

VILLAGE OF CLIVE

LAND USE BYLAW NO. 514-16

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PART 1 PURPOSE AND APPLICABILITY OF THE LAND USE BYLAW

1.1 Purpose of the Land Use Bylaw

- (1) The purpose of this Bylaw is to, amongst other things
 - (a) establish the office of the Development Officer;
 - (b) divide the municipality into Districts;
 - (c) prescribe and regulate the use for each District;
 - (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 Clive.
- (2) This Bylaw may be cited as "*The Village of Clive Land Use Bylaw*"
- (3) 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.
- (4) All measurements in this Bylaw are metric. Imperial equivalents are provided for convenience only and have been rounded to the nearest whole number.
- (5) 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 When is a Development Permit Required?

- (1) Except as provided for in Section #1.3 – Developments Not Requiring a Permit, a Development Permit application must be approved and a Development Permit obtained prior to commencing or continuing any development.
- (2) Any Development carried out within the municipality shall be done in accordance with this Bylaw regardless of whether a permit is required or not.

1.3 Developments Not Requiring a Permit

- (1) The following types of Development do not require a Development Permit, however they must still comply 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, or change the use or intensity of the Use of the Building;
 - (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 twelve (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) the construction or placement of one Accessory Building on a residential parcel, provided such Building does not exceed 9.3 m² (100 ft²) in floor area, 3.0 m (10 ft) in height and complies with all other requirements for Accessory Buildings including section #6.1 - Accessory Buildings ;
 - (e) the erection or construction of gates, fences, walls or other means of enclosure less than 1.22 m (4 ft) in height in front yards and less than 2 m (7 ft) in other yards, and the maintenance, improvement and other alterations of any gates, fences, or walls or other means of enclosure provided such structures are in compliance with section #6.11 - Fences and Screening;
 - (f) 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 Bylaw and that the Building is removed once Development is complete or upon expiry of the Development Permit, whichever is sooner;
 - (g) patios and decks less than 0.6 m (2 ft) above grade;
 - (h) a temporary use of a parcel not exceeding six (6) months for the sole purpose of Mobile Commercial Sales (e.g. fish trucks, fruit trucks, etc.), provided the location of the business is to the satisfaction of the Development Officer;
 - (i) the erection of one unilluminated 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 and must comply with the regulations of this bylaw:
 - (i) a Fascia Sign for the purpose of identification, direction and warning not exceeding 0.2 m² (2.15 sq. ft.),
 - (ii) a Fascia Sign relating to a person, partnership or company carrying on a profession, business or trade not exceeding 0.3 m² (3.23 sq. ft.),
 - (iii) a Fascia or Freestanding Sign relating to a religious, educational, cultural, recreational or similar institution, or to an Apartment not exceeding 1 m² (10.76 sq. ft.),
 - (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 m² (32.29 sq. ft.) and limited in display to the period of completion of the sale, lease, construction or event,

- (v) a flag attached to a single upright flag-pole.
- (j) the installation, maintenance and repair of public utilities;
- (k) 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;
- (l) 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;
- (m) 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.
- (n) one satellite dish antenna, less than 1 m (3 ft) in diameter, per parcel provided it is not located on the front façade of the principal Building and, in the opinion of the Development Officer, does not materially affect the enjoyment of property by neighbouring landowners; and
- (o) demolition of a Building less than 56 m² (603 ft²).

PART 2 THE DEVELOPMENT AUTHORITY

2.1 The Development Officer

- (1) The office of the Development Officer is hereby established and such office shall be filled by a person (s) to be appointed by resolution of Council.
- (2) The Development Officer shall:
 - (a) review Development Permit applications to determine its appropriate use definition and, if necessary, require the applicant to apply for a permit for a different use or apply to amend this Bylaw;
 - (b) receive, consider and may decide upon applications for a Development Permit with respect to permitted uses in the subject land use district including attaching any terms and conditions deemed necessary;
 - (c) refer any applications for discretionary uses to the Municipal Planning Commission for a decision;
 - (d) at their discretion, refer to the Municipal Planning Commission, for its consideration, any Development Permit application;
 - (e) provide notice of decisions on Development Permit applications in accordance with the notification requirements of this Bylaw (section 4.6);
 - (f) keep a register of all applications for Development, including the decisions made on each application and the accompanying reasons;
 - (g) keep and maintain for the inspection of the public during all reasonable hours, a copy of this Bylaw and all amendments made to it;
 - (h) prepare such forms and notices deemed necessary to administer this Bylaw with such forms and notices deemed to have the full force and effect of this Bylaw in the execution of the purpose for which they were designed, authorized and issued;
- (3) Notwithstanding 2.1 (2)(c) above and provided the application for a Development Permit complies in all respects with the regulations of this Bylaw, the Development Officer may approve an application for the following discretionary uses:
 - (a) Building Demolition
 - (b) Home Occupations; and
 - (c) Secondary Suites.
 - (d) Garage Suites
 - (e) Garden Suites
 - (f) Shipping Container
 - (g) Signs
 - (h) Temporary Buildings

2.2 The Municipal Planning Commission

- (1) The Municipal Planning Commission, established by Bylaw No. 402-95 , shall:
 - (a) issue decisions on Development Permit applications referred to it by the Development Officer; including attaching any terms and conditions deemed necessary to achieve compliance with this Bylaw; and
 - (b) consider and if necessary, state terms and conditions or provide direction on any other planning or Development matter referred by the Development Officer; and
 - (c) perform such additional duties as are described in Bylaw No. 402-95;

PART 3 APPLYING FOR A DEVELOPMENT PERMIT

3.1 Purpose of Development Permits

- (1) Development Permits are required in order to:
 - (a) ensure that private and public Development is achieved in an orderly manner;
 - (b) allow neighbours and other members of the Village the opportunity to provide comments on a particular Development; and
 - (c) Implement the vision and policies of the Village's long range plans including:
 - (i) The *Intermunicipal Development Plan*;
 - (ii) The *Municipal Development Plan*; and
 - (iii) Any Area Structure Plans, Area Redevelopment Plans or Outline Plans in effect.

3.2 Building Permits vs. Permits

- (1) A Development Permit is not a Building Permit. Development permits indicate compliance with this Bylaw whereas Building Permits indicate compliance with the Alberta Building Code.

3.3 Development Permit Applications

- (1) An application for a Development Permit shall be submitted to the Development Officer and shall consist of:
 - (a) a completed and signed Development Permit application form;
 - (b) two copies of a site plan, drawn to scale that shows the following:
 - (i) north arrow and scale of the plan;
 - (ii) legal description of the property (lot, block and plan);
 - (iii) property lines shown with dimensions;
 - (iv) location and dimensions of all existing and proposed Buildings and their distance from the property lines (setbacks);
 - (v) location and dimensions of any other proposed improvements to the lot including: parking, decks, patios, fences, retaining walls, storage areas, distribution of storm water runoff and lot services (water, septic);
 - (vi) location of all registered utility easements and right-of-ways; and
 - (vii) area calculations of: entire site; principal and Accessory Buildings and their percent coverage of site; parking stalls; and landscaping.
 - (c) building floor plans drawn to scale;

- (d) two copies of the Building(s) elevations, drawn to scale, showing all sides and indicating Building Height, exterior finishing materials and colours;
 - (e) a statement of existing and proposed uses for the entire lot;
 - (f) a copy of the Certificate of Title to the land and, if the applicant is not owner, a statement of the applicant's interest in the land together with the written consent of the owner to the application;
 - (g) the estimated commencement and completion date;
 - (h) the estimated cost of the project or contract price; and
 - (i) such other plans and information as the Development Authority 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 a plan for disposal of materials; and
 - (b) how the parcel will be reclaimed.
- (3) Upon receipt of an application the Development Authority shall within 20 days determine whether the application is complete. An application is complete, if in the opinion of the Development Authority, the application contains the documents and other information necessary to review the application. The 20 day timeline may be extended if agreed upon in writing between the applicant and the Development Authority. (Amended by Bylaw #522-18)
- (4) If the Development Authority deems a development permit application to be complete, the Development Authority shall issue a letter to the applicant indicating:
- (a) The date the application was received and deemed complete,
 - (b) Confirmation the Development Authority will begin processing the application, and
 - (c) The date the 40 days to process the application expires. (Amended by Bylaw #522-18)

3.4 Development Permit Fees

- (1) Each application for a Development Permit shall be accompanied by a non-returnable processing fee, the amount of which shall be determined from time to time and established by Council and set out in the Village of Clive's Master Rates & Fees Bylaw #515-17, as amended.
- (2) Commencing Development without a permit, where one is required in accordance with this Bylaw, shall be subject to a fine of double the permit fee that would be required for the Development being undertaken.

