

Village of Waskatenau

LAND USE BYLAW

Bylaw 686-2021

Guide to Using the Land Use Bylaw

The Land Use Bylaw establishes the regulations on how land can be developed (that is, how land can be used and buildings can be either constructed or moved in) in the Village of Waskatenau. Regulations vary depending on the location and types of development. Other Bylaws or regulations of the municipality, Province or Federal Government must also be followed.

There are several parts of the Land Use Bylaw that need to be examined to understand how it works. Firstly, the Land Use Bylaw maps divide the municipality into various Land Use Districts. Secondly, the text of the Land Use Bylaw details the uses that are allowed in each District. Thirdly, the text provides additional regulations that apply to certain uses and/or within certain Districts. The following steps may assist the user:

Locate the subject property on the Land Use District Map in **Section 10 – Land Use District Map**. These maps divide the municipality into various Land Use Districts. Each Land Use District has a designation such as Residential District (R). Take note of which Land Use District the subject property is located in.

Check the table of contents and locate the Land Use District you are interested in. Land Use Districts are listed in **Section 9 – Land Use Districts**. In each Land Use District you will find a list of permitted and discretionary uses, subdivision regulations, development regulations and other miscellaneous regulations. This determines how and what can be developed in any given Land Use District. There are definitions in **Section 1.5 – Interpretation** that should also be consulted to ensure that words and terms used in the Land Use Bylaw are understood.

Review the Table of Contents to see if there are any general regulations that apply to the situation or use in question. For example, **Section 6 – Enforcement** describes the enforcement procedure. **Sections 7 – General Regulations and 8 – Special Regulations** address topics such as accessory buildings, home occupations, and recreational vehicles, to name just a few.

Discuss your proposal/concern with Village Administration; they can assist you with your development, subdivision, general inquiry issues and to explain procedures. They can also assist with other situations such as enforcement or a Land Use Bylaw amendment.

Please note that this **Guide to Using the Land Use Bylaw** is intended to assist the reader, and does not form part of the Land Use Bylaw.

Table of Contents

GUIDE TO USING THE LAND USE BYLAW	I
TABLE OF CONTENTS	II
1. ADMINISTRATION	1
1.1 TITLE	1
1.2 SCOPE	1
1.3 PURPOSE	1
1.4 MEASUREMENTS	1
1.5 INTERPRETATION	1
1.6 DEVELOPMENT AUTHORITY	18
1.7 DEVELOPMENT AUTHORITY OFFICER	18
1.8 MUNICIPAL PLANNING COMMISSION	18
1.9 SUBDIVISION AND DEVELOPMENT APPEAL BOARD	18
1.10 COUNCIL	18
2. DEVELOPMENT	19
2.1 CONTROL OF DEVELOPMENT	19
2.2 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT	19
2.3 NON-CONFORMING BUILDINGS AND USES	20
2.4 PERMISSION FOR DEVELOPMENT	21
2.5 PERMISSION FOR DEMOLITION	22
2.6 NOTICE OF COMPLETE OR INCOMPLETE APPLICATION	23
2.7 DEVELOPMENT PERMITS AND PUBLIC NOTIFICATION	24
2.8 DEVELOPER'S RESPONSIBILITY	25
2.9 ON-SITE AND OFF-SITE SERVICES AND IMPROVEMENTS	25
2.10 VARIANCE PROVISIONS	25
3. SUBDIVISION	27
3.1 SUBDIVISION APPLICATION REQUIREMENTS	27
3.2 SUBDIVISION PROCESS	28
3.3 NOTICE OF COMPLETE OR INCOMPLETE SUBDIVISION APPLICATION	28
3.4 DUTIES OF THE SUBDIVISION AUTHORITY	29
3.5 SUBDIVISION REQUIREMENTS & CONDITIONS	29
4. APPEALS	30
4.1 DEVELOPMENT APPEALS	30
4.2 SUBDIVISION APPEALS	31
4.3 APPEAL HEARING	32
5. AMENDMENTS	33
5.1 APPLICATION TO AMEND THE LAND USE BYLAW	33
6. ENFORCEMENT	35
6.1 GENERAL PROVISIONS	35
6.2 PROHIBITIONS	35
6.3 RIGHT OF ENTRY	35
6.4 VIOLATION WARNING	35
6.5 WARNING AND FINAL WARNING NOTICE	35
6.6 OFFENSES AND FINES	35
6.7 STOP ORDERS	35
6.8 ENFORCEMENT OF STOP ORDERS	36
6.9 VIOLATION TAGS AND TICKETS	36
7. GENERAL REGULATIONS	37
7.1 ACCESSORY BUILDINGS	37
7.2 DWELLING UNITS ON A PARCEL	38
7.3 KEEPING OF ANIMALS	38
7.4 LANDSCAPING	38

7.5	OBJECTS PROHIBITED OR RESTRICTED IN YARDS	39
7.6	PARKING AND LOADING	40
7.7	SIGNS	43
7.8	SITE DEVELOPMENT	44
7.9	SUBDIVISION OF LAND	45
7.10	YARDS	45

8. SPECIAL REGULATIONS **46**

8.1	ALCOHOL SALES AND STORAGE	46
8.2	BASIC CAMPGROUNDS	46
8.3	BED AND BREAKFAST OPERATIONS	48
8.4	CARWASHES	48
8.5	DAY USE AND PICNIC AREAS	48
8.6	DEMOLITION OR REMOVAL OF BUILDINGS	49
8.7	HOME OCCUPATIONS	49
8.8	MOTELS	50
8.9	INDUSTRIAL DEVELOPMENT	51
8.10	MANUFACTURED HOMES	52
8.11	MULTIPLE DWELLING DEVELOPMENTS	53
8.12	PLACES OF WORSHIP	53
8.13	RECREATIONAL VEHICLE CAMPGROUNDS AND PARKS	53
8.14	RECREATIONAL VEHICLES LOCATED IN A RECREATIONAL VEHICLE CAMPGROUND	54
8.15	RELOCATION OF BUILDINGS OTHER THAN MANUFACTURED AND MOBILE HOMES	54
8.16	SEA CANS AND SHIPPING CONTAINERS	55
8.17	SERVICE STATIONS AND GAS STATIONS	55
8.18	SOLAR ENERGY COLLECTION SYSTEMS	56
8.19	SURVEILLANCE SUITES	56
8.20	SECONDARY SUITES	57
8.21	WIND ENERGY CONVERSION SYSTEMS (MICRO)	58
8.22	WIND ENERGY CONVERSION SYSTEMS (SMALL)	58
8.23	WIND ENERGY CONVERSION SYSTEMS (LARGE)	60

9. LAND USE DISTRICTS **62**

9.1	ESTABLISHMENT OF LAND USE DISTRICTS AND LAND USE DISTRICT MAP	62
9.2	RESIDENTIAL (R) DISTRICT	63
9.3	RESIDENTIAL MANUFACTURED HOME SUBDIVISION (RMHS) DISTRICT	67
9.4	COMMERCIAL (C1) DISTRICT	69
9.5	GENERAL COMMERCIAL (C2) DISTRICT	71
9.6	GENERAL INDUSTRIAL (M1) DISTRICT	73
9.7	COMMUNITY (P) DISTRICT	75
9.8	INSTITUTIONAL (I) DISTRICT	76
9.9	OPEN SPACE/FLOODWAY (FW) DISTRICT	77
9.10	URBAN RESERVE (UR) DISTRICT	78
9.11	DIRECT CONTROL (DC) DISTRICT	79

10. LAND USE DISTRICT MAP **80**

1. Administration

1.1 TITLE

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

1.2 SCOPE

- 2 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

- 3 The purpose of this Bylaw is, amongst other things:
 - a. to divide the municipality into districts;
 - b. to prescribe and regulate the use(s) for each district;
 - c. to establish the Development Authority;
 - d. to establish a method for making decisions on development permit applications and issuing development permits;
 - e. to prescribe the manner in which notice is to be given of the issuance of a development permit;
 - f. to implement the policies of the statutory plans of the Village of Waskatenau;
 - g. to establish supplementary regulations governing certain specific land uses; and
 - h. to establish the procedures for making amendments to this Bylaw.

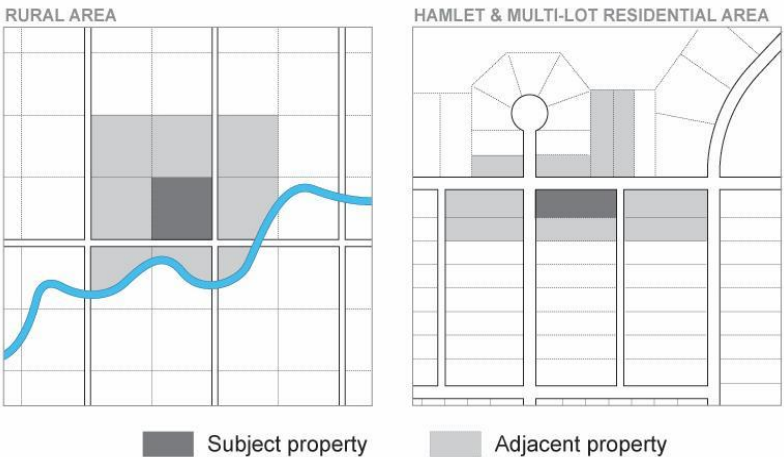
1.4 MEASUREMENTS

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

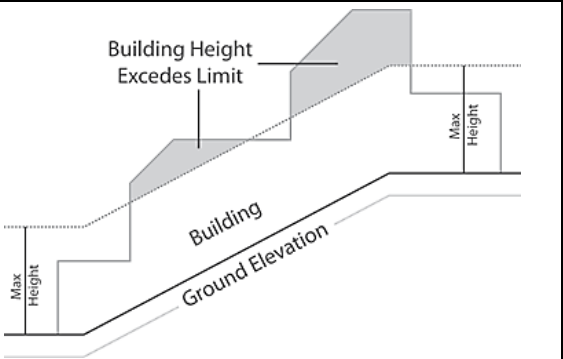
1.5 INTERPRETATION

- 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; <ol style="list-style-type: none">a. land that would be contiguous if not for a highway, road, river or stream, andb. any other land identified in the Land Use Bylaw as adjacent land for the purpose of notification;

		 <p style="text-align: center;">FIGURE 1: ADJACENT LAND EXAMPLES</p>
5	AMENITY AREA	<p>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;</p>
6	AMENITY AREA, PRIVATE OUTDOOR	<p>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:</p> <ul style="list-style-type: none"> a. landscaped areas; b. patios; c. balconies; d. communal lounges; e. swimming pools; f. play areas; and g. similar uses. <p>But does not include:</p> <ul style="list-style-type: none"> a. any area occupied at grade by a building's service areas; b. parking lots; c. aisles; or d. access driveways.
7	AMUSEMENT ESTABLISHMENT	<p>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;</p>
8	ANIMAL BOARDING FACILITY	<p>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;</p>
9	ANIMAL BREEDING AND/OR BOARDING FACILITY	<p>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;</p>

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	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;
14	ASSEMBLY PLANT	means a factory where manufactured parts are assembled into a finished product;
15	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;
16	AUTOMOBILE REPAIR SHOP, MAJOR	means the general repair, rebuilding, or reconditioning of engines, motor vehicles, or trails such as collision service, body repair and frame straightening; painting and upholstering; vehicle steam cleaning; and under coating;
17	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;
18	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;
19	BAKERY	means a shop where baked goods are produced and offered for sale on the premises only;
20	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;
21	BANK	means an institution where money is deposited, kept, lent or exchanged;
22	BASEMENT SUITE	refers to a self-contained dwelling unit within the basement of a single detached dwelling;
23	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;
24	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;
25	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;
26	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;
27	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;

28	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 2);	 <p style="text-align: center;">FIGURE 2: BUILDING HEIGHT</p>
29	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;	
30	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;	
31	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;	
32	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;	
33	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;	
34	CAR WASHING ESTABLISHMENT	means a building used for the purpose of washing motor vehicles;	
35	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;	
36	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;	
37	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;	
38	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;	
39	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;	

40	COMMUNITY HALL	means a building or part of a building used for community activities without purpose of gain;
41	CORNER	means the intersection of any two property lines of a parcel;
42	CORNER LOT	means a lot with a side line abutting a road;
43	COUNCIL	means the Council of the Village of Waskatenau;
44	CURB CUT	means the lowering of a curb, sidewalk or boulevard to provide vehicular access to a parcel;
45	DAYCARE 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 4.5 m ² x 1/2 the capacity (e.g., a capacity of 20 children would require 45.0 m ² of play area (4.5 m ² x 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;
46	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;
47	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.);
48	DENSITY	means a measure of the average number of persons or dwelling units per unit of area;
49	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;
50	DEVELOPER	means the owner of lands on which development is proposed, or any other person applying for a development permit;
51	DEVELOPMENT	means development as defined in the Act, and includes the following: <ul style="list-style-type: none"> 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;

52	DEVELOPMENT AUTHORITY	means the Development Authority established by this Bylaw and appointed by Council;
53	DEVELOPMENT AUTHORITY OFFICER	means the Development Authority Officer established by this Bylaw and appointed by Council;
54	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;
55	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;
56	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;
57	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;
58	DRIVE-IN BUSINESS	means an establishment which normally provides service to customers travelling in motor vehicles driven onto the site;
59	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;
60	DWELLING, APARTMENT	means a single building comprised of three or more dwelling units with shared entrance facilities;
61	DWELLING, 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	DWELLING, 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, 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;
64	DWELLING, 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;
65	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;
66	DWELLING, SENIOR CITIZENS	means a dwelling used for the purpose of providing accommodation and related facilities for persons of retirement age, and may be developed in conjunction with other health services or public uses.

