 sq. ft. and shall contain storage space for 10 vehicles prior to their entry into any part of the cleaning process for which they are bound. In the case of service stations including car washes, minimum site area shall be 12,000 sq. ft.

(3) Site and Building Requirements

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

6.11 MOTELS

A person applying to develop a site as a motel where permitted under this bylaw shall comply with the following provisions:

(1) Interpretation

For the purposes of this subsection, a rentable unit means a separate unit on a motel site used or intended to be used for the dwelling accommodation of one or more persons.

(2) Site Requirements for Motels

Minimum Site Area / unit	Yards	Minimum Floor Area / Unit
One Storey		
139.3 sq. m (1500 sq. ft)	Front 7.6 m (25 ft.) Side 3m (10 ft.) Rear 3m (10 ft.)	26.4 sq. m (285 sq. ft.)
Two Storey		
93 sq. m (1000 sq. ft.)	Front 7.6 m (25 ft.) Side 3m (10 ft.) Rear 3m (10 ft.)	26.4 sq. m (285 sq. ft.)

(3) Space Between Buildings

Except in the case of rentable units and any other buildings where connected by a continuous roof to form a shelter for motor vehicles, not less than 3.6m (12 ft.) of clear and unoccupied space shall be provided between each rentable unit and any other building on the site.

(4) Driveways

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

(5) Entrances and Exits

Not more than one major vehicle entrance and one motor vehicle exit to a street, each of a minimum width of 7.6m (25 ft.) measured at its minimum dimension shall be permitted,

provided that one combined motor vehicle entrance and exit shall be permitted, not less than 9.1m (30 ft.) in width.

(6) Maintenance of Site and Buildings and Business

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

- (a) maintain the site and the buildings, structures and improvements thereon in a clean, neat, tidy and attractive condition and free from all rubbish and debris.
- (b) maintain garbage and / or incineration facilities to the satisfaction of the Development Authority.
- (c) maintain an appropriate fence where required, not less than 1.5m (5 ft.) in height around the boundaries of the site and shall landscape and keep the site landscape.

6.12 PLACES OF WORSHIP

- (1) The site on which a place of worship is situated shall have a frontage of not less than 30.4m (100 ft.) and an area of not less than 929 sq. m (10,000 sq. ft.) except in the case where a building for a clergyman's residence is to be erected on the same site. The combined area of the site in this case shall not be less than 1393.5 sq. m (15, 000 sq. ft.)
- (2) Front, side and rear yards shall be those permitted within the district in which the church site is located.

6.13 MULTIPLE DWELLING DEVELOPMENTS

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

performance bond from the developer if deemed necessary.

- (2) In the case of all buildings and relationship of the building to each other and the total relationship of the land on which they are constructed, in particular respect to such matters as architectural appearance, the provision of adequate light, air, privacy and landscaping shall be fully shown upon the site plans of the whole development, and all the foregoing shall be to the satisfaction of the Development Authority.

6.14 INDUSTRIAL DEVELOPMENT

- (1) An application for the establishment of industries shall be considered by the Development Authority who may request advisory comment by provincial departments and/or planning, engineering and legal consultants prior to issuing a decision. The Development Authority shall request that such comments be made in writing.
- (2) Each application for industrial location shall be accompanied by the following information:
 - (a) Location
 - (b) Type of industry
 - (c) Size of buildings
 - (d) Number of employees
 - (e) Estimated water demand and anticipated source
 - (f) Type of effluent and method of treatment
 - (g) Transportation routes to be used (rail and road)
 - (h) Reason for specific location
 - (i) Any accessory works required (pipeline, railway spurs, etc.)
 - (j) Anticipated residence location of employees

and/or any such other information as may be reasonably required by the Development Officer.

- (3) All site regulations and requirements shall be based up the type of industrial development proposed, and shall be at the discretion of the Development Authority, in accordance with the district in which the site is located.

6.15 RECREATIONAL VEHICLE CAMPGROUND/PARK

- (1) Each recreational vehicle parking stall be a minimum width of 10 m (32.8 ft.) and a minimum area of 250 sq. m (2691.0 sq. ft.).
- (2) As a condition of approval, the Development Authority shall require the developer to obtain any necessary permits and approvals from all regulatory authorities and agencies having jurisdiction, including any necessary approvals pursuant to the Alberta Safety Codes Act that may be applicable.

- (3) As a condition of approval, the Development Authority may require that the developer construct, upgrade, or pay to construct or upgrade any necessary municipal infrastructure to service to the development.
- (4) All internal roads shall be the responsibility of the Developer for both construction and future maintenance. Also, internal roads shall have a minimum of a 6 m (20 ft.) usable top, except for one-way roads, which shall have a minimum of a 3.65 m (12 ft.) usable top.
- (5) The developer shall provide on-site potable water supply which meets all applicable provincial water requirements.
- (6) The developer shall provide sewage disposal facilities in accordance with the Village's Servicing requirements as well as all applicable provincial regulations.
- (7) As a condition of approval, the Development Authority shall require the developer to obtain any necessary permits and approvals from all regulatory authorities and agencies having jurisdiction over this type of development.
- (8) The developer shall be required to enter into a development agreement with the Village as a condition of development approval. The development agreement will include provisions requiring the developer to construct, upgrade, or pay to construct or upgrade the necessary Village roads to access the development when determined necessary by the Development Authority.
- (9) The developer shall designate an area equivalent to ten percent (10%) of the total recreational vehicle campground area as a playground. This area is to be clearly marked and free from all traffic hazards.
- (10) All stalls shall maintain a minimum set back of 30 m (98.4 ft.) from the shoreline of any body of water.
- (11) The maximum number of recreational vehicles permitted per stall shall be one (1).
- (12) A site plan detailing the protection of existing treed areas and site topography is required prior to issuance of a development permit.
- (13) Spaces for day use, picnicking and similar activities shall be suitably organized, clearly marked and constructed to the satisfaction of the Development Authority.
- (14) All other site requirements shall be as required by the Development Authority.
- (15) Minimum Yard Setbacks:

Front, side, corner and rear yard setbacks shall be 7.6 m (25 ft.) or 10% of the lot width,

whichever is lesser.

6.16 RECREATIONAL VEHICLES LOCATED IN RECREATIONAL VEHICLE CAMPGROUNDS

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

6.17 DAY USE AND PICNIC AREAS

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

6.18 BASIC CAMPGROUNDS

- (1) Where a campground proposal will ultimately exceed 60 campsites and/or cabins and is located on a parcel greater than 8 ha, a development concept plan for the development of the entire tract of land shall be submitted and approved by the Development Authority prior to submitting a development permit application for any site specific development. The development concept plan shall include detailed plans and specifications (i.e. servicing, traffic, environmental considerations, etc.) for the initial stage, as well as any subsequent stages of development.
- (2) A minimum of 10% of the gross lot area of campground shall be set aside for common recreation area and shall be developed and maintained as a park, playground or other useable open space. No portion of any other use and/or facility shall be included in this

area.

- (3) Visitor parking shall be provided in common areas within a campground area, to the satisfaction of a Development Authority.
- (4) All campgrounds shall be provided with safe and convenient vehicular access and all roadways within a campground shall be of a surface and standard acceptable to a Development Officer for the purposes of accommodating emergency, fire and maintenance vehicles.
- (5) Within a campground development, the roadway system will be sensitive to the topography and site characteristics of the site and shall be “signed” to avoid confusion.
- (6) All campsites shall be accessible by means of an access at least 3.0 m in width where the access is for one-way traffic, or at least 6.0 m in width where the access is for two-way traffic.
- (7) Trees and natural vegetative cover shall not be removed without an approved development permit, or development concept plan. The Development Authority may prevent the removal of trees or shrubs adjacent to environmentally sensitive areas.
- (8) Any adjoining residential area(s) shall be screened by a solid fence or year-round vegetation with a minimum height of 2 m, to the satisfaction of the Development Authority.
- (9) Fires are permitted only in facilities which have been provided for such purpose or where open fires are allowed by the Village’s fire department.
- (10) Fireplaces, fire pits, charcoal and or other barbecue equipment, woodburning stoves, or any other cooking facilities shall be located, constructed, maintained and used to minimize fire hazard and smoke nuisance in the campground and the neighbouring properties.
- (11) Fire extinguishers capable of dealing with electrical and wood fires shall be kept in all service buildings.
- (12) A suitable ingress and egress shall be provided so that every campground may be readily serviced in emergency situations. 24-hour emergency communications service (e.g. telephones) shall be provided.
- (13) Pedestrian walkways having a width of not less than 1.2 m shall be provided from campground stalls to all service buildings and facilities, refuse collection area, and recreation areas. The walkways shall be well drained, well lighted, and the surface shall be constructed of a standard to the satisfaction of a Development Authority.

- (14) The storage, collection and disposal of solid waste in campgrounds shall be so conducted as to create no health hazards, rodent harbourage, insect breeding areas, or accident or fire hazards. Individual or grouped refuse containers must be screened to the satisfaction of a Development Authority.
- (15) Campgrounds with less than 60 campsites and no permanent cabins shall be required to provide sewage disposal and water service facilities to the satisfaction of a Development Authority.
- (16) Campgrounds with more than 60 campsites and with permanent cabins shall provide on site services as follows:
- (a) A water supply system shall be provided for each campsite designed to accommodate the campground user occupying a self-contained recreational vehicle or a cabin and shall be connected to a community water supply system. The water system for a campground shall be constructed to the satisfaction of the Village Engineer and the Development Authority in accordance with all applicable Provincial and Village regulations.
 - (b) Alternatively, a campground may provide one or more easily accessible water supply outlets for filling potable water storage tanks. The water supply outlets shall be located within 100 m of the campsites. The water supply outlets shall be constructed to the satisfaction of the Village Engineer and the Development Authority in accordance with all applicable Provincial and Village regulations.
 - (c) An adequate and safe sewage disposal system shall be provided in a campground for each campsite designed to accommodate the campground user occupying a self-contained vehicle or cabin and shall be connected to a community sewage system and/or sanitary dumping station, to the satisfaction of the Development Authority. The sewage disposal system in a campground shall be constructed to the satisfaction of the Village Engineer and the Development Authority and shall comply with all applicable Provincial and Village regulations, and shall be maintained to the standards of the regulatory approvals.
 - (d) A campground shall be provided with sanitary dumping stations in the ratio of one for every one hundred recreational vehicle spaces or fractional part thereof. The sanitary dumping stations shall be designed and maintained to Village regulations and standards to the satisfaction of the Village Engineer and the Development Authority. Each station shall provide a water outlet, with the necessary appurtenances connected to the water supply system to permit periodic wash down of the immediate adjacent areas. A sign shall be posted near the water outlet indicating that this water is for flushing and cleaning purposes only. Sanitary stations shall be separated from any campsite or cabin by a distance of not less than 20 m.