3.5 Incomplete Applications

- (1) If the Development Authority determines an application is incomplete, the Development Authority shall issue a notice in writing to the applicant, indicating the following:
 - (a) The application is considered incomplete,
 - (b) A detailed list of the outstanding documents and/or information required by the Development Authority in order for the application to be considered complete,
 - (c) The date which the required outstanding documents and/or information must be submitted to the Development Authority, as either set out in the notice, or as agreed upon between the applicant and Development Authority, prior to the expiry of the 20 day review period. (Amended by Bylaw #522-18)
- (2) Additional information the Development Authority may request for a development permit application includes, but is not limited to:
 - (a) Hosting a public meeting in the community and submitting a record of the meeting and summary of input;
 - (b) Traffic Impact Assessment to determine possible effects of the development on the transportation and traffic system;
 - (c) Environmental Site Assessment to identify potential site contamination;
 - (d) Noise Impact Assessment to examine the noise emitted from the facility;
 - (e) Lighting Impact Assessment to determine the potential light impact to adjacent properties during construction and operation of the site;
 - (f) Sun Shadow Impact Study to determine the impact of development in terms of sun and daylight access to surrounding property;
 - (g) Servicing Study to assess the capacity of municipal servicing to accommodate future development;
 - (h) Geotechnical Assessment of the site for design of structures;
 - (i) Real Property Report illustrating locations of property improvements relative to property boundaries;
 - (j) Flood proofing assessment of the development if it is located in a flood prone area;
 - (k) Slope Assessment to assess the safe design of a slope;
 - (l) Risk Assessment for hazards associated with the use or storage on site;
 - (m) CPTED Analysis to analyze the built form in reducing the incidence of crime;

- (n) Parking Demand Study to estimate the parking demand of the proposed use;
- (o) Such other plans and information as the Development Authority may consider necessary to properly evaluate the proposed development. (Amended by Bylaw #522-18)

All submitted documents are to be prepared by qualified registered professionals in their respective fields. All submitted documents shall include certification by the professional who prepared the document. (Amended by Bylaw #522-18)

- (3) If the Development Authority determines that the information and documents submitted by the applicant at the request of the Development Authority are complete, the Development Authority must issue a letter to the applicant indicating:
 - (a) The application is complete,
 - (b) Confirmation the Development Authority will begin processing the application, and
 - (c) The date the 40 days to process the application expires. (Amended by Bylaw #522-18)
- (4) If the applicant fails to submit the outstanding information and documents requested by the Development Authority to complete the application on or before the date referred to in the notice issued to the applicant, the application is deemed to be refused. (Amended by Bylaw #522-18)
- (5) If the application is deemed refused because the applicant failed to provide the Development Authority with the requested information, the Development Authority shall issue to the applicant a letter indicating the application has been refused and the reason(s) for the refusal, within 7 days of the expiry date. (Amended by Bylaw #522-18)
- (6) Despite that the Development Authority has issued a letter acknowledging an application as complete, in the course of reviewing the application, the Development Authority may request additional information or documentation from the applicant that the Development Authority considers necessary to review the application. (Amended by Bylaw #522-18)
- (7) If the Development Authority does not make a determination of an application's completeness within 20 days of receiving the application, or within an alternative timeline agreed upon between the applicant and Development Authority, the application is deemed to be complete. (Amended by Bylaw #522-18)

3.6 Subdivision Approval Application (Amended by Bylaw #522-18)

- (1) Upon receipt of an application the Subdivision Authority shall within 20 days determine whether the application is complete. An application is complete, if in the opinion of the Subdivision Authority, the application contains the documents and other information necessary to review the application. The 20 day timeline may be extended if agreed upon in writing between the applicant and the Subdivision Authority.
- (2) If the Subdivision Authority deems a subdivision application to be complete, the Subdivision Authority shall issue a letter to the applicant indicating:

- (a) The date the application was received and deemed complete,
 - (b) Confirmation the Subdivision Authority will begin processing the application, and
 - (c) The date the 60 days to process the application expires.
- (3) If the Subdivision Authority determines an application is incomplete, the Subdivision Authority shall issue a notice in writing to the applicant, indicating the following:
- (a) The application is considered incomplete,
 - (b) A detailed list of the outstanding documents and/or information required by the Subdivision Authority in order for the application to be considered complete,
 - (c) The date which the required outstanding documents and/or information must be submitted to the Subdivision Authority, as either set out in the notice, or as agreed upon between the applicant and Subdivision Authority,

Prior to the expiry of the 20 day review period.

- (4) If the Subdivision Authority determines that the information and documents submitted by the applicant at the request of the Subdivision Authority are complete, the Subdivision Authority shall issue a letter to the applicant indicating:
- (a) The application is complete,
 - (b) Confirmation the Subdivision Authority will begin processing the application, and
 - (c) The date the 60 days to process the application expires.
- (5) If the applicant fails to submit the outstanding information and documents requested by the Subdivision Authority to complete the application on or before the date referred to in notice issued to the applicant, the application is deemed to be refused.
- (6) If the application is deemed refused because the applicant failed to provide the Subdivision Authority with the requested information, the Subdivision Authority shall issue to the applicant a letter indicating the application has been refused and the reason for the refusal, within 7 days of the expiry date.
- (7) Despite that the Subdivision Authority has issued a letter acknowledging an application as complete, in the course of reviewing the application, the Subdivision Authority may request additional information or documentation from the applicant that the Subdivision Authority considers necessary to review the application.
- (8) If the Subdivision Authority does not make a determination of an application's completeness within 20 days of receiving the application, or within an alternative timeline agreed upon between the applicant and Subdivision Authority, the application is deemed to be complete.

3.7 Subdivision Approval Time Limits (Amended by Bylaw #522-18)

- (1) The Subdivision Authority shall, within 20 days after the receipt of an application for a subdivision approval, determine whether the application is complete, or within such longer period as the applicant may have agreed to in writing.
- (2) The Subdivision Authority shall consider and decide on any application for a subdivision approval, within 60 days of the date of issuance of a letter to an applicant indicating the application is complete, or within such longer period as the applicant may have agreed to in writing.

PART 4 DECISION PROCESS FOR DEVELOPMENT PERMITS

4.1 Referring Development Permit Applications for Comment

- (1) The Development Officer shall:
 - (a) refer any application to an adjacent municipality or any other agency or person which, in their opinion, may provide relevant comments or advice respecting the application; and
 - (b) refer all applications for Development which would result in permanent overnight accommodation, including dwellings, or public facilities to the Energy Resources Conservation Board, if any of the land which is the subject of the application is within 1.5 km (1 mile) of a sour gas facility and the proposed Development is not, in the opinion of the Development Officer, an infill Development.

4.2 Deciding on Permitted Uses

- (1) When making decisions on Development Permit applications for permitted uses in any District:
 - (a) If the proposed Development conforms in every respect to this Bylaw the Development Authority shall approve the Development Permit application, with or without conditions listed in section #4.2(2) below; or
 - (b) if the proposed Development does not conform in every respect to this Land Use Bylaw the Development Authority may:
 - (i) refuse the application giving reasons for the refusal; or
 - (ii) approve the application subject to conditions to ensure that the application conforms to the requirements of this Bylaw, the *Municipal Government Act*, the *Subdivision and Development Regulation* and statutory plans; or
 - (iii) approve the application subject to meeting the requirements of section #4.4 – *Granting Relaxations*.
- (2) When approving an application for a Development Permit for a permitted use, the Development Authority may attach conditions deemed necessary including but not limited to:
 - (a) Where Development involves construction of a permanent foundation, provision of a real property report indicating compliance with applicable minimum yards (setbacks from property lines) prior to proceeding beyond the foundation stage of construction;
 - (b) 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, or any one or more of them, including payment of the cost of

installation or construction of any such utility or facility by the applicant;

- (c) 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;
- (d) The developer entering 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:
 - (1) a pedestrian walkway system to serve the Development, or
 - (2) 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:
 - (1) off-street or other parking facilities; and
 - (2) loading and unloading facilities;
- (e) That the applicant submits a real property report to the satisfaction of the Development Officer;
- (f) The developer paying an off-site levy or redevelopment levy imposed by a Bylaw adopted pursuant to the *Municipal Government Act*;
- (g) The developer providing security to ensure compliance with this Bylaw, a Development permit, an agreement under this clause and/or a statutory plan, which security may include, but is not limited to, an irrevocable letter of credit or charge against the title to the site; and
- (h) The applicant being responsible for any damages to public or private property occurring as a result of a Development.

