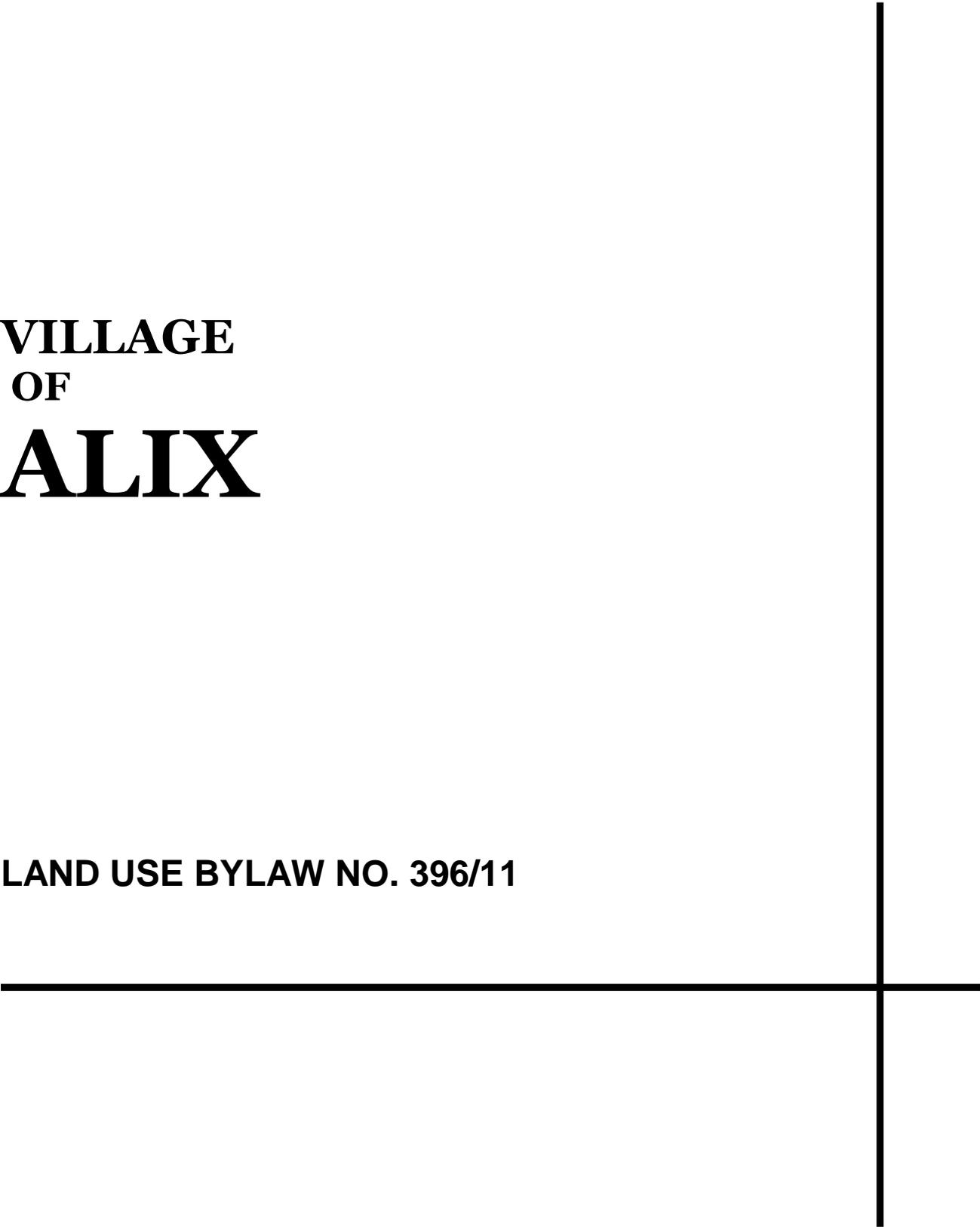


**VILLAGE  
OF  
ALIX**

**LAND USE BYLAW NO. 396/11**

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## HOW TO USE THIS BYLAW

Alix's Land Use Bylaw establishes the regulations that govern how land and buildings can be developed in the Village. The regulations vary depending on where the land is located and what kind of development is proposed.

If you are not sure you understand the regulations, or if you would like someone to guide you through the process, simply call or visit the Village's Planning & Development Department.

### Step 1

Locate the property in question on the Land Use Map attached as Schedule A of the Bylaw.

The map divides the Village into Land Use Districts. Each District has a designation such as "R1" (Residential District – low density detached dwellings), or "C1" (Central Commercial). Note which Land Use District the property is located in.

### Step 2

Check the Table of Contents and find the District that you are interested in. Each Land Use District is listed in Part 9.1. In each District you will find a list of permitted and discretionary uses, and regulations related to subdivision, development and use for land within that particular district.

### Step 3

Review the Table of Contents to see if there are any general regulations that apply. For example, Part 7 "General Regulations" deals with such items as parking and loading, accessory buildings/garages, etc. It includes Specific Use Regulations for home occupations, vehicular uses, bed and breakfast homes and inns, and duplex housing. Part 8 describes the regulations and guidelines concerning signs.

### Step 4

Discuss your project with the Village's Development Officer. She/He will assist you with your application and explain the process, whether you are applying for a development permit, subdivision, or Land Use Bylaw amendment.

We hope this "how to" guide has been useful. Again, if you need help, please ask!

**\*NOTE:** This page is intended only to assist readers and does not form part of the Land Use Bylaw.

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## **Schedule A: Land Use District Map**

## **PART ONE: PURPOSE AND APPLICABILITY**

### **1.1 Purpose of the Land Use Bylaw**

- (1) This Bylaw may be cited as “The Village of Alix Land Use Bylaw”.
- (2) The purpose of this Bylaw is to, amongst other things:
  - (a) divide the municipality into Districts;
  - (b) prescribe and regulate the uses for each District;
  - (c) establish the office of the Development Officer;
  - (d) establish a method of making decisions on applications for development permits including the issuing of development permits;
  - (e) provide the manner in which notice of the issuance of a development permit is to be given; and
  - (f) implement the statutory plans of the Village of Alix, insofar as it is practical and desirable for the Village of Alix.
- (3) Compliance with the requirements of this Land Use Bylaw does not exempt any person from:
  - (a) the requirements of any federal, provincial or municipal legislation; and
  - (b) complying with any easement, covenant, agreement or contract affecting the development.

### **1.2 Sections Found Invalid**

If one or more provisions of this Land Use Bylaw are for any reason declared to be invalid, it is intended that all remaining provisions are to remain in full force and effect.

### **1.3 Development Permit Required**

Except as provided in Section 1.4 of this Bylaw, a development application must be approved and a development permit obtained before development can commence or be allowed to continue.

#### 1.4 Development Not Requiring a Development Permit

A development permit is not required for the following developments. However, they shall still comply with the provisions of the Bylaw. In any situation involving a development, the developer should consult with the Development Officer to ensure compliance with this Bylaw:

- (a) the carrying out of works of improvement, maintenance or renovation to any building provided that such works do not include structural alterations or additions;
- (b) the completion of any development which has lawfully commenced before the passage of this Land Use Bylaw or any amendment thereof, provided that the development is completed in accordance with the terms of any permit granted in respect of it, and provided that it is completed within 12 months of the date of commencement;
- (c) the use of any such development as is referred to in subsection (b) for the purpose of which development was commenced;
- (d) a temporary building, the sole purpose of which is incidental to the carrying out of a development for which a permit has been issued under this Land Use Bylaw;
- (e) a temporary use of a parcel not exceeding 6 months for the sole purpose of mobile commercial sales (e.g. fish trucks, fruit trucks, etc.), providing a business license is obtained from the municipality and the location of the business is to the satisfaction of the Development Officer;
- (f) the installation, maintenance and repair of public utilities;
- (g) 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;
- (h) any development carried out by or on behalf of the municipality provided that such development complies with all applicable provisions of this Land Use Bylaw;
- (i) one accessory building used as a garden or tool shed on a residential parcel, such building not to exceed 10 m<sup>2</sup> (107.6 ft<sup>2</sup>) in floor area and 3 m (9.84 ft) in height;
- (j) development specified in Section 618 of the *Municipal Government Act*, which includes:
  - (i) a highway or road,
  - (ii) a well or battery within the meaning of the Oil and Gas Conservation Act,
  - (iii) a pipeline or an installation or structure incidental to the operation of a pipeline, or
  - (iv) any other action, person, or thing specified by the Lieutenant Governor in Council by regulation.

- (k) the erection of one sign of the following nature and size for each use within a building or on a parcel, provided such signs do not resemble or conflict with traffic signs:
- (i) a fascia sign for the purpose of identification, direction and warning not exceeding a size of 6.97 m<sup>2</sup> (75 ft<sup>2</sup>),
  - (ii) a fascia sign not exceeding a size of 6.97 m<sup>2</sup> (75 ft<sup>2</sup>) that relates to a person, partnership or company carrying on a profession, business or trade other than a home occupation,
  - (iii) a fascia or freestanding sign relating to a religious, educational, cultural, recreational or similar institution, or to an apartment not exceeding a size of 6.97 m<sup>2</sup> (75 ft<sup>2</sup>),
  - (iv) a portable sign or notice, relating to the sale or lease of land or buildings, sale of goods or livestock by auction, carrying out of construction, or the announcement of any local event of a religious, educational, cultural, political, or governmental nature not exceeding 3.0 m<sup>2</sup> (32.29 ft<sup>2</sup>) and limited in display to the period of completion of the sale, lease, construction or event,
  - (v) an a-board sign meeting the requirements of this Land Use Bylaw, or
  - (vi) a flag attached to a single upright flagpole.
- (l) the erection or construction of gates, fences, walls or other means of enclosure less than 1 m (3.28 ft) in height in front yards and less than 2 m (6.56 ft) in height in other yards in a residential district.

## PART TWO: THE DEVELOPMENT AUTHORITY

### 2.1 Development Officer

- (1) The office of the Development Officer is hereby established and such office shall be filled by a person or persons to be appointed by resolution of Council.
- (2) The Development Officer shall:
  - (a) keep and maintain for the inspection of the public during all reasonable hours, a copy of this Land Use Bylaw and all amendments thereto;
  - (b) review each development permit application to determine its appropriate use definition and, if necessary, require the applicant to apply for a permit for a different use definition or make application to amend this Land Use Bylaw;
  - (c) receive, consider, and may decide on applications for a development permit with respect to a **Permitted Use** in the subject land use district including attaching any terms and conditions deemed necessary by the Development Officer;
  - (d) at their discretion, refer to the Municipal Planning Commission for its consideration any development permit application with respect to a permitted use;
  - (e) refer to the Municipal Planning Commission for its consideration any development permit application with respect to a **Discretionary Use** and such other matters as the Municipal Planning Commission may direct;
  - (f) provide notice of decisions on development permit applications in accordance with the notification requirements of this Bylaw;
  - (g) keep a register of all applications for development, including the decisions thereon and the reasons therefore; and
  - (h) prepare such forms and notices as they may deem necessary for the purpose of administering this Land Use Bylaw with such forms and notices having the full force and effect of this Land Use Bylaw in the execution of the purpose for which they were designed, authorized and issued.

## 2.2 Municipal Planning Commission

- (1) The Municipal Planning Commission shall:
  - (a) issue decisions and, if necessary, state terms and conditions for development permit applications for Permitted Uses which the Development Officer refers to the Municipal Planning Commission;
  - (b) issue decisions and, if necessary, state terms and conditions for development permit applications for those uses listed as Discretionary Uses which the Development Officer refers to the Municipal Planning Commission; and
  - (c) consider and, if necessary, state terms and conditions or provide direction on any other planning or development matter referred by the Development Officer.
- (2) The Municipal Planning Commission may:
  - (a) direct the Development Officer/Administration to review, research or make recommendations on any other planning and development matter; and
  - (b) make recommendations to Council on planning and development matters.

## PART THREE: DEVELOPMENT PERMIT APPLICATIONS

### 3.1 Permission for Development

- (1) An application for a development permit shall be made to the Development Officer in writing on the prescribed form and shall be accompanied by:
  - (a) a statement of existing and proposed uses;
  - (b) a copy of the Certificate of Title to the land and, if the applicant is not the owner, a statement of the applicant's interest in the land together with the written consent of the owner to the application,
  - (c) a scaled site plan in duplicate showing:
    - (i) north arrow;
    - (ii) scale of plan;
    - (iii) legal description of property (lot #, block #, plan #);
    - (iv) lot lines shown with dimensions;
    - (v) location of all existing and proposed buildings dimensioned to property lines;
    - (vi) location of vehicle parking and access and egress points to the parcel;
    - (vii) utilities, site drainage, and existing and proposed site grades;
    - (viii) location and size (trunk diameter, height) of existing trees;
    - (ix) for multi-family, commercial, industrial, recreational, public and other similar uses:
      - i. loading space provisions;
      - ii. garbage and storage areas and the fencing or screening proposed for same;
      - iii. location and approximate dimensions of all existing and proposed parks, playgrounds and other amenity areas; and
      - iv. treatment of landscaped areas;
  - (d) plans showing elevations, floor plan and the perspective of the proposed development, including a description of the exterior finishing materials and colours;
  - (e) the estimated commencement and completion dates;
  - (f) the estimated cost of the project or contractor price; and
  - (g) such other plans and information as the Development Officer/Municipal Planning Commission may consider necessary to properly evaluate the proposed development
- (2) Where demolition of a building requires a development permit, such a permit requires the applicant to provide details indicating:
  - (a) how the demolition will be carried out, including the disconnection of existing services and management of any hazardous and non-hazardous

waste materials; and

(b) how the parcel will be reclaimed.

### 3.2 Measurements

All measurements in this bylaw are metric. Imperial equivalents are provided for convenience only.

### 3.3 Development Permit Fees

Each application for a development permit shall be accompanied by a non-returnable processing fee. Development permit fees shall be determined from time to time by resolution of Council.

### 3.4 Incomplete Applications

When, in the opinion of the Development Officer, sufficient details have not been included with the application for a development permit, as set out in section 3.1, the Development Officer may return the application to the applicant for further details. The application, so returned, shall be deemed not to be in its complete and final form until all required information has been submitted.

### 3.5 Waiver of Information Requirements

The Development Officer may deal with an application for a permitted use and make a decision thereon without all the information required under section 3.1 if, in their opinion, a decision can be properly made without such information. Complete information shall be provided for all applications to be reviewed by the Municipal Planning Commission.

## PART FOUR: DEVELOPMENT PERMIT DECISION PROCESS

### 4.1 Permitted Uses

- (1) The Development Authority shall approve an application for a development permit for a permitted use if the application conforms to the requirements of the Land Use bylaw, the *Municipal Government Act*, and any statutory plans. The Development Authority may attach conditions to the permit necessary to ensure any of the following:
  - (a) arrangements satisfactory to the Development Authority for the supply of utilities including, but not limited to, water electric power, sanitary sewer, storm sewer, natural gas, cable, including payment of the cost of installation or construction of any such utility or facility by the applicant
  - (b) arrangements satisfactory to the Development Authority for vehicular and pedestrian access from public roads and trails, on-site vehicular and pedestrian circulation, parking, loading, landscaping or drainage, or any one or more of these matters, including payment of the costs of installation or constructing any such facility by the applicant
  - (c) That the applicant enters into a development agreement or an interim agreement, which shall form part of such development permit and may be required to be registered by caveat against title to the site at the Land Titles Office, to do any or all of the following:
    - (i) to construct or pay for the construction of a road required to give access to the development;
    - (ii) to construct, or pay for the construction of:
      - (a) a pedestrian walkway system to serve the development, or
      - (b) pedestrian walkways to connect the pedestrian walkway system serving the development with a pedestrian walkway system that serves or is proposed to serve an adjacent development, or both;
    - (iii) to install or pay for the installation of public utilities, other than telecommunications systems or works, that are necessary to serve the development;
    - (iv) to construct or pay for the construction of:
      - (a) off-street or other parking facilities; and
      - (b) loading and unloading facilities;
    - (v) to pay to the Village the costs paid by the Village to its Engineers, Planners, or any other person for the preparation or review of site development plans, review of construction drawings, materials testing, inspections, monitoring of construction, and any other engineering, planning and legal costs and expenses which the Village incurs in connection with the preparation, administration and enforcement of the development agreement.
  - (d) That the applicant pays an offsite levy or redevelopment levy imposed by a bylaw adopted pursuant to the *Municipal Government Act*;

- (e) That the applicant repair or reinstate or pay for the repair or reinstatement to the original condition any street furniture, curbing, boulevard landscaping and/or tree planting which may be damaged or destroyed or otherwise harmed by development or construction operations on the site;
  - (f) That the applicant provides a performance security to ensure completion of any requirement set out as a condition of approval of a development permit. The security may include, but is not limited to, an irrevocable letter of credit or charge against the title to the site;
  - (g) That the applicant submits a Real Property Report to the satisfaction of the Development Officer; and
  - (h) That the applicant provides and causes to be registered on the applicable titles any easements, right-of-way agreements, encroachment agreements or restrictive covenants which in the opinion of the Development Authority are required.
- (2) If an application for a development permit for a permitted use does not conform to the requirements of the Land Use Bylaw, the *Municipal Government Act*, and/or any statutory plan, the Development Authority:
- (a) may refuse the application giving reasons for the refusal; or
  - (b) may approve the application subject to the conditions listed in subsection (1) and any conditions to ensure that the application conforms to the requirements of the Land Use Bylaw, the *Municipal Government Act*, and any statutory plans; or
  - (c) may approve the application pursuant to section 4.3 and subject to the conditions listed in subsection (1).