67	DWELLING UNIT(S)	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;
68	EASEMENT	means a right to use land, generally for access to other property or as a right-of-way for a public utility;
69	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;
70	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;
71	EXCAVATION	means the space created by the removal of soil, rock or fill for the purposes of construction;
72	EXTENSIVE AGRICULTURE	means the cultivation of land and raising of livestock, but does not include confined feeding operations, as defined by the Agricultural Operation Practices Act.
73	EXTENSIVE RECREATION	means a recreation use that does not need a permanent structure and includes hunting, fishing, canoeing and camping;
74	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;
75	FENCE	means a vertical physical barrier constructed for visual screening, sound abatement or security;
76	FLANKING LOT	means a lot with a side line abutting a road;
77	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;
78	FOUNDATION	means a system or arrangement of foundation units through which the loads from a building are transferred to the supporting soil or rock;
79	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;
80	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;
81	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;
82	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;

83	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;
84	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;
85	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;
86	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;
87	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;
88	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, outpatient care facilities, blood banks, and oxygen and miscellaneous types of medical supplies and services;
89	HEAVY EQUIPMENT SALES, SERVICE AND REPAIR	means a building or part of a building or structure in which: <ul style="list-style-type: none"> 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;
90	HIGHWAY COMMERCIAL USE	means a use intended primarily to provide commercial services for recreational, industrial and commercial travelers;
91	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;
92	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;
93	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;
94	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;
95	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;

96	INDOOR EATING ESTABLISHMENT	means an establishment where food and drink are intended to be consumed within the confines of the establishment;
97	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;
98	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;
99	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;
100	LINE, REAR	means the boundary line of a lot lying opposite to the front line of the lot and/or farthest from a road;
101	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;
102	LIQUOR STORE	means a development where alcoholic beverages are offered to the public for retail sale for consumption off premises;
103	LIVESTOCK	means livestock as defined in the Agricultural Operations and Practices Act, R.S.A. 2000, as amended;
104	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;
105	LOT	<p>means (see Figure 3):</p> <ol style="list-style-type: none"> 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; 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 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;
106	LOT AREA	means the total area of a lot;
107	LOT COVERAGE	means the combined area of all buildings on a lot excluding specific features allowed under this Bylaw as projections into required yards;
108	LOT DEPTH	means the average distance between the front and rear lines of a lot;

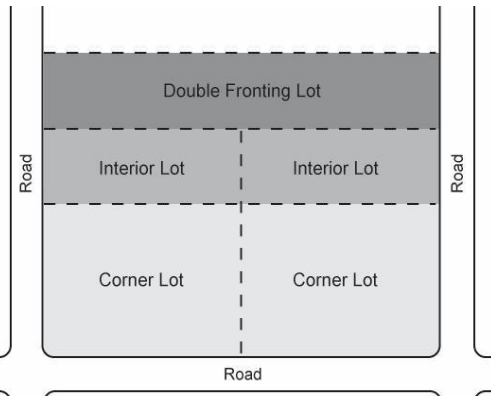
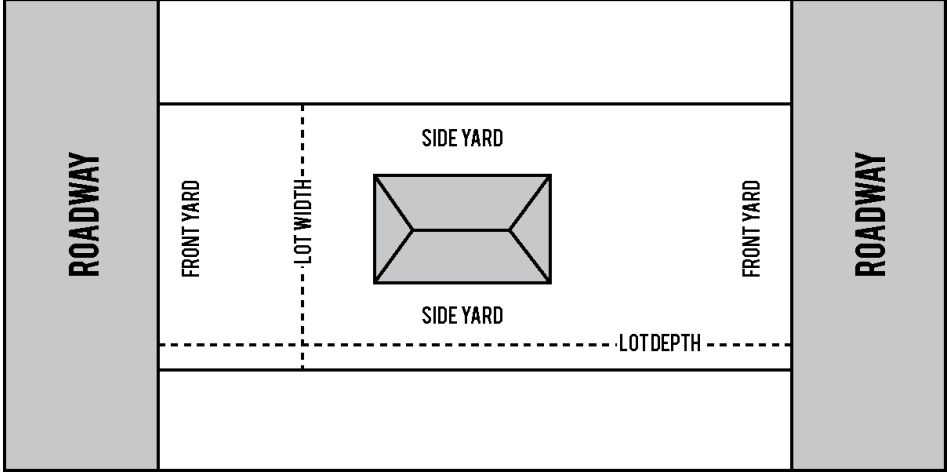


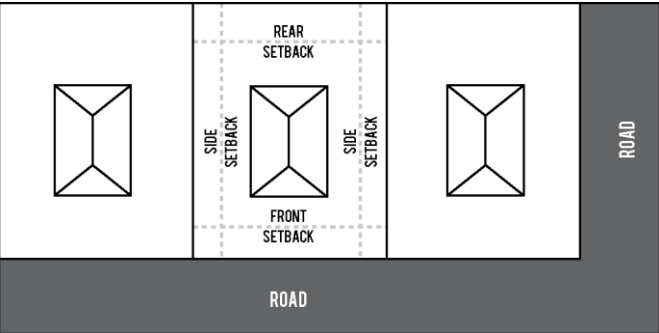
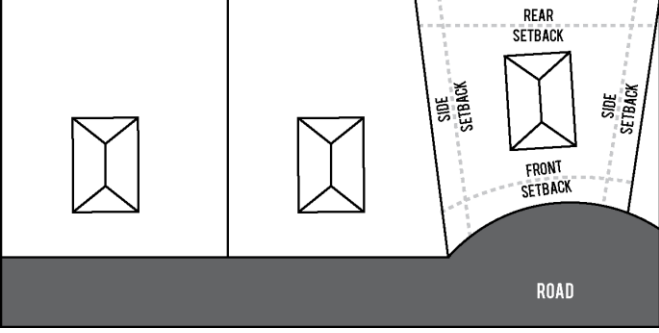
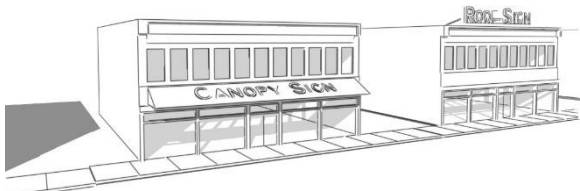
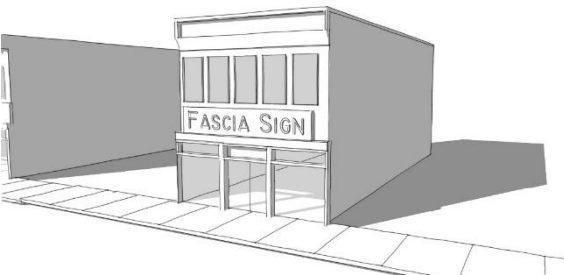
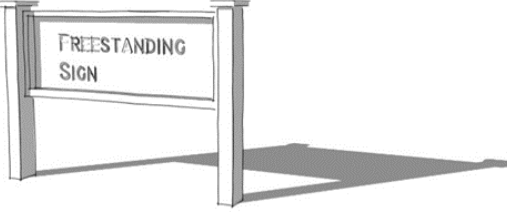
FIGURE 3: LOT TYPES


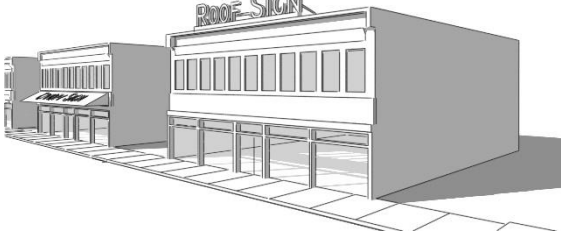
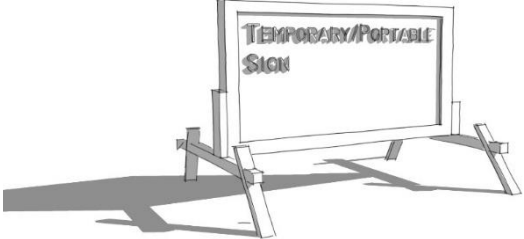

109	LOT, DOUBLE FRONTING	<p>means a lot which abuts two roads (except alleys as defined in the Traffic Safety Act, R.S.A. 2000, as amended), which are parallel or nearly parallel where abutting the lot, but does not include a corner lot (see Figure 4);</p>  <p style="text-align: center;">FIGURE 4: DOUBLE FRONTING LOT</p>
110	LOT, INTERIOR	means a lot which has a road only on the front line;
111	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 midpoint of the front line to the midpoint of the rear line on a curved road;
112	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;
113	MANUFACTURED HOME SUBDIVISION	means an area which has been separated by legal subdivision into parcels designated for manufactured homes;
114	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;
115	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;
116	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;
117	MULTI-UNIT DWELLING	means a dwelling containing three or more dwelling units;
118	MUNICIPALITY	means the Village of Waskatenau, in the Province of Alberta;
119	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;

120	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;
121	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;
122	NEIGHBOURHOOD 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;
123	NON-CONFORMING BUILDING	means a building: <ul style="list-style-type: none"> 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;
124	NON-CONFORMING USE	means a lawful specific use: <ul style="list-style-type: none"> 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 amendment thereof affecting the land or building becomes effective; and b. that on the date the Land Use Bylaw or any amendment thereof becomes effective does not, or in the case of a building under construction, will not comply with the Land Use Bylaw;
125	OCCUPANCY	means the use or intended use of a building or part thereof for the shelter or support of persons or property;
126	OFF-STREET PARKING	means an off-street facility for the parking of three or more vehicles;
127	OUTDOOR EATING ESTABLISHMENT	means an establishment where food and drink are normally consumed either outside or inside the confines of the establishment;
128	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;
129	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;
130	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;
131	PARKING SPACE	means a portion of a lot set aside for the parking of one vehicle;
132	PATIO	means any developed surface adjacent to a building which is less than 0.6 m (2.0 ft.) above grade;
133	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;
134	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

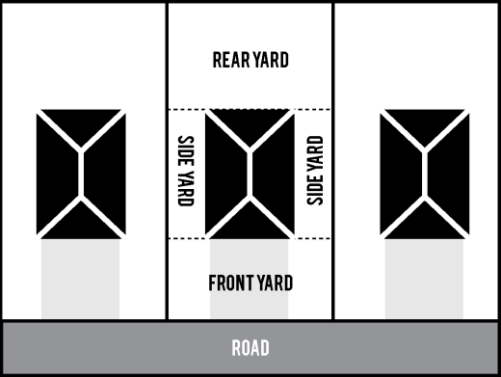
		repair shops, dry cleaning establishments and laundromats. This does not include health services;
135	PLACE OF WORSHIP	a facility for people to assemble in order to conduct religious services and related educational, philanthropic, or social activities and may include rectories, manses, classrooms, dormitories and accessory buildings;
136	PRINCIPAL BUILDING	means a building which, in the opinion of the Development Authority: <ul style="list-style-type: none"> 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;
137	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;
138	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;
139	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;
140	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;
141	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;
142	PUBLIC UTILITY	means a public utility as defined in the Act;
143	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;
144	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;
145	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: <ul style="list-style-type: none"> 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;
146	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;
147	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;
148	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;
149	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;
150	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;
151	ROAD	means a road as defined in the Act which is not a lane as defined in this Bylaw;
152	SCHOOL	means a public school, private school or charter school, a university, or a college authorized by the authority having jurisdiction;
153	SEA CAN (OR SHIPPING CONTAINER)	means a container which is used as a storage vault and includes sea/land/rail shipping containers;
154	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;
155	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;