4.3 Deciding on Discretionary Uses

- (1) When making decisions on Development Permit applications for discretionary uses in any District the Municipal Planning Commission may:

- (a) Approve an application for a Development Permit provided the application meets the requirements of this Bylaw; or
 - (b) approve the application subject to meeting the requirements of section #4.4 – *Granting Relaxations*; or
 - (c) refuse an application for a Development Permit for a discretionary use even if the proposed Development conforms in every respect to this Bylaw, giving reasons for the refusal.
- (2) When approving an application for a Development Permit for a discretionary use, the Municipal Planning Commission may attach conditions deemed necessary including but not limited to:
- (a) Any condition(s) listed in section #4.2 (2);
 - (b) Any condition(s) that the Development Authority 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) location on the lot, character and appearance of Buildings;
 - (v) 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;
 - (vi) Establishing the period of time for which a Development Permit is valid.

4.4 Granting Relaxations

- (1) The Development Authority may approve, with or without conditions, an application for Development that does not comply with this Bylaw if, in the opinion of the Development Authority:
- (a) the proposed Development would not:
 - (i) unduly interfere with the amenities of the neighbourhood; or
 - (ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land;
 - (b) the proposed Development or subdivision conforms with the use prescribed for

that land or Building in this Bylaw.

- (2) In approving an application for Development pursuant to section 4.4(1) above, the Development Authority shall:
 - (a) ensure the application for Development would continue to meet the general purpose of the applicable district;
 - (b) consider a relaxation only where warranted by the merits of the proposed Development and/or 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; and
 - (c) obtain a letter from the applicant indicating:
 - (i) reasons why they believe a relaxation is warranted; and
 - (ii) the measures proposed to minimize the potential impact(s) of granting the relaxation(s) on neighbouring properties; e.g. Building orientation, window and door placement, or additional landscaping;
- (3) Except as otherwise provided in this Bylaw, where the decision on an application is being made by the Development Officer a variance shall not be granted for less than eighty percent (80%) of any minimum regulation or more than one hundred and twenty percent (120%) of any maximum regulation.
- (4) Where an approved Development Permit grants a relaxation to any regulation of this Bylaw, the Development Authority shall not permit any additional relaxation from that regulation.

4.5 Time Limits

- (1) The Development Authority shall, within 20 days after the receipt of an application for a development permit, determine whether the application is complete, or within such longer period as the applicant may have agreed to in writing. (Amended by Bylaw #522-18)
- (2) The Development Authority shall consider and decide on any application for a development permit, within 40 days of the date of issuance of a letter to an applicant indicating the application is complete, or within such longer period as the applicant may have agreed to in writing. (Amended by Bylaw #522-18)

4.6 Notification of Decision

- (1) A decision of the Development Officer or the MPC on an application for a development permit shall be given in writing and a copy of it sent by ordinary mail to the applicant on the same day the decision is made. (Amended by Bylaw #522-18)

4.7 Effective Date of a Development Permit

- (1) An approved Development Permit shall not be issued to the applicant until the latter of:
 - (a) twenty-one (21) days after notice of the decision has been given if notice is provided by ordinary mail in accordance with section #4.6 (2)(a); or
 - (b) fifteen (15) days after notice of the decision has been given if notice is provided in accordance with section #4.6 (2)(b) or (c) above; or
 - (c) All conditions attached as part of the Development Permit approval have been met to the satisfaction of the Development Officer, with the exception of those conditions that are of a continuing nature.
- (2) Any Development proceeded with by the applicant prior to the expiry of the notification period is done solely at the risk of the applicant.
- (3) The effective date of an approved Development Permit shall be the latter of:
 - (a) the date of decision by the Development Authority; or
 - (b) the date the subdivision and development appeal board renders their decision if the Development Permit is appealed, in accordance with section #4.9 – *Appealing a Decision of the Development Authority*.

4.8 Cancellation or Expiry of a Development Permit

- (1) 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.
- (2) If the Development authorized by a permit is not commenced within twelve (12) months from the date of its issue, or the date of decision of the Subdivision and Development Appeal Board upon appeal, the Development Permit ceases to be effective.
- (3) If the Development authorized by a permit is not completed within twenty-four (24) months following the date of its approval or the date of decision of the Subdivision and Development Appeal board, the permit ceases to be effective. Unless otherwise specified in the Development Permit, completion is achieved once all exterior materials and any associated painting/staining as shown on the stamped Development Permit application is achieved. Landscaping shall be completed by the end of the first full growing season following completion of Development.
- (4) The Development Authority may grant an extension to an expiring Development Permit, being no longer than an additional twelve (12) months, provided no extension has previously been granted by the Development Authority.

4.9 Appeals

- (1) An application for a development permit shall, at the option of the applicant, be deemed to be refused when a decision thereon is not made by the Development Authority within forty (40) days of the date of the letter issued to the applicant acknowledging a complete application, and an applicant may appeal in writing, as provided for in this Land Use Bylaw, unless the applicant enters into an agreement with the Development Officer to extend the 40 day period. (Amended by Bylaw #522-18)
- (2) Where the Development Authority
 - (a) Fails to issue a development permit to a person, or
 - (b) Refuses an application for a development permit, or
 - (c) Issues a development permit subject to conditions, or
 - (d) Issues an order under the Municipal Government Act, (Amended by Bylaw #522-18)

The person applying for the permit or affected by an order, a decision, or development permit may appeal to the Subdivision and Development Appeal Board in accordance with the Municipal Government Act. (Amended by Bylaw #522-18)

4.10 Re-Application for a Development Permit

- (1) Where an application for a development permit has been refused, except for those applications refused as incomplete applications, the Development Officer shall refuse to accept another application for the same or a similar use on the same lot or site until 6 months have passed from the date of such 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. (Amended by Bylaw #522-18)

PART 5 LAND USE DISTRICT REGULATIONS

5.1 Establishment of Land Use Districts

(1) For the purpose of this Bylaw the Village of Clive is divided into the following Districts:

R-1	Low Density Residential District
R-2	General Residential District
R-3	Modular Home District
RSH	Residential Small Holdings District
C	Commercial District
I	Industrial District
PR	Public Recreation District
UR	Urban Reserve District

(2) The boundaries of the Districts listed in section #5.1(1) are as delineated on the Land Use District Map attached as Schedule A. All public roadways and watercourses are excluded from the Land Use Districts.

(3) Where the location of District boundaries on the Land Use District Map is not clearly understood, the following rules shall apply:

- (a) a boundary shown as approximately following a parcel boundary shall be deemed to follow the parcel boundary;
- (b) a boundary which does not follow a parcel boundary shall be located by measurement of the Land Use District Map; and
- (c) a boundary location which cannot be satisfactorily resolved, shall be referred to Council for an official interpretation.

5.2 LOW DENSITY RESIDENTIAL DISTRICT (R-1)

Purpose: To provide an area for low density residential Development in the form of Detached Dwellings and compatible uses, all of which are connected to the municipal sewer and water systems

Permitted Uses	Discretionary Uses
Accessory Residential Buildings where the total Floor Area is less than 70 m ² (753.5 ft ²) Detached Dwellings Modular Homes meeting the requirements of Section #6.4 Public Works Buildings and Structures Public Utility Building Temporary Buildings	Accessory Uses Accessory Residential Buildings where the total Floor Area is more than 70 m ² (753.5 ft ²) Bed and Breakfast Establishments Building Demolitions Garage Suites Garden Suites Home Occupations Parking facilities for uses in this District Parks and Playgrounds Public and quasi-public uses Secondary Suites Supportive Care Residences Any other use that is similar, in the opinion of the Municipal Planning Commission, to the uses above may apply for a discretionary use Development Permit.