#### 4.2 Discretionary Uses

- (1) The Municipal Planning Commission may approve an application for a development permit for a discretionary use subject to:
- (a) Conditions listed in section 4.1; and
  - (b) Any conditions that the Municipal Planning Commission may deem appropriate to ensure compatibility with the amenities of the neighbourhood and the use, enjoyment and value of neighbouring parcels of land, including, but not limited to, the following:
    - (i) limiting the time of operation including hours of the day, days of the week, and parts of the year;
    - (ii) limiting the number of patrons;
    - (iii) requiring attenuation or mitigation of noise or any other nuisances that may be generated by the proposed development;
    - (iv) regarding the location, character and appearance of buildings;

- (v) regarding the grading of the site or such other matters as are necessary to protect the site from other developments or to protect other developments from the site; and
  - (vi) establishing the period of time during which a development may continue.
- (2) The Municipal Planning Commission may refuse an application for a development permit for a discretionary use giving reasons for its refusal.

#### 4.3 Granting Relaxations

- (1) The Development Authority may approve an application for a development permit notwithstanding that the proposed development does not comply with this Land Use Bylaw if, in the opinion of the Development Authority:
- (a) the proposed development conforms with the use prescribed for land or building in this Land Use Bylaw; and
  - (b) the proposed development would not
    - (i) unduly interfere with the amenities of the neighbourhood, or
    - (ii) materially interfere with or affect the use, enjoyment or value of neighbouring properties.
- (2) In approving an application for development pursuant to subsection (1) the Development Authority shall adhere to the following:
- (a) a relaxation shall be considered only where warranted by the merits of the proposed development and in response to irregular lot lines, parcel shapes or site characteristics which create difficulties in siting structures within the required setbacks or in meeting the usual bylaw requirements;
  - (b) except as otherwise provided in this bylaw, there shall be no variance from maximum density regulations;
  - (c) where the issuance of a development permit involves the exercise of any specified discretion of the Development Authority to relax a regulation of a district or any other regulation of this bylaw, the Development Authority shall not permit any additional variance from that regulation;
  - (d) where the decision on the application is made by the Development Officer a relaxation shall not be granted for less than ninety percent (90%) of any minimum regulation or more than one hundred and ten percent (110%) of any maximum regulation; and
  - (e) where the decision on the application is made by the Municipal Planning Commission a relaxation shall not be granted for less than ninety percent (90%) of any minimum regulation or more than one hundred and ten percent (110%) of any maximum regulation.

- (3) In the event that a relaxation is granted, the nature of the approved relaxation shall be specifically described in the development permit approval.

#### 4.4 Time Limit for Decisions on Development Permits

- (1) The Development Authority shall consider and decide on any application for a development permit within 40 days of the receipt of a completed application, or within such longer period as the applicant may have agreed to in writing.
- (2) Should an applicant for a development permit deem their application to be refused when a decision thereon is not made by the Development Authority within 40 days after receipt of a completed application by the Development Officer, or within such longer period as the applicant may have agreed to in writing, the applicant may appeal the refusal as provided in section 4.9 of this Land Use Bylaw.

#### 4.5 Notification of Development Authority Decisions

- (1) A decision of the Development Authority on an application for a development permit shall be given in writing and a copy of it sent by ordinary mail to the applicant.
- (2) When an application for a permitted use is approved with or without conditions, the Development Officer shall:
  - (a) send a notice of the decision by ordinary mail to all persons that the Development Officer considers may be affected; or
  - (b) publish a notice of the decision in a newspaper circulating in the Village stating the legal description and the civic address of the site of the development and identifying the use which has been approved; or
  - (c) display a notice of the decision in a publicly accessible area of the Village Office.
- (3) When an application for a discretionary use or a permitted use where a relaxation has been granted is approved with or without conditions, the Development Officer shall:
  - (a) send a notice of the decision by ordinary mail to all adjacent landowners; or
  - (b) send a notice of the decision by ordinary mail to all persons that the Development Officer considers may be affected; or
  - (c) publish a notice of the decision in a newspaper circulating in the Village stating the legal description and the civic address of the site of the development and identifying the use which has been approved, or

- (d) display a notice of the decision in a publicly accessible area of the Village Office.
- (4) When the Development Authority refuses an application for a development permit, the notice of decision shall contain the reasons for the refusal.

#### 4.6 Effective Date of a Development Permit

- (1) A development permit shall not become effective until 14 days after the notice of decision has been published in a newspaper or 21 days if such notice is given by ordinary mail, whichever last occurs.
- (2) Any development proceeded with by the applicant prior to the effective date described in subsection (1) is done solely at the risk of the applicant.
- (3) Where an appeal is made pursuant to the Municipal Government Act, a development permit shall not become effective until the appeal has been heard and a decision rendered, whereby the original decision of the Development Authority may be modified or nullified.

#### 4.7 Cancellation of a Development Permit

- (1) If the development authorized by a permit is not commenced within 12 months from the date of its issue, or the date of decision of the Subdivision and Development Appeal Board, nor carried out with reasonable diligence as determined by the Development Authority, the permit ceases to be effective, unless an extension to this period, being no longer than an additional 12 months, has previously been granted by the Development Authority.
- (2) The Development Authority may cancel a development permit if:
  - (a) the permit was issued in error; or
  - (b) the permit was issued on the basis of incorrect information.

#### 4.8 Re-application for a Development Permit

In the case where an application for a development permit has been refused pursuant to this Part or ultimately after appeal pursuant to Section 4.9 Part, the submission of another application for a permit on the same parcel and for the same or similar use of land by the same or any other applicant may not be accepted by the Development Officer for at least 6 months after the date of the final decision unless, in the opinion of the Development Officer, the reasons for refusal have been adequately addressed or the circumstances of the application have changed significantly.

#### 4.9 Appealing a Decision of the Development Authority

- (1) If the Development Authority:
  - (a) fails or refuses to issue a development permit to a person,
  - (b) issues a development permit subject to conditions, or
  - (c) issues an order under the *Municipal Government Act*,the person applying for a permit or affected by the order may appeal to the Subdivision and Development Appeal Board.
- (2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by the Development Authority may appeal to the Subdivision and Development Appeal Board.
- (3) Despite subsections (1) and (2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied or misinterpreted.
- (4) An appeal to the Subdivision and Development Appeal Board is commenced by filing a notice of appeal, containing reasons for the appeal, with the board within 14 days,
  - (a) in the case of an appeal made by the person applying for a permit or affected by the order, after
    - (i) the date on which the person is notified of the order or decision or the issues of the development permit, or
    - (ii) if no decision is made with respect to the application within the 40-day period or within any extension granted under the *Municipal Government Act*, the date the period or extension expires,or
  - (b) in the case of an appeal by any person affected by an order, decision or development permit made or issued by the Development Authority, after the date on which the notice of the issuance of the permit was given in accordance with Section 4.5.
- (5) The subdivision and development appeal board must hold an appeal hearing within 30 days after receipt of a notice of appeal in accordance with the *Municipal Government Act*.

## PART FIVE: CONTRAVENTION AND ENFORCEMENT

### 5.1 Contravention of the Land Use Bylaw

- (1) If the Development Officer finds that a development, land use or use of a building is not in conformity with
  - (a) the Land Use Bylaw, Part 17 of the *Municipal Government Act* or Subdivision and Development Regulation, or
  - (b) a development permit or subdivision approval, or a condition therein,the Development Officer may, by written notice, order the owner, the person in possession of the land or building, or the person responsible for the contravention, or any or all of them, to
  - (c) stop the development or use of the land or building in whole or in part as directed by the notice,
  - (d) demolish, remove or replace the development, or
  - (e) carry out other actions required by the notice so that the development or use of the land or building complies with the Land Use Bylaw, Part 17 of the *Municipal Government Act* or Subdivision and Development Regulation, a development permit or subdivision approval, or a condition therein,and in such order establish a time for reasonable compliance with such order.
- (2) If a person fails or refuses to comply with an order under subsection (1) or an order of the Subdivision and Development Appeal Board made pursuant to Part 17 of the *Municipal Government Act*, the municipality may enter on the land or building and take any action necessary to carry out the order.
- (3) The municipality may register a caveat under the Land Titles Act in respect of an order referred to in subsection (1) against the certificate of title for the land that is the subject of the order, but if it does so the municipality must discharge the caveat when the order has been complied with.
- (4) When the Council or a person appointed by it carries out an order, the Council shall cause the costs and expenses incurred in carrying out the order to be placed on the tax roll as an additional tax against the property concerned and that amount shall be collected in the same manner as taxes on land.

## 5.2 Offences and Penalties

- (1) A person who contravenes or does not comply with
  - (a) the Land Use Bylaw,
  - (b) Part 17 or the *Municipal Government Act*,
  - (c) The subdivision and Development Regulation,
  - (d) an order under Section 2(6) of this Bylaw,
  - (e) a development permit or subdivision approval, or a condition therein,
  - (f) a decision of the Subdivision and Development Appeal Board, or
  - (g) who obstructs or hinders any person in the exercise or performance of his/her powers or duties under this Land Use Bylaw,is guilty of an offence.
- (2) A person who is guilty of an offence referred to in subsection (1) above is liable to a fine of not more than \$10,000.00 or to imprisonment for not more than one year, or to both fine and imprisonment.

## **PART SIX: AMENDING THE LAND USE BYLAW**

### **6.1 Initiating an Amendment**

- (1) The Council on its own initiative may give first reading to a Bylaw to amend this Land Use Bylaw.
- (2) A person may make application to the Development Officer for amendment to this Land Use Bylaw. The application shall include:
  - (a) a statement of the specific amendment requested;
  - (b) the purpose and reasons for the application;
  - (c) if the application is for a change of District, the legal description of the lands, or a plan showing the location and dimensions of the lands;
  - (d) a statement of the applicant's interest in the lands; and
  - (e) an application fee to be established by resolution of Council.
- (3) If the amendment is for a redesignation of land, the Development Officer may require:
  - (a) an outline plan for the area to be redesignated, to the level of detail specified by the Development officer; and
  - (b) payment of a fee equal to the costs incurred by the Municipality to review the proposed redesignation and/or related outline plan, or if necessary to prepare an outline plan.
- (4) The Land Use Bylaw may be amended without giving notice or holding a public hearing, as required by this part and the *Municipal Government Act*, if the amendment corrects clerical, technical, and grammatical or typographical errors and does not materially affect the Land Use Bylaw in principal or substance.

### **6.2 Amendment Procedure**

- (1) Upon receipt of an application for amendment to this Land Use Bylaw, the Development Officer shall determine when the application will be placed before the Council and shall issue not less than 5 days' notice to the applicant advising that he may appear before the Council at that time, and speak to the application. An application for amendment shall be placed before the Council within 60 days of its receipt by the Development Officer.
- (2) The Council, in considering an application for an amendment to this Land Use Bylaw, may at its sole discretion:

- (a) refuse the application; or
  - (b) refer the application for further information; or
  - (c) pass first reading to a Bylaw to amend this Land Use Bylaw, with or without conditions or amendments; or
  - (d) defeat first reading of a Bylaw to amend this Land Use Bylaw; or
  - (e) pass first reading of an alternative amendment to this Land Use Bylaw, with or without conditions.
- (3) Following first reading to an amending Bylaw, the Council shall
- (a) establish the date, time and place for a public hearing on the proposed Bylaw;
  - (b) if a bylaw to establish procedures for public hearings has not been passed
    - (i) outline the procedures to be followed by any person, group of persons or person representing them who wish to be heard at the public hearing, and
    - (ii) outline the procedure for conducting the public hearing.
- (4) A notice of a public hearing must be advertised at least 5 days before the public hearing occurs.
- (5) A notice must contain
- (a) a statement of the general purpose of the proposed bylaw and public hearing,
  - (b) the address where a copy of the proposed bylaw and any document relating to it or the public hearing may be inspected,
  - (c) the date, place and time where the public hearing will be held.
- (6) In the case of an amendment to change the district designation of a parcel of land, the Development Officer must, in addition to the requirements of subsection (6)
- (a) include in the notice
    - (i) the municipal address, if any, and the legal address of the parcel of land, and
    - (ii) a map showing the location of the parcel of land,
  - (b) give written notice containing the information described in clause (a) and subsection (6) to the assessed owner of that parcel of land at the name and address shown in the assessment roll of the municipality, and
  - (c) give written notice containing the information described in clause (a) and

subsection (6) to each owner of adjacent land at the name and address shown for each owner on the assessment roll of the municipality.

- (7) If the land referred to in subsection (6)(c) is in Lacombe County, the written notice must be given to that municipality and to each owner of adjacent land at the name and address shown for each owner on the tax roll of Lacombe County.
- (8) In the public hearing, the Council
  - (a) shall hear any person, group of persons, or person representing them, who claims to be affected by the proposed bylaw and who has complied with the procedures outlined by Council, and
  - (b) may hear any other person who wishes to make representations and whom the Council agrees to hear.
- (9) After considering the representations made to it about the proposed bylaw at the public hearing and after considering any other matter it considers appropriate, Council may
  - (a) pass the bylaw,
  - (b) refer it for further information or comment,
  - (c) make any amendment to the bylaw it considers necessary and proceed to pass it without further advertisement or hearing, or
  - (d) defeat the bylaw.
- (10) Prior to third reading of the proposed bylaw, Council may require the applicant to apply for a development permit and negotiate a development agreement in respect of the proposal which initiated the application for amendment.
- (11) After third reading of the proposed bylaw, the Development Officer shall send a copy of it to
  - (a) the applicant;
  - (b) the registered owner of the land if not the applicant;
  - (c) the Director of Parkland Community Planning Services;
  - (d) Lacombe County if it received a copy of the proposed Bylaw pursuant to subsection (7).
- (12) In this section, “owner” means the person shown as the owner of land on the assessment roll prepared pursuant to the *Municipal Government Act*.

- (13) The Development Officer shall not accept an application for amendment which is identical or similar to an application which was refused by Council, for a period of 6 months after the date of the refusal unless, in the opinion of the Development Officer, the reasons for refusal have been adequately addressed or the circumstances of the application have changed significantly.