- (e) In no case shall less than one (1) toilet and lavatory be provided for each sex for every ten (10) campsites.
- (17) Campgrounds, containing campsites, cabins, hotels and or motels are considered temporary occupancies, and subsequently, the maximum occupancy is two hundred and forty (240) days per calendar year.
- (18) The minimum size for a campsite is:
 - (a) 10 m in width;
 - (b) 25 m in depth; and
 - (c) 325 m² in area.
- (19) A recreation vehicle/travel trailer on a campsite, shall be separated a minimum of 3.0 m from:
 - (a) another recreation vehicle/travel trailer on an adjacent site;
 - (b) other structures; and
 - (c) an interior roadway
- (20) Each campsite shall provide two parking spaces on the campsite.
- (21) All campsites shall be required to provide an acceptable form of ground cover to prevent erosion. Natural vegetation shall not be removed from campsites without an approved development permit. The Development Authority may prevent the removal of trees or shrubs adjacent to environmentally sensitive areas.

6.19 LARGE WIND CONVERSION SYSTEMS

- (1) Prior to making a decision on an application for a development permit for a large wind energy conversion system, the Development Authority shall consider input from:
 - (a) any adjacent municipality should the proposed development be located within 2 km (1.2 miles) of the municipality; and
 - (b) landowners within 2 km (1.2 miles) of the proposed development.
- (2) Should a large wind energy conversion system discontinue producing power for a minimum of two (2) years, the system operator shall be required to provide a status report to the Development Authority. The Development Authority may then require that the system be decommissioned. Failure to comply with a decommissioning requirement shall be considered to be a breach of this Bylaw, and subject to the enforcement provisions of **Section 4.0** of this Bylaw.
- (3) Property line setbacks
 - (a) A large wind energy conversion system shall comply with all the setbacks related to roads and highways that govern the principal use in the District in which it is located.

- (b) Where, in the opinion of the Development Authority, the setbacks referred to in **Section 6.19 (3)(a)** above are not sufficient to reduce the impact of a large wind energy conversion system from a road or highway, the Development Authority may increase the required setback.
- (c) The turbine base shall be no closer to the property line than four times the height of the wind turbine tower. Where in the opinion of the Development Authority the setback from the property line should be varied, the Development Authority may require an acoustical study to establish appropriate setbacks.

(4) Minimum Vertical Blade Clearance

The minimum vertical blade clearance from grade shall be 7.4 m (24.6 ft.) for a wind energy conversion system employing a horizontal axis rotor unless otherwise required by the Development Authority.

(5) Public Safety Requirements

To ensure public safety, the Development Authority may require that:

- (a) a secure fence not less than 1.8 m (5.9 ft.) in height with a lockable gate surround a wind energy conversion system tower if the tower is climbable or subject to vandalism that could threaten tower integrity;
- (b) no ladder or permanent tower access device be located less than 3.7 m (12.1 ft.) from grade;
- (c) a locked device be installed on the tower to preclude access to the top of the tower; and
- (d) such additional safety mechanisms or procedures be provided as the Development Authority may consider reasonable and appropriate.

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

- (6) All power lines on the site of a large wind energy conversion system to the power grid or a power substation will be underground except where the Development Authority specifically approves overhead or above grade installations.

(7) Appearance

- (a) Unless otherwise required by the Development Authority, a large wind energy conversion system shall be finished in a non-reflective matte and in a colour

which minimizes the obtrusive impact of a system to the requirements of the Development Authority.

- (b) No lettering, advertising or other symbol shall appear on the towers or blades. On other parts of the large wind energy conversion system, the only lettering or symbol allowed will be the manufacturer's and/or owner's identification or symbol and then, only upon the approval of and at the discretion of the Development Authority.
- (8) The Development Authority may approve a large wind energy conversion system on a case-by-case basis having regard for:
- (a) information provided in the application;
 - (b) the proximity of the proposed development to other land uses;
 - (c) the cumulative effect of all wind energy conversion systems approved or proposed in the area;
 - (d) underlying utilities; and
 - (e) information received from the circulation of the application and from the public.
- (9) Traffic Safety Regulations

Large wind energy systems must comply with applicable air traffic safety regulations. A statement on compliance by the applicant is sufficient. Transport Canada must be notified of the location (latitude and longitude) and height of all wind turbine installations through the aeronautical clearance application process. Small wind turbine towers shall not be artificially lit except as required by Navigation Canada.

6.20 SMALL WIND CONVERSION SYSTEMS

(1) Wind Turbine Tower Height

For property sizes between 0.1 ha (0.25 acre) and 0.2 ha (0.5 acre) the wind turbine tower height shall be limited to 80 ft (25m). For property sizes of 0.2 ha (0.5 acre) or more, there is no limitation on wind turbine tower height, subject to the set-back requirements below, and provided that the application includes evidence that the proposed height does not exceed the height recommended by the manufacturer or any distributor of the system.