156	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 5 and 6);	 <p style="text-align: center;">FIGURE 5: SETBACK REGULAR LOTS</p>  <p style="text-align: center;">FIGURE 6: SETBACK IRREGULAR LOTS</p>
157	SIGN	means an object or device intended for the purpose of advertising or calling attention to any person, matter, thing or event;	
158	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;	 <p style="text-align: center;">FIGURE 7: CANOPY SIGN</p>
159	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 (0.3 ft.) from the surface of the building, and does not project above the roof or parapet (see Figure 8);	 <p style="text-align: center;">FIGURE 8: FASCIA SIGN</p>
160	SIGN, FREESTANDING	means a sign supported by one or more uprights, braces or pylons, and stands independently of another structure (see Figure 9);	 <p style="text-align: center;">FIGURE 9: FREESTANDING SIGN</p>

161	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;
162	SIGN, PROJECTING	<p>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 (see Figure 10);</p>  <p>A 3D architectural rendering of a building with a sign that projects outwards from the facade. The sign is rectangular and has the words 'PROJECTING SIGN' written vertically on it.</p> <p style="text-align: right;">FIGURE 10: PROJECTING SIGN</p>
163	SIGN, ROOF	<p>means a sign erected upon, against or directly above the roof of a building or the top of a parapet wall (see Figure 11);</p>  <p>A 3D architectural rendering of a building with a sign mounted on its roof. The sign is rectangular and has the words 'ROOF SIGN' written on it.</p> <p style="text-align: right;">FIGURE 11: ROOF SIGN</p>
164	SIGN, TEMPORARY/ PORTABLE	<p>means a sign on a standard or column fixed to its own self-contained base and capable of being moved manually (see Figure 12);</p>  <p>A 3D architectural rendering of a sign on a self-contained base. The sign is rectangular and has the words 'TEMPORARY/PORTABLE SIGN' written on it. The base consists of two legs that support the sign.</p> <p style="text-align: right;">FIGURE 12: TEMPORARY/PORTABLE SIGN</p>
165	SIGN, UNDER-CANOPY	<p>means a sign which is attached to the bottom surface or edge of a canopy (see Figure 13);</p>  <p>A 3D architectural rendering of a building with a canopy over the entrance. A sign is attached to the bottom edge of the canopy. The sign is rectangular and has the words 'UNDER CANOPY SIGN' written on it.</p> <p style="text-align: right;">FIGURE 13: UNDER CANOPY SIGN</p>
166	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;
167	SOLAR ARRAY	means multiple solar panels use in conjunction to produce electricity;

168	SOLAR PANEL, FREE STANDING	means a device which is used to convert energy contained within the sun's rays into electricity, which is not mounted or attached to any other structure for support;
169	SOLAR PANELS, ROOF MOUNTED	means a device which is used to convert energy contained within the sun's rays into electricity, which is located, mounted, or attached to the roof of a structure;
170	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;
171	STALL	means a portion of a manufactured home park on which a manufactured home may be placed;
172	STORAGE USE	means the primary use of a building or other structure for the storing of goods or materials;
173	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;
174	SUBDIVISION AUTHORITY	means a Subdivision Authority established Pursuant to Section 623 of the Municipal Government Act;
175	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;
176	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;
177	SUITE, SECONDARY	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;
178	SUITE, SURVEILLANCE	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;
179	TEMPORARY BUILDING	means a building that has been approved for a limited time only;
180	TEMPORARY USE	means a use that has been approved for a limited time only;
181	USE	means a use of land or a building as determined by the Development Authority;
182	UTILITY BUILDING	means a building which contains the offices or any equipment used in connection with a public utility;
183	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 (4,537 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;
184	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;
185	WALKWAYS AND TRAILS	means an area used for non-vehicular multimodal transportation and/or recreational travel;
186	WAREHOUSE	means the use of a building or part of 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;
187	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;
188	WIND ENERGY CONVERSION SYSTEM, MICRO	means a small-scale wind turbine, which is small in height and diameter and can be installed on the roof of a building or structure;
189	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;
190	WIND TURBINE TOWER	refers to the guyed or freestanding structure that supports a wind turbine generator;
191	WIND TURBINE TOWER HEIGHT	The height above grade of the fixed portion of the wind turbine tower, excluding the wind turbine and rotor;
192	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 14);
		
		FIGURE 14: YARD SETBACKS
193	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;
194	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;
195	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 Waskatenau 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

- 1 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 Section 4 – Appeals of this Bylaw.

1.10 COUNCIL

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

2. Development

2.1 CONTROL OF DEVELOPMENT

- 1 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 2.2.1.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 m² (2.0 ft.²) 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 m² (12.0 ft.²), which are:
 - i) not illuminated; and
 - ii) limited to one (1) sign per parcel;

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 1.8 m (6.0 ft.) on side and rear yard does not require a development permit. This includes the erection or construction of gates, fences, walls or other enclosures less than 0.9 m (3.0 ft.) within 6.0 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;
- q. 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;
- r. a patio; or
- s. the demolition or removal of any building or structure for which a development permit would not be required pursuant to subsections 2.2.1.a through 2.2.1.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 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; or

- c. as specifically authorized by the Development Authority pursuant to the Act, and in accordance with the variance provisions set forth in 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.

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.

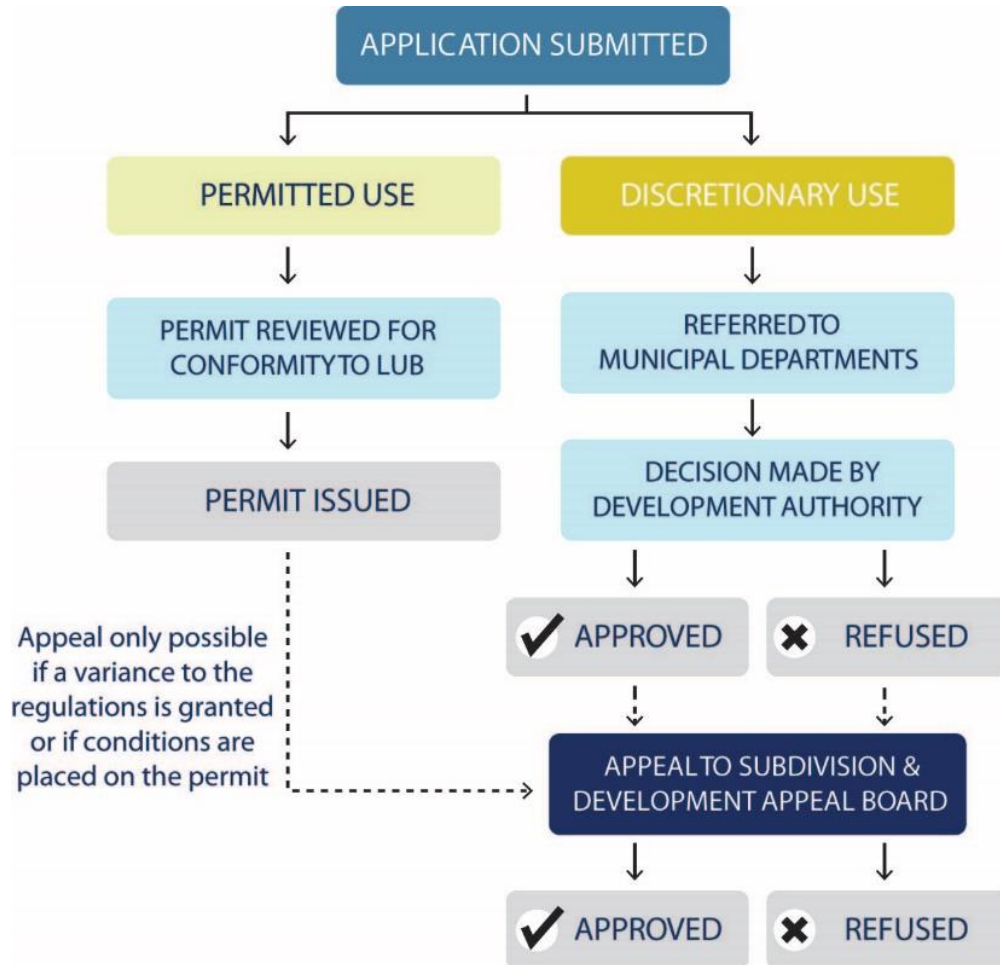


FIGURE 15: DEVELOPMENT PERMIT PROCESS
(NOTE: NOT ADOPTED AS PART OF THIS BYLAW)

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.

3 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.

4 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 NOTICE OF COMPLETE OR INCOMPLETE APPLICATION

1 The Development Authority Officer shall, within 20 days of the receipt of an application for a development permit, determine whether the application is complete.

2 The time period referred to in Section 2.6.1 may be extended by an agreement in writing between the applicant and the Development Authority Officer.

3 An application is complete if, in the opinion of the Development Officer, the application contains the documents and other information necessary to review the application.

4 If a Development Authority Officer determines that the application is complete, the Development Authority Officer shall issue to the applicant, by means of posted letter or electronic notification, an acknowledgment that the application is complete.

5 If the Development Authority Officer determines that the application is incomplete, the Development Authority Officer shall issue, to the applicant a notice, in writing or electronically, that the application is incomplete. This notice shall list any outstanding documents and information required to review the application, and provide a date by which the documents or information must be submitted in order for the application to be considered complete.

- 6 If the applicant fails to submit all the outstanding information and documents on or before the date referred to in Section 2.6.5, the Development Authority Officer must deem the application to be refused.
- 7 Despite that the Development Authority Officer has issued an acknowledgment under Section 2.6.5 or Section 2.6.6, in the course of reviewing the application, the Development Authority Officer may request additional information or documentation from the applicant that the Development Authority Officer considers necessary to review the application.

2.7 DEVELOPMENT PERMITS AND PUBLIC NOTIFICATION

- 1 A decision of the Development Authority on an application for a development permit must be in writing and a copy of the decision, together with a written notice specifying the date on which the written decision was given and containing any other information required by the regulations, must be given or sent to the applicant on the same day the written decision is given.
- 2 When a development permit has been issued for a **permitted use and no variance to any regulation has been granted**, the Development Authority Officer shall (on the same day the decision is given) give (or send) a decision on a development permit application send a notice by regular mail of the decision to the applicant and post a notice (in accordance with the Village's Public Notification Bylaw, Bylaw No. 670-2018), indicating the disposition of the application. Mailing the notice is not required when an applicant picks up a copy of the decision.
- 3 In addition to the Sections 2.7.1 and 2.7.2, within five (5) working days after a decision on a development permit application for a **discretionary use or after a variance has been granted**, the Development Officer shall:
 - a. send notice by regular mail (or by electronic mail if agreed to in advance by the applicant) to all affected adjacent land owners, as identified on the Village Assessment Roll, to provide notice of the decision and right of appeal; and
 - b. post notice of the decision in accordance with the Village's Public Notification Bylaw, Bylaw No. 670-2018.
- 4 The notice indicated in Sections 2.7.2 and 2.7.3 shall state:
 - a. the legal description and the street address of the site of the proposed development;
 - b. the uses proposed for the subject development,
 - c. any discretion that was granted in the approval of the development, whether by use or by interpretation of this Bylaw, and any variation or relaxation in regulation that was made by the Development Authority when the development permit was approved;
 - d. the date the development permit was issued; and
 - e. how an appeal might be made to the Subdivision and Development Appeal Board and the deadline for such appeal.
- 5 Pursuant to this Section, a permit granted pursuant to this Part does not come into effect until twenty-one (21) days after the date that notice of the decision, or development permit is received. For the purposes of this Bylaw, notice is deemed to be received on the 5th day after the date of the issuance of the decision or permit. Any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant.
- 6 Where an appeal is made, a development permit which has been granted shall not come into effect until the appeal has been determined and the permit has been confirmed, modified or nullified thereby.
- 7 If the development authorized by a permit is not commenced within twelve (12) months from the date of the date of the issue of the development permit, and completed within twelve (12) months of the commencement of the development, the permit is deemed to be void.