## PART SEVEN: GENERAL LAND USE REGULATIONS

### Buildings

#### 7.1 Accessory Buildings

- (a) All Districts:
  - (i) No development permit is required for the first accessory building on a parcel provided the floor area does not exceed 10 m<sup>2</sup> (107.6 ft<sup>2</sup>), the building complies with all of the regulations herein.
  - (ii) No accessory building or any portion thereof shall be erected or placed within the front yard of a parcel.
  - (iii) No part of an accessory building shall be located on or over an easement or utility right-of-way unless authorized by the Development Authority.
  - (iv) An accessory building shall not be used for human habitation except where a secondary suite has been approved.
  - (v) An accessory building or any portion thereof may be erected or placed on the rear or side boundary common to two parcels provided the accessory building serves the two abutting parcels and a party wall agreement has been or will be registered.
- (b) Residential Districts
  - (i) No accessory building or any portion thereof shall be erected or placed within the front yard of a parcel.
  - (ii) An accessory building on an interior parcel shall be situated so that the exterior wall is at least 1 m (3.28 ft.) from the side and rear boundaries of the parcel.
  - (iii) An accessory building on a corner parcel shall not be situated closer to the street than the main building. It shall not be closer than 1 m (3.28 ft.) to the other side parcel boundary or the rear parcel boundary.
  - (iv) An accessory building shall not be more than 6.1 m (20 ft.) in height, and shall not exceed the height of the main building.

#### 7.2 Building Orientation and Design

The design, character and appearance of any building, or series of buildings, structure or sign proposed to be erected or located in any District must be acceptable to the Development Authority having due regard to

- (a) amenities such as daylight, sunlight and privacy,

- (b) the character of existing development in the District including but not necessarily limited to, exterior finishing or facing materials, roof pitches or slopes, eave depth, building size and mass, building setbacks and architectural detailing, and
- (c) its effect on adjacent parcels.

### 7.3 Number of Buildings on a Parcel

A development permit shall not be issued for more than one main building on an unsubdivided parcel, except where it is proposed to develop more than one main building to form a single, unified group of buildings.

### 7.4 Relocation of Buildings

- (a) No person shall locate on a parcel a building which has previously been erected or placed on a different parcel, or alter the location on a parcel of a building which has already been constructed on that parcel, unless a development permit has been issued by the Development Authority.
- (b) In addition to the requirements of Section 3.1 the Development Authority may require an application for a development permit to be accompanied with:
  - (i) recent colour photographs showing all sides of the building;
  - (ii) a statement on the age, size and general condition of the building;
  - (iii) a statement prepared and signed by a qualified person on the structural condition of the building; and
  - (iv) a statement of proposed improvements to the building.
- (c) An application for a development permit may be approved by the Development Authority if the proposal meets all of the regulations specified under the appropriate Land Use District in which it is proposed to be located.
- (d) Where a development permit has been granted for the relocation of a building either on the same parcel or from another parcel, the Development Authority may require the applicant to provide a performance bond or similar security of such amount to ensure completion of any renovations set out as a condition of approval of a permit.
- (e) All structural and exterior renovations shall be completed within one year of the issuance of a development permit.

## 7.5 Building Demolition

An application to demolish a building shall not be approved without a statement or plan which indicates:

- (a) how the operation will be carried out so as to create a minimum of dust or other nuisance;
- (b) how the demolition will be carried out, including the disconnection of existing services and management of any hazardous and non-hazardous waste materials; and
- (c) the final reclamation or state of the parcel

which is satisfactory to the Development Authority.

## 7.6 Secondary Suites

- (a) A secondary suite shall be restricted to a site occupied by a detached dwelling in a residential district.
- (b) A maximum of one secondary suite may be allowed per detached dwelling lot.
- (c) A secondary suite may be located:
  - (i) within a portion of the principal building provided the exterior appearance of the principal building continues to project an image of a single detached dwelling; or
  - (ii) in an accessory building intended to contain only a secondary suite; or
  - (iii) within a portion of a detached garage.
- (d) The floor area of a secondary suite shall be a maximum of 40% of the gross floor area of the primary dwelling up to a maximum 55 m<sup>2</sup> (592 ft<sup>2</sup>).
- (e) A secondary suite developed on a second floor integral to a detached garage shall not be more than 7.5 m (24.6 ft) in height and shall not exceed the height of the principal building.
- (f) One off-street parking stall shall be provided per secondary suite in addition to the required number of parking stalls for the principal building.
- (g) The appearance and design of a secondary suite developed as a separate building or addition to the principal building shall be compatible with the appearance and design of the principal building to the satisfaction of the Development Authority.
- (h) Secondary suites located in an accessory building or as part of a detached garage shall:
  - (i) only be placed in the rear yard of a parcel.
  - (ii) be situated so that the exterior walls are at least:

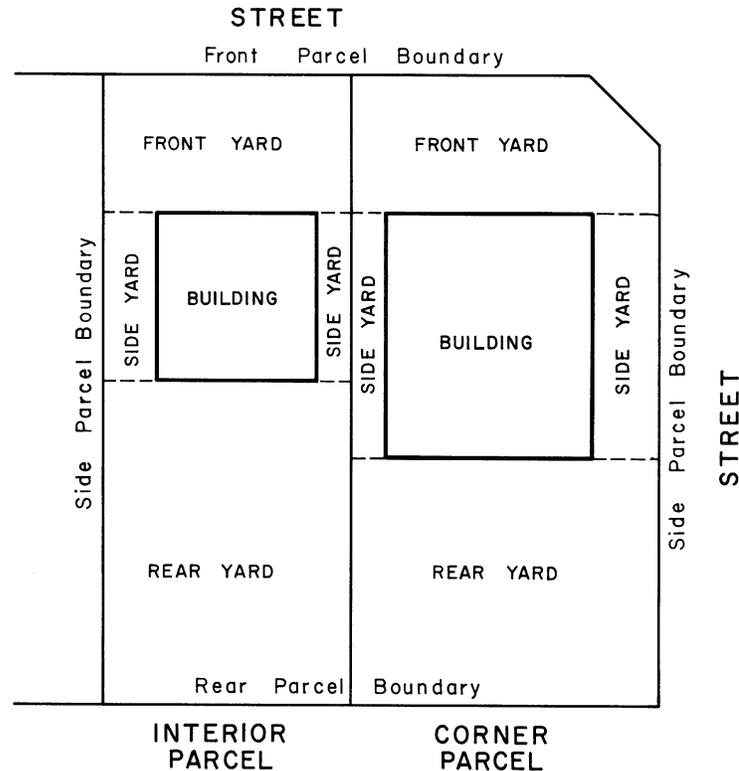
- (1) 1.5 m (5 ft.) from the side parcel boundaries and, on a corner parcel, they shall also not be closer to the street or avenue than the primary dwelling;
  - (2) 1.5 m (5 ft.) from the rear parcel boundary when there is a blankwall facing that boundary;
  - (3) 3.0 m (10 ft.) from the rear parcel boundary when there is a window opening in the wall facing that boundary;
  - (4) 2.5 m (8.2 ft.) from the primary dwelling and any accessory buildings on the parcel
- (i) Prior to deciding upon an application for a development permit for a secondary suite, the Development Authority shall notify, in writing, all adjacent landowners and such other people it considers may be affected by the development, of the receipt of the application and provide them with an opportunity to comment thereon.

#### 7.7 Temporary and Soft-Sided Buildings

- (1) The Development Authority may conditionally approve a temporary building, including a soft sided building, to be placed on a site subject to the owner agreeing to remove the building in accordance with the terms and conditions affixed to the development permit.
- (2) Sea/land containers or similar forms of shipping or cargo containers shall not be permitted on a site in any residential or commercial district.
- (3) Sea/land containers or similar forms of shipping or cargo containers may be permitted as a form of temporary building on a site in an industrial district.

## Yards

### 7.8 Projections into Yards



- (a) Projections on foundation walls and footings, or on piles are deemed to be part of the building, and shall not be considered as a projection into a yard.
- (b) In residential districts, the portion of and attachments to a main or accessory building which may project over or into a minimum yard are:
- (i) **Side Yards**  
Any projection, including a chimney chase, cantilevered wall section or eaves, not exceeding one-half of the minimum side yard required for the building,  
  
Unenclosed steps or landings providing access to the building,
  - (ii) **Front Yards**  
Any projection not exceeding 1.5 m (4.92 ft.) over or on the minimum front yard with the exception of unenclosed steps or landings which may project up to 2.5 m (8.2 ft),
  - (iii) **Rear Yards**  
Any projection not exceeding 3 m (9.84 ft.) over the minimum rear yard.

- (c) In all other Districts, the portion of and attachments to a main or accessory building which may project over or on a minimum yard are:
  - (i) any projection not exceeding 1.5 m (4.92 ft.) into a front or rear yard;
  - (ii) any projection not exceeding 0.6 m (1.97 ft.) into a side yard;
  - (iii) any projection that is an exterior fire escape not exceeding 1.2 m (3.94 ft.) in width.
- (d) No portion of a building other than eaves, signs or canopies shall project into a public or private right-of-way.

#### 7.9 Objects Prohibited or Restricted in Yards

- (a) No person shall allow a motor vehicle which is in a dilapidated or unsightly condition, or a derelict vehicle to remain or be parked on a parcel in a residential district, unless it is suitably housed or screened to the satisfaction of the Development Authority.
- (b) Except for one commercial vehicle having a gross vehicle weight rating not exceeding 4,500 kg and which is parked in the rear yard, no commercial motor vehicle other than a passenger vehicle shall be parked on a site in any residential district, other than the Heavy Vehicle Residential (R4) district, for longer than is necessary to load or unload.

#### 7.10 Laneless Subdivisions

- (a) In a laneless subdivision in a residential district, one side yard shall not be less than
  - (i) 1.5 m (4.92 ft.), in the case of a detached dwelling with attached garage, or
  - (ii) 3 m (9.84 ft.), in the case of a detached dwelling without attached garage.and both side yards shall not be less than
  - (iii) 1.5 m (4.92 ft.), in the case of a duplex with attached garages, or
  - (iv) 3 m (9.84 ft.), in the case of a duplex without attached garages.
- (b) In a laneless subdivision in a commercial or industrial district, one side yard shall not be less than 6 m (19.69 ft.). This does not apply to an accessory building where such building is located to the rear of the main building and separated there from by a minimum distance of 12 m (39.37 ft.).

## 7.11 Fences

- (a) A fence located on a residential property shall be no higher than:
  - (i) 1 m (3.28 ft) in the front yard; and
  - (ii) 2 m (6.56 ft) in all other yards
  
- (b) A fence located on a non-residential property shall be no higher than:
  - (i) 1 m (3.28 ft) in the front yard; and
  - (ii) 2 m (6.56 ft) in all other yards.
  
- (c) Notwithstanding subsections (a) and (b) above, the Development Authority may approve a higher fence where, at the sole discretion of the Development Authority, the higher fence is necessary to address issues pertaining to visual screening or site security.

## Vehicles

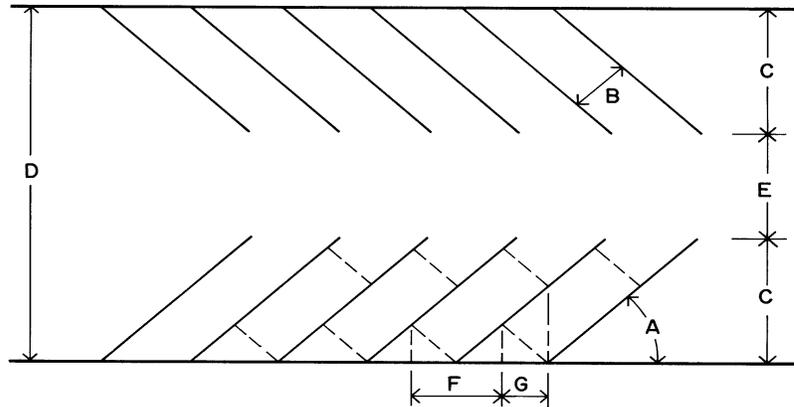
### 7.12 Parking

- (a) The following minimum number of parking spaces shall be provided and maintained upon the use of a parcel or a building in any district as described in the Land Use District Regulations of this Land Use Bylaw. Any calculation of the number of parking spaces which produces a requirement for part of a space shall be rounded up to the next highest integer

Uses	No. of Parking Spaces/GFA (Gross Floor Area)
<b>Commercial</b>	
Indoor merchandise sales	
District shopping centres	5.0/100 m <sup>2</sup> (1,076.4 sq.ft.)
Neighbourhood shopping centres	4.0/100 m <sup>2</sup> (1,076.4 sq.ft.)
Other	3.5/100 m <sup>2</sup> (1,076.4 sq.ft.)
Offices	2.5/100 m <sup>2</sup> (1,076.4 sq.ft.)
Motels	1.0/guest room
Personal services	2.5/100 m <sup>2</sup> (1,076.4 sq.ft.)
Repair services	2.0/100 m <sup>2</sup> (1,076.4 sq.ft.)
Restaurants, lounges and taverns	1.0/4 seats
Vehicle and equipment sales	2.0/100 m <sup>2</sup> (1,076.4 sq.ft.)
<b>Industry</b>	
Manufacturing industry	
Minimum provision	6.0
Office area	2.0/100 m <sup>2</sup> (1,076.4 sq.ft.)
Other area	1.0/100 m <sup>2</sup> (1,076.4 sq.ft.)
Warehousing and storage	
Minimum provision	4.0
Office area	2.0/100 m <sup>2</sup> (1,076.4 sq.ft.)
Storage area	0.7/100 m <sup>2</sup> (1,076.4 sq.ft.)
<b>Public</b>	
Hospitals and nursing homes	1.0/4 beds and 1.0/2 workers
Places of worship	1.0/4 seats
Public assembly buildings	1.0/4 seats
Schools	
Elementary and junior high	1.0/1 worker
Senior high	1.0/1 worker and 1.0/20 students
<b>Residential</b>	
Apartments, fourplexes and multiple housing developments	1.75/dwelling
Senior citizens housing	2.0/3 units of accommodation
All other	2.0/dwelling
Uses not listed above	The number of spaces shall be determined by the Municipal Planning Commission having regard to similar uses listed above and the estimated traffic generation and attraction of the proposed use.

- (b) When a building is enlarged or the use of a parcel or a building is changed or increased in intensity, the additional parking spaces to be provided shall be limited to the difference between the requirement of the original building or use and that of the enlarged building or changed or intensified use.
- (c) The parking space requirement on a parcel which has or is proposed to have more than one use shall be the sum of the requirements for each of those uses.

- (d) Any loading space provided pursuant to subsection 7.13 may be used as parking space.
- (e) Each parking space shall have dimensions of not less than 3.05 m (10 ft.) by 6.1 m (20 ft.).
- (f) The dimensions of parking areas shall be as set out in the following diagram and table



A Parking Angle	B Stall Width	C Stall Depth	D Overall Depth	E Manoeuvring Space	F Curb Length	G Row End Length
0°	3.05 m (10 ft.)	3.05 m (10 ft.)	9.60 m (31.48 ft.)	3.50 m (11.48 ft.)	7.62 m (25.00 ft.)	0.00 m (0.00 ft.)
30°	3.05 m (10 ft.)	5.69 m (18.67 ft.)	14.88 m (48.82 ft.)	3.50 m (11.48 ft.)	6.10 m (20.00 ft.)	1.52 m (4.99 ft.)
45°	3.05 m (10 ft.)	6.47 m (21.23 ft.)	16.94 m (55.58 ft.)	4.00 m (13.12 ft.)	4.31 m (14.14 ft.)	2.16 m (7.09 ft.)
60°	3.05 m (10 ft.)	6.80 m (22.31 ft.)	19.10 m (62.66 ft.)	5.50 m (18.04 ft.)	3.52 m (11.55 ft.)	2.64 m (8.66 ft.)
90°	3.05 m (10 ft.)	6.10 m (20.00 ft.)	19.81 m (65.00 ft.)	7.62 m (25.00 ft.)	3.05 m (10 ft.)	0.00 m (0.00 ft.)

- (g) A minimum standard of 30.19 m<sup>2</sup> (325 ft<sup>2</sup>) per parking space shall be used for general calculations for the areas of parking facilities or the number of parking spaces in a parking facility.
- (h) Parking spaces shall be located on the same parcel as the use for which they are being provided except that, subject to the approval of the Municipal Planning Commission, the spaces may be located on another parcel within 50 m (164.0 ft.)

walking distance, provided that a restrictive covenant, ensuring the use of the parcel for the required number of parking spaces, is registered against the certificate of title of that parcel.