PARCEL DEVELOPMENT REGULATIONS

Minimum Floor Area	90 m ² (969 ft ²)
Minimum Front Yard	6 metres (20 ft)
Minimum Side Yard	1.5 metres (5 ft) except where it abuts a street – 3m (10ft) See section 6.10 if a laneless subdivision.
Minimum Rear Yard	10 metres (33 ft)
Maximum Building Height	8.5 metres (28 ft)
Minimum Parcel Area	Interior parcel: 450 m ² (4,844 ft ²) Corner parcel: 500 m ² (5,382 ft ²)
Maximum Parcel Coverage	55%

Supplementary Regulations:

1. Any Building into which a vehicle may enter shall have a driveway on the parcel at least 6 m (20 ft) in length, except where the driveway enters a lane, where it shall be either 1 m (3 ft) or at least 6 m (20 ft).
2. The regulations contained in Part #6 – *Supplementary Regulations* shall apply to Developments in this district.
3. The regulations for all other uses shall be as established in Part #6 – *Supplementary Regulations* and/or by the Municipal Planning Commission.

5.3 GENERAL RESIDENTIAL DISTRICT (R-2)

Purpose: To provide an area for a variety of dwelling types from detached to duplexes, multiple units and Apartments, and compatible uses, all of which are connected to the municipal sewer and water systems.

Permitted Uses	Discretionary Uses
Modular Homes Detached dwellings Duplexes Accessory Residential Buildings where the total Floor Area is less than 70 m ² (753.5 ft ²) Public Utility Building Public Works Buildings and structures Temporary Buldings	Accessory uses Accessory Residential Buildings where the total Floor Area is more than 70 m ² (753.5 ft ²) Apartments Bed and Breakfast establishments Boarding and Rooming Houses Building Demolition Day Care facilities Existing Manufactured Homes Four-plex Dwellings Garage Suites on Detached Dwelling parcels Garden Suites on Detached Dwelling parcels Home Occupations Parking facilities for uses in this District Public and quasi-public uses Secondary suites Supportive Care Residences Townhouse Dwellings Any other use that is similar, in the opinion of the Municipal Planning Commission, to the uses above may apply for a discretionary use Development Permit.

PARCEL DEVELOPMENT REGULATIONS

Minimum Floor Area

Detached Dwellings, Duplexes and Town Houses:

79.9m² (860 ft²)

Apartments: Bachelor unit 50 m² (538 ft²).

Other types: 50 m² plus 11m² per bedroom

Minimum Front Yard

6 metres (20 ft)

Minimum Side Yard	Detached Dwellings, Duplexes and end unit on Town Houses: 1.5 metres (5 ft) except: a) 3 m (10 ft) on the street side of a corner parcel; or b) See section 6.10 if a laneless subdivision Apartments: 3.0 m(10ft) except 6.0m (20 ft) on the street side of a corner parcel
Minimum Rear Yard	9 metres (30 ft)
Maximum Building Height	8.5 metres (28 ft)
Minimum Parcel Area	Detached Dwellings: Interior parcel: 450 m ² (4,844 ft ²) Corner parcel: 500 m ² (3,014 ft ²) Duplexes: Interior parcel: 280 m ² (4,844 ft ²) per unit Corner parcel: 330 m ² (3,552 ft ²) per unit Town Houses: Interior parcel: 185m ² (1,999ft ²) per unit Corner parcel: 275 m ² (2,959 ft ²) Apartments: 82 m ² (883 ft ²) per bachelor and one bedroom unit, 102m ² (1,098 ftm ²) per unit greater than one bedroom
Maximum Parcel Coverage	55%

Supplementary Regulations:

1. Modular Homes in this district shall comply with:
 - a) the regulations within the Modular Home District (R3); or
 - b) section #6.4 – Modular Homes
2. Any Building into which a vehicle may enter shall have a driveway on the parcel at least 6 m (20 ft) in length, except where the driveway enters a lane, where it shall be either 1 m (3 ft) or at least 6 m (20 ft).
3. The regulations contained in Part #6 – *Supplementary Regulations* shall apply to Developments in this district.
4. The regulations for all other uses shall be as established in Part #6 – *Supplementary Regulations* and/or by the Municipal Planning Commission.

5.4 MODULAR HOME DISTRICT (R-3)

Purpose: To provide an area for residential Development in the form of modular homes and compatible uses, on separately titled parcels or in comprehensively designed parks. The area shall be connected to the municipal sewer and water systems.

Permitted Uses	Discretionary Uses
Modular Home Accessory Residential Buildings where the total Floor Area is less than 70 m ² (753.5 ft ²) Public Utility Building Public Works Buildings and structures Temporary Buildings	Accessory Use Accessory Residential Buildings where the total Floor Area is greater than 70 m ² (753.5 ft ²) Building Demolition Day Care Facility Existing Manufactured Homes Home Occupation Parking facilities for uses in this District

PARCEL DEVELOPMENT REGULATIONS

Individual Modular Homes and their attached structures:

Minimum Front Yard	6 m (20 ft)
Minimum Side Yard	1.5 m (5 ft) on the right side when facing the lot from the street, except on a corner parcel where the side yard abutting a road shall be at least 3 m (10 ft); and 6 m (20 ft) from the other side.
Minimum Rear Yard	3 m (10 ft)
Maximum Parcel Area	Interior parcel 450 m ² (4844 ft ²) Corner parcel 500 m ² (5382 ft ²)
Maximum Parcel Coverage	55%
Minimum Modular Home Width	5 m (16 ft) excluding any accessory structures or additions
Minimum Modular Home Floor Area	5 m (16 ft) wide – 104.0 m ² (1120 ft ²) 7.3 m (24 ft) wide – 89.2 m ² (960 ft ²)
Maximum Modular Home Age	Six (6) years at time of issuance of Development Permit
Comprehensive Layout	Comprehensive Developments of manufactured homes must provide, at the time of subdivision approval, an overall placement scheme showing how typical manufactured home styles are placed on each parcel and the location of off-street parking and/or future Accessory Buildings such as carports and garages so that all yard requirements are met.

REGULATIONS FOR MODULAR HOMES

1. All modular homes shall be factory built and certified by the Canadian Standards Association CSA A277 or

CSA Z240 which conforms to the Alberta Building Code Standards, proof of which shall be provided to the Development Officer with the application for a Development Permit.

2. All modular homes shall have a roof surface of asphalt or wood shingles, clay or concrete tiles, slates or wood shakes.
3. Accessory structures attached to or located within 1 m (3 ft) of the modular home, such as enclosed porches and additions shall not exceed 20% of the floor area of the modular home.
4. An applicant wishing to move a used (or pre-owned) modular home onto a lot shall apply for permission in accordance with section #6.3 – *Relocation of Buildings*.
5. The Municipal Planning Commission reserves the right to refuse a Development Permit for a modular home that is of poor appearance or condition.
6. It shall be the responsibility of the owner to place the modular home on a permanent foundation in accordance with the Alberta Building Code. Skirting shall be completed within thirty (30) days of the modular home being placed on the parcel.
7. All attached or Accessory Buildings or structures, such as patios, porches, additions, carports, garages, or storage sheds shall be built with matching exterior finish, or be of durable all-weather construction and designed in a manner that will enhance the appearance of the modular home.
8. Front yard landscaping must be completed within the first full growing season following installation of skirting for the modular home.

Supplementary Regulations:

1. Any Building into which a vehicle may enter shall have a driveway on the parcel at least 6 m (20 ft) in length, except where the driveway enters a lane, where it shall be either 1 m (3 ft) or at least 6 m (20 ft).
2. The regulations contained in Part #6 – *Supplementary Regulations* shall apply to Developments in this district.
3. The regulations for all other uses shall be as established in Part #6 – *Supplementary Regulations* and/or by the Municipal Planning Commission.

5.5 RESIDENTIAL SMALL HOLDINGS DISTRICT (RSH)

Purpose: To provide an area for low density acreage residential Development in the form of Detached Dwellings and compatible uses which are connected to municipal sewer and water systems.