- 8 A development, once begun, shall not be abandoned or left for an extended period of time in what the Development Authority considers to be an unsightly or unsafe condition.
- 9 The application may be responsible for any damages to public or private property occurring as a result of development.
- 10 A decision of the Development Authority on an application for a development permit shall be given in writing.

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, their agents, or their 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 subsection 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.

2.10 VARIANCE PROVISIONS

- 1 The Municipal Planning Commission may grant a variance to reduce the requirements of any use of the Land Use Bylaw and that use will be deemed to comply with this bylaw.
- 2 The Municipal Planning Commission may approve an application for 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 Municipal Planning Commission:
 - 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 to the use prescribed for that land or building in this bylaw.
- 3 In approving an application for development pursuant to Sections 2.10.2.a and 2.10.b, the Municipal Planning Commission shall adhere to the following:
- a. A variance shall be considered only where warranted by the merits of the proposed development and in response to irregular parcel lines, parcel shapes or site characteristics which create difficulties in siting structures within the required setback or in meeting the usual bylaw requirements.
- 4 Where a variance is granted, the nature of the approved variance shall be specifically described in the Development Permit approval.
- 5 Where the issuance of a Development Permit involves the exercise of any specified discretion of the Municipal Planning Commission to relax a regulation of a district or any other regulation of this bylaw, the Municipal Planning Commission shall not permit any additional variance from that regulation.

3. Subdivision

3.1 SUBDIVISION APPLICATION REQUIREMENTS

- 1 All subdivision applications for lands within the Village shall comply with the provisions under this Part.
- 2 A subdivision application may be submitted by:
 - a. the registered owner of the land to be subdivided; or
 - b. a person with written authorization to act on behalf of the registered owner.
- 3 If the proposed subdivision is required to obtain assessments and/or approvals from relevant Federal or Provincial agencies and organizations, the applicant shall file and obtain the appropriate reports and/or approvals with relevant agencies and organizations. A copy of the required reports and/or approvals or licenses shall be submitted with the subdivision application.
- 4 Information on abandoned oil and gas wells as required by the Subdivision and Development Regulations and Alberta Energy Regulator Directive 079 shall accompany every subdivision application.
- 5 The tentative plan of subdivision shall:
 - a. clearly outline the location, dimensions, and boundaries of the land which the applicant wishes to subdivide;
 - b. show the location, dimensions and boundaries of:
 - i) each new lot to be created;
 - ii) reserve land(s), if required;
 - iii) the rights-of-way of each public utility, if required; and
 - iv) other rights-of-way, if required;
 - c. indicate the use, location, and dimensions of existing buildings on the land that is the subject of the application, if any, and specify whether the buildings are proposed to be demolished or moved;
 - d. show the location of any river, stream, watercourse, lake, or other body of water (natural or man-made) that is contained within the boundaries of the proposed parcel of land;
 - e. identify the location of any existing or proposed water wells, the locations and type of any private sewage disposal system(s), and the distance from these to existing or proposed buildings and property lines;
 - f. include information provided by the Alberta Energy Regulator identifying the location of any active wells, batteries, processing plants or pipelines within the proposed subdivision; and
 - g. identify the existing and proposed access to the proposed parcels and the remainder of the titled area.
- 6 The Subdivision Authority **may also require** an applicant to submit to the Subdivision Authority any or all of the following:
 - a. a figure showing topographic contours;
 - b. if the proposed subdivision is not to be served by a water distribution system, information supported by the report of a qualified professional, registered in the Province of Alberta, respecting the provision, availability, and suitability of potable water on or to the land to be subdivided;

- c. an assessment of subsurface characteristics of the land that is to be subdivided including, but not limited to, susceptibility to slumping or subsidence, depth to water table, and suitability for any proposed on-site sewage disposal system(s), prepared and signed by a qualified professional registered in the Province of Alberta;
- d. a storm water management plan, prepared by a qualified professional, which must be approved by Alberta Environment and Parks including:
 - i) topography;
 - ii) proposed minor drainage system (ditches/pipes/catch basin locations/flow rate);
 - iii) proposed major drainage systems (direction of surface drainage/flow rate);
 - iv) proposed on-site detention/retention facility (location/size/capacity);
 - v) location of outflow/outfall structures; and
 - vi) any related modeling and calculation information.
- e. if the land that is the subject of an application is located in a potential Flood Plain, a figure showing the 1:100-year Flood Plain;
- f. information respecting the land surface characteristics of land within 0.8 km (0.5 miles) of the land proposed to be subdivided; and
 - if any portion of the parcel of land affected by the proposed subdivision is situated within 1.5 km (0.9 miles) of a sour gas facility, a map showing the location of the sour gas facility.

3.2 SUBDIVISION PROCESS

- 1 The Subdivision Authority shall:
 - a. attend a pre-application submission meeting with development proponents (as requested);
 - b. receive all applications for subdivision applications;
 - c. assess and provide notice of a complete or incomplete application;
 - d. refer the application to adjacent landowners and adjacencies (as required in the Subdivision and Development Regulations; and
 - e. issue notices in writing as required in the Act.

3.3 NOTICE OF COMPLETE OR INCOMPLETE SUBDIVISION APPLICATION

- 1 The Subdivision Authority shall within twenty (20) days of the receipt of an application for a development permit, determine whether the application is complete.
- 2 The time period referred to in Section 3.3.1 may be extended by an agreement in writing between the applicant and the Subdivision Authority or, if applicable, in accordance with a land use bylaw made pursuant to Section 640.1(a) of the Act.
- 3 An application is complete if, in the opinion of the Subdivision Authority, the application contains the documents and other information necessary to review the application.
- 4 If the Subdivision Authority determines that the application is complete, the Subdivision Authority shall issue to the applicant, in writing or electronically, an acknowledgment that the application is complete.
- 5 If the Subdivision Authority determines that the application is incomplete, the Subdivision Authority shall issue to the applicant a notice, in writing or electronically, that the application is incomplete and that any outstanding documents

and information referred to in the notice must be submitted by a date set out in the notice or a later date agreed on between the applicant and the Subdivision Authority in order for the application to be considered complete.

- 6 If the applicant fails to submit all the outstanding information and documents on or before the date referred to in Section 3.3.5, the Subdivision Authority must deem the application to be refused.
- 7 Despite that the Subdivision Authority has issued an acknowledgment under Sections 3.3.4 or 3.3.5, in the course of reviewing the application, the Subdivision Authority Officer may request additional information or documentation from the applicant that the Subdivision Authority Officer considers necessary to review the application.

3.4 DUTIES OF THE SUBDIVISION AUTHORITY

- 1 Upon receipt of a completed subdivision application, the Subdivision Authority:
 - a. shall approve, with or without conditions, an application for a permitted use where the proposed subdivision conforms to:
 - i) this bylaw;
 - ii) applicable statutory plans; and
 - iii) the Act and the Regulations thereunder;
 - b. shall refuse an application for a subdivision if the proposed subdivision does not conform with:
 - i) applicable statutory plans; and/or
 - ii) the Act and the Regulations thereunder;
 - c. may approve, with or without conditions, an application for a permitted or discretionary use with variances to the bylaw; and

3.5 SUBDIVISION REQUIREMENTS & CONDITIONS

- 1 Subdivision approvals shall comply with Part 17 and 17.1 of the Act and the Regulations therein.
- 2 For the purposes of this Bylaw, an unsubdivided quarter section shall include those quarter sections where a separate title exists for a public utility or an institutional use.
- 3 All proposed parcels being created shall be designed to not, in the opinion of the Subdivision Authority, prejudice the future efficient development of the remnant lands.
- 4 The Subdivision Authority shall not approve a subdivision which is inconsistent with the Smoky Lake County and Village of Waskatenau Intermunicipal Development Plan, the Village of Waskatenau Municipal Development Plan (MDP), and/or the provisions of any statutory plans that affect the land proposed to be subdivided.
- 5 As a condition of subdivision approval, Environmental Reserves will be taken according to Section 664 of the Act; either in the form of a lot (ownership transferred to the Municipality) or as an Environmental Reserve Easement (private ownership is retained). The Village may require that the proponent provide environmentally significant hazard land as Environmental Reserve as a condition of subdivision approval.
- 6 As a condition of a subdivision approval, property taxes must be up to date prior to final endorsement of any Subdivision within the Village.
- 7 As a condition of a subdivision approval, the developer may be required to provide for Inclusionary Housing in accordance with the Act and the Regulations therein.

4. Appeals

4.1 DEVELOPMENT APPEALS

- 1 An appeal may be made if the Development Authority
 - a. Fails or refuses to issue a development permit;
 - b. Issues a development permit subject to conditions; or
 - c. Issues a stop order under Section 645 of the Act;

By the applicant of the development permit or any person affected by the order.

- 2 In addition to Section 4.1.1, any person affected by an order, decision, or development permit made or issued by the Development Authority may appeal the decision in accordance with Section 685(2) of the Act.
- 3 Despite Sections 4.1.1 and 4.1.2, 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 or the application for the development permit was deemed to be refused under section 683.1(8) of the Act.
- 4 Despite Sections 4.1.1, 4.1.2, and 4.1.3, if a decision with respect to a development permit application in respect of a direct control district:
 - a. is made by a council, there is no appeal to the Subdivision and Development Appeal Board; or
 - b. is made by a development authority, the appeal is limited to whether the development authority followed the directions of council, and if the board hearing the appeal finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.
- 5 An appeal of a decision of the Development Authority for lands identified in Section 685(2.1)(a) of the Act shall be made to the Land and Property Rights Tribunal, and shall proceed in accordance with the processes identified in the Act and the Land and Property Rights Tribunal Act.
- 6 An appeal of a decision of the Development Authority for lands identified in Section 685(2.1)(b) of the Act shall be made to the Village's Subdivision and Development Appeal Board.
- 7 An appeal with respect to an application for a development permit may be made by a person identified in Section 4.1.1 may be made by serving a written notice of appeal to the board hearing the appeal:
 - a. Within twenty-one (21) days after the date on which the written decision is given; or
 - b. If no decision is made with respect to the application within the 40-day period (or within any extension to that period under Section 684 of the Act), within twenty one (21) days after the date the period or extension expires; or
 - c. With respect to an order under Section 645 of the Act, within 21 days after the date on which the order is made.

- 8 An appeal with respect to an application for a development permit may be made by a person identified in Section 4.1.2 may be made by serving a written notice of appeal to the board hearing the appeal within twenty-one (21) days after the date on which the written decision is given.
- 9 An appeal to the Land and Property Rights Tribunal may be made by filing a notice to the Land and Property Rights Tribunal. The notice submission requirements shall be as established by the Land and Property Rights Tribunal.