- (i) The surface of parking areas shall be all-weather.

#### 7.13 Loading Spaces

- (a) Loading spaces shall be required for all non-residential development and apartments, except in the Central Commercial District (C1).
- (b) Loading spaces shall be designed and located so that all vehicles using those spaces can be parked and manoeuvred entirely within the bounds of the parcel before moving onto a road.
- (c) Loading spaces shall be located in rear and side yards only.
- (d) A loading space shall be at least 3.5 m x 8 m (11.48 ft. x 26.25 ft.), with an overhead clearance of at least 4.6 m (15.09 ft.).
- (e) Hard surfacing of the loading space shall be required, where a loading space enters a paved road; otherwise, the surfacing shall be all-weather.

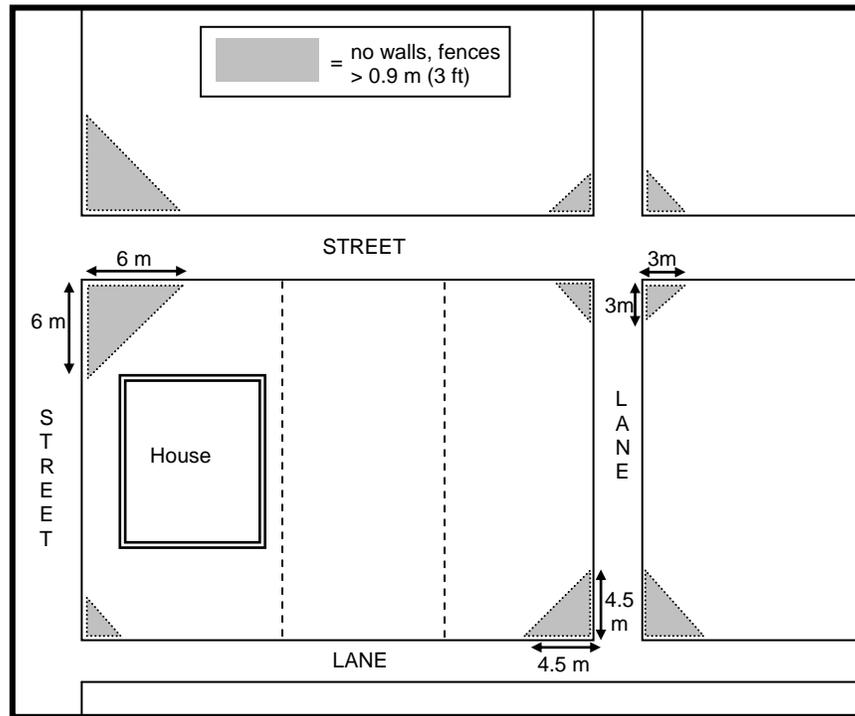
#### 7.14 Vehicle Access to Buildings

- (a) Any building into which a vehicle may enter shall have a driveway on the parcel at least 6 m (19.69 ft.) in length, except where the driveway enters a lane, where it shall be either 1 m (3.28 ft.) or at least 6 m (19.69 ft.).

#### 7.15 Sight Lines at Intersections of Roads in All Districts

- (a) In order to maintain an appropriate sight line for vehicular and pedestrian traffic, no person shall erect, place, allow or permit any building, fence, vehicle or trailer, screening material or object, and no person shall plant or permit to grow any hedges, trees or vegetation which exceeds 0.9 m (3 ft) in height on a portion of a corner site as follows:
  - (i) At the intersection of two lanes, a 4.5 m (14.8 ft) sight triangle shall be provided;
  - (ii) At the intersection of a street and a lane a 3 m (9.8 ft) sight triangle shall be provided;

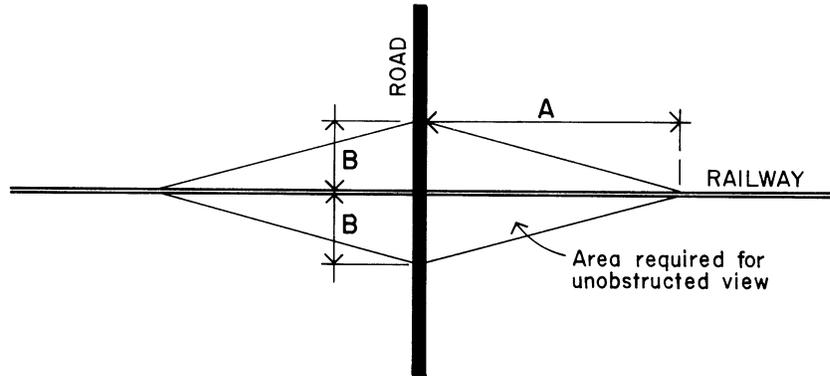
- (iii) At the intersection of two streets, a 6 m (19.7 ft) sight triangle shall be provided;



- (b) At the intersection of other roads, the Development Officer/Municipal Planning Commission may require the calculation of sight triangles where
- (i) one or more rights-of-way is less than 15 m (49.21 ft.), or
  - (ii) regulated vehicle speed exceeds 50 km/h, or
  - (iii) one of the carriageways is not centred in its right-of-way, or
  - (iv) an intersection leg is curved or skewed, or
  - (v) an intersection leg is sloped at 2% or greater.
- (c) Sight triangle calculations shall be in accordance with the recommended methods of the Transportation Association of Canada regarding crossing sight distances for roads.

## 7.16 Sight Triangles at Road and Rail Intersections

- (a) At the intersections of roads and railways, which are unprotected by automatic warning signals, sight triangles shall be determined as follows



$$A = 182.88 \text{ m (600 ft.)}$$
$$B = 28.96 \text{ m (95 ft.)}$$

- (b) At the intersections of roads and railways which are protected by automatic warning signals, the Development Authority may require the calculation of sight triangles where
- one or more of the rights-of-way is less than 15 m (49.21 ft.), or
  - regulated vehicle speed exceeds 50 km/h, or
  - either the carriage way or the railway is not centred in its right-of-way, or
  - an intersection leg is curved or skewed, or
  - an intersection leg is sloped at 2% or greater.
- (c) Sight triangle calculations shall be in accordance with the recommended methods of the Transportation Association of Canada regarding crossing sight distances for roads, with the provision that distance between the nearest rail and the front of the stopping motor vehicle be between 5 m (16.40 ft.) and 15 m (49.21 ft.) as required by the Highway Traffic Act.

## 7.17 Driveways

- (a) At street intersections, driveways shall be setback from the parcel boundaries which form the intersection not less than
- 6 m (19.69 ft.) where the driveway serves not more than four dwelling units, or
  - 15 m (49.21 ft.) for all other uses, except where existing or planned traffic volumes indicate that a greater distance is required to improve or maintain traffic safety and efficiency.
- (b) The maximum width of a driveway shall be 10 m (32.28 ft.).

- (c) The minimum distance between driveways shall be
  - (i) nil, where the driveways serve single dwelling units,
  - (ii) 6 m (19.69 ft.), where the driveways serve any other use, except where existing or planned traffic volumes indicate that a greater distance is required to improve or maintain traffic safety and efficiency.
- (d) The minimum angle for a driveway to a use which generates high traffic volumes shall be 70 degrees.
- (e) To ensure that the movement of traffic is both safe and efficient, driveways are not allowed on the streets identified on Schedule A, unless alternative access is unavailable.

## Miscellaneous

### 7.18 Non-Conforming Buildings and Uses

- (a) A non-conforming use of land or a non-conforming use of a building may be continued but if that use is discontinued for a period of six consecutive months or more, any future use of the land or building shall conform with the provisions of this Land Use Bylaw.
- (b) A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, shall not be enlarged or added to and no structural alterations shall be made thereto or therein.
- (c) 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.
- (d) A non-conforming building may continue to be used but the building shall not be enlarged, added to, rebuilt or structurally altered except
  - (i) as may be necessary to make it a conforming building, or
  - (ii) as the Development Officer/Municipal Planning Commission considers necessary for the routine maintenance of the building.
- (e) If a non-conforming building is damaged or destroyed to the extent of more than 75 per cent of the value of the building above its foundation, the building shall not be repaired or rebuilt except in accordance with this Land Use Bylaw.
- (f) The use of land or the use of a building is not affected by reason only of a change of registered ownership, tenancy or occupancy of the land or building.

### 7.19 Home Occupations

- a) An approved development permit will remain in effect, provided the category (minor or major) does not change, and all requirements and conditions of the development permit have been satisfied;
- b) A development permit for a Home Occupation does not exempt the applicant from complying with any other Federal, Provincial, or Municipal legislation;
- c) If, at any time, the permit holder does not comply with any of the requirements of a development permit or other Federal, Provincial, or Municipal provisions, the Development Authority may suspend or cancel that development permit;
- d) A development permit is based solely on the location of the use on a specific parcel. If a permit holder relocates within the Municipality, the permit holder must apply for a development permit to continue the use from the new location. The intent of this regulation is to allow residents of the new neighbourhood an opportunity to comment on the application.

- e) Each development permit for a minor or major home occupation shall comply with the requirements identified for their respective class of home occupation in the table below:

Category	Home Occupation - Minor	Home Occupation - Major
Area of residence and accessory buildings	All home occupations within a residence shall be limited to a maximum of 30% of the gross floor area of the principal residence, which includes the area used within 1 accessory building. All business activities shall be conducted entirely within the confines of these buildings	
Number of Home Occupations	2 – only the first occupation shall require a development permit provided the second occupation complies with all other regulations herein	Only one major home occupation shall be allowed per residence.
Exterior/Interior alterations, additions to buildings	Exterior – prohibited Interior – permitted provided proper safety codes permits are obtained	
Level of exterior impact	No exterior evidence of occupation permitted	No nuisances by way of noise, vibration, smoke, dust, fumes, odours, heat, glare, or electrical or radio disturbance, detectable beyond the property boundary shall be produced by a home occupation
Storage of goods and materials	No exterior storage of goods or materials is permitted	
Generation of client traffic	Client visits at the residence is prohibited	Number of clients is limited to a maximum of 5 per day and shall be limited to between the hours of 8:00am and 8:00pm
Delivery vehicles	No delivery trips permitted	Business related traffic is restricted to a maximum of 2 delivery trips per day. Delivery vehicles shall not exceed 4,500 kg (GVW)

Category	Home Occupation - Minor	Home Occupation - Major
Parking	No extra spaces required as no client visits or non-resident employees are allowed	In addition to the parking requirements for the residential use, a minimum of 1 client parking space shall be provided and 1 parking space shall be provided in the case of a home occupation with a non-resident employee
Employees	People employed by the home occupation shall be limited to those living in the residence	People employed by the home occupation shall be limited to those living in the residence plus a maximum of one additional person, provided an additional parking space is provided specifically for that employee
Business related vehicles	Only one commercial motor vehicle associated with the home occupation business may be parked on-site or in the vicinity of the site at any time	
Signs and Advertising	Prohibited anywhere on the property or buildings containing the home occupation except that on the one commercial vehicle described above	Only one business identification sign having maximum dimensions of 0.25 m by 0.30 m and located within a window or on the side of the building in addition to any advertising on the one commercial vehicle described above

## 7.20 Dangerous Goods

- (a) Prior to making any decision on a development permit application for a use involving dangerous goods or a site adjacent or in close proximity to where dangerous goods are kept, the Development Authority shall refer the application to the appropriate regulatory authority for comment.
- (b) Any on-site manufacture, storage and/or handling of dangerous goods in excess of the quantities listed in the table below – Small Quantities Exemptions for Dangerous Goods – is not permitted on a parcel the boundary of which is within

50 m (164 ft) of the boundary of any parcel located in a residential district or public use district.

#### SMALL QUANTITY EXEMPTIONS FOR DANGEROUS GOODS

The existence of the following quantities of dangerous goods on a site will not be considered to constitute a “dangerous goods occupancy”. Any quantities in excess of this amount will be considered to constitute a “dangerous goods occupancy” and must be approved by the Fire Chief.

Mass Explosion Hazard <sup>1</sup>	Any
Severe Fragment Projection <sup>1</sup>	Any
Predominant Fire Hazard <sup>1</sup>	Any
No Significant Blast Hazard <sup>1</sup>	50 Kg
Insensitive Substances (Mass Hazard) <sup>1</sup>	250 Kg
Extremely Insensitive Substances <sup>1</sup>	250 Kg
Flammable Gases <sup>2</sup>	100 L of Kg
Compressed Gases <sup>2</sup>	1000 L
Toxic Gases	Any
Flammable Liquids	250 L
Combustible Liquids (incl. waste oil)	1000 L
Flammable Solids	25 Kg
Spontaneous Combustible Material	25 L or Kg
Dangerous When Wet Material	25 L or Kg
Oxidizing Substances	50 L of Kg
Organic Peroxides	1 L or Kg
Toxic Materials	5 L or Kg
Infectious Substances	Any
Radioactive Materials <sup>3</sup>	Any
Corrosives	250 L of Kg
Miscellaneous Dangerous Goods	250 L or Kg

Notes: <sup>1</sup> any amount that requires license from Explosive Branch (Natural Resources Canada)

<sup>2</sup> amounts listed are the equivalent liquid measure of the container

<sup>3</sup> any amount that requires license from Atomic Energy Regulators

#### 7.21 Mechanized Excavation Stripping and Grading of Parcels

- (a) A temporary fence shall be erected around all excavations which in the opinion of the Development Officer/Municipal Planning Commission may be hazardous to the public.
- (b) Where finished ground elevations are established, all grading shall comply therewith.
- (c) All parcels shall be graded to ensure that storm water is directed to a public

roadway without crossing adjacent land, except as permitted by the Development Authority.

- (d) All topsoil shall be retained on the parcel, except where it must be removed for building purposes.

#### 7.22 Landscaping, Environmental Conservation and Development

Unless otherwise specified in Part Nine the following standard of landscaping shall be required for all areas of a parcel not covered by buildings, driveways, storage and display areas:

- (a) the conservation of existing trees and shrubs to the maximum extent possible;
- (b) the appropriate screening of outside storage areas, parking facilities and loading areas from adjacent buildings and public roadways;
- (c) a maximum of 10% of the parcel area being hard-landscaped;
- (d) the planting of additional trees, shrubs and lawns to cover the remainder of the parcel area;
- (e) a sufficient depth of topsoil to facilitate growth in the soft-landscaped areas, with areas not planted to trees and shrubs being seeded to grass, sodded or left with its natural grass cover; and
- (f) completion of the landscaping by the end of the first full growing season following completion of construction or the commencement of the use.
- (g) The owner of a property, or his/her successor(s) or assignee(s), shall be responsible for installation and proper maintenance of all landscaping required by a development permit. If the required landscaping does not survive two (2) growing seasons following the date of landscaping, the applicant/owner must replace it with a similar type of species and with a similar caliper width or height, to the satisfaction of the Development Authority. The absence of landscaping that was required by a development permit may be enforced as a breach of the conditions of approval.

#### 7.23 Development Setbacks from Oil and Gas Wells

In accordance with the *Subdivision and Development Regulation*:

- (i) development that results in permanent overnight accommodation or public facilities must not be approved unless it conforms to the setback requirements of the Energy Resources Conservation Board with respect to sour gas facilities unless the Board has given written approval to a lesser setback; and
- (ii) no building shall be constructed within 100 m (328.1 ft.) of the well head of a gas or oil well, unless in the opinion of the Development Officer, may be considered an infill development or is otherwise approved in writing by the Energy Resources Conservation Board.

#### 7.24 Development Setbacks from Landfills and Waste Sites

- (a) In accordance with the *Subdivision and Development Regulation*, a development authority shall not issue a development permit for a school, hospital, food establishment or residence, nor may a school, hospital, food establishment or residence be constructed if the building site:
- (i) is within 450 m of the working area of an operating landfill;
  - (ii) is within 300 m of the disposal area of an operating or non-operating landfill;
  - (iii) is within 450 m of the disposal area of a non-operating hazardous waste management facility, or
  - (iv) is within 300 m of the working area of an operating waste storage site.
- (b) a sanitary landfill, modified sanitary landfill, dry waste site, hazardous waste management facility, waste processing site, waste storage site, waste sorting station or waste transfer station must not be approved within the distances specified in 7.24 (a) i-iv above from the property boundary of a school, hospital, residence, or food establishment specified in the *Subdivision and Development Regulation*, unless the development is approved in writing by the Deputy Minister of Alberta Environment.