Permitted Uses	Discretionary Uses
Accessory Residential Buildings where the total Floor Area is less than 110 m ² (1184 ft ²) Detached Dwellings Modular Homes Public Utility Building Public Works Buildings and structures Temporary Buildings	Accessory uses Accessory Residential Buildings where the total Floor Area is greater than 110 m ² (1184 ft ²) Existing Manufactured Homes Home Occupations Garage Suites Garden Suites Parking facilities for uses in the District Secondary Suites Shipping Containers Any other use that is similar, in the opinion of the Municipal Planning Commission, to the uses above may apply for a discretionary use Development Permit

PARCEL DEVELOPMENT REGULATIONS

Minimum Parcel Area	930 m ² (10,010 ft ²)
Minimum Floor Area	90 m ² (969 ft ²) for Detached Dwellings
Minimum Front Yard	6 m (20 ft)
Minimum Side Yard	1.5 m (5 ft) except where it abuts a street - 3 m (10 ft), See Section #6.10 if a laneless subdivision.
Minimum Rear Yard	10 m (33 ft)
Maximum Parcel Coverage	Primary Dwelling : 55%
Maximum Building Height	8.5 m (28 ft)

Supplementary Regulations:

1. Modular Homes in this district shall comply with:
 - a) the regulations within the Modular Home District (R3); or
 - b) section #6.4 – Modular Homes

2. Maximum Accessory Building floor area: 371.6 m² (4000 ft²)
Maximum Accessory Building Height for this district: 8.0 m (26.2 ft)
3. All new residential Development or redevelopment will be required to connect to municipal water and sewer services. If the Municipal Planning Commission determines that services are not currently available, the Municipal Planning Commission may require a deferred servicing agreement to be registered by caveat on the title requiring a connection to municipal services when the Village determines that services are available.
4. Any Building into which a vehicle may enter shall have a driveway on the parcel at least 6 m (20 ft) in length, except where the driveway enters a lane, where it shall be either 1 m (3 ft) or at least 6 m (20 ft).
5. The regulations contained in Part #6 – *Supplementary Regulations* shall apply to Developments in this district.
6. The regulations for all other uses shall be as established in Part #6 – *Supplementary Regulations* and/or by the Municipal Planning Commission.

5.6 COMMERCIAL DISTRICT (C)

Purpose: To provide an area for Commercial uses offering a wide variety of goods and services.

Permitted Uses	Discretionary Uses
<p>Accommodation Unit(s)</p> <p>Medical and Health Services, except Medical Cannabis Counselling (Amended by Bylaw #523-18)</p> <p>Mobile Commercial Sales</p> <p>Offices</p> <p>Parking facilities for uses in this District</p> <p>Personal services</p> <p>Public and quasi-public uses</p> <p>Public Utility Building</p> <p>Public Works Buildings and structures</p> <p>Restaurants</p> <p>Retail Sales, except Cannabis Retail Sales and Medical Cannabis Counselling (Amended by Bylaw #523-18)</p> <p>Small-scale repair trades, craftspeople and similar trades, including retail sales of related products;</p>	<p>Accessory Uses</p> <p>Accessory Dwelling Units above, beside or behind the Commercial establishment</p> <p>Auction Mart</p> <p>Bus Depots</p> <p>Cannabis Sales</p> <p>Commercial recreation and entertainment facilities</p> <p>Day care facilities</p> <p>Drinking Establishments</p> <p>Drive Through Business</p> <p>Existing Detached Dwellings and replacement thereof</p> <p>Gas Station</p> <p>Greenhouses, Commercial</p> <p>Mixed Use Development</p> <p>Repair Services(no outdoor storage), excluding heavy equipment</p> <p>Self-Service Storage</p> <p>Shipping Containers</p> <p>Signs</p> <p>Temporary Building</p> <p>Any other use that is similar, in the opinion of the Municipal Planning Commission, to the uses above may apply for a discretionary use Development Permit</p>

PARCEL DEVELOPMENT REGULATIONS

Minimum Front Yard	0 metres
Minimum Side Yard	0 metres
Minimum Rear Yard	0 metres

Maximum Parcel Coverage	100%
Landscaping	All areas not covered by buildings, driveways or parking shall be landscaped
Maximum Building Height	10m (33ft)

Supplementary Regulations:

1. Dwelling units shall have an entrance separate from the entrance to any Commercial component of the Building.
2. Outdoor storage is not permitted with the exception of Lots 2, 3 and 4; Block 1; Plan 922 4889 where outdoor storage is permitted provided it is combined with indoor merchandise sales. Outdoor storage is permitted on Lot 1; Block 1; Plan 922 4889 as previously approved.
3. Outdoor display may be permitted during normal business hours.
4. The regulations contained in Part #6 – *Supplementary Regulations* shall apply to Developments in this district.
5. The regulations for all other uses shall be as established in Part #6 – *Supplementary Regulations* and/or by the Municipal Planning Commission.

COMMERCIAL PERFORMANCE STANDARDS

A Commercial activity shall conform to the following standards:

- a) The activity must not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity or injurious to property, improvements or potential Development in the vicinity.
- b) No equipment or process used in the Commercial activity shall create dust, noise, vibration, glare, fumes, odour or air pollution that is detectable at or beyond the property lines of the parcel where the Commercial business or activity takes place.
- c) There shall be no exterior display or storage of any merchandise or material relating to the Commercial activity.
- d) The Commercial activity shall be compatible with the surrounding Commercial area and not of a size that provides services or products that would detrimentally affect the business climate of the Village.

5.7 LIGHT INDUSTRIAL DISTRICT (I)

Purpose: To provide an area for a wide variety of light and other service related industrial activities.

Permitted Uses	Discretionary Uses
Accessory industrial Buildings Building supply and lumber yard (with or without outdoor storage) Equipment rental (with or without outdoor storage) Greenhouses, wholesale, except Cannabis Production and Distribution and Medical Cannabis Production Facility (Amended by Bylaw #523-18) Light Manufacturing Heavy equipment assembly, sales and service Public Utility Building Public Works buildings, structures and storage yards Repair services with or without outdoor storage Self-service storage Trucking Establishment Warehousing	Accessory Uses Auto Wrecking (Salvage) Yard Cannabis Production and Distribution Distribution Facility Fabric Covered Engineered Structures Feed mills and grain elevators Heavy manufacturing Open storage yards Parking facilities for uses in this District Railway uses Repair services Sales and service outlet for farm equipment Seed Cleaning plants Shipping Containers Temporary Buildings Any other use that is similar, in the opinion of the Municipal Planning Commission, to the uses above may apply for a discretionary use Development Permit

PARCEL DEVELOPMENT REGULATIONS

Minimum Front Yard	9m (30 ft)
Minimum Side Yard	3m (10 ft)
Minimum Rear Yard	6m (20 ft)
Minimum Parcel Frontage	15m (49 ft)
Maximum Parcel Coverage	90%
Landscaping	Landscaped areas shall be concentrated beside property line(s) that abut residential lots and roadways to the satisfaction of the Municipal Planning Commission.

Supplementary Regulations:

1. The regulations contained in Part #6 – *Supplementary Regulations* shall apply to Developments in this district.

2. The regulations for all other uses shall be as established in Part #6 – *Supplementary Regulations* and/or by the Municipal Planning Commission.

5.8 PUBLIC RECREATION DISTRICT (PR)

Purpose: To provide an area for the Development of public land for major multi-use recreational facilities.

Permitted Uses	Discretionary Uses
Accessory Buildings Community Market Parks and Playgrounds Places of Worship Public and quasi-public uses Public Utility Building Public Works Buildings and structures	Accessory Uses Parking facilities (public) Shipping Container Signs Any other use that is similar, in the opinion of the Municipal Planning Commission, to the uses above may apply for a discretionary use Development Permit

PARCEL DEVELOPMENT REGULATIONS

Minimum Front Yard	9m (30 ft)
Minimum Side Yard	3m (10 ft)
Minimum Rear Yard	6m (20 ft)
Minimum Parcel Frontage	15m (49 ft)
Maximum Parcel Coverage	80%
Outdoor Storage and Display	Outdoor storage shall be screened from view from adjacent street and/or residential lots. Outdoor display is not allowed.
Maximum Building Height	12m (39 ft)

Supplementary Regulations:

1. The regulations contained in Part #6 – *Supplementary Regulations* shall apply to Developments in this district.
2. The regulations for all other uses shall be as established in Part #6 – *Supplementary Regulations* and/or by the Municipal Planning Commission.