(2) Property line setbacks in the Urban Reserve District

The turbine base shall be no closer to the property line than the height of the wind turbine tower, and no part of the system structure, including guy wire anchors, may extend closer than 3 m (10 ft) to the property boundaries of the installation site. Additionally, the outer and innermost guy wires must be marked and clearly visible to a height of 2 m (6 ft) above the guy wire anchors. The Development Authority may waive setback

requirements from adjacent properties if such adjacent property owner agrees to grant an easement binding on current and future owners.

(3) Property line setbacks in the Residential, Commercial, and Semi-Public Districts

The turbine base shall be no closer to the property line than the height of the wind turbine tower, and no part of the system structure may extend closer than three (3) m (10 ft) to the property boundaries of the installation site. The Development Authority may waive setback requirements from adjacent properties if such adjacent property owner agrees to grant an easement binding on current and future owners. **Mounting using guy wires shall not be permitted in:**

- (a) Residential (R) District
- (b) Residential Manufactured Home Subdivision (RMHS) District
- (c) Commercial (C1) District
- (d) Commercial (C2) District
- (e) Institutional (I) District
- (f) Community (P) District
- (g) Floodway (FW) District

The applicant will be required to provide the Development Authority with information regarding the proposed means of mounting the turbine prior to development approval.

(4) Noise

The mean value of the sound pressure level from small wind energy systems shall not exceed more than 6 decibels (dBA) above background sound, as measured at the exterior of the closest neighbouring inhabited dwelling (at the time of installation or during operation), for wind speeds below 22 mph (10 m/s) and except during short-term events such as utility outages and/or severe wind storms.

(5) Compliance with Building Code

Development permit applications for small wind energy systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, footings, anchoring method and drawn to scale. An engineering analysis of the wind turbine tower showing compliance with the International Building Code and certified by a licensed professional mechanical, structural, or civil engineer shall also be submitted. Documentation of this analysis supplied by the manufacturer shall be accepted.

(6) Compliance with Air Traffic Safety Regulations

Small wind energy systems must comply with applicable air traffic safety regulations. A statement on compliance by the applicant is sufficient. Transport Canada must be notified of the location (latitude and longitude) and height of all wind turbine

installations through the aeronautical clearance application process. Small wind turbine towers shall not be artificially lit except as required by Navigation Canada.

(7) Compliance with Existing Electric Codes

Building permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to existing electrical codes. This information is frequently supplied by the manufacturer.

(8) Utility Notification

No small wind energy system that is tied into a grid shall be installed until evidence has been given that the utility has been informed of the customer's intent to install an interconnected customer-owner generator. A copy of a letter to the applicant's utility is sufficient. No response or evidence of approval from the utility is required. Off-grid systems and grid-tied systems that are not capable of feeding onto the grid with advanced control grid fault protection and disconnect switches covered under the electrical code shall be exempt from the requirement.

(9) Number per lot

One Small Wind Energy System is allowed per lot. A second system may be permitted at the discretion of the Development Authority if the applicant can demonstrate that there is adequate room on the site.

6.21 MICRO WIND CONVERSION SYSTEMS

(1) Notwithstanding any other provisions in this Land Use Bylaw, Micro Wind Energy Conversion Systems, which are systems which have a rated capacity of less than 0.5 KW, may only be roof mounted or ground mounted within a side or rear yard.

(2) Micro Wind Conversion Systems shall be required to conform to set back requirements for accessory buildings.

(3) Maximum height shall be the maximum height provisions that apply within the district in which the Micro Wind Conversion System is located.

(4) Number per lot

One Micro Wind Energy Conversion System is allowed per lot. A second system may be permitted at the discretion of the Development Authority if the applicant can demonstrate that there is adequate room on the site.

6.22 SOLAR ENERGY COLLECTION SYSTEMS

(1) Location

Ground mounted solar collectors shall be located in a side or rear yard only.

7.0 LAND USE DISTRICTS AND REGULATIONS

7.1 ESTABLISHMENT OF DISTRICTS AND LAND USE DISTRICT MAP

- (1) For the purpose of this Bylaw the Village of Waskatenau is divided into the following districts: Land Use District Regulations shall be set forth in the following districts:

<u>Short Form</u>	<u>District Designation</u>
R1	Residential
RMHS	Residential Manufactured Home Subdivision
C1	Commercial
C2	General Commercial
M	Industrial - General Industrial
P	Community
I	Institutional
FW	Open Space - Floodway
UR	Urban Reserve
DC	Direct Control

- (2) The boundaries of the districts listed in subsection (1) are as delineated on the Land Use District Map.

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

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

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

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

(a) where dimensions are set out on the Land Use District Map, the dimensions so set; or

(b) where dimensions are set out on the Land Use District with respect to such boundary, measurement of and use of the scale shown on the Land Use District Map.

- (4) If the foregoing rules cannot resolve a question regarding the exact location of a district boundary, Council shall determine the location to the degree of detail as circumstances require.

- (5) When Council has fixed a district boundary pursuant to subsection (4), the location of that boundary shall not be altered except by an amendment of this Bylaw.

- (6) Council shall maintain a list of its decisions with respect to district boundaries.

7.2 R – RESIDENTIAL DISTRICT

(1) General Purpose of District

This district is generally intended for permanent single unit dwellings in a homogeneous setting.