#### 7.25 Solar Energy Devices

- (a) Building mounted solar panels shall:
- (i) be mounted to the roof or wall structure of a building and shall be integrated to look like part of the roof or wall/ structure;
  - (ii) not project more than 0.15 m (6 inches) from the horizontal or sloped surface to which they are attached;
  - (iii) when located on buildings with flat roofs, not project vertically more than 1.0 m (3.28 ft) above the roof line in residential districts and not more than 1.8 m (6ft) above the roof line in all other districts; and
  - (iv) not project beyond the outermost edge of the roof or wall to which it is mounted;
- (b) Freestanding solar energy devices shall:
- (i) be located in a side or rear yard only; and
  - (ii) not exceed 2.0 m (6.6 ft) in height above the ground.

## 7.26 Wind Energy Devices

- (a) Wind energy devices shall be considered an accessory use.
- (b) The mean value of the sound pressure level from a wind energy device shall not exceed more than 6 decibels (dBA) above background sound, as measured at the exterior of the closest neighbouring inhabited dwelling.
- (c) Wind energy devices shall not exceed the maximum height for the district in which they are located.
- (d) The base of a freestanding wind energy device shall be set back from the property line a minimum distance equal to the height of the wind turbine tower.
- (e) Freestanding wind energy devices shall only be located in the rear yard of a parcel.

## 7.27 Guidelines for Other Land Uses

All uses which are not covered by specific regulations in Part 9 – Land Use District Regulations shall, in accordance with the following guidelines, be

- (i) separated from adjacent uses by such a distance as to ensure that there will be no adverse impact upon or by those adjacent uses,
- (ii) at a density which is consistent with that prevailing in the area, unless otherwise provided for in a statutory plan,
- (iii) set back from any parcel boundary abutting a road a sufficient distance to ensure that the development will not be visually intrusive, having regard to any possible changes in surrounding uses,
- (iv) of a height which will be consistent with that prevailing in the area,
- (v) developed in such a manner that there will be no adverse impact upon or by traffic on adjacent roads,
- (vi) developed in conformance with any applicable statutory plan policies, and
- (vii) developed in accordance with the provisions of Part 7 – General Land Use Regulations.

## **PART EIGHT: SIGNS**

### **8.1 Application for a Sign Permit**

A development permit application for a sign shall include the following information:

- (a) location of the sign by elevation drawing or site plan of the property showing distance to front and side property lines, approaches or driveway locations and distances from existing building;
- (b) overall dimensions of the sign;
- (c) amount of projection from the face of the building or above the building roof or parapet wall;
- (d) height of a freestanding sign;
- (e) amount of projection over public property;
- (f) height of sign above ground level; and
- (g) manner of illuminating the sign in any form of animated or intermittent lights.

### **8.2 Sign Definitions**

“a-board” means a self supporting A-shaped local advertising sign which is set upon the ground and has no external supporting structure;

“awning” means a projection supported solely from the building, constructed with a fabric or plastic skin stretched over a frame used for shelter from the weather;

“awning sign” means a non-illuminated sign which is painted on or affixed flat to the surface of an awning;

“billboard” means a structure, primarily self-supporting, which is used for the display of general advertising, the subject matter of which is not necessarily related to the use or ownership of the property on which the structure is located;

“fascia sign” means a sign placed flat and parallel to the face of the building so that no part projects more than 0.3 m (1 ft.) from the building. It does not include a billboard;

“freestanding sign” means a sign that is supported independently of a building wall or structure. It does not include a portable sign;

“portable sign” means a sign which is not in a permanently installed or affixed position;

“projecting sign” means a sign which is attached to a building or structure so that part of the sign projects more than 0.3 m (1 ft.) from the face of the building or structure;

“reader board” means a sign which provides for a changeable message through the use of an electronically displayed message or other similar means and which forms an integral part of the sign which advertises events related to the principal building;

“roof sign” means any sign placed on or over a roof or a parapet of a building;

“sign” means any structure, device or object used to identify, advertise or attract attention to any product, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry or business;

“sign area” means the entire surface area on a single side of a sign on which advertising could be or is intended to be placed;

### 8.3 General Sign Provisions

- (a) A sign shall not conflict with the general character of the surrounding streetscape or the architecture of nearby buildings or be liable to create a cluttered appearance to the streetscape.
- (b) No sign shall project higher than the roof-line of the building to which it is attached.
- (c) A sign shall not project closer than 0.75 m (2.46 ft.) to the existing or future curb line.
- (d) Where a sign projects over public property, a minimum clearance of 2.5 m (8.20 ft.) above grade level shall be maintained.
- (e) Notwithstanding subsection (d), where a sign is located in or projects into or over a driveway or other area of vehicle movement, a minimum clearance of 4.6 m (15.09 ft.) above grade level shall be maintained.
- (f) A sign shall not obstruct the view of or be liable to be confused with an official traffic sign, signal or device or otherwise pose a potential hazard to traffic.
- (g) A sign shall not display lights which may be mistaken for the flashing lights customarily associated with danger or those used by police, fire, ambulance or other emergency vehicles.

### 8.4 Fascia and Projecting Signs

- (a) No fascia or projecting sign shall be lower than 2.5 m (8.20 ft.) above grade, except in the case of signs intended solely for the information of pedestrians in which case the height shall be determined by the Development Authority having regard, amongst other things, to clarity and safety.
- (b) No fascia or projecting sign on a single storey building shall be higher than the highest point of the structure.
- (c) No fascia sign shall project more than 0.4 m (1.31 ft.) over a street or public property.

- (d) No fascia or projecting sign on a building two or more storeys in height shall be higher than the sill level of the second floor windows or the equivalent height in the case of attachment to a blank wall.
- (e) The maximum size for projecting signs shall be 1 m<sup>2</sup> (10.8 ft<sup>2</sup>).
- (f) On corner sites, projecting signs shall be placed at equal angles to the walls that form the corner and on other sites, at right angles to the wall.
- (g) Projecting signs shall not project more than 1 m (3.28 ft.) over a street or public property.
- (h) Only one projecting sign may be erected on each street frontage of a building.

#### 8.5 Freestanding Signs

- (a) No freestanding sign shall extend beyond 6 m (19.68 ft.) above grade or be larger than 4.5 m<sup>2</sup> (48.44 ft<sup>2</sup>) except in a Highway Commercial District where
  - (i) the maximum in all cases other than a district shopping centre, shall be 7 m (22.97 ft.) in height and 9.5 m<sup>2</sup> (102.26 ft<sup>2</sup>) in sign area, and
  - (ii) at a district shopping centre, the maximum shall be 8.5 m (27.89 ft) in height and 14 m<sup>2</sup> (150.70 ft<sup>2</sup>).
- (b) Only one freestanding sign may be erected on each of a parcel's boundaries with a street.
- (c) No freestanding sign shall be erected in such proximity to a Public Recreation or Environmental Open Space District that it would detract from the natural aesthetics of that District.
- (d) Freestanding signs and billboards shall be separated by a minimum distance of 30 m (98.43 ft) from each other.
- (e) Freestanding signs shall only be erected on sites to which their display relates except in the case of
  - (i) advance directional signs which may be approved by the Development Authority in locations where it considers the free and safe flow of traffic may be enhanced, or
  - (ii) signs used solely by community organizations.

#### 8.6 Portable Signs

- (a) Portable signs may only be used to advertise business which commences operation on the parcel upon which the sign is erected within 60 days before or after the date of application for a development permit.
- (b) The use of a portable sign shall be limited to a maximum of 60 days following which time the sign shall be removed from the parcel.
- (c) Only one portable sign shall be permitted on a parcel at any one time and a

minimum of 30 days shall elapse between the removal of one portable sign and the erection of another on the same parcel.

- (d) No portable sign shall be higher than 2 m (6.6 ft.) above grade or larger than 3 m<sup>2</sup> (32.29 ft<sup>2</sup>).

#### 8.7 Awning Signs

Awning signs shall only be permitted if the awning is a minimum of 2.5 m (8.20 ft.) above grade level.

#### 8.8 Billboard Signs

- (a) No billboard or any portion thereof shall be erected or placed in the Central Commercial District (C1), Highway Commercial District (C2), or the Heavy Industrial District (I2)
- (b) The maximum dimensions of a billboard shall be 3.1 m (10 ft) high by 6.10 m (20 ft) long.
- (c) The maximum height above grade of a billboard shall be 4.5 m (14.8 ft).
- (d) Illumination of billboards shall be restricted to gooseneck type lighting that directs light downward toward the sign.

#### 8.9 Reader Boards

- a) A reader board may form part of a freestanding sign or fascia sign.
- b) A reader board sign may not exceed a height of 7.0 m (23 ft.) with a maximum sign area of 9.3 m<sup>2</sup> (100 ft<sup>2</sup>)
- c) A reader board sign may display digital text and images but no text or image shall scroll or flash.
- d) The rate at which text and/or images change or are refreshed shall be no less than 6 seconds.

#### 8.10 A-board Signs

A-board signs shall only be placed on sidewalks in the Central Commercial District (C1) subject to the following:

- (a) Sign to be a maximum of 0.61 m (2 ft.) wide and 0.91 m (3ft.) high.
- (b) Signs shall be placed on the sidewalk in a location that allows at least 1.2 m (3.9 ft.) minimum width for pedestrian traffic.

- (c) Signs shall not impede the views of pedestrians or street traffic.
- (d) Signs shall only be allowed on sidewalks during hours when the business to which the sign relates is open to the public.
- (e) Signs shall be limited to one sign per business to be placed directly in front of the building in which the business is located.
- (f) Signs cannot be placed on centre medians.
- (g) Signs must be constructed of a material such that a rigid frame is provided.

#### 8.11 Other Signs

The Development Authority may approve other signs subject to the general provisions of subsection 8.3.

#### 8.12 Contravention and Enforcement

- (a) Where a sign that is both large in size and intended as a permanent fixture on a site or building
  - i) no longer fulfils its function under the terms of the approved development permit or;
  - ii) has become deteriorated so that it detracts from the natural aesthetics or general character of the District;

The Municipal Planning Commission may recommend that the Council resolve to order the removal of such a sign and the lawful owner of the sign or where applicable, the registered owner of the land upon which the sign is located, shall, upon such a resolution:

- i) remove such a sign and all related structural components within thirty (30) days from the date of receipt of such a removal notice;
  - ii) restore the immediate area around the sign to the satisfaction of the Municipal Planning Commission; and
  - iii) bear all the costs related to such removal and restoration.
- (b) Where a sign that is both small in size and intended as a temporary or portable fixture on a site or building is believed on reasonable grounds by the CAO, or staff designated by the CAO, to not be authorized pursuant to this Bylaw, the CAO or designated staff may remove and impound the sign:
    - (i) in the case of a sign for which a permit is issued, after 7 days notice to the sign permit holder, delivered to the address shown on the permit; or
    - (ii) in the case of a sign for which no permit has been issued, without prior notice to any person.

- (c) Notwithstanding subsection (b), no sign which is located in or upon or which is affixed to a building shall be removed without either the consent of the owner of the building, the consent of the owner of the sign or a court order.
- (d) Following the impounding and removal of a sign, a notice shall be sent to the owner of the sign (if known) or to the owner of the premises from which the sign is removed, advising of the removal. The owner of the sign may secure its release from impound upon payment in full of all applicable impounding and storage charges at the rates specified in a schedule of fees adopted by Council for this purpose.
- (e) An impounded sign which has not been redeemed within 30 days of the date of the service of notice as specified in subsection (d) may be disposed of by the municipality without further notice to any person and without any liability to compensate the owner of the sign.

## PART NINE: LAND USE DISTRICT REGULATIONS

### 9.1 Establishment of Land Use Districts

- (a) For the purpose of this Land Use Bylaw, the Village of Alix is divided into the following Districts:

Residential ( <i>Low Density Detached Dwellings</i> )	R1
Residential ( <i>Medium Density Detached Dwellings</i> )	R1A
General Residential	R2
Manufactured Home Subdivision	R3
Manufactured Home Park	R3A
Heavy Vehicle Residential	R4
Central Commercial	C1
Highway Commercial	C2
Light Industrial	I1
Heavy Industrial	I2
Public Recreation	PR
Environmental Open Space	EOS
Alix Lake Reservoir Land	ALR
Agricultural	A
Urban Reserve	UR

- (b) The boundaries of the Districts listed in subsection (a) are as delineated on the Land Use District Map being Schedule A hereto. All public roadways, water courses and lakes are excluded from the Land Use Districts.
- (c) Where the location of District boundaries on the Land Use District Map is not clearly understood, the following rules shall apply:
- (i) a boundary shown as approximately following a parcel boundary shall be deemed to follow the parcel boundary;
  - (ii) a boundary which does not follow a parcel boundary shall be located by measurement of the Land Use District Map; and
  - (iii) a boundary location which cannot be satisfactorily resolved, shall be referred to Council for an official interpretation.

## **RESIDENTIAL (Low Density Detached Dwellings) DISTRICT (R1)**

General Purpose: To provide an area for low density residential development in the form of detached dwellings and compatible uses, herein listed, which are connected to the municipal sewer and water systems.

Permitted Uses: Accessory residential buildings  
Detached dwellings

Discretionary Uses: Accessory buildings and uses  
Adult care housing  
Child care facility  
Duplexes existing at the date of passage of this Land Use Bylaw  
Group homes  
Home occupations - minor and major  
Parking facilities for uses in this District  
Parks and playgrounds  
Public and quasi-public uses  
Public utility buildings  
Secondary Suites  
Signs  
Any use that is similar, in the opinion of the Municipal Planning Commission, to the permitted or discretionary uses described above

The General Regulations contained in Part 7 shall apply to every development in this District in addition to the regulations listed below:

Minimum Front Yard: 6 m (19.69 ft)

Minimum Side Yard: 1.5 m (4.92 ft) except where it abuts a road - 3 m (9.84 ft)

Minimum Rear Yard: 7.5 m (24.6 ft)

Minimum Parcel Area: Interior parcels 550 m<sup>2</sup> (5,920.15 ft<sup>2</sup>)  
Corner parcels 600 m<sup>2</sup> (6,458.34 ft<sup>2</sup>)

Minimum Parcel Width: 15.24 m (50 ft)

Maximum Parcel Coverage: 55%

Maximum Building Height: 9.5 m (31.17 ft.)

Minimum Floor Area of Dwelling: 92.9 m<sup>2</sup> (1,000 ft<sup>2</sup>) at ground level excluding area of attached garage

Maximum Floor Area of Garage: 70 m<sup>2</sup> (753 ft<sup>2</sup>) for all areas of attached garage(s)  
70 m<sup>2</sup> (753 ft<sup>2</sup>) for all areas of detached garage(s)

## Alix Lake Setback Requirements

If a parcel abuts or is divided by Alix Lake, or any land that has been designated Public Recreation (PR) or Alix Lake Reservoir (ALR) Districts, then all dwellings and accessory buildings shall be set back to comply with the following requirements:

- (i) a distance of at least 7.5 m (24.6 ft) measured horizontally from the maximum lake level elevation of 790.75 m (2594.32 ft) shall be provided,
- (ii) the bottom elevation of all building footings shall be set not lower than the elevation of 791.05 m (2595.31 ft),
- (iii) the finished ground at all buildings shall not be less than the elevation of 791.05 m (2595.31 ft.) and the lowest elevation of the finished lot should not be less than 790.75 m (2594.32 ft.) in elevation.

For the purposes of this Land Use Bylaw only, the reference elevation shall be on the concrete control structure operating deck and can be assumed to be 791.50 m (2,596.78 ft.) as measured in June of 1998.

The Development Authority may waive any or all of the foregoing requirements for buildings which are necessary for water recreation activities (piers, boat houses, etc.), for fences, and for earth filling of low lying properties necessary for development purposes.

Detailed plans of the development showing all areas of earth filling and finished elevations must be included with each development permit application.