- 10 An appeal to the Subdivision and Development Appeal Board may be launched by filing a notice by providing the following:
 - a. the appeal application fee as identified in a Fees and Charges Bylaw;
 - b. the legal description and/or the municipal address of the property to which the decision, order, or issuance of the development permit relates;
 - c. the name, contact information, and address of the appellant; and
 - d. the reasons for the appeal and the issue or condition in the decision or order that are the subject of the appeal.
- 11 Where a person files a notice of appeal with the wrong board, that board must refer the appeal to the appropriate board and the appropriate board must hear the appeal as if the notice of appeal had been filed with it and it is deemed to have received the notice of appeal from the applicant on the date it receives the notice of appeal from the first board, if:
 - a. in the case of a person referred to in Section 4.1.1 the person files the notice with the wrong board within 21 days after receipt of the written decision or the deemed refusal; or
 - b. in the case of a person referred to in Section 4.1.2, the person files the notice with the wrong board within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

4.2 SUBDIVISION APPEALS

- 1 The decision of a Subdivision Authority on an application for subdivision approval may be appealed:
 - a. by the applicant for the approval;
 - b. by a government department if the application is required by the Subdivision and Development Regulations to be referred to that department;
 - c. by the council of the municipality in which the land to be subdivided is located if the council, a designated officer of the municipality or the Municipal Planning Commission of the municipality is not the Subdivision Authority; or
 - d. by a school board with respect to:
 - i) the allocation of municipal reserve and school reserve or money in place of the reserve;
 - ii) the location of school reserve allocated to it; or
 - iii) the amount of school reserve or money in place of the reserve.
- 2 An appeal of a decision of the Subdivision Authority for lands identified in Section 678(2)(a) of the Act shall be made to the Land and Property Rights Tribunal, and shall proceed in accordance with the processes identified in the Act and the Land and Property Rights Tribunal Act.
- 3 An appeal of a decision of the Subdivision Authority for lands identified in Section 678(2)(b) and 678(2.1) of the Act shall be made to the Village's Subdivision and Development Appeal Board.
- 4 An appeal to the Land and Property Rights Tribunal may be made by filing a notice to the Land and Property Rights Tribunal. The notice submission requirements shall be as established by the Land and Property Rights Tribunal.
- 5 An appeal to the Subdivision and Development Appeal Board may be launched by filing a notice by providing the following:
 - a. the appeal application fee as identified in the Village's Fees and Charges Bylaw;

- b. the legal description and/or the municipal address of the property to which the decision, order, or issuance of the development permit relates;
 - c. the name, contact information, and address of the appellant; and
 - d. the reasons for the appeal and the issue or condition in the decision or order that are the subject of the appeal.
- 6 If the applicant files a notice of appeal within 14 days after receipt of the written decision or the deemed refusal with the wrong board, that board must refer the appeal to the appropriate board and the appropriate board must hear the appeal as if the notice of appeal had been filed with it and it is deemed to have received the notice of appeal from the applicant on the date it receives the notice of appeal from the first board.

4.3 APPEAL HEARING

- 1 Hearings for development appeals and decisions made by the board hearing the appeal shall be in accordance with Section 686 and 687 of the *Act*.
- 2 Hearings for subdivision appeals and decisions made by the board hearing the appeal shall be in accordance with Section 679, 680, and 681 of the *Act*.

5. Amendments

5.1 APPLICATION TO AMEND THE LAND USE 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 5 – Amendments 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 5.1.2, 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. they wish the Council to proceed with the amendment as submitted by the person, or an alternative amendment proposed by the Council; or
 - b. they wish 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, 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.

6. Enforcement

6.1 GENERAL PROVISIONS

- 1 Enforcement may be conducted by a Designated Officer through the issuance of a violation warning, warning notice, final warning notice, stop order, violation tags or any other authorized action to ensure compliance.

6.2 PROHIBITIONS

- 1 No person shall contravene or permit a contravention of this Bylaw. No person shall commence or undertake a development, use, or sign that is not permitted by this Bylaw.
- 2 No person shall contravene a condition of a development permit or subdivision approval issued under this Bylaw.
- 3 No person shall authorize or undertake any development that is not compliant with the description, specifications or plans that were the basis for the issuance of a development permit.
- 4 No person shall modify any description, specifications, or plans that were the basis for the issuance of any permit by the Development Authority.

6.3 RIGHT OF ENTRY

- 1 After reasonable notice (generally to mean 48 hours) to the owner or occupant in accordance with the Municipal Government Act, a Designated Officer may enter property at reasonable times (generally to mean between the hours of 7:30 a.m. and 10:00 p.m.) to ascertain if Bylaw requirements are being met.
- 2 A person shall not prevent or obstruct a Designated Officer from carrying out any official duty under this Bylaw. If consent is not given, the Village may apply to the Court of Queen's Bench for an authorizing order.

6.4 VIOLATION WARNING

- 1 A Designated Officer may issue a violation warning for minor offences by outlining the nature of the violation, corrective measures that may be taken, and the deadline for corrective measures.

6.5 WARNING AND FINAL WARNING NOTICE

- 1 A Designated Officer may issue a warning notice or a final warning outlining the nature of the violation, corrective measures that may be taken, and the deadline for corrective measures, or both.

6.6 OFFENSES AND FINES

- 1 Persons contravening any provision of this Bylaw to whom violation tags are issued shall be liable for a penalty of \$100.00 for a first offence and \$200.00 for a second or subsequent offence. Each day that a breach of the Bylaw has occurred may be considered to be a separate offence.
- 2 If the penalty is not paid, the person is liable for imprisonment for not more than one year, or to both fine and imprisonment.

6.7 STOP ORDERS

- 1 On finding that a development, land use, or use of a building does not conform to the Municipal Government Act or its regulations, a development permit or subdivision approval or the conditions of either, or this Bylaw, the Development Authority may, by written notice, direct the owner of the property, the person in possession of the land, building, or sign, or the person responsible for a contravention or any or all of them, to:

- a. stop the development or use of the land or building in whole or part as directed by the notice;
 - b. demolish, remove, or replace the development or landscaping; or
 - c. carry out any other actions required by the notice for compliance.
- 2 The notice shall specify a deadline for compliance.
 - 3 A person named in a stop order may appeal to the Subdivision and Development Appeal Board.

6.8 ENFORCEMENT OF STOP ORDERS

- 1 Subject to Section 542 of the Municipal Government Act, if a person fails to comply with the order of the Development Authority, a Designated Officer, or the Subdivision and Development Appeal Board, a Designated Officer may enter on the land or building and take any action necessary to carry out the order.
- 2 The Village may register a caveat against the certificate of title for the land that is subject to the order, provided that the caveat is discharged when the order has been complied with.
- 3 The Village's costs of carrying out any actions required for compliance may be added to the tax roll of the land subject to the order.

6.9 VIOLATION TAGS AND TICKETS

- 1 In accordance with the Provincial Offences Procedures Act, a Designated Officer may issue a violation tag to a person for specific offences in contravention of a violation issuing a warning notice, a final warning notice, or stop order where there is reasonable and probable grounds to believe there is a contravention of this Bylaw.
- 2 A violation tag may be issued to a person either personally or by registered mail.
- 3 The violation tag shall be in a form approved by the Village and shall include the name of the person thought to have created the contravention, the offence, the penalty for the offence, a requirement that the penalty be paid within 30 days of issuance of the violation tag, the method by which the tag may be paid, and other information as may be required by the Village.
- 4 Offences and related fines are as specified in Section 6.6 of this Bylaw.
- 5 Where a contravention is of a continuing nature, further violation tags may be issued.
- 6 The person to whom the violation tag is issued may, in lieu of being prosecuted, sign the plea of guilty on the violation tag and pay the specified fine to the location indicated on the violation tag.
- 7 If payment is not made within the time specified on the tag, a Designated Officer may issue a violation ticket requiring the person to whom the violation ticket is issued to appear in court on the date specified in the summons portion of the ticket.
- 8 Nothing in this Bylaw shall prevent a Designated Officer from immediately issuing a violation ticket for the mandatory court appearance of any person who contravenes any provision of this Bylaw.

7. General Regulations

7.1 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 (6.6 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 (15.0 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 16: Siting of Accessory Buildings.

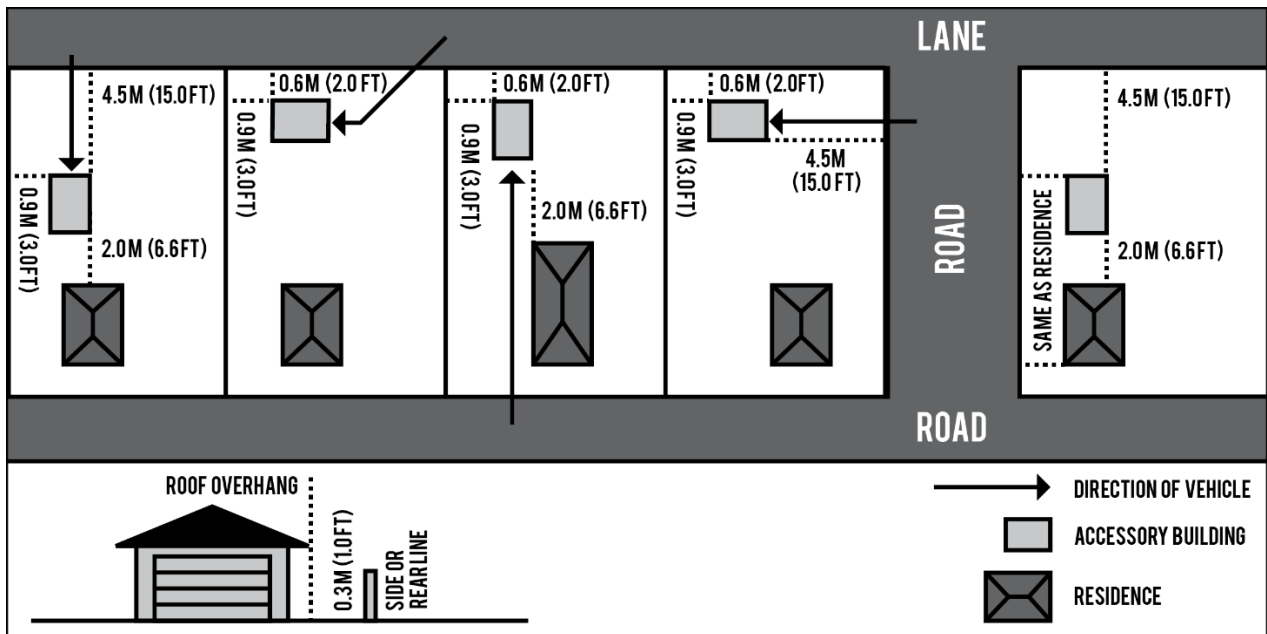


FIGURE 16: SITING OF ACCESSORY BUILDINGS

- 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.

- 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.

7.2 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 7.2.1 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 two (2) 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 in Section 1.5 – Interpretation.

7.3 KEEPING OF ANIMALS

- 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 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.
- 5 On any residential parcel in any Land Use District, no more than four (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.

7.4 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 inches) 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 1.5 m (5.0 ft.) in height and no higher than 2.1 m (7.0 ft.) adjacent to residential areas.
- 7 In the case of apartments or row houses all off-street parking shall include a landscaped area, and in residential areas, a wall, hedge or wooden fence of not less than 1.2 m (4.0 ft.) in height and not more than 2.1 m (7.0 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 (2,000 ft.²) 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.

7.5 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 4,500 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 subsection 7.5.1(e) above; or
 - ii) is a commercial vehicle with the hazard warning lamps alight and in the process of loading or unloading goods.

7.6 PARKING AND LOADING

- 1 An off-street parking area:
- a. shall not be within 1.0 m (3.3 ft.) of a public roadway;
 - b. shall be designed to the satisfaction of the Development Authority with regard to the dimensions, and layout of parking stalls and maneuvering aisles; and
 - c. shall have street access and curb cuts located to the satisfaction of the Development Authority; and
 - d. shall be graded, drained, compacted and hard-surfaced to the satisfaction of the Development Authority.
- 2 All parking areas shall conform to the minimum parking standards set out in the following pages.
- 3 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 1,000.0 m² (10,764.0 ft.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 m² (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

PLACE OF PUBLIC ASSEMBLY

Theatre, auditorium, hall, church or other cultural or recreational facility	1 per 7.5 seating spaces or 1 per 7.0 m ² (75.0 ft. ²) used by the patrons, whichever is greater
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SCHOOLS

Elementary school or junior high school	2 per classroom
Senior high school (not including an associated auditorium, gymnasium or swimming pool)	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
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HOSPITALS AND SIMILAR USES

Hospital, sanatorium, group care facilities, nursing home, convalescent home and senior citizens lodge	1 per 100.0 m ² (1,076.0 ft. ²) of floor area or 1 per four beds and 1 for every two employees on maximum shift, whichever is greater
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4 Off-site and Communal Parking Facilities:

- a. 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:
 - i) The parking, in the opinion of the Development Authority, must be suitable, easily accessible and within a reasonable distance of the associated development(s).
 - ii) 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.
 - iii) 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.