5.9 URBAN RESERVE DISTRICT (UR)

Purpose: To reserve land for future subdivision and Development until an overall plan is prepared for and approved by Council.

Permitted Uses	Discretionary Uses
Agricultural Operations, excluding confined feeding operations. Public Utility Building Public Works, Buildings and Structures	Accessory Uses Building Demolition Existing residence and other related improvements Mechanized excavation stripping and grading Parking facilities for uses in this District Signs Uses that will not, in the opinion of the Municipal Planning Commission (a) materially alter the use of the land from that existing on the date the land was designated to this Land Use District, or (b) conflict with future urban expansion Any use that is similar, in the opinion of the Municipal Planning Commission, to the permitted or discretionary uses described above.

PARCEL DEVELOPMENT REGULATIONS

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 Yard	1. Outdoor storage shall be screened from view from adjacent streets and/or residential lots. 2. Outdoor display shall be screened from residential Districts .

Supplementary Regulations:

1. The regulations contained in Part #6 – *Supplementary Regulations* shall apply to Developments in this district.
2. The regulations for all other uses shall be as established in Part #6 – *Supplementary Regulations* and/or by the Municipal Planning Commission.

PART 6 SUPPLEMENTARY REGULATIONS

BUILDINGS

6.1 Accessory Buildings

- (1) No Accessory Building may be constructed or placed on a lot prior to construction of a principal Building on the lot unless there is a valid Development Permit authorizing construction of a principal Building on the lot.
- (2) An Accessory Building shall not be more than 4.5 m (15 ft) in height, and shall not exceed the height of the principal Building.
- (3) No Accessory Building or any portion thereof shall be erected or placed within the front yard of a parcel.
- (4) An Accessory Building on an interior parcel shall be situated so that the exterior wall is at least 1 m (3 ft) from the side and rear boundaries of the parcel.
- (5) An Accessory Building on a corner parcel shall:
 - (a) not be situated closer to the street or avenue than the principal Building; or
 - (b) be closer than 1 m (3 ft) to the other side parcel boundary or the rear parcel boundary.
- (6) Notwithstanding Subsections (4) and (5), 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.
- (7) An Accessory Building erected or placed on a parcel shall not be used as a dwelling unless a Development Permit has been issued for construction of a secondary residence.
- (8) The following regulations shall apply to all shipping containers located on parcels in the Commercial, Industrial, Public Recreation and Residential Small Holdings Districts.
 - (a) A maximum of one (1) shipping container/ 0.2 hectare of parcel area shall be permitted;
 - (b) A shipping container must not exceed the following dimensions 13.716m (L) x 2.896m (W) x 2.896m (H);
 - (c) Shipping containers shall only be placed on the ground, and shall not be stacked upon one another or on any other structure;
 - (d) Shipping containers will only be allowed on parcels where the approved Building has already been constructed;

- (e) Shipping containers must be located at the rear or side yard of the property and shall:
 - i. standalone so that they are not connected to one another or to any structures on the property (e.g. through the Development of a roof structure, or other means); and
 - ii. be finished in the same colour as the primary colour of the principal Building on the parcel; **or**
 - iii. be screened, using either vinyl fencing measuring 1.8m in height or coniferous trees, planted at a minimum height of 1.8m and spaced to provide a wall of fencing.
- (f) Where the rear or side yard is adjacent to a residential district, or public street, additional landscaping and screening shall be provided to screen the shipping containers, to the satisfaction of the Municipal Planning Commission.
- (9) In Low Density Residential, General Residential and Modular Homes Districts shipping containers shall only be permitted on the rear yard of a lot;
 - (a) in conjunction with a valid Development Permit for construction of a principal Building on a site and shall be removed upon completion of Development or expiry of the Development Permit unless other arrangements have been made to the satisfaction of the Development Authority; or
 - (b) temporarily for moving or in conjunction with renovations up to a maximum of two months unless other arrangements have been made to the satisfaction of the Development Authority.
- (10) Soft-sided Buildings/tarp garages shall:
 - (a) be limited to no more than one (1) Soft-sided Building approved per Residential parcel at any given time.
 - (b) where permitted, be allowed only on a temporary basis in accordance with section #6.7 – *Temporary Buildings*.
 - (c) only be placed in the rear yard of the lot;
 - (d) have a maximum floor area of 16.5 m² (178 ft²);
 - (e) be setback from the side property line a minimum of 1.5 m (5 ft); and
 - (f) have a maximum height of 3 m (10 ft).

6.2 Number of Buildings on a Parcel

- (1) A Development Permit shall not be issued for more than one principal Building on an unsubdivided parcel, except where it is proposed to develop more than one principal Building to form a single, unified group of Buildings.

- (2) The number of dwelling units permitted on a parcel shall be limited to one, except where:
- (a) in the opinion of the Development Authority, either:
 - (i) the Building is clearly designed to be divided into more than one dwelling;
or
 - (ii) the Development of the parcel is clearly designed to include more than one dwelling;
 - (b) the use, such as secondary residences, conforms to the uses prescribed in Part #5 – *Land Use District Regulations* for the District in which the parcel is located; or
 - (c) subject to section #4.4 – *Granting Relaxations* the Development complies with the provisions of this Bylaw; and
 - (d) a Development Permit is issued for the use.

6.3 Relocation of Buildings

- (1) For the purposes of this Bylaw, the relocation of a Building that has been occupied previously shall be deemed to be a discretionary use.
- (2) No person shall:
- (a) Place on a parcel a Building which has previously been erected or placed on a different parcel; or
 - (b) Alter the location of a Building on a parcel which has already been constructed on that parcel;

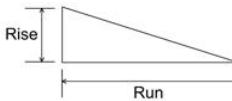
Unless a Development Permit has been issued by the Development Authority.

- (3) The value of the completed Building, once relocated, shall be comparable to, or better than, the average value of similar buildings in the immediate area and any upgrades required to comply with this regulation shall be established by the Development Authority and form part of the conditions of the Development Permit.
- (4) In addition to the requirements of Section #3.3 – *Submitting a Development Permit Application*, the Development Officer shall require an application to relocate a Building to be accompanied by:
- (a) a structural Building Inspection Report by a qualified inspector;
 - (b) recent colour photographs showing all sides of the Building;
 - (c) a statement on the age, size and structural condition of the Building;
 - (d) a statement of proposed improvements to the Building; and
 - (e) a non-refundable fee set by resolution of Council.

- (5) Prior to deciding on an application to relocate a Building, the Building(s) shall be inspected on-site by a representative(s) of the Municipal Planning Commission and/or a Development Officer. The costs of such inspection shall be paid by the applicant in accordance with the expense policy of the Village.
- (6) Where a Development Permit has been granted for the relocation of a Building either on the same parcel or from another parcel, the Municipal Planning Commission may require the applicant to provide a performance bond of up to \$20,000 to ensure completion of any renovations set out as a condition of approval of a permit.
- (7) All structural and exterior renovations shall be completed within one year of the issuance of a Development Permit.

6.4 Modular Homes

- (1) Where required by this Bylaw or the Development Authority to comply with this section the external appearance of a modular home, shall be acceptable to the Development Authority having regard to compatibility with other Buildings in the vicinity and shall have:
 - (a) A minimum roof pitch of 4:12 (rise:run);
 - (b) a roof surface of asphalt or wood shingles, clay or concrete tiles, slates or wood shakes or metal roofing;
 - (c) A minimum roof overhang or eaves of 0.40 m (1 ft) from each external wall;
 - (d) A maximum length to width ratio of 2.5 : 1;
 - (e) A minimum width of 7.6 m (25 ft) measured from external wall surface to external wall surface;
 - (f) A permanent foundation consisting of a Basement, crawl space or slab on grade; and
- (2) An applicant wishing to move a used (or pre-owned) modular home onto a lot shall apply for permission in accordance with section #6.3 – *Relocation of Buildings*.
- (3) The applicant shall provide proof that the Building has proper certification to the Development Officer at the time an application is made for a Development Permit.