*Village owned buildings are exempt from the foregoing.*

**RESIDENTIAL (Medium Density Detached Dwellings) DISTRICT (R1A)**

General Purpose: To provide an area for medium density residential development in the form of detached dwellings and compatible uses, herein listed, which are connected to the municipal sewer and water systems.

Permitted Uses: Accessory residential buildings  
Detached dwellings

Discretionary Uses: Accessory buildings and uses  
Adult care housing  
Child care facilities  
Duplexes existing at the date of passage of this Land Use Bylaw  
Group homes  
Home occupations – minor and major  
Parking facilities for uses in this District  
Parks and playgrounds  
Public and quasi-public uses  
Public utility buildings  
Secondary suites  
Signs  
Any use that is similar, in the opinion of the Municipal Planning Commission, to the permitted or discretionary uses described above

The General Regulations contained in Part 7 shall apply to every development in this District in addition to the regulations listed below:

Minimum Front Yard: 6 m (19.69 ft.)  
Minimum Side Yard: 1.5 m (4.92 ft.) except where it abuts a road - 3 m (9.84 ft.)  
Minimum Rear Yard: 7.5 m (24.6 ft.)  
Minimum Parcel Area: Interior Parcels 460 m<sup>2</sup> (4,951.39 ft<sup>2</sup>)  
Corner parcels 510 m<sup>2</sup> (5,489.59 ft<sup>2</sup>)  
Minimum Parcel Width: 12.80 m (42 ft.)  
Maximum Parcel Coverage: 55%  
Maximum Building Height: 9.5 m (31.17 ft.)  
Minimum Floor Area of Dwelling: 92.9 m<sup>2</sup> (1,000 ft<sup>2</sup>) at ground level excluding area of attached garage  
Maximum Floor Area of Garage: 70 m<sup>2</sup> (753 ft<sup>2</sup>) for all areas of attached garage(s)  
70 m<sup>2</sup> (753 ft<sup>2</sup>) for all areas of detached garage(s)

## **GENERAL RESIDENTIAL DISTRICT (R2)**

General Purpose: To provide an area for a variety of dwelling types and other uses, herein listed, which are compatible with a residential area, all of which are connected to the municipal sewer and water systems.

Permitted Uses: Accessory residential buildings  
Detached dwellings  
Duplexes

Discretionary Uses: Accessory buildings and uses  
Adult care housing  
Apartments  
Boarding and rooming houses  
Child care facility  
Fourplexes  
Group homes  
Home occupations - minor and major  
Multiple housing developments  
Parking facilities for uses in this District  
Parks and playgrounds  
Public and quasi-public uses  
Public utility buildings  
Row houses  
Secondary Suites  
Signs  
Any use that is similar, in the opinion of the Municipal Planning Commission, to the permitted or discretionary uses described above.

The General Regulations contained in Part 7 shall apply to every development in this District in addition to the regulations listed below:

Minimum Front Yard: Detached dwellings, duplexes, group homes, row houses and fourplexes:  
6 m (19.69 ft)  
Apartments:  
7.5 m (24.61 ft)  
Multiple housing developments:  
Sufficient separation or screening must exist to maintain privacy within each dwelling under normal conditions.

Minimum Side Yard: Detached dwellings, duplexes, fourplexes, group homes and Row houses:  
1.5 m (4.92 ft) except where it abuts a public roadway - 3 m (9.84 ft)  
Apartments:  
3 m (9.84 ft), except where it abuts a public roadway - 6.0 m (19.69 ft)  
Multiple housing development:  
Sufficient separation or screening must exist to maintain

privacy within each dwelling under normal conditions

Minimum Rear Yard:	Detached dwellings, group homes, duplexes, row houses, fourplexes and apartments: 7.5 m (24.6 ft) Multiple housing developments (incorporating buildings with ground level private access, such as row housing, fourplexes, duplexes and detached dwellings): Each dwelling unit shall have a private, screened yard area of not less than 45 m <sup>2</sup> (484.39 ft <sup>2</sup> )
Minimum Parcel Area:	Detached dwellings, group homes: Interior parcels 460 m <sup>2</sup> (4,951.39 ft <sup>2</sup> ) Corner parcels 510 m <sup>2</sup> (5,489.59 ft <sup>2</sup> ) Duplexes: Interior parcels 230 m <sup>2</sup> (2,476 ft <sup>2</sup> ) for each unit Corner parcels 280 m <sup>2</sup> (3,014 ft <sup>2</sup> ) for each unit Row houses: Interior parcels 190 m <sup>2</sup> (2,045 ft <sup>2</sup> ) for each unit Corner parcels 275 m <sup>2</sup> (2,960 ft <sup>2</sup> ) for each unit Fourplexes: Interior parcels 180 m <sup>2</sup> (1,937.57 ft <sup>2</sup> ) for each unit Corner parcels 185 m <sup>2</sup> (1,991.39 ft <sup>2</sup> ) for each unit  Apartments: No separate bedroom: 74 m <sup>2</sup> (796.5 ft <sup>2</sup> ) per unit One bedroom: 111 m <sup>2</sup> (1194.8 ft <sup>2</sup> ) per unit Multi-bedroom: 139 m <sup>2</sup> (1496 ft <sup>2</sup> ) per unit  Multiple housing development: 90 m <sup>2</sup> (969 ft <sup>2</sup> ) for each apartment dwelling unit 275 m <sup>2</sup> (2,960 ft <sup>2</sup> ) for each row housing dwelling unit 150 m <sup>2</sup> (1,615 ft <sup>2</sup> ) for each fourplex dwelling unit 320 m <sup>2</sup> (3,444 ft <sup>2</sup> ) for each duplex dwelling unit
Minimum Parcel Width:	Detached dwellings 12.80 m (42 ft)  Duplexes 7.50 m (25 ft) per dwelling unit  Row housing 6.00 m (20 ft) per dwelling unit
Maximum Parcel Coverage:	Detached dwellings, duplexes, fourplexes, group homes and row houses: 55% Apartments: 75% Multiple housing developments: 75%
Landscaped Area:	Row houses, fourplexes, apartments, and all housing types developed as multiple housing developments: An area 6 m (19.69 ft.) in perpendicular depth and 1 m (3.28 ft.) on either side from all windows of living rooms, dining rooms and bedrooms (on first floors and in basements) shall be landscaped, in addition to any landscaping required elsewhere on the parcel, in accordance with Part 7.

Maximum Building Height: Detached dwellings, group homes, duplexes, row houses and fourplexes:  
9.5 m (31.17 ft.)  
Apartments:  
15.24 m (50.00 ft.)  
Multiple housing developments:  
As required for the various housing types described above.

## **MANUFACTURED HOME SUBDIVISION DISTRICT (R3)**

General Purpose: To provide an area for and to regulate the development and use of land for manufactured homes, and other uses, herein listed, which are compatible with a residential area, on separately registered parcels that are served by municipal sewer and water systems.

Permitted Uses: Manufactured homes  
Accessory residential buildings

Discretionary Uses: Accessory buildings and uses  
Child care facilities  
Detached dwellings  
Home occupations – minor only  
Parks and playgrounds  
Public and quasi-public uses  
Public utility buildings  
Any use that is similar, in the opinion of the Municipal Planning Commission, to the permitted or discretionary uses described above

The General Regulations contained in Part 7 shall apply to every development in this District in addition to the regulations listed below:

Minimum Yard Requirements: Manufactured homes and their attached structures shall be at least:

- i) 6 m (19.69 ft.) from any other manufactured home
- ii) 6 m (19.69 ft.) from the front parcel boundary
- iii) 3 m (9.84 ft.) from the rear parcel boundary
- iv) 1.5 m (4.92 ft.) from the side parcel boundary except on a corner parcel where the side yard abutting a public roadway shall be at least 3 m (9.84 ft.)

Minimum Parcel Area: Interior parcels 375 m<sup>2</sup> (4,036.59 ft<sup>2</sup>)  
Corner parcels 420 m<sup>2</sup> (4,520.99 ft<sup>2</sup>)

Maximum Parcel Coverage: 55%

Building Design: All manufactured homes shall be factory built and must be no older than 10 years as of the date that the manufactured home is placed on a parcel.

Skirting or any attached structure shall be factory built with matching exterior finish, or be of durable all-weather construction and designed in a manner that will enhance the appearance of the manufactured home.

All wheels must be removed and the manufactured home placed on a permanent foundation.

Minimum Floor Area: 65 m<sup>2</sup> (699.6 ft<sup>2</sup>)

Minimum Width of  
Manufactured Home: 3.5 m (11.48 ft.)

## **MANUFACTURED HOME PARK DISTRICT (R3A)**

General Purpose:	To provide an area for and to regulate the development and use of land for manufactured homes, and other uses, herein listed, which are compatible with a residential area, in comprehensively designed parks wherein sites are rented or owned as part of a condominium. The area is to be connected to municipal sewer and water systems.
Permitted Uses:	Manufactured homes Manufactured home park Accessory residential buildings
Discretionary Uses:	Accessory buildings and uses Child care facilities Home occupations – minor only Parks and playgrounds Public and quasi-public uses Public utility buildings Any use that is similar, in the opinion of the Municipal Planning Commission, to the permitted or discretionary uses described above.

The General Regulations contained in Part 7 shall apply to every development in this District in addition to the regulations listed below:

In this District,

"lot" means the total area of land reserved for the placement of a manufactured home and for the exclusive use of its occupant(s);

"structure" means a subordinate building which is an addition to or supplements the facilities provided by a manufactured home, such as awnings, storage structures, carports, porches and skirting.

Maximum Gross Density:	17 manufactured homes per hectare (7 per acre)
Minimum Park Area:	2 hectares (4.94 acres)
Recreation Area:	A minimum of 5% of the total area of a manufactured home park shall be set aside in a suitable location as a recreation area.  Playground apparatus or other recreation facilities shall be provided in accordance with a recreation site plan approved by the Development Authority
Roadways:	All manufactured home park roadways shall have at least a 12 m (39.37 ft.) right-of-way and a carriageway no less than 8 m (26.25 ft.) in width
Walkways:	Internal pedestrian walkways, where provided, shall be a minimum of 1.5 m (4.92 ft.) in width

Storage Areas:	<p>Common storage areas, separate from the manufactured home lot, shall be provided for storage of seasonal recreational equipment not capable of storage on the manufactured home lot</p> <p>Such storage areas shall be screened.</p> <p>Such storage areas shall have an area of not less than 20 m<sup>2</sup> (215.29 ft<sup>2</sup>.) per manufactured home lot.</p>
Utilities:	<p>All utility services and all utility wires and conduits shall be installed underground</p>
Fences and Lot Lines:	<p>Fences and hedges shall be allowed only if they are erected and maintained by the manufactured home park operator to a uniform standard throughout the park</p> <p>All lot lines shall be clearly defined on the ground by permanent flush stakes, or makers, with a lot number or other address system.</p>
Minimum Yard Requirements:	<p>Manufactured homes and their attached structures shall be at least:</p> <ul style="list-style-type: none"> <li>i) 4.5 m (14.76 ft.) from one another</li> <li>ii) 7 m (22.97 ft.) from any park boundary</li> <li>iii) 3 m (9.84 ft.) from any internal access road or common parking area</li> <li>iv) 1.5 m (4.92 ft.) from any side lot line</li> <li>v) 4.5 m (14.76 ft.) from any rear lot line</li> </ul>
Minimum Lot Area:	<p>As determined by the size of the manufactured home units and the lot coverage and minimum yard requirements specified in this Section.</p>
Maximum Lot Coverage:	<p>55%</p>
Building Design:	<p>All manufactured homes shall be factory built and must be no older than 10 years as of the date that the manufactured home is placed on a lot in the manufactured home park</p> <p>Skirting or any attached structure shall be factory built with matching exterior finish, or be of durable all-weather construction and designed in a manner that will enhance the appearance of the manufactured home development</p> <p>Each manufactured home shall be levelled, blocked and skirted, and the hitch skirted within 30 days of being placed on a lot</p>
Minimum Width of Manufactured Home:	<p>3.5 m (11.48 ft.)</p>
Minimum Floor Area:	<p>65 m<sup>2</sup> (699.68 ft<sup>2</sup>)</p>

## **HEAVY VEHICLE RESIDENTIAL DISTRICT (R4)**

**General Purpose:** To provide an area for low density residential development in the form of detached dwellings primarily for the owners/operators of heavy vehicles wishing to park their vehicles on their residential parcel, and compatible uses, herein listed. All uses are, wherever possible, to be connected to the municipal sewer and water systems.

**Permitted Uses:** Accessory residential buildings  
Detached dwellings

**Discretionary Uses:** Accessory buildings and uses  
Heavy vehicle parking and storage on the owner's/operator's residential parcel  
Home occupations – minor and major  
Mechanized excavation, stripping and grading  
Manufactured homes  
Parking facilities for uses in this District  
Parks and playgrounds  
Public and quasi-public uses  
Public utility buildings  
Secondary suites  
Signs  
Any use that is similar, in the opinion of the Municipal Planning Commission, to the permitted or discretionary uses described above

The General Regulations contained in Part 7 shall apply to every development in this District in addition to the regulations listed below:

**Minimum Front Yard:** 6 m (19.69 ft.)

**Minimum Side Yard:** 1.5 m (4.92 ft.) except where it abuts a public roadway - 3 m (9.84 ft.)

**Minimum Rear Yard:** 10 m (32.81 ft.)

**Minimum Parcel Width & Area:** Parcels not served by a sewer collection system and water distribution system shall have:  
(i) a width of not less than 30 m (98.43 ft.), and  
(ii) an area of not less than 1,885 m<sup>2</sup> (19,967.22 ft<sup>2</sup>)

Parcels which are served by a sewerage collection system, but not by a water distribution system, shall have:  
(i) a width of not less than 30 m (98.43 ft.) and  
(ii) an area of not less than 925 m<sup>2</sup> (9,956.70 ft<sup>2</sup>)

Parcels which are served by a water distribution system, but not a sewerage collection system shall have:

- (i) a width of not less than 30 m (98.43 ft.)
- (ii) an area of not less than 1,390 m<sup>2</sup> (14,961.96 ft<sup>2</sup>)

NOTE: Parcels not complying with the foregoing and legally created prior to promulgation of Alberta Regulation 132/78 (April 1, 1978) are not subject to the foregoing but shall comply with the following minimum parcel area: 446 m<sup>2</sup> (4,800 ft<sup>2</sup>)

Maximum Parcel Coverage: 55%, except on parcels greater than 1,390 m<sup>2</sup> (14,961.96 ft<sup>2</sup>), where it shall not exceed 35%.

Parcel Servicing: No building may be erected or development commenced until arrangements satisfactory to the Provincial Plumbing Inspector, Alberta Labour and the Public Health Unit have been made for the collection, storage and disposal of sewage

Maximum Building Height: 9.5 m (31.17 ft.) for principal buildings  
7.5 m (24.6 ft) for one accessory building meant to be accessed by tall vehicles

Number of Heavy Vehicles: a maximum of two (2) heavy vehicles may be parked and/or stored on a site at a time

## **CENTRAL COMMERCIAL DISTRICT (C1)**

General Purpose: To provide an area for intensive commercial use, offering a wide variety of goods and services, and other uses, herein listed, which are compatible with the area, which will create an attractive environment for pedestrians, but which will be accessible to motor vehicles.

Permitted Uses: Bus depots  
Commercial recreation and entertainment facilities  
Dwelling units above the ground floor  
Indoor merchandise sales  
Offices  
Personal services  
Restaurants  
Signs

Discretionary Uses: Accessory buildings and uses  
Accessory residential building  
Car washes  
Drinking Establishment  
Existing dwelling units  
Fire hall  
Funeral Home  
Gas bars  
Hotels  
Institutional Service Facility  
Mechanized excavation, stripping and grading  
Motels  
Municipal shop, warehouse and storage yard  
Parking facilities  
Public and quasi-public uses  
Public utility buildings  
Repair services  
Veterinary Clinic  
Any use that is similar, in the opinion of the Municipal Planning Commission, to the permitted or discretionary uses described above.