(2) Permitted Uses

- Accessory buildings
- Day homes
- Home occupations, minor
- Modular homes
- Dwellings, single detached
- Micro wind energy conversion system

Discretionary Uses

- Apartments
- Child care facilities
- Duplex dwellings
- Family care facility
- Group care facilities
- Home occupations, Major
- Manufactured homes
- Neighbourhood parks
- Parks or playgrounds
- Places of worship
- Public or quasi-public uses and buildings which are required to serve in the immediate area
- Schools
- Second dwellings
- Secondary suites
- Solar energy conversion systems
- Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses

(3) Relating to Single Detached Dwellings

(a) Maximum Lot Coverage

Dwellings		23%
Accessory		12%

Others as required by the Development Authority

(b) Minimum Floor Area (not including attached garage)

Single detached unit | be no less than 69.6 sq. m (750 sq ft).

(c) Minimum Site Area

Minimum site area	557.4 sq. m (6000 sq ft.)
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(d) Maximum Height

Maximum building height	9.0 m (29.5 ft).
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(e) Minimum Parcel Depth

Minimum parcel depth	34.0 m (111.5 ft).
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(f) Minimum Parcel Width

single detached unit	lane system	15.0 m (49.2 ft)
	laneless systems	18.0 m (59.0 ft).

(g) Front Yard Setback

Front yard setbacks shall be at the discretion of the Development Authority who shall have concern for development or potential development on adjacent parcels, but in no case shall a front yard setback be less than 6.0 m (19.7 ft).

Minimum front yard setback	6.0 m (19.7 ft).
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Maximum front yard setback	30% of lot depth
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(h) Minimum Rear Yard Setback

Minimum rear yard setback	9.1 m (30 ft).
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(i) Minimum Side Yard Setback

Interior lot	On lots greater than 15.2 m (50 ft.) with buildings under 7.6 m (24.9 ft) in height	10% of the lot width.
	On lots greater than 15.2 m (50 ft.) in width, which contain buildings under 7.6 m (24.9 ft) in height.	at the discretion of the Development Authority, the minimum side yard may be reduced to 5 ft.
	On all lots that contain buildings over 7.6 m (24.9 ft) in height.	2.3 m (7.5 ft)

Corner lot	Side abutting the flanking street	4.5 m (15 ft)
Where a parcel has vehicular access from the front only		one side yard setback must be a minimum of at least 3.2 m (10.5 ft) except where an attached garage or carport is provided

(4) Relating to Duplexes

(a) Minimum Site Area

“Up and down” units	576 sq. m (6,200 sq. ft.) provided that that the combined floor space areas do not exceed 185.8 sq. m 186 sq m. (2,000 sq. ft.)
Semi-detached or “side by side” units	697 sq. m (7,500 sq. ft.)

(b) Yard requirements

All yard requirements for single family dwellings shall also apply to duplex dwellings.

(c) Minimum Floor Area (not including attached garage)

Per dwelling unit	be no less than 55.7 sq. m (600 sq ft).
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(5) Relating to Apartments

(a) Density Requirements

Type of Suite	Minimum Suite Floor Area	Area of Site Required per Suite
Bed-sitting room	32.5 sq. m (350 sq. ft.)	74.3 sq. m (800 sq. ft.)
One bedroom	46.5 sq. m (500 sq. ft.)	97.5 sq. m (1,050 sq. ft.)
Two or more bedrooms	55.7 sq. m (600 sq ft)..	134.7 sq. m (1,450 sq. ft.)

(b) Minimum Site Area

Minimum site area for each apartment building block	799 sq. m (8,600 sq ft.)
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(c) Maximum Height

Maximum building height	Three storeys or 13.7 m (45 ft).
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(d) Maximum Lot Coverage

Apartment building block coverage	30%
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Others as required by the Development Authority

(e) Minimum Side Yard Setback

Minimum side yard setback	40% of the building height or 15% of the site width, whichever ever is greater.
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(f) Minimum Front and Rear Yard Setbacks

Minimum front and rear yard setbacks	9.1 m (30 ft).
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(g) Minimum Landscaping Requirements

Minimum Landscaped Area	10 % of the site area for apartments must be landscaped
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(h) Amenity Area

Amenity area means a landscaped area of land available to the occupants of the dwelling(s) located on the particular lot, for their personal enjoyment and recreation, shall be provided for apartment buildings according to the following schedule.

Type of Suite	Minimum Amenity Area
Bed-sitting room	18.1 sq. m (195 sq. ft.)
One bedroom	27.8 sq. m (300 sq. ft.)
Two or more bedrooms	69.6 sq. m (750 sq ft.)

(i) The site of the amenity area(s) shall be at the discretion of the Development Authority.

(ii) All other uses as required by the Development Authority.

(i) Other regulations, with respect to the land uses identified here, may be found in the General Provisions section of this Land Use Bylaw.