6.5 Building Demolition

- (1) An application to demolish a Building larger than 56 m² (603 ft²) 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 amount of dust or other nuisance;

- (b) method for disposing of Building materials; and
 - (c) the final reclamation of the parcel;
- to the satisfaction of the Development Authority.

6.6 Building Orientation and Design

- (1) 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) compatibility with the design and appearance of existing Development in the vicinity, including, but not limited to: Building setback from front property line; the facing materials; roof pitches; eave depth; Building mass and architectural detailing; and
 - (c) its effect on adjacent parcels.
- (2) All roof drainage from a Building shall be directed onto the parcel upon which the Building is situated by means satisfactory to the Development Authority.
- (3) Any landscaping and/or re-contouring shall be done so that the finished grade does not direct surface drainage or cause the impounding of drainage onto an adjoining site unless otherwise approved by the Development Authority.
- (4) Any storm water runoff that will be generated by a Development shall not be connected to the municipal wastewater system.

6.7 Temporary Buildings

- (1) There shall not be more than one (1) temporary building approved per residential parcel at any given time.
- (2) A Development Permit for a Temporary Building shall include conditions concerning:
 - (a) the size, height, and location of the Building;
 - (b) the appearance of the Building;
 - (c) the length of time within which the Building may remain erected to a maximum of twelve (12) months; and
 - (d) the provision of a performance bond to ensure the Building is removed within thirty (30) days of the expiry of the Development Permit.
- (3) The Development Authority may consider a renewal of the Development Permit upon the submission of a new Development Permit by the applicant.

YARDS

6.8 Projections Over Yards

- (1) Projections are those portions of a Building that that are attached to the Building but extend beyond the exterior walls of the building.
- (2) Projections supported by foundation walls, footings, or piles are deemed to be part of the Building, and shall not be considered as a projection over a yard.
- (3) In Residential Districts, the portion of and attachments to a principal or Accessory Building which may project over or on a minimum yard are:

Side Yards

- (a) Any projection, including unenclosed steps or eaves, not exceeding one-half ($\frac{1}{2}$) of the minimum sideyard required for the Building, except in laneless subdivisions where Section #6.10 – *Laneless Subdivisions* shall apply;

Front Yards

- (b) Any projection not exceeding 1.5 m (5 ft) over or on the minimum front yard;

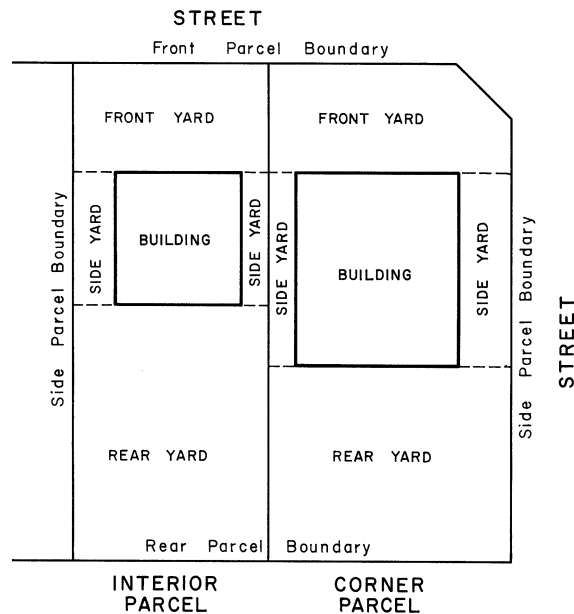
Front and Rear Yards

- (c) Unenclosed steps, if they do not project more than 2.5 m (8 ft) over or on a minimum front or rear yard.

Rear Yards

- (d) Any projection not exceeding 3 m (10 ft) over the minimum rear yard.

- (4) In all other Districts, the portion of and attachments to a principal or Accessory Building which may project over or on a minimum yard are:
 - (a) any projection not exceeding 1.5 m (5 ft) into a front or rear yard;
 - (b) any projection not exceeding 0.6 m (2 ft) into a side yard;
 - (c) any projection that is an exterior fire escape not exceeding 1.2 m (4 ft) in width.
- (5) No portion of a Building other than eaves, signs or canopies shall project into a public or private right-of-way.



6.9 Objects Prohibited or Restricted in Yards

- (1) No person shall allow a motor vehicle which is in a wrecked or dismantled condition, or a Derelict Vehicle, or Unregistered Vehicles in excess of two vehicles, 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.
- (2) A Recreation Vehicle may be stored in the front yard in a Residential District provided they are parked on a driveway and setback at least 1.5 m (4.92 ft) from the front property line and does not overhang the sidewalk. For side or rear yards on corner parcels they shall be stored on the driveway or else no closer to the street than the principle building.
- (3) A Recreation Vehicle parked in a rear or side yard of a Residential District may be used for living and sleeping accommodation only for a maximum period of thirty (30) days per year.
- (4) No person shall park a Recreational Vehicle or utility trailer in any manner that reduces the number of available off-street parking stalls below that required for the uses of the parcel listed in Section 6.12. (Parking)
- (5) No person shall allow a vehicle of more than 2,730 kg (6,019 lbs.) GVW and/or a length of 6.5 m (21 ft) to be parked outside in a Residential District, except those vehicles described in subsection (2) above.
- (6) Motorized vehicles or trailers of any kind parked in a front yard shall be on a driveway.

6.10 Laneless Subdivisions

- (1) In laneless subdivisions in a Residential District:
 - (a) Detached Dwellings with an attached garage shall have one (1) side yard of at least 1.5 m (5 ft);
 - (b) Detached Dwellings without an attached garage shall have one (1) side yard of at least 3 m (10 ft);
 - (c) Duplexes with attached garages shall provide side yards of at least 1.5 m (5 ft);
 - (d) Duplexes without attached garages shall provide side yards of at least 3 m (10 ft)
- (2) In a laneless subdivision in a Commercial or Industrial District, one (1) side yard shall not be less than 6 m (20 ft). This does not apply to an Accessory Building where such Building is located to the rear of the principal Building and separated there from by a minimum distance of 12 m (39 ft).

6.11 Fences and Screening

- (1) The maximum height of a fence, measured from the average grade, shall be:
 - (a) 2.0 m (7 ft) in the rear and side yards; and
 - (b) 1.2 m (4 ft) in the front yard.

- (2) In Residential Districts, a corner parcel must adhere to the sight line requirements as stated in section #6.14 – Sight Lines at Intersections of Roadways for fences and hedges constructed or planted adjacent to an alley or roadway on the rear parcel and/or side parcel boundaries.

VEHICLES

6.12 Parking

- (1) 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 Part #5 – *Land Use District Regulations* of this 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.

Use	No. of Parking Spaces/ GFA (Gross Floor Area)
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Residential

Apartments, fourplexes and town	
house developments_____	1.75/dwelling
Bed & Breakfast Establishment_____	1.0 / guest room
Detached dwellings & Duplexes_____	2.0 / dwelling
Secondary, Garage or Garden suites_____	1.0 / suite
Supportive Care Residence_____	2.0/3 units of accommodation
All other_____	2.0/dwelling

Commercial

Retail sales_____	5.0/100 m ² (1,076 ft ²)
Neighbourhood shopping centres _____	4.0/100 m ² (1,076 ft ²)
Offices_____	2.5/100 m ² (1,076 ft ²)
Motels_____	1.0/guest room
Personal services_____	2.5/100 m ² (1,076 ft ²)
Repair services_____	2.0/100 m ² (1,076 ft ²)
Restaurants, drinking establishments_____	1.0/4 seats indoors and 1.0/12 seats outdoors
Vehicle and equipment sales_____	2.0/100 m ² (1,076 ft ²)

Industry

Manufacturing industry	
Minimum provision_____	6.0
Office area_____	2.0/100 m ² (1,076 ft ²)
Other area_____	1.0/100 m ² (1,076 ft ²)
Warehousing and storage	
Minimum provision_____	4.0
Office area_____	2.0/100 m ² (1,076 ft ²)
Storage area_____	0.7/100 m ² (1,076 ft ²)

Public

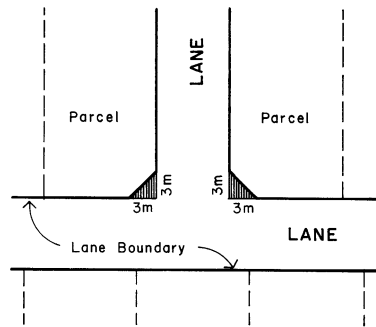
Hospitals and nursing homes_____	1.0/4 beds and 1.0/2 workers
Places of worship_____	1.0/4 seats
Public assembly buildings_____	1.0/4 seats
Elementary and junior high_____	1.0/1 worker
Senior high_____	1.0/1 worker and 1.0/20 students

Uses not listed above _____ determined by the Development Authority having regard to similar uses listed above and the estimated traffic generation of the proposed use.