5 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 (14.1 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 m² (5,000.0 ft.²); and	One space
between 465.0 m² (5,000.0 ft.²) and 2,323.0 m² (25,000 ft.²); and	Two spaces
each additional 2,323 m² (25,000 ft.²) or function thereof;	One space
Office building, place of assembly, institution, club or lodge, school, or other uses up to 2,787.0 m² (30,000 ft.²); and	One space
each additional 2,787 m² (30,000 ft.²) or fraction thereof	One additional space
neighbourhood commercial stores	One loading space

6 Sight Lines at Intersections

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

7.7 SIGNS

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 ft.²).
- 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 their residence, that person may place a sign, not larger than 0.2 m² (2.15 ft.²), 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 ft.²).
- c. For multiple unit and boarding houses one identification sign not exceeding 1.0 m² (10.76 ft.²) 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:

- a. Within all land use districts, except residential, one freestanding sign may be allowed per parcel as follows:
 - i) 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.
 - ii) Where a parcel is double fronting or flanking, subsection 7.7.3.a applies to each frontage and/or flanking side.
 - iii) The height of a freestanding sign shall not exceed 9.0 m (29.5 ft.) above grade.
 - iv) The face of a freestanding sign shall not exceed 8.0 m² (86.11 ft.²) in area.
 - v) 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.
 - vi) 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:

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

7.8 SITE DEVELOPMENT

1 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.

7.9 SUBDIVISION OF LAND

- 1 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.

7.10 YARDS

- 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 3.6 m (12.0 ft.).
 - d. On corner sites in all districts no fence, wall, tree, bush, structure or thing more than 0.9 m (3.0 ft.) in height shall be erected, placed, or maintained within the triangular area formed by the intersecting street lines 4.57 m (15.0 ft.) from their intersection.
- 2 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.
- 3 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.

8. Special Regulations

8.1 ALCOHOL SALES AND STORAGE

- 1 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:
 - a. Store size limitation - the retail and storage space shall be a minimum of 56.0 m² (600.0 ft.²).

8.2 BASIC CAMPGROUNDS

- 1 Where a campground proposal will ultimately exceed 60 campsites and/or cabins and is located on a parcel greater than 8.0 ha (19.8 acres), 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 2.0 m (6.6 ft.), 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, wood burning 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 (3.9 ft.) 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 onsite 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. 10.0 m (32.8 ft.) in width;
 - b. 25.0 m (82.0 ft.) in depth; and
 - c. 325.0 m² (3,498 ft.²) 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.

8.3 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 7.6 of this Bylaw, one (1) off-street parking space per rented guest room shall be required for a bed and breakfast operation.

8.4 CARWASHES

- 1 A person applying to develop a site as a car washing establishment where allowed under this bylaw shall comply with the following provisions:
- a. Site Location:
 - i) 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 affect an adjoining and use or the function of the shopping centre in relation to traffic circulation
 - b. Site Area:
 - i) The minimum site area shall be 557.4 m² (6,000 ft.²) 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 1,114 m² (12,000 ft.²).
 - c. Site and Building Requirements:
 - i) All site and building requirements shall be to the satisfaction of the Development Officer.

8.5 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.

8.6 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.

8.7 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 8.7.1(c).
 - c. Subject to Section 7.7 of the Bylaw, it is permissible to have one non-illuminated fascia sign or nameplate to identify a home occupation not greater than 0.2 m² (2.15 ft.²) 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 noncompliance 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 subsection 8.7.1, 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 subsection 8.7.1, 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.

8.8 MOTELS

- 1 A person applying to develop a site as a motel where permitted under this bylaw shall comply with the following provisions:
 - a. Interpretation:
 - i) 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.
 - b. Site Requirements for Motels:

UNIT TYPE	MINIMUM SITE AREA/UNIT	MINIMUM FLOOR AREA/UNIT	YARDS		
			FRONT	REAR	SIDE
One Storey	139.3 m ² (1,500 ft. ²)	26.4 m ² (285.0 ft. ²)	7.6 m (25 ft.)	3.0 m (10 ft.)	3.0 m (10 ft.)
Two Storey	93.0 m ² (1,000 ft. ²)	26.4 m ² (285.0 ft. ²)	7.6 m (25 ft.)	3.0 m (10 ft.)	3.0 m (10 ft.)

- c. Space Between Buildings:
 - i) 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 3.6 m (12.0 ft.) of clear and unoccupied space shall be provided between each rentable unit and any other building on the site.
- d. Driveways:
 - i) Each rentable unit shall face onto or abut a driveway not less than 6.0 m (20.0 ft.) in width and shall have unobstructed access thereto.
- e. Entrances and Exits:
 - i) Not more than one major vehicle entrance and one motor vehicle exit to a street, each of a minimum width of 7.6 m (25.0 ft.) measured at its minimum dimension shall be permitted, provided that one combined motor vehicle entrance and exit shall be permitted, not less than 9.1 m (30.0 ft.) in width.
- f. Maintenance of Site and Buildings and Business:
 - i) The owner, tenant, operator or person in charge of a motel shall at all times:
 - (1) 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.
 - (2) maintain garbage and/or incineration facilities to the satisfaction of the Development Authority.
 - (3) maintain an appropriate fence where required, not less than 1.5 m (5.0 ft.) in height around the boundaries of the site and shall landscape and keep the site landscape.

8.9 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.

8.10 MANUFACTURED HOMES

- 1 Manufactured homes greater than five (5) years in age at time of development permit application shall not be allowed in the Village.
- 2 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.
- 3 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.
- 4 In addition to the requirements of Section 8.10.1 and 8.10.2 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 of the foundation shall be skirted to the satisfaction of the Development Authority.
 - h. All accessory structures, such as patios, porches, additions and skirting, 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 ad 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.
- 5 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.

8.11 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:
 - (1) location and position of structures on the site, including any "For Rent" or identification signs;
 - (2) location and number of parking spaces, exits, entries and drives from public thoroughfares;
 - (3) location of an access to garbage storage areas and incinerators and the fencing and landscaping of these facilities; and
 - (4) 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.

8.12 PLACES OF WORSHIP

- 1 The site on which a place of worship is situated shall have a frontage of not less than 30.4 m (100 ft.) and an area of not less than 929.0 m² (10,000 ft.²) 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 1,393.5 m² (15,000 ft.²)
- 2 Front, side and rear yards shall be those permitted within the district in which the church site is located.

8.13 RECREATIONAL VEHICLE CAMPGROUNDS AND PARKS

- 1 Each recreational vehicle parking stall be a minimum width of 10.0 m (32.8 ft.) and a minimum area of 250.0 m² (2691.0 ft.²).

- 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 6.0 m (20.0 ft.) usable top, except for one-way roads, which shall have a minimum of a 3.65 m (12.0 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 30.0 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 (25.0 ft.) or 10% of the lot width, whichever is lesser.

8.14 RECREATIONAL VEHICLES LOCATED IN A RECREATIONAL VEHICLE CAMPGROUND

- 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 18.6 m² (200.0 ft.²), 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 8.14.1 above) shall not exceed 50% of the recreational vehicle lot size.

8.15 RELOCATION OF BUILDINGS OTHER THAN MANUFACTURED AND MOBILE 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.

8.16 SEA CANS AND SHIPPING CONTAINERS

- 1 A maximum of one (1) sea can or shipping container may be allowed (at the discretion of the Development Authority) on residential parcels under 0.4 ha (1.0 acres) in size.
- 2 A maximum of one (1) sea can or shipping container may be allowed (at the discretion of the Development Authority) on community parcels of land.
- 3 The maximum number of sea cans or shipping containers that may be placed on a lot in the C1, C2, M1, or I Land Use Districts is two (2) (at the discretion of the Development Authority).
- 4 The placement of a sea can or shipping container on any lot in the municipality requires a development permit.
- 5 If a temporary development permit for a sea can or shipping container has been approved by the Development Authority, then the sea can or shipping container will be allowed to be placed on a site for a period of six (6) months. After that period has expired, the development proponent will be required to apply to the Village for an extension for the permit. Extensions may be issued for up to six (6) months.
- 6 Sea cans or shipping containers may not be stacked. The maximum height for a sea can or shipping container allowed on a parcel is 3.0 m (10.0 ft.).
- 7 Sea cans or shipping containers located in a Residential Land Use District, an Institutional Land Use District, and the Commercial Central (C1) and Commercial General (C2) Land Use Districts may be a maximum of 6.0 m (20.0 ft.), and in an Industrial Land Use District and Community Land Use District may be maximum of 12.0 m (40.0 ft.) in length. Any other lengths is at the discretion of the Development Authority.
- 8 The exterior finish of a sea can or shipping container sited within all Land Use Districts shall be a solid colour being only beige, brown, white, or grey with no advertisements, no rust, no peeling of paint, no wear, and tear, and no dents. All sea cans or shipping container exteriors must be maintained on a regular basis.
- 9 Sea cans or shipping containers must be placed in the rear of the lot and must follow the same rules for placement as an accessory building or at the discretion of the Development Authority.
- 10 Sea cans or shipping containers cannot be used as a dwelling or secondary suite within the municipality.
- 11 No human or animal habitation will be permitted within a sea can or shipping container.

8.17 SERVICE STATIONS AND GAS STATIONS

- 1 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:
 - a. Service, or gas stations shall be located in such a manner that:

- i) 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.
 - ii) No part of a service station or gas station building or of any pump or other accessory shall be within 6.0 m (20 ft.) of a side or rear property line.
 - iii) Service stations shall have a front yard of not less than 12.2 m (40.0 ft.), and no gasoline pump shall be located closer than 6.0 m (20.0 ft.) to the front property line.
 - iv) Underground storage tanks shall be set back from adjacent buildings in accordance with applicable Provincial requirements.
- b. Site Area and Coverage:
- i) The minimum site area shall be 743.2 m² (8,000 ft.²) and the maximum building coverage shall be 25% of the site area. For service stations including car washes the minimum site area shall be 1,114.8 m² (12,000 ft.²)
 - ii) 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.
- c. Lighting:
- i) 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 not on any adjoining properties.
- d. Use and Maintenance of Service Station Site and Building:
- i) The owner, tenant, operator or person in charge of a service station shall at all times:
 - (1) 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.
 - (2) 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:
 - (a) that operators of motor vehicles do not obstruct the sidewalks and boulevards abutting or adjacent to the service stations, and
 - (b) that operators of motor vehicles enter and leave the service station only at the entrances and exits provided for such purposes and not elsewhere.
 - (3) maintain on the boundaries of the site, where required by the Development Authority an appropriate fence not less than 1.5 m (5.0 ft.) in height.

8.18 SOLAR ENERGY COLLECTION SYSTEMS

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

8.19 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 8.10 shall also apply.
- e. The minimum and maximum floor area of any non-basement surveillance suite, as defined in this Bylaw, shall be 46.45 m² (500.0 ft.²) and 92.9 m² (1,000 ft.²) 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) or use(s) with which the suite is associated as well as all development(s) or use(s) on adjacent properties.

8.20 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 35.0 m² (378.0 ft.²);
 - 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.

8.21 WIND ENERGY CONVERSION SYSTEMS (MICRO)

- 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 Energy 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 Energy Conversion System is located.
- 4 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.

8.22 WIND ENERGY CONVERSION SYSTEMS (SMALL)

- 1 Wind Turbine Tower Height:
 - a. 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 25.0 m (80.0 ft.). 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:
 - a. 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 three 3.0 m (10.0 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 2.0 m (6.6 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:

- a. 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 3.0 m (10.0 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:**
 - i) Residential (R) District
 - ii) Residential Manufactured Home Subdivision (RMHS) District
 - iii) Commercial (C1) District
 - iv) Commercial (C2) District
 - v) Institutional (I) District
 - vi) Community (P) District
 - vii) Floodway (FW) District
- b. 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:

- a. 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 22.0 mph (10.0 m/s) and except during short-term events such as utility outages and/or severe wind storms.

5 Compliance with Building Code:

- a. 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:

- a. 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:

- a. 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:

- a. 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:

- a. One Small Wind Energy Conversion System may be 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.

8.23 WIND ENERGY CONVERSION SYSTEMS (LARGE)

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 2.0 km (1.2 miles) of the municipality; and
- b. landowners within 2.0 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 6.0 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 subsection 8.23.3.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:

- a. 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:

- a. To ensure public safety, the Development Authority may require that:
 - i) 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;
 - ii) no ladder or permanent tower access device be located less than 3.7 m (12.1 ft.) from grade;
 - iii) a locked device be installed on the tower to preclude access to the top of the tower; and
 - iv) 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.