7.3 RMHS - RESIDENTIAL MANUFACTURED HOME SUBDIVISION DISTRICT

(1) General Purpose of District

This district is generally intended for manufactured home subdivisions, in which each unit is located on a separately registered parcel

(2) Permitted Uses

- Accessory buildings
- Manufactured homes
- Neighbourhood parks
- Home occupations, minor
- Micro wind energy conversion systems

Discretionary Uses

- Home occupations, major
- Modular homes
- Places of worship
- Public or quasi-public uses and buildings which are required to serve in the immediate area
- Solar energy conversion systems
- Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses

(3) Relating to Single Detached Dwellings

(a) Maximum Lot Coverage

Dwelling	22%
Accessory	12%
Other Uses	As approved by the Development Authority
Others as required by the Development Authority	

(b) Minimum Floor Area (not including attached garage)

Dwelling	no less than 46.4 sq. m (500 sq ft).
Other Uses	As approved by the Development Authority

(c) Minimum Site Area

Dwellings	557.4 sq. m (6000 sq ft.)
Other Uses	As approved by the Development Authority

(d) Maximum Height

Dwellings	5.4 m (18 ft.)
Accessory	4.7m5 (15 ft.)
Other Uses	As approved by the Development Authority

(e) Front Yard Setback

Minimum front yard setback	4.75m (15 ft.) or as approved by the Development Authority
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(f) Minimum Rear Yard Setback

Minimum rear yard setback	3m (10 ft.), but where the windows are at the rear of the unit the minimum required rear yard shall be 4.7m5 (15 ft.)
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(g) Minimum Side Yard Setback

Minimum side yard setback	3m (10 ft.)
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(h) Other regulations, with respect to the land uses identified here, may be found in the General Provisions section of this Land Use Bylaw.

7.4 C1 – COMMERCIAL DISTRICT

(1) General Purpose of District

This district is generally to allow for commercial development appropriate for the Central Business District of the municipality and involving fairly high density development. The regulations do not permit obnoxious uses or those uses involving excessive outside storage.

(2) Permitted Uses

- Accessory buildings
- Bakeries
- Bank
- Business offices
- Clinics
- Laundromats/drycleaners
- Eating and drinking establishments (not drive in restaurants)
- Hotels
- Personal service shops
- Retail stores
- If the then floor space area used is not greater than 4000 sq. ft. the manufacture or treatment of products essential to the retail business conducted on the premises.

Discretionary Uses

- Auction facilities
- Automotive Repair Shop, minor
- Bowling alley
- Car washes
- Clinic
- Club or lodge
- Schools
- Day care facilities
- Drive-in business
- Dwellings attached to commercial uses (see special provisions)
- Indoor amusement facilities
- Motels or motor hotels
- Multi-use Development
- Parking facilities
- Private clubs/lodges
- Public uses
- Recycling depots
- Service stations
- Solar energy conversion systems
- The indoor storage of articles before sale in connection with any of the aforementioned uses.
- An accessory budding or use incidental to any of the aforementioned uses. Accessory use in this connection shall be deemed to include dwelling accommodation in a building used for any of the aforementioned uses.
- Public and quasi-public buildings and uses.

- Any use the Development Officer considers similar to above permitted or discretionary uses.

(3) Regulations

(a) Maximum Lot Coverage

Commercial Development	80 % provided that provision has been made for on-site parking loading, storage and waste disposal to the satisfaction of the Development Authority.
All others as required by the Development Authority	

(b) Minimum Floor Area (not including attached parking garage)

Minimum Floor Area	At the discretion of the Development Authority
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(c) Minimum Site Area

Minimum site area	139.3 sq. m (1500 sq ft)
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(d) Maximum Height

Maximum building height	9.0 m (29.5 ft)
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(e) Minimum Parcel Width

Minimum parcel width	9 m (30ft)
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(f) Front Yard Setback

Minimum front yard setback	No front yard setback is required except where the Development Authority may deem it necessary to conform with existing development
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(g) Minimum Rear Yard Setback

Minimum rear yard setback	7.6 m (25 ft) or as required by the Development Authority
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(h) Minimum Side Yard Setback

Interior lot	Adjacent to the C1 District	No sideyard setback is required.
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Adjacent to a residential district

Except that if a side yard is provided then it shall not be less than 1.5 m (5 ft.)
Minimum of 1.5 m (5 ft.)

- (i) Where shopping centres or groups of shops are to be built on the site, requirements shall be determined by the Development Officer who shall deal with the overall scheme, taking into account buildings, access, parking and specific commercial uses.
- (j) Where mixed commercial/residential structures are permitted the residence shall be located on the upper floor and have a separate entry at the ground floor from any commercial uses.
- (k) Other regulations, with respect to the land uses identified here, may be found in the General Provisions section of this Land Use Bylaw.

7.5 C2 – GENERAL COMMERCIAL DISTRICT

(1) General Purpose of District

The general purpose of this District is to allow for general commercial developments that would be more appropriately situated on a larger parcel of land and may involve manufacturing and/or outdoor storage.

(2) Permitted Uses

- Manufacturing uses
- Micro wind energy conversion systems
- Small wind energy conversion systems

Discretionary Uses

- Animal Clinic
- Animal Hospital
- Animal Shelter
- Auction facilities
- Automobile repair, major
- Automobile repair, minor
- Auto sales (new and used)
- Car washes
- Clinic
- Club or lodge
- Schools
- Day care facilities
- Drive-in business
- Dwellings attached to commercial uses (see special provisions)
- Indoor amusement facilities
- Motels or motor hotels
- Parking facilities
- Places of Worship
- Public uses
- Public utility installations and uses
- Recreational uses
- Recycling depots
- Service stations or gas stations
- Solar energy conversion systems
- An accessory building or use incidental to any of the aforementioned uses.
- Any use the Development Officer feels are similar to above permitted or discretionary uses.