The General Regulations contained in Part 7 shall apply to every development in this District in addition to the regulations listed below:

Minimum Front Yard: Nil

Minimum Side Yard: Nil

Minimum Rear Yard: Shall be provided for parking and loading spaces in accordance with Part 7

Maximum Parcel Coverage: 100%

Landscaped Area:	Nil except for all areas of a site not covered by buildings, driveways, parking, storage or display areas
Outdoor Storage and Display:	Outdoor storage may be permitted provided the area is screened to the satisfaction of the Development Authority  Outdoor display shall be permitted only during normal business hours and shall not be located or project onto public property
Maximum Building Height:	10 m (32.8 ft.)
Dwelling Unit Entrance:	Dwelling units shall have an entrance separate from the entrance to any commercial component of the building.
Other Regulations:	No outdoor eating or drinking area shall be located within 15.2 m (50 ft) of an adjacent residential property in a residential district

## **HIGHWAY COMMERCIAL DISTRICT (C2)**

- General Purpose:** To provide an area for commercial uses and other uses, herein listed, which are compatible with the area, adjacent to a major thoroughfare, which requires large open areas for parking by clientele, for display of merchandise, or both, which will create an attractive environment, primarily accessible to motor vehicles. Light manufacturing and warehousing may be a secondary use in the District.
- Permitted Uses:** Drive-in businesses  
Restaurants  
Sales and service outlets for automobiles, trucks, recreation vehicles and mobile homes  
Signs
- Discretionary Uses:** Accessory buildings and uses  
Accessory residential building  
Car washes  
Commercial recreation and entertainment facilities  
District shopping centres  
Drinking Establishment  
Dwelling unit for the occupancy of the owner, operator or caretaker  
Existing dwelling units  
Existing industries  
Funeral Home  
Gas bars  
Institutional Service Facility  
Hotels  
Light manufacturing  
Mechanized excavation, stripping and grading  
Motels  
Parking facilities  
Public and quasi-public uses  
Public utility buildings  
Repair services  
Sales and service outlets for farm equipment  
Veterinary Clinic  
Any use that is similar, in the opinion of the Municipal Planning Commission, to the permitted or discretionary uses described above

The General Regulations contained in Part 7 shall apply to every development in this District in addition to the regulations listed below:

- Minimum Front Yard:** 9 m (29.53 ft.) adjacent to a service or local road
- Minimum Side Yard:** 3 m (9.84 ft.)
- Minimum Rear Yard:** 6 m (19.69 ft.)

Minimum Parcel Frontage:	15 m (49.21 ft.) adjacent to a service or local road 46 m (150.92 ft.) without a service road
Maximum Parcel Coverage:	80%
Outdoor Storage and Display:	All outdoor storage shall be screened All outdoor display shall be screened from residential Districts.
Building Design:	Light manufacturing buildings shall be similar in character and quality of materials to commercial buildings.
Maximum Building Height:	10 m (32.81 ft.)

## **LIGHT INDUSTRIAL DISTRICT (I1)**

- General Purpose: To provide an area for light industrial uses, and other uses, herein listed, which are compatible to the area which are located in an attractive environment; to accommodate uses which do not cause any external, objectionable or dangerous conditions beyond the parcel boundary.
- Permitted Uses: Light manufacturing  
Signs  
Veterinary clinic  
Warehousing
- Discretionary Uses: Accessory buildings and uses  
Dwelling unit for the occupancy of the owner, operator or caretaker  
Mechanized excavation stripping and grading  
Municipal shop, warehouse and storage yard  
Parking facilities for uses in this District  
Public utility buildings  
Railway uses  
Repair services  
Any use that is similar, in the opinion of the Municipal Planning Commission, to the permitted or discretionary uses described above

The General Regulations contained in Part 7 shall apply to every development in this District in addition to the regulations listed below:

- Minimum Front Yard: 9 m (29.53 ft.)
- Minimum Side Yard: 3 m (9.84 ft)
- Minimum Rear Yard: 6 m (19.69 ft.)
- Minimum Parcel Frontage: 15 m (49.21 ft.), except where abutting a highway without a service road, in which case 30 m (98.43 ft.) shall be required.
- Maximum Parcel Coverage: 80%
- Maximum Building Height: 10 m (32.81 ft.) where adjacent a property in a residential District

## **HEAVY INDUSTRIAL DISTRICT (I2)**

General Purpose:	To provide an area for light industrial uses, and other uses, herein listed, which are compatible with the area with heavy industry permitted in approved locations at the discretion of the Municipal Planning Commission.
Permitted Uses:	Light manufacturing Municipal shops and storage yards Processing plants Signs Veterinary clinic Warehousing
Discretionary Uses:	Accessory buildings and uses Auto wrecking yards Cartage and freight terminals Heavy equipment assembly, sales and services Heavy manufacturing Livestock auction markets Mechanized excavation stripping and grading Open storage yards Parking facilities for uses in this District Public utility uses Railway uses Repair services Seed cleaning plants Solid waste transfer stations Veterinary hospitals Any use that is similar, in the opinion of the Municipal Planning Commission, to the permitted or discretionary uses described above

The General Regulations contained in Part 7 shall apply to every development in this District in addition to the regulations listed below:

Minimum Front Yard:	9 m (29.53 ft.)
Minimum Side Yard:	3 m (9.84 ft.)
Minimum Rear Yard:	6 m (19.69 ft.)
Minimum Parcel Frontage:	15 m (49.21 ft.), except where abutting a highway without a service road, in which case 30 m (98.43 ft.) shall be required.
Maximum Parcel Coverage:	80%

## **PUBLIC RECREATION DISTRICT (PR)**

General Purpose:	To provide an area for the development of public land for major multi-use recreational facilities, and other uses, herein listed, which are compatible with the area.
Permitted Uses:	Parks and playgrounds Recreation facilities
Discretionary Uses:	Accessory buildings and uses Cemeteries (public) Institutional service facilities Parking facilities Public and quasi-public uses Public utility buildings Signs Any use that is similar, in the opinion of the Municipal Planning Commission, to their permitted or discretionary uses described above

The General Regulations contained in Part 7 shall apply to every development in this District in addition to the regulations listed below:

Minimum Front Yard:	9 m (29.53 ft.)
Minimum Side Yard:	3 m (9.84 ft.)
Minimum Rear Yard:	6 m (19.69 ft.)
Maximum Parcel Coverage:	80%
Outdoor Storage and Display:	Outdoor storage areas shall be screened
Maximum Building Height:	12 m (39.37 ft.)

### **Alix Lake Setback Requirements**

If a parcel abuts or is divided by Alix Lake, or any land that has been designated Public Recreation (PR) or Alix Lake Reservoir (ALR) Districts, then all dwellings and accessory buildings shall be set back to comply with the following requirements:

- (i) a distance of at least 7.5 m (24.6 ft) measured horizontally from the maximum lake level elevation of 790.75 m (2594.32 ft) shall be provided,
- (ii) the bottom elevation of all building footings shall be set not lower than the elevation of 791.05 m (2595.31 ft),
- (iii) the finished ground at all buildings shall not be less than the elevation of 791.05 m (2595.31 ft.) and the lowest elevation of the finished lot should not be less than 790.75 m (2594.32 ft.) in elevation.

For the purposes of this Land Use Bylaw only, the reference elevation shall be on the concrete control structure operating deck and can be assumed to be 791.50 m (2,596.78 ft.) as measured in June of 1998.

The Development Authority may waive any or all of the foregoing requirements for buildings which are necessary for water recreation activities (piers, boat houses, etc.), for fences, and for earth filling of low lying properties necessary for development purposes.

Detailed plans of the development showing all areas of earth filling and finished elevations must be included with each development permit application.

*Existing Village owned buildings are exempt from the foregoing.*

## **ENVIRONMENTAL OPEN SPACE DISTRICT (EOS)**

General Purpose:	To provide an area for either the preservation of public land in its natural state, or for its development as an interpretive park.
Permitted Uses:	Natural environmental preservation and educational uses Parks
Discretionary Uses:	Accessory buildings and uses Public utility buildings Signs Any use that is similar, in the opinion of the Municipal Planning Commission, to the permitted or discretionary uses described above

The General Regulations contained in Part 7 shall apply to every development in this District.

## ALIX LAKE RESERVOIR LAND DISTRICT (ALR)

General Purpose: To maintain the present status and regulate private developments and other improvements on publicly owned lands adjacent to Alix Lake by property owners immediately abutting the publicly owned lands and the Village of Alix.

Permitted Uses: Natural environmental preservation  
Alix Lake Nature Trail  
Signs

Discretionary Uses: For those property owners whose property line abuts the publicly owned lands within the Village of Alix being immediately adjacent to Alix Lake and where permanent shoreline developments already exist, property owners shall continue to have the use of the publicly owned land for their enjoyment and the following are regulations for these discretionary uses:

### Shoreline Developments

- (i) these developments are permanent in nature and do not have to be removed on an annual basis;
- (ii) location and size shall be subject to the recommendation of the Municipal Planning Commission;
- (iii) all shoreline developments shall have affixed to them appropriate reflective devices as required.

### Recreational landscaping

For those property owners whose property line abuts the publicly owned land within the Village of Alix being immediately adjacent to Alix Lake and on where permanent shoreline developments do not already exist only temporary developments may be considered and such developments must meet the following regulations for the following discretionary use:

### Temporary Docks

- (i) temporary dock can be put in Alix Lake no earlier than April 15 and removed from Alix Lake no later than November 1 of the same year;
- (ii) the owner of the temporary dock is responsible for placing on the dock a sign with a disclaimer notice such as "Private Dock - Use At Own Risk". The sign shall be of a sufficient size to ensure it is visible from a reasonable distance;
- (iii) all temporary docks shall have affixed to them (at the farthest point from the shore) appropriate reflective devices;
- (iv) location, size and length of the temporary dock shall

be as required to clear excessive weed build-up and to provide boat depth. However, the length shall not exceed 12 m (39.37 ft.).

Any use that is similar, in the opinion of the Municipal Planning Commission, to the discretionary uses listed above.

General Regulations:

- (1) a development permit application for a temporary dock or shoreline development is required and must be accompanied by:
  - (a) a sketch of the proposed location;
  - (b) construction details;
  - (c) if required, an explanation of how the development will be put in and removed from Alix Lake without damaging the natural environment of the shoreline;
  - (d) a one time fee of \$10.00.
- (2) a development permit application is not required for recreational landscaping.
- (3) construction materials and flotation devices (ie. drums or barrels) shall not present any contamination problems to Alix Lake or its shoreline.
- (4) the owner abutting the public lands who has temporary dock or shoreline development on or partially on the public lands abutting their property shall ensure that there is liability insurance on their homeowners policy for these developments. A copy of the insurance policy shall be forwarded to the Village Office within 30 days of the date of approval on the development permit.
- (5) all existing developments on the public lands may be retained, and maintained in good repair.
- (6) the Village of Alix retains the right to remove any development, whether permanent or temporary, that:
  - (a) the property owner abutting the public lands has not followed the application procedure as stated in this Land Use Bylaw;
  - (b) the property owner abutting the public lands has not complied with the regulations as stated in this Land Use Bylaw pertaining to the development;
  - (c) is abandoned.

**AGRICULTURAL DISTRICT (A)**

- General Purpose: To allow agricultural and compatible land uses, herein listed on land which is available for future urban development once an overall plan is prepared for and approved by Council.
- Permitted Uses: Agricultural uses, minor
- Discretionary Uses: Accessory uses  
Agricultural society grounds  
Agricultural uses, general  
Detached dwelling and mobile homes farther than 305 m (1,000 ft.) from the berm of the sewage lagoon  
Existing residence and other related improvements  
Public utility buildings  
Any use that is similar, in the opinion of the Municipal Planning Commission, to the permitted or discretionary uses described above.

The General Regulations contained in Part 7 shall apply to every development in this District in addition to the regulations listed below:

- Minimum Parcel Area: All the land contained in the existing certificate of title, unless otherwise approved by the Municipal Planning Commission, having regard to future use of the parcel and the form of future subdivision and development

## **URBAN RESERVE DISTRICT (UR)**

General Purpose:	To reserve land for a future subdivision and development until an overall plan is prepared for and approved by Council.
Permitted Uses:	Agricultural operations lawfully existing at the date of adoption of this Land Use Bylaw Uses lawfully existing at the date of adoption of this Land Use Bylaw
Discretionary Uses:	Accessory buildings and uses Agricultural uses, minor Existing residence and other related improvements Mechanized excavation stripping and grading Parking facilities for uses in this District Public utility buildings Signs Uses that will not, in the opinion of the Municipal Planning Commission, (1) materially alter the use of the land from that existing on the date the land was designated to this Land Use District, or (2) conflict with future urban expansion

The General Regulations contained in Part 7 shall apply to every development in this District in addition to the regulations listed below:

Minimum Parcel Area:	All the land contained in the existing certificate of title, unless otherwise approved by the Municipal Planning Commission, having regard to future use of the parcel and the form of future subdivision and development
Outdoor Storage and Display:	Outdoor storage shall be screened Outdoor display shall be screened from residential Districts

## PART TEN: DEFINITIONS

Words, phrases and terms not defined below or anywhere else in this Land Use Bylaw may be given their definition in the *Municipal Government Act*, *Subdivision and Development Regulation*, or the *Alberta Building Code*. Other words shall be given their usual and customary meaning.

"accessory residential building" means an accessory building to a residence, and includes such things as garages, garden sheds and greenhouses;

"accessory building or use" means a building or use which is subordinate, incidental and directly related to the principal use of the premises, building or site and which does not substantially add to the intensity of the use on the site. An accessory building or use must be located on the same site as the principal use and shall not precede the development of the principal building;

"adjacent land" means land that is contiguous to the parcel of land that is the subject of an application and includes land that would be contiguous if not for a highway, road, river or stream;

"adult care housing" means a building providing long-term accommodation wherein residents, who because of their circumstances cannot or do not wish to maintain their own households, are provided with meal services and may receive such services as housekeeping and personal care assistance;

"Agricultural Society Grounds" means the existing Grounds in which various agriculturally related shows and competitions, as well as various recreation activities may take place;

"agricultural uses, general" means the non-intensive use of land, building or structure for the raising or production of crops (including mushrooms) and of cattle and horses, which may include a single residence for the farmer, but does not include the rearing of animals in a confined area, or buildings such as a feedlot.

"agricultural uses, minor" means the tilling of the soil, the raising of crops, horticulture and gardening, but other than up to two (2) horses does not including keeping or raising of domestic animals, fowl, or fur farming, or any such building associated with agricultural industry or business.