9. Land Use Districts

9.1 ESTABLISHMENT OF LAND USE DISTRICTS AND LAND USE DISTRICT MAP

1 For the purpose of this Bylaw, the Village of Waskatenau is divided into the following Land Use Districts:

LAND USE DISTRICT	SYMBOL	MAP COLOUR
RESIDENTIAL	R	Yellow
RESIDENTIAL MANUFACTURED HOME SUBDIVISION	RMHS	Orange
COMMERCIAL	C1	Red
GENERAL COMMERCIAL	C2	Dark Red
GENERAL INDUSTRIAL	M1	Purple
COMMUNITY	P	Dark Blue
INSTITUTIONAL	I	Light Blue
OPEN SPACE/FLOODWAY	FW	Light Green
URBAN RESERVE	UR	Grey
DIRECT CONTROL	DC	Green

2 The boundaries of the Land Use Districts 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 Section 9.1.4, 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.

9.2 RESIDENTIAL (R) DISTRICT

1 GENERAL PURPOSE

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

2 USES

1 PERMITTED	2 DISCRETIONARY
(1) Accessory buildings	(1) Child care facilities
(2) Day homes	(2) Dwelling, apartments
(3) Dwellings, modular homes	(3) Dwellings, duplexes
(4) Dwellings, single detached	(4) Dwelling, manufactured homes
(5) Home occupations, minor	(5) Family care facility
(6) Micro wind energy conversion system	(1) Group care facilities
	(2) Home occupations, major
	(3) Manufactured homes
	(4) Neighbourhood parks
	(5) Parks or playgrounds
	(6) Places of worship
	(7) Public or quasi-public uses and buildings which are required to serve in the immediate area
	(8) Schools
	(9) Sea cans or shipping containers
	(10) Second dwellings
	(11) Solar energy conversion systems
	(12) Suites, Secondary
	(13) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses

3 REGULATIONS RELATING TO DWELLINGS, SINGLE DETACHED

(1)	MAXIMUM LOT COVERAGE	a. Dwellings	23%
		b. Accessory	12%
		c. Other	As required by Development Authority
(2)	MINIMUM FLOOR AREA (NOT INCLUDING ATTACHED GARAGE)	69.6 m ² (750 ft. ²)	
(3)	MINIMUM SITE AREA	557.4 m ² (6,000 ft. ²)	
(4)	MAXIMUM BUILDING HEIGHT	9.0 m (29.5 ft.)	

(5)	MINIMUM PARCEL DEPTH	34.0 m (111.5 ft.)	
(6)	MINIMUM PARCEL WIDTH	a. Parcels with Lanes	15.0 m (49.2 ft.)
		b. Parcels without Lanes	18.0 m (59.0 ft.)
(7)	MAXIMUM FRONT YARD SETBACK	30% of lot depth	
(8)	MINIMUM YARDS	a. Front yard	6.0 m (19.7 ft.)
		b. Rear yard	9.1 m (30.0 ft.)
		c. Side yard, interior lots	10% of the lot width on lots greater than 15.2 m (50 ft.) with 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 lots greater than 15.2 m (50 ft.) in width, which contain buildings under 7.6 m (24.9 ft.) in height
			2.3 m (7.5 ft.) on all lots that contain buildings over 7.6 m (24.9 ft.) in height.
		d. Side yard, corner lot	4.5 m (15.0 ft.) on side yard abutting the flanking street
e. Side yard, 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 REGULATIONS RELATING TO DWELLINGS, DUPLEX

(1)	MINIMUM FLOOR AREA PER DWELLING UNIT (NOT INCLUDING ATTACHED GARAGE)	55.7 m ² (600.0 ft. ²)	
(2)	MINIMUM SITE AREA	a. "Up and down" units	576 m ² (6,200 ft. ²) provided that that the combined floor space areas do not exceed 185.8 m ² (2,000 ft. ²)

		b. Semi-detached or "side by side" units	697 m ² (7,500 ft. ²)
(3)	MINIMUM YARDS	a. Front yard	6.0 m (19.7 ft.)
		b. Rear yard	9.1 m (30.0 ft.)
		c. Side yard, interior lots	10% of the lot width on lots greater than 15.2 m (50 ft.) with 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 lots greater than 15.2 m (50 ft.) in width, which contain buildings under 7.6 m (24.9 ft.) in height;
			2.3 m (7.5 ft.) on all lots that contain buildings over 7.6 m (24.9 ft.) in height.
		d. Side yard, corner lot	4.5 m (15.0 ft.) on side yard abutting the flanking street
e. Side yard, 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		

5 REGULATIONS RELATING TO DWELLINGS, APARTMENTS

(1)	DENSITY REQUIREMENTS (AREA OF SITE REQUIRED PER SUITE)	a. Bed-sitting room	74.3 m ² (800 ft. ²)
		b. One bedroom	97.5 m ² (1,050 ft. ²)
		c. Two or more bedrooms	134.7 m ² (1,450 ft. ²)
(2)	MAXIMUM SUITE FLOOR AREA	a. Bed-sitting room	32.5 m ² (350 ft. ²)
		b. One bedroom	46.5 m ² (500 ft. ²)
		c. Two or more bedrooms	55.7 m ² (600 ft. ²)

(3)	MINIMUM SITE AREA FOR EACH APARTMENT BUILDING BLOCK	799 m ² (8,600 ft. ²)	
(4)	MAXIMUM BUILDING HEIGHT	Three storeys or 13.7 m (45.0 ft.)	
(5)	MAXIMUM LOT COVERAGE	a. Apartment building block coverage	30%
		b. Other	As required by the Development Authority
(6)	MINIMUM YARDS	a. Front Yard	9.1 m (30.0 ft.)
		b. Rear Yard	9.1 m (30.0 ft.)
		c. Side Yard	40% of the building height or 15% of the site width, whichever is greater
(7)	MINIMUM LANDSCAPING	10% of the site area for apartments must be landscaped	
(8)	AMENITY AREA	a. Bed-sitting room	18.1 m ² (195 ft. ²)
		b. One bedroom	27.8 m ² (300 ft. ²)
		c. Two or more bedrooms	69.6 m ² (750 ft. ²)
		d. All other uses	As required by the Development Authority
		The site of the amenity area(s) shall be at the discretion of the Development Authority	
(9)	OTHER REGULATIONS	1 with respect to the land uses identified here, may be found in Section 7 - General Regulations and Section 8 – Special Regulations of the Land Use Bylaw.	

9.3 RESIDENTIAL MANUFACTURED HOME SUBDIVISION (RMHS) DISTRICT

1 GENERAL PURPOSE

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

2 USES

1 PERMITTED	2 DISCRETIONARY
(1) Accessory buildings	(1) Dwellings, modular homes
(2) Dwellings, manufactured homes	(2) Home occupations, major
(3) Home occupations, minor	(3) Places of worship
(4) Neighbourhood parks	(4) Public or quasi-public uses and buildings which are required to serve in the immediate area
	(5) Sea cans or shipping containers
	(6) Solar arrays
	(7) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses

3 REGULATIONS RELATING TO DWELLINGS, SINGLE DETACHED

(1)	MAXIMUM LOT COVERAGE	a. Dwelling	22%
		b. Accessory	12%
		c. Other Uses	As approved by the Development Authority
(2)	MINIMUM FLOOR AREA (NOT INCLUDING ATTACHED GARAGE)	a. Dwelling	46.4 m ² (500.0 ft. ²)
		b. Other Uses	As approved by the Development Authority
(3)	MINIMUM SITE AREA	a. Dwellings	557.4 m ² (6,000 ft. ²)
		b. Other Uses	As approved by the Development Authority
(4)	MAXIMUM HEIGHT	a. Dwellings	5.4 m (18.0 ft.)
		b. Accessory	4.6 m (15.0 ft.)
		c. Other Uses	As approved by the Development Authority
(5)	MINIMUM YARDS	a. Front Yard	4.6 m (15.0 ft.) or as approved by the Development Authority

		b. Rear Yard	3.0 m (10 ft.), but where the windows are at the rear of the unit the minimum required rear yard shall be 4.6 m (15.0 ft.)
		c. Side Yard	3.0 m (10.0 ft.)
(6)	OTHER REGULATIONS	1	with respect to the land uses identified here, may be found in Section 7 - General Regulations and Section 8 – Special Regulations of the Land Use Bylaw.

9.4 COMMERCIAL (C1) DISTRICT

1 GENERAL PURPOSE

- 1 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 USES

1 PERMITTED	2 DISCRETIONARY
(1) Accessory buildings	(1) Auction facilities
(2) Bakeries	(2) Automotive repair shop, minor
(3) Bank	(3) Car washing establishments
(4) Business offices	(4) Clubs or lodges
(5) Clinics	(5) Dwellings attached to commercial uses
(6) Eating and drinking establishments (not drive in restaurants)	(6) Day care facilities
(7) Personal service shops	(7) Drive-in businesses
(8) Retail stores	(8) Schools
	(9) Indoor amusement facilities
	(10) Motels and hotels
	(11) Multi-use developments
	(12) Parking facilities
	(13) Private clubs or lodges
	(14) Public uses
	(15) Public or quasi-public buildings and uses
	(16) Public utilities
	(17) Recycling depots
	(18) Sea cans or shipping containers
	(19) Service stations
	(20) Solar arrays
	(21) The indoor storage of articles before sale in connection with any of the aforementioned uses
	(22) An accessory building 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.
	(23) Any use the Development Authority Officer considers similar to above permitted or discretionary uses.

3 REGULATIONS

(1)	MAXIMUM LOT COVERAGE	a. 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.
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		b. All other uses	As required by the Development Authority.
(2)	MINIMUM FLOOR AREA (NOT INCLUDING ATTACHED PARKING GARAGE)		At the discretion of the Development Authority.
(3)	MINIMUM SITE AREA		139.3 m ² (1,500 ft. ²)
(4)	MAXIMUM HEIGHT		9.0 m (29.5 ft.)
(5)	MINIMUM PARCEL WIDTH		9.0 m (3.0 ft.)
(6)	MINIMUM YARDS	a. Front yard	No front yard setback is required except where the Development Authority may deem it necessary to conform with existing development
		b. Rear yard	7.6 m (25 ft.) or as required by the Development Authority
		c. Side yard, interior lot	If adjacent to the C1 District , no side yard setback is required except that if a side yard is provided then it shall be no less than 1.5 m (5.0 ft.)
			If adjacent to a residential district , minimum of 1.5 m (5.0 ft.)

4 ADDITIONAL REGULATIONS

- 1 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.
- 2 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.
- 3 If the then floor space area used is not greater than 371.6 m² (4,000 ft.²), the manufacture or treatment of products essential to the retail business may be conducted on the premises.
- 4 Other regulations, with respect to the land uses identified here, may be found in in Section 7 - General Regulations and Section 8 – Special Regulations of the Land Use Bylaw.

9.5 GENERAL COMMERCIAL (C2) DISTRICT

1 GENERAL PURPOSE

- 1 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 USES

1 PERMITTED	2 DISCRETIONARY
(1) Manufacturing uses	(1) Animal clinics
(2) Micro wind energy conversion systems	(2) Animal hospitals
(3) Small wind energy conversion systems	(3) Animal shelters
	(4) Auction facilities
	(5) Automobile repair, major
	(6) Automobile repair, minor
	(7) Auto sales (new and used)
	(8) Car washing establishments
	(9) Clinic
	(10) Club or lodge
	(11) Day care facilities
	(12) Drive-in business
	(13) Dwellings attached to commercial uses (see special provisions)
	(14) Indoor amusement facilities
	(15) Motels or motor inns
	(16) Parking facilities
	(17) Places of worship
	(18) Public uses
	(19) Public utility installations and uses
	(20) Recreational uses
	(21) Recycling depots
	(22) Schools
	(23) Sea cans or shipping containers
	(24) Service stations or gas stations
	(25) Solar arrays
	(26) An accessory building or use incidental to any of the aforementioned uses.
	(27) Any use the Development Officer considers similar to above permitted or discretionary uses.