(3) Regulations

(a) Maximum Lot Coverage

Commercial Development	80 % provided that provision has been made for on-site parking loading, storage and waste disposal to the satisfaction of the Development Authority.
All others as required by the Development Authority	

(b) Minimum Floor Area (not including attached parking garage)

Minimum Floor Area	At the discretion of the Development Authority
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(c) Minimum Site Area

Minimum site area	139.3 sq. m (1500 sq ft.)
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(d) Maximum Height

Maximum building height	9.0 m (29.5 ft).
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(e) Minimum Parcel Width

Minimum parcel width	9 m (30ft).
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(f) Front Yard Setback

Minimum front yard setback	No front yard setback is required except where the Development Authority may deem it necessary to conform with existing development
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(g) Minimum Rear Yard Setback

Minimum rear yard setback	7.6 m (25 ft) or as required by the Development Authority
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(h) Minimum Side Yard Setback

Interior lot	Adjacent to the C1 or C2 District	No sideyard setback is required. Except that if a side yard is provided then it shall not be less than 1.5 m (5 ft.)
	Adjacent to a residential	Minimum of 1.5 m (5 ft.)

| district |

- (i) No use is to be established that is or will become obnoxious by way of noise, odour, dust or fumes.
- (j) Other regulations, with respect to the land uses identified here, may be found in the General Provisions section of this Land Use Bylaw.

7.6 M – INDUSTRIAL – GENERAL INDUSTRIAL DISTRICT

(1) General Purpose of District

This district is intended to provide for manufacturing, processing, assembly, distribution, storage, service and repair uses which may carry out a portion of their operation outdoors, but which do not cause objectionable or dangerous conditions beyond the parcel on which they are situated.

(2) Permitted Uses

- Animal Clinic
- Animal Hospital
- Animal Shelter
- Accessory buildings
- Auction facilities
- Auto body shops
- Building supplies
- Engine repairs
- Heavy equipment sales, service and repairs
- Manufacturing Uses
- Micro wind energy conversion systems
- Small wind energy conversion systems
- Solar energy conversion systems
- Storage uses
- Warehouse uses

Discretionary Uses

- All of the discretionary Uses in the C2 District.
- Assembly plants
- Bulk fuel depots
- Greenhouses or plant nurseries
- Large wind energy conversion systems
- Natural resource processing
- Recreational Uses
- Parks or playgrounds
- Power generating plants
- Public uses
- Public utility installations and uses
- Surveillance suites
- Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses.

(3) Regulations

(a) Maximum Lot Coverage

Industrial Development | Parcel coverage shall not exceed 60%.
All others as required by the Development Authority

(b) Minimum Floor Area (not including attached parking garage)

Minimum Floor Area | As required by the Development Authority

(c) Minimum Site Area

Minimum site area | As required by the Development Authority

- (d) Maximum Height
- | | |
|--------------------------------|--|
| Maximum building height | As required by the Development Authority |
|--------------------------------|--|
- (e) Front Yard Setback
- | | |
|-----------------------------------|-------------------|
| Minimum front yard setback | 99.0 m (29.5 ft). |
|-----------------------------------|-------------------|
- (f) Minimum Rear Yard Setback
- | | |
|----------------------------------|------------------|
| Minimum rear yard setback | 9.0 m (29.5 ft). |
|----------------------------------|------------------|
- (g) Minimum Side Yard Setback
- | | |
|----------------------------------|--|
| Minimum side yard setback | As required by the Development Authority |
|----------------------------------|--|
- (h) Other regulations, with respect to the land uses identified here, may be found in the General Provisions section of this Land Use Bylaw.
- (i) Parking, loading, or storage areas shall not be permitted within the required front yard.
- (i) Appearance
 - (ii) A minimum of 10% of the parcel shall be landscaped with trees, shrubs and planted ground cover in accordance with plans approved by the Development Authority.
 - (iii) The exterior design and finish of all buildings shall be to the satisfaction of the Development Authority
 - (iv) All outside storage areas shall be located and screened from public view to the satisfaction of the Development Authority.
 - (v) Normal use of the site shall be such that it does not interfere with the surrounding land uses by way of noise, dust, vibration, harmful or objectionable odours or emissions, or excessive lighting.

(4) Environmental Standards

- (a) Toxic or noxious materials, dust or ash shall not be released or permitted to escape into the atmosphere at such a rate as to interfere with the use or enjoyment of property or to endanger the health or safety of the public.
- (b) No industrial operation shall be carried out which would result in the projection of noise, vibration, light or heat, considered excessive by the development Authority, onto an adjacent parcel.

- (c) Industrial discharge into the municipal sewer system shall be by agreement with the municipality and shall be non-hazardous and at a rate that will not over burden the system.

7.7 P – COMMUNITY DISTRICT

(1) General Purpose of District

The general purpose of this District is to permit the use of land for services, mainly of a public nature, which have a primary orientation toward the community.

(2) Permitted Uses

- Parks
- Playgrounds
- Recreation uses
- Micro wind energy conversion systems
- Solar energy conversion systems
- Public and quasi-public buildings and uses

Discretionary Uses

- Campground, basic
- Cemeteries
- Public utility installations and uses
- Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses

(3) Regulations

- (a) All site requirements shall be as approved by the Development Officer.
- (b) Other regulations with respect to the land uses identified here may be found in the General Provisions section of the Land Use Bylaw.
- (c) At the sole discretion of the Development Authority, an environmental review or biophysical site assessment may be required prior to a development permit being issued for new development.
- (d) The removal of vegetation or disturbance of soil or natural ground is not allowed.
- (e) The Development Authority may refer development permit applications involving land with existing or potential recreation, wildlife scenic or environmental value to Alberta Sustainable Resource Development for its review and recommendation.