"apartment" means a residential building consisting of at least 3 dwelling units which share entrance facilities;

"area redevelopment plan" means a plan adopted by bylaw pursuant to the *Municipal Government Act*;

"area structure plan" means a plan adopted by bylaw pursuant to the *Municipal Government Act*;

"auto wrecking yard" means land and buildings that are used for the storage and dismantling of old or wrecked cars or trucks for the purpose of recycling their components;

"basement" means a habitable portion of a building which is partly underground, but which has more than 50 percent of the distance, between the floor level and the underside of the ceiling joists, above adjacent ground elevation;

"boarding and rooming house" means a detached dwelling converted for gain or profit containing rooms for two or more persons where meals may or may not be served and in which the proprietor may supply accommodation for his family;

"building" includes anything constructed or placed on, in, over or under land but does not include a highway or public roadway or a bridge forming part of a highway or public roadway;

"building demolition" means the pulling down, tearing down or razing of a building;

"building height" means the vertical distance between the average of the highest and lowest finished grade levels immediately adjacent a building and the highest point on a building, other than any chimney, poles, vents or other things that, in the opinion of the Development Authority are similar and are not part of the building structure;

"bus depot" means a facility providing for the departure and arrival of passengers and freight carried by bus;

"car wash" means a facility used for the purposes of washing motor vehicles;

"cartage and freight terminal" means a facility accommodating the storage and distribution of freight shipped by air, rail or highway transportation;

"cellar" means a portion of a structure which is mainly underground, and which has less than 50 per cent of the distance, between the floor level and the underside of the ceiling joists, above adjacent ground elevation;

"cemetery" means a use of land or a building for interment of the deceased;

"child care facility" means a facility that provides care and supervision for seven (7) or more children for more than three (3) but less than twenty-four (24) consecutive hours in each day that the facility is operating, and is intended to be operated for them at least twelve (12) consecutive weeks per year;

"commercial recreation and entertainment facility" means a facility or establishment which provides for recreation or entertainment for a gain or a profit including movie theatres, live theatres, dancing, billiard or pool halls, bingo halls, bowling alleys, gymnasiums, racquet courts, simulated golf, and roller skating but does not include adult entertainment, casinos or overnight accommodation;

"Council" means the Council of the Village of Alix;

"crematorium" means a facility with one or more cremation chambers used to reduce human bodies to ashes by heat;

"dangerous goods occupancy" means any occupancy where dangerous goods, as defined in the Transportation of Dangerous Goods Control Act, are unloaded, loaded, stored, processed, or otherwise handled in quantities in excess of the amounts set forth in this bylaw on a permanent or ongoing basis;

"detached dwelling" means a residential building containing one dwelling unit, which is physically separate from any other residential building, and does not include a manufactured home;

"development" means

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

"development authority" means the person or persons appointed pursuant to Development Authority Bylaw No. 397/11;

"development officer" means a person appointed as a Development Officer pursuant to this Land Use Bylaw;

"development permit" means a document authorizing a development issued pursuant to this Land Use Bylaw;

"discretionary use" means a use which may be compatible with other uses in the District, for which a development permit may be issued upon an application having been made;

"District" means Land Use District;

"district shopping centre" means a group of commercial establishments planned, owned, developed and managed as a unit with off street parking established on the same site which serves the needs of the urban centre and surrounding area;

"drinking establishment" means an establishment the primary purpose of which is the sale of alcoholic beverages for consumption on the premises and the secondary purposes of

which may include entertainment, dancing, music, the preparation and sale of food for consumption on the premises, take-out food services and the sale of alcoholic beverages for consumption away from the premises but does not include adult entertainment. This includes any premises in respect of which a "Class A" Liquor License has been issued and where minors are prohibited by the terms of the license and where no adult entertainment is permitted;

"drive-in business" means an establishment with facilities for on site service to customers who remain in their motor vehicles;

"driveway" means a vehicle access route between the carriageway of a public roadway and a use on a parcel;

"duplex" means a separate residential building consisting of only two separate dwelling units, each above grade and each having exterior entrances;

"dwelling unit" means a complete building or self-contained portion of a building for the use of one or more individuals living as a single housekeeping unit, containing sleeping, cooking and separate toilet facilities and controllable heat/thermostat intended as a permanent residence not separated from direct access to the outside by another separate or self-contained set or suite of rooms;

"eaveline" means the horizontal line that marks the intersection of the roof and the wall of a building;

"encroachment agreement" means a written agreement between the municipality and a property owner which establishes particular circumstances and conditions under which a use or building on the property may incorporate the use of adjoining land owned or controlled by the municipality or a written agreement between two property owners which establishes particular circumstances and conditions under which a use or building on one property may incorporate the use of adjoining land owned or controlled by a different property owner;

"feedlot" means any tract of land or structure, pen or corral, wherein cattle, horses, sheep, goats and swine are maintained in a confined area for the purpose of fattening such livestock for final shipment to market;

"feed mills and grain elevators" means buildings in which animal feeds and grain are stored during shipment to or from farms and in which animal feeds may be prepared;

"financial services" means the provision of services related to financial matters, including the deposit or lending of money, the sale of financial investments and the provision of financial planning services;

"floodplain" means the land adjacent to a lake, river or stream inundated by a one in one hundred year return flood as determined by Alberta Environment;

"floodproofing" means the rendering safe from damage arising from a one in one hundred year return flood, as determined by Alberta Environment, through all or any of the following means:

- (a) the raising of the level of land to a minimum of 0.3 m (0.98 ft.) above that flood level, or
- (b) the construction and use of buildings with the lowest water entry point 0.3 m (0.98 ft.) above that flood level, or
- (c) any other such means as may be considered appropriate by the Development Authority in consultation with Alberta Environment,

"floor area" means

- (a) for residential buildings, the total area of all floors in a building measured from the outside of exterior walls, but excluding floor areas of basements, attached garages, sheds, carports, or open porches in all residential buildings, or
- (b) for commercial buildings, the total floor area of all floors in a building measured from the outside of exterior walls including basements but excluding mall areas;

"fourplex" means a building containing four dwelling units, each unit comprising two floor levels and sharing a common party wall with two other units;

"front parcel boundary" means, in the case of an interior parcel, the boundary which abuts a street and in the case of a corner parcel, means the shorter of the two boundaries which abut a street [see sketch in Section 7.8];

"front yard" means a yard extending across the full width of a parcel measured perpendicularly from the front boundary of the parcel to the front wall(s) of the main building situated on the parcel [see sketch in Section 7.8];

"funeral home" means a business establishment where the bodies of the dead are prepared for burial or cremation, and where funeral services can be held;

"gas bar" means a site or portion thereof used for the sale of gasoline, propane and other fuels, the sale of lubricating oils and other automotive fluids or motor vehicle accessories but does not include service stations or automotive repair establishments;

"group home" means a building or portion of a building used for the care or rehabilitation of no more than 6 children, adolescents or adults;

"hard landscaping" means the use of non-vegetative material, other than monolithic concrete, asphalt or gravel, as part of a landscaped area;

"heavy equipment assembly, sales and service" means the assembly, sales, rental and service of any heavy vehicle or equipment used in commercial, industrial or agricultural activities;

"heavy manufacturing" means the manufacture of products, the process of which generates fumes, gases, smokes, vapours, vibrations, noise or glare, or similar nuisance factors which have a high probability of occurring and which may cause adverse effects to the users of adjacent land;

"heavy vehicle parking and storage on the owner's operator's residential parcel" means the owner operator may park, store and perform minor maintenance on his vehicles exceeding 2,730 kg (GVW) on his own residential parcel;

"home occupation – minor" means an accessory use of a dwelling unit by a resident or an accessory building located on the same parcel as the dwelling unit of the resident for a small scale business which is incidental to the primary use as a residence and is undetectable from outside the dwelling unit and accessory building;

"home occupation – major" means an accessory use of a dwelling unit by a resident or an accessory building located on the same parcel as the dwelling unit of the resident for a small scale business which is incidental to the primary use as a residence where the presence of the business may be detectable outside the buildings and beyond the property boundaries;

"hotel" means a building in which rooms are provided for temporary sleeping accommodation where each room has access from a common interior corridor and in which food and beverage services may also be available;

"indoor merchandise sales" means the indoor sale or display of merchandise, including indoor storage of merchandise in quantities limited to the needs of the outlet;

"institutional service facility" means a facility:

- (a) providing cultural, educational or community services to the public such as libraries, museums, auditoriums, concert halls, colleges, schools, places of worship or assembly and,
- (b) providing government services including hospitals, fire stations, police stations, court houses, detention and correction centres

"landscaped area" means an area of land made attractive and desirable by the use of any or all of the following: grass, trees, shrubs, ornamental planting, fences, walls and associated earthworks; however, it shall not include areas occupied by garbage containers, parking lots or driveways;

"Land Use Bylaw" means Bylaw No. 396/11, and amendments thereto;

"Land Use District" means an area as described in Part Nine and shown on the Land Use District Map being Schedule A of this Land Use Bylaw;

"Land Use Policies" means the policies established by the Lieutenant Governor in Council pursuant to the *Municipal Government Act*;

"lane" means a public thoroughfare which provides a secondary means of access to a parcel or parcels and which is registered in a land titles office;

"light manufacturing" means the manufacture of products, the process of which does not create and emit fumes, gases, smokes, vapours, vibrations, noise or glare or other factors which are regarded as nuisances which would cause adverse effects to the users of adjacent land;

"livestock auction market" means a facility where agricultural related items including cattle are bought and sold by public auction;

"m" means metres ("m<sup>2</sup>" means square metres)

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

"main use" means the principal purpose for which a building or parcel is used;

"manufactured home" means a detached residential dwelling built in an off site factory environment and intended to be occupied in a place other than where it was manufactured. New manufactured homes shall meet or exceed the CSA Z240 Standards;

"mechanized excavation, stripping and grading" means the use of motorized equipment to remove, relocate or stockpile soil or vegetation in excess of normal landscape maintenance requirements;

"manufactured home park" means a parcel comprehensively designed, developed, operated and maintained to provide sites and facilities for the placement and occupancy of manufactured homes on a long-term basis;

"mini-storage warehouse" means a building containing separate, individual self-storage units divided from floor to ceiling by a wall with an independent entrance from either the exterior or interior of the building, designed to be rented or leased for the storage of household items, personal goods, materials and equipment but does not include sea/land containers;

"motel" means a building or group of buildings on a parcel designed and operated to provide temporary sleeping accommodation for transient travellers and contains separate sleeping units, each of which is provided with and adjoining or conveniently located parking space;

"multiple housing development" means two or more buildings containing dwelling units, located on a parcel of land, where all the buildings, recreation areas, vehicular areas, landscaping and all other features have been planned as an integrated development;

"municipality" means the Village of Alix;

"*Municipal Government Act*" means the *Municipal Government Act*, RSA 2000, Chapter M-26, as amended;

"Municipal Planning Commission" means a Municipal Planning Commission established by Council pursuant to the *Municipal Government Act*;

"municipal shop and storage yard" means the facility used by a municipality for the storage of materials used in fulfilling its various functions and the housing and repair of its equipment;

"natural environment preservation area" means an area that is to be preserved because it is unsuitable in its natural state for development;

"non-conforming building" means a building

- (a) that is lawfully constructed or lawfully under construction at the date a land use bylaw affecting the building or land on which the building is situated becomes effective, and
- (b) that on the date the land use bylaw becomes effective does not, or when constructed will not, comply with the Land Use Bylaw;

"non-conforming use" means a lawful specific use

- (a) being made of land or a building or intended to be made of a building lawfully under construction, at the date a land use bylaw affecting the land or building becomes effective, and
- (b) that on the date the land use bylaw becomes effective does not, or in the case of a building under construction will not, comply with the Land Use Bylaw;

"office" means a facility providing for the administration of business, or government, or the provision of professional services;

"open storage yard" means land that is used for the storage of products, goods or equipment which is not available for immediate sale;

"outdoor display" means the use of land for the purpose of showing merchandise for sale or rent;

"owner" means the person who is registered under the Land Titles Act as the owner of the fee simple in the land and, in respect of any property other than land, the person in lawful possession of it;

"parcel" means the aggregate of the one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan or registered in the land titles office;

“parcel of land” means

- (a) where there has been a subdivision, any lot or block shown on a plan of subdivision that has been registered in a land titles office;
- (b) where a building affixed to the land that would without special mention be transferred by a transfer of land has been erected on 2 or more lots or blocks shown on a plan of subdivision that has been registered in a land titles office, all those lots or blocks;
- (c) a quarter section of land according to the system of surveys under the Surveys Act or any other area of land described on a certificate of title;

"parcel coverage" means the area covered by buildings, parking facilities, driveways, storage areas and display areas;

"parking facility" means a structure or an area providing for the parking of motor vehicles;

"parks and playgrounds" means areas of public land known for their natural scenery and/or preservation for public recreation either active or passive;

"permitted use" means a use of land or a building that is compatible with other uses in the District and for which a development permit shall be issued provided it otherwise conforms with this Land Use Bylaw;

"personal service" means the provision of a service to individuals on a commercial basis, and includes such services as photographers, travel agencies, beauty salons and dry cleaners;

"public and quasi-public use" means a use of land or a building for purposes of public administration and service and shall also include a building for the purpose of assembly, instruction, culture, recreation or other community activity;

“public utility” means a public utility as defined in the *Municipal Government Act*;

“public utility building” means a building in which the proprietor of a public utility maintains an office, or maintains or houses equipment used in connection with the public utility;

"railway uses" means a use of land or a building directly related to the building or operation of a railroad system;

"rear yard" means a yard extending across the full width of a parcel measured perpendicularly from the rear wall(s) of the main building situated on the parcel to the rear property boundary of the parcel [see sketch in Schedule B];

"recreation facility" means a public building and grounds for community entertainment, relaxation, social activity and other leisure needs;

"recreational landscaping" means any grassed area, trees, stairs, fire pit, watering pumps, or gardens, not protruding out from the shoreline into Alix Lake;

"repair services" means the restoration and maintenance of objects, which is compatible with other uses in the District;

"road" means land:

- (a) shown as a road on a plan of survey that has been filed or registered in a Land Titles Office, or
- (b) used as a public road

and includes a bridge forming part of a public road and any structure incidental to a public roads, but does not include a highway;

"restaurant" means a building or part of a building the primary purpose of which is the preparation and sale of food for consumption on the premises and the secondary purpose of which may include the sale of alcoholic or non-alcoholic beverages incidental to the meal, take out food services and catering. A restaurant does not include a drinking establishment but may include premises in respect of which a "Class A Liquor License has been issued and where minors are not prohibited by the terms of the license;

"row housing" means a group of three or more dwelling units, each unit separated by a common or party wall and having a separate front and rear access to the outside grade;

"sales and service outlet for automobiles, trucks, recreation vehicles or manufactured homes" means a facility providing for the sale, rental, service and repair of automobiles, trucks, recreation vehicles or manufactured homes;

"sales and service outlet for farm equipment" means a facility providing for the sale, rental, service or repair of farm equipment;

"screen" means a fence, berm, hedge, wall or building used to separate areas or functions which detract from the appearance of the street scene and the view from the surrounding areas;

"sea/land container" means any building that was originally designed and constructed for use as a shipping container;

"secondary suite" means a dwelling unit located within the principal dwelling, on a second storey integral to a detached garage, or as an accessory building where the principal use of the site is a detached dwelling;

"seed cleaning plant" means a building for the storage and preparation of seed used in agriculture;

"setback" means a distance additional to minimum yard requirements which may be required on parcels adjacent to the public roadways;

"shoreline developments" means developments attached to the shoreline and which may protrude out from the shoreline into Alix Lake. Shoreline developments include wooden decks, stairs and retaining walls;

"side yard" means a yard extending from the front yard to the rear yard between the side boundary of the parcel and the wall of main building therein [see sketch in Section 7.8];

"sight triangle" means an area at the intersection of roadways or roadways and railways in which all buildings, fences, vegetation and finished ground elevations shall be less than 1 m (3.28 ft.) in height above the average elevation of the carriageways/rails, in order that vehicle operators may see approaching vehicles in time to avoid collision;

"sign" means any word, letter, model, placard, board, notice, device or representation, whether illuminated or not, in the nature of and employed wholly or in part for the purposes of advertisement, announcement or direction and its supporting structure;

"soft landscaping" means the use of vegetative material as part of a landscaped area;

"solid waste transfer station" means a facility for the collection and temporary holding of solid waste in a storage container;

"statutory plan" means a municipal development plan, intermunicipal development plan, area structure plan and area redevelopment plan adopted by a bylaw of the municipality, or any one or more of them;

"street" means any category of road except a lane;

"structural alterations" means altering the main building components which support a building;

"Subdivision and Development Appeal Board" means the board established by Council pursuant to the *Municipal Government Act*;

"Subdivision and Development Regulation" means the *Subdivision and Development Regulation (AR 43/2002)*, as amended;

"temporary dock" means a wharf or platform which can be put in Alix Lake no earlier than April 15 and removed from Alix Lake no later than November 1 of the same year;

"use" means a building or an area of land and the function and activities therein or thereon;

"veterinary clinic" means a facility for the medical care and treatment of animals, and includes provision for their overnight accommodation but does not include kennels, outdoor pens, runs or enclosures;

"veterinary hospital" means a facility for the medical care and treatment of animals and includes provision for their accommodation and confinement in outdoor pens, runs and enclosures;

"warehouse" means a facility for the indoor storage of goods and merchandise but does not include a building where the principle use is the sale of goods;

"yard" means an open space on the same site as a building and which is unoccupied and unobstructed from the ground upward except as otherwise provided herein.