3 REGULATIONS

(1)	MAXIMUM LOT COVERAGE	a. 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.
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		b. All other uses	As required by the Development Authority
(2)	MINIMUM FLOOR AREA (NOT INCLUDING ATTACHED PARKING GARAGE)	At the discretion of the Development Authority	
(3)	MINIMUM SITE AREA	139.3 m ² (1,500 ft. ²)	
(4)	MAXIMUM HEIGHT	9.0 m (29.5 ft.)	
(5)	MINIMUM PARCEL WIDTH	9.0 m (3.0 ft.)	
(6)	MINIMUM YARDS	a. Front yard	No front yard setback is required except where the Development Authority may deem it necessary to conform with existing development
		b. Rear yard	7.6 m (25 ft.) or as required by the Development Authority
		c. Side yard, interior lot	If adjacent to the C1 or C2 District , no side yard setback is required except that if a side yard is provided then it shall be no less than 1.5 m (5.0 ft.)
			If adjacent to a residential district , minimum of 1.5 m (5.0 ft.)

4 ADDITIONAL REGULATIONS

- 2 No use is to be established that is or will become obnoxious by way of noise, odour, dust or fumes.
- 3 Other regulations, with respect to the land uses identified here, may be found in Section 7 - General Regulations and Section 8 – Special Regulations of the Land Use Bylaw.

9.6 GENERAL INDUSTRIAL (MI) DISTRICT

1 GENERAL PURPOSE

- 1 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 USES

1 PERMITTED	2 DISCRETIONARY
(1) Accessory buildings	(1) Assembly plants
(2) Animal clinic	(2) Auto sales (new and used)
(3) Animal hospital	(3) Automobile repair, major
(4) Animal shelter	(4) Automobile repair, minor
(5) Auction facilities	(5) Bulk fuel depots
(6) Automobile repair shops, major and minor	(6) Car washes
(7) Building supplies	(7) Clinic
(8) Heavy equipment sales, service and repair	(8) Club or lodge
(9) Manufacturing uses	(9) Day care facilities
(10) Micro wind energy conversion systems	(10) Drive-in business
(11) Small wind energy conversion systems	(11) Dwellings attached to commercial uses
(12) Solar energy conversion systems	(12) Gas bar
(13) Storage uses	(13) Greenhouses
(14) Warehouse uses	(14) Indoor amusement facilities
	(15) Large wind energy conversion systems
	(16) Motels or motor inns
	(17) Natural resource processing
	(18) Parking facilities
	(19) Parks
	(20) Places of worship
	(21) Public uses
	(22) Public utilities
	(23) Recreational uses
	(24) Recycling depots
	(25) Schools
	(26) Sea cans or shipping containers
	(27) Service stations
	(28) Solar arrays
	(29) Suites, Surveillance
	(30) An accessory building or use incidental to any of the aforementioned uses.
	(31) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses.

3 REGULATIONS

(1)	MAXIMUM LOT COVERAGE	a. Industrial development	60%
		b. All other uses	As required by the Development Authority
(2)	MINIMUM FLOOR AREA (NOT INCLUDING ATTACHED PARKING GARAGE)	As required by the Development Authority	
(3)	MINIMUM SITE AREA	As required by the Development Authority	
(4)	MAXIMUM HEIGHT	As required by the Development Authority	
(5)	MINIMUM YARDS	a. Front yard	9.0 m (29.5 ft.)
		b. Rear yard	9.0 m (29.5 ft.)
		c. Side yard	As required by the Development Authority

4 ADDITIONAL REGULATIONS

- 1 Other regulations, with respect to the land uses identified here, may be found in Section 7 - General Regulations and Section 8 – Special Regulations of the Land Use Bylaw.
- 2 Parking, loading, or storage areas shall not be permitted within the required front yard.
 - a. Appearance
 - b. 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.
 - c. The exterior design and finish of all buildings shall be to the satisfaction of the Development Authority
 - d. All outside storage areas shall be located and screened from public view to the satisfaction of the Development Authority.
 - e. 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.

5 ENVIRONMENTAL STANDARDS

- 1 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.
- 2 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.
- 3 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.

9.7 COMMUNITY (P) DISTRICT

1 GENERAL PURPOSE

- 1 To permit the use of land for services, mainly of a public nature, which have a primary orientation toward the community.

2 USES

1 PERMITTED	2 DISCRETIONARY
(1) Micro wind energy conversion systems	(1) Campgrounds, basic
(2) Parks	(2) Cemeteries
(3) Public and quasi-public buildings and uses	(3) Public utility installations and uses
(4) Recreational uses	(4) Sea cans or shipping containers
(5) Solar arrays	(5) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses

3 DEVELOPMENT REGULATIONS

- 1 All site requirements shall be as approved by the Development Officer.
- 2 Other regulations with respect to the land uses identified here may be found in Section 7 - General Regulations and Section 8 – Special Regulations of the Land Use Bylaw.
- 3 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.
- 4 The removal of vegetation or disturbance of soil or natural ground is not allowed.
- 5 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.

9.8 INSTITUTIONAL (I) DISTRICT

1 GENERAL PURPOSE

- 1 To allow the development of uses of either a public or private nature which provide services to the community.

2 USES

1 PERMITTED	2 DISCRETIONARY
(1) Accessory buildings and uses	(1) Cemeteries
(2) Community halls	(2) Recreational uses
(3) Dwelling, senior citizens	(3) Private clubs and lodges
(4) Health services	(4) Public and quasi-public buildings
(5) Micro wind energy conversion systems	(5) Sea cans or shipping containers
(6) Places of worship	(6) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
(7) Public and quasi-public buildings and uses	
(8) Schools	
(9) Solar arrays	

3 DEVELOPMENT REGULATIONS

- 1 All site requirements shall be as approved by the Development Officer.
- 2 Other regulations with respect to the land uses identified here may be found in Section 7 - General Regulations and Section 8 – Special Regulations of the Land Use Bylaw.

9.9 OPEN SPACE/FLOODWAY (FW) DISTRICT

1 GENERAL PURPOSE

- 1 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 USES

1 PERMITTED	2 DISCRETIONARY
(1) Extensive agriculture	(1) Extensive recreation
(2) Natural areas	(2) Walkways and trails
(3) Parks	(3) Buildings and uses which are accessory to the above uses but not including any structure for human habitation

3 DEVELOPMENT REGULATIONS

- 1 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.
- 2 Other regulations, with respect to the land uses identified here, may be found in Section 7 - General Regulations and Section 8 – Special Regulations of the Land Use Bylaw.
- 3 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.
- 4 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.
- 5 The removal of vegetation or disturbance of soil or natural ground is not allowed.
- 6 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.

9.10 URBAN RESERVE (UR) DISTRICT

1 GENERAL PURPOSE

- 1 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 USES

1 PERMITTED	2 DISCRETIONARY
(1) Extensive agriculture	(1) Extensive recreation
(2) Micro wind energy conversion systems	(2) Greenhouses
(3) Natural areas	(3) Natural resource processing
(4) Solar arrays	(4) Dwellings, single detached
	(5) Sea cans or shipping containers
	(6) Small animal breeding and boarding facilities
	(7) Small wind energy conversion systems
	(8) Any use or building that the Development Authority feels will not prejudice the future subdivision of the area for urban development

3 DEVELOPMENT REGULATIONS

- 1 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.
- 2 All development regulations shall be at the discretion of the Development Authority.
- 3 Water supply and sewage disposal shall be in accordance with relevant provincial regulations.
- 4 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.
- 5 Other regulations with respect to the land uses identified here may be found in Section 7 - General Regulations and Section 8 – Special Regulations of the Land Use Bylaw.

9.11 DIRECT CONTROL (DC) DISTRICT

1 GENERAL PURPOSE

- 1 To enable specific developments to occur in areas of unique character or circumstance, under the direct control of Council.

2 USES

- 1 As allowed by Council.

3 DEVELOPMENT REGULATIONS

- 1 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.
- 2 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:
 - a. existing land use;
 - b. previous regulations and development criteria pertaining to the area;
 - c. provisions of this Land Use Bylaw;
 - d. the development of adjacent areas.

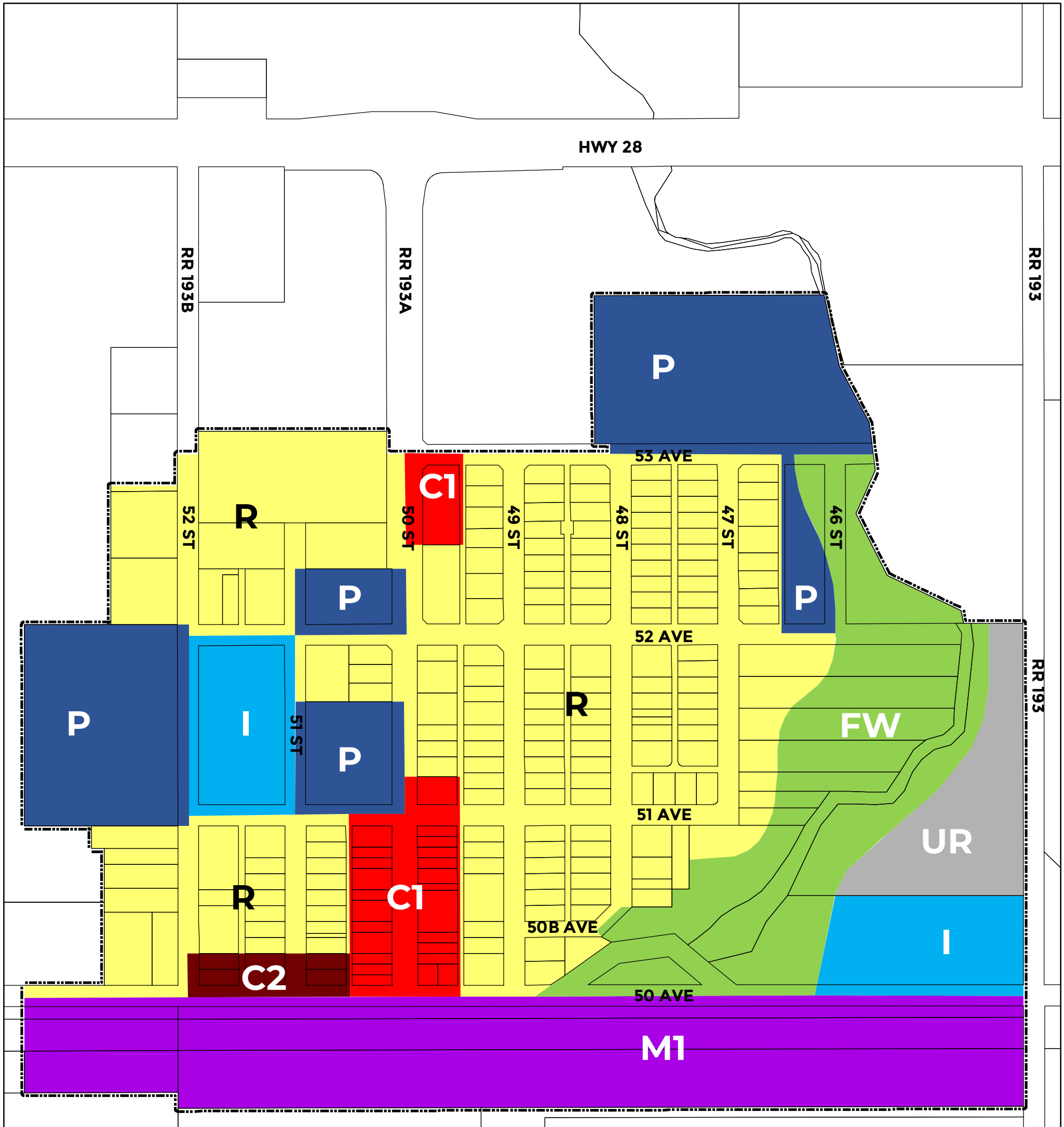
4 LAND USE AGREEMENT

- 1 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.
- 2 A Land Use Agreement shall be registered by the Village as a restrictive covenant against the parcel.

5 APPEALS

- 1 Decisions made pursuant to this section cannot be varied by an appeal to the Subdivision and Development Appeal Board as is the case in all other land use districts.
- 2 Within a Direct Control District, Development permits and attached conditions can only be altered by Council.

10. Land Use District Map



- Land Use Districts**
- R - Residential
 - RMHS - Residential Manufactured Home Subdivision
 - C1 - Commercial
 - C2 - General Commercial
 - M1 - General Industrial
 - P - Community
 - I - Institutional
 - FW - Open Space/Floodway
 - UR - Urban Reserve
 - DC - Direct Control

VILLAGE of WASKATENAU LAND USE BYLAW

Section 10 - Land Use District Map