7.8 I – INSTITUTIONAL DISTRICT

(1) General Purpose of District

The general purpose of this District is to allow the development of uses of either a public or private nature which provide services to the community.

(2) Permitted Uses

- Accessory buildings and uses
- Community hall
- Healthcare services
- Micro wind energy conversion systems
- Places of Worship
- Public and quasi-public buildings and uses
- Schools
- Senior citizens homes and similar buildings
- Solar energy conversion systems

Discretionary Uses

- Cemeteries
- Recreation uses
- Private clubs and lodges
- Public and quasi-public buildings
- Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses

(3) Regulations

- (a) All site requirements shall be as approved by the Development Officer.
- (b) Other regulations with respect to the land uses identified here may be found in the General Provisions section of the Land Use Bylaw.

7.9 FW – FLOODWAY DISTRICT

(1) General Purpose of District

The general purpose of this District is to control the development within the floodplain area of Waskatenau Creek and to ensure that this area is maintained for public use and enjoyment.

(2) Permitted Uses

- Extensive agriculture
- Natural areas
- Public parks

Discretionary Uses

- Extensive recreation
- Walkways and horse riding trails
- Buildings and uses which are accessory to the above uses but not including any structure for human habitation

(3) Development Regulations

- (a) No building or structures shall be permitted in this district except as may be permitted under discretionary uses. The buildings or structures where permitted, shall be at least 6 m (19.6 ft.) feet above the high water level of Waskatenau Creek.
- (b) Other regulations, with respect to the land uses identified here, may be found in the General Provisions section of this Land Use Bylaw.
- (c) Council shall only consider an application for reclassification of these lands for other purposes upon submission of supporting information outlining the suitability of the subject lands for the proposed use(s) and proposals for channelizing the watercourse and grading the site to make it suitable for the proposed use(s) Completion of these works would be a condition of approval for any development permit, should a reclassification application be successful.
- (d) At the sole discretion of the Development Authority, an environmental review or biophysical site assessment may be required prior to a development permit being issued for new development.
- (e) The removal of vegetation or disturbance of soil or natural ground is not allowed.
- (f) The Development Authority may refer development permit applications involving land with existing or potential recreation, wildlife scenic or environmental value to Alberta Sustainable Resource Development for its review and recommendation.

7.10 UR - URBAN RESERVE DISTRICT

(1) General Purpose of District

The general purpose of this district is to reserve those lands on the periphery of the Village which by their relationship to existing land uses, to the main road system, and to the established utility systems, will in time become suitable for general urban uses.

(2) Permitted Uses

- Extensive agriculture
- Micro wind energy conversion systems
- Natural areas
- Solar energy conversion systems

Discretionary Uses

- Extensive recreation
- Greenhouses or plant nurseries
- Natural resource development
- Dwellings, single detached
- Small animal breeding and boarding facilities
- Small wind energy conversion systems
- Any use or building that the Development Authority feels will not prejudice the future subdivision of the area for urban development.

(3) Development Regulations

- (a) No subdivision shall be permitted, except as required in the Act or for municipal purposes, unless it is in accordance with an approved Area Structure Plan or Outline Plan.
- (b) All development regulations shall be at the discretion of the Development Authority.
- (c) Water supply and sewage disposal shall be in accordance with relevant provincial regulations.
- (d) The Development Authority may specify the length of time a use will be permitted to occur, having regard for future subdivision and development of the area.
- (e) Other regulations with respect to the land uses identified here may be found in the General Provisions section of the Land Use Bylaw.

7.11 DC – DIRECT CONTROL DISTRICT

(1) General Purpose of District

This district is intended to enable specific developments to occur in areas of unique character or circumstance, under the direct control of Council.

(2) Uses

As allowed by Council

(3) Development Regulations

- (a) All parcel regulations shall be at the discretion of Council. Design, siting, and landscaping shall be utilized to reduce or compensate for any objectionable aspects or incompatibility with surrounding developments.
- (b) When evaluating a proposed development in a Direct Control District, Council shall comply with the Municipal Government Act and Subdivision Regulation, the Municipal Development Plan and any other relevant Statutory Plan, and shall also have regard for:
 - (i) existing land use;
 - (ii) previous regulations and development criteria pertaining to the area;
 - (iii) provisions of this Land Use Bylaw;
 - (iv) the development of adjacent areas.

(4) Land Use Agreement

- (a) As a condition of approval of a development permit, an applicant may be required to enter into a legal Land Use Agreement with the Village to ensure that the use and development of the parcel complies with the approved comprehensive plan of development.
- (b) A Land Use Agreement shall be registered by the Village as a restrictive covenant against the parcel.

(5) Appeals

- (a) Decisions made pursuant to this section cannot be varied by an appeal to the Development Appeal Board as is the case in all other land use districts. Within a direct control district, DEVELOPMENT PERMITS AND ATTACHED CONDITIONS CAN ONLY BE ALTERED BY COUNCIL.