- (2) 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.
- (3) The parking space requirement on a parcel which has or is proposed to have more than one (1) use shall be the sum of the requirements for each of those uses unless the applicants can demonstrate, to the satisfaction of the Development Authority, that shared parking is feasible.
- (4) 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 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.
- (5) Any loading space provided pursuant to section #6.13 – *Loading Spaces* may be used as parking space.
- (6) Each parking space shall have dimensions of not less than 2.75 m (9 ft) by 5.5 m (18 ft).
- (7) The dimensions of parking areas shall be as set out in the following table and diagram.

A Parking Angle	B Stall Width	C Stall Depth	D Overall Depth	E Manoeuvring Space	F Curb Length	G Row End Length
0°	2.75 m (9 ft)	2.75 m (9 ft)	9.00 m (30 ft)	3.50 m (12 ft)	6.70 m (22 ft)	0.00 m
30°	2.75 m (9 ft)	5.00 m (16 ft)	13.50 m (44 ft)	3.50 m (12 ft)	5.45 m (18 ft)	0.85 m (3 ft)
45°	2.75 m (9 ft)	5.70 m (18 ft)	15.40 m (51 ft)	4.00 m (13 ft)	3.85 m (13 ft)	2.05 m (7 ft)
60°	2.75 m (9 ft)	6.00 m (20 ft)	17.50 m (57 ft)	5.50 m (18 ft)	3.2 m (11 ft)	2.00 m (7 ft)
90°	2.75 m (9 ft)	5.50 m (18 ft)	18.00 m (59 ft)	7.00 m (23 ft)	2.75 m (9 ft)	0.00 m

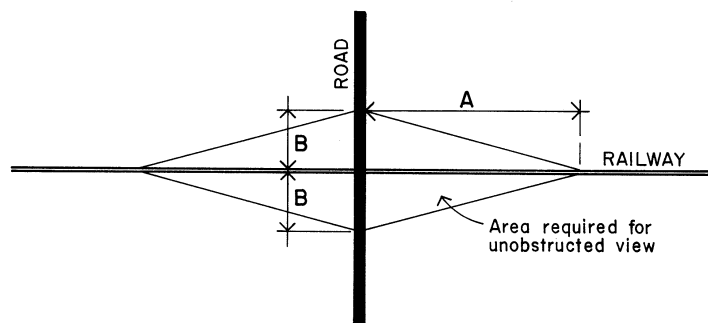
- (2) At the intersection of a street and a lane, a 4.5 m (15 ft) sight triangle shall be provided.
- (3) At the intersection of lanes, a 3 m (10 ft) sight triangle shall be provided.



- (4) At the intersection of other roadways, the Development Authority require the calculation of sight triangles where:
 - (a) one or more rights-of-way is less than 15 m (49 ft), or
 - (b) regulated vehicle speed exceeds 50 km/h, or
 - (c) one (1) of the carriageways is not centred in its right-of-way, or
 - (d) an intersection leg is curved or skewed, or
 - (e) an intersection leg is sloped at 2% or greater.
- (5) Sight triangle calculations shall be in accordance with the recommended methods of the Transportation Association of Canada regarding crossing sight distances for roadways.

6.15 Sight Triangles at Road and Rail Intersections

- (1) At the intersections of road and railways, which are unprotected by automatic warning signals, sight triangles shall be determined using the following diagram and table



- (2) 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:
 - (a) one (1) or more of the rights-of-way is less than 15 m (49 ft), or
 - (b) regulated vehicle speed exceeds 50 km/h, or
 - (c) either the carriage way or the railway is not centred in its right-of-way, or
 - (d) an intersection leg is curved or skewed, or
 - (e) an intersection leg is sloped at 2% or greater.
- (3) 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 ft) and 15 m (49 ft) as required by the *Highway Traffic Act*.

SIGNS

6.16 Applying for a Sign Permit

- (1) An application for a sign permit 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(s);
 - (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) For freestanding signs a drawing showing the sign's foundation detail;
 - (e) Amount of projection over public property;
 - (f) Detailed illustration of the sign's text and/or imagery; and
 - (g) Manner of illuminating the sign in any form of constant, animated or intermittent lights
- (2) The Development Authority:
 - (a) shall issue a sign permit if the application complies with this Bylaw; or
 - (b) may, in accordance with section #4.4 – *Granting Relaxations*, issue a sign permit for a sign that does not entirely comply with this Bylaw.

6.17 General Sign Provisions

- (1) A sign shall not conflict with the general character of the surrounding streetscape or the architecture of either the Building to which it is attached or nearby Buildings or be liable to create a cluttered appearance to the streetscape.
- (2) No sign shall project higher than the roof-line of the Building to which it is attached.
- (3) A sign shall not project closer than 0.75 m (3 ft) to the existing or future curb line.
- (4) Where a sign projects over public property, a minimum clearance of 2.5 m (8 ft) above grade level shall be maintained.
- (5) Notwithstanding subsection (4), 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 ft) above grade level shall be maintained.
- (6) 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.
- (7) 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.

6.18 Fascia and Projecting Signs

- (1) No fascia or projecting sign shall be lower than 2.5 m (8 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 Municipal Planning Commission having regard, amongst other things, to clarity and safety.
- (2) No fascia or projecting sign on a single storey Building shall be higher than the eave-line of the Building.
- (3) 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.
- (4) No fascia sign shall project more than 0.4 m (1 ft) over a street or public property.
- (5) The maximum surface area on one side for projecting signs shall be 1.0 m² (11 ft².)
- (6) 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.
- (7) Projecting signs shall not project more than 1.0 m (3 ft) over a street or public property.
- (8) Only one projecting sign may be erected on each street frontage of a Building.

6.19 Freestanding Signs and Billboards

- (1) No freestanding sign or Billboard shall extend beyond 6.0 m (20 ft) above grade or have a

single surface area larger than 4.5 m² (48 ft²)

- (2) Only one freestanding sign or Billboard may be erected on each of a parcel's boundaries with a street.
- (3) No freestanding sign or Billboard shall be erected in such proximity to a Public Recreation District that it would detract from the natural aesthetics of that District.
- (4) Freestanding signs and Billboards shall be separated by a minimum distance of 30.0 m (98 ft) from each other.
- (5) Freestanding signs and Billboards shall only be erected on sites to which their display relates except in the case of:
 - (a) 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
 - (b) signs used solely to promote charitable or community organizations and events.

6.20 Portable Signs

- (1) Only one portable sign shall be permitted on a parcel at any one time
- (2) No portable sign shall be higher than 2.0 m (7 ft) above grade or larger than 3.3 m² (36 ft²) in sign area.
- (3) With the exception of portable signs promoting a temporary charitable or community event, the sign copy shall directly relate to the use of the site upon which the sign is located.
- (4) No portable sign shall be placed on any Village owned property without the written consent of the Village CAO or designate.
- (5) The use of a portable sign by any business shall be limited to a maximum of sixty (60) consecutive days at a time. A business shall not be permitted to use a portable sign for a minimum of 30 days following the expiry of a permit for a portable sign.

6.21 Awning Signs

- (1) Awning signs shall only be permitted if the awning is a minimum of 2.5 m (8 ft) above grade.

6.22 Other Signs

- (1) The Development Authority may approve other signs subject to the General Sign Provisions of section #6.17 – *General Sign Provisions*.

6.23 Sign Removal

- (1) Where a sign no longer fulfils its function under the terms of the approved Development Permit, the Development Authority 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 property owner, shall, upon such a resolution:
 - (a) remove such a sign and all related structural components within thirty (30) days from the date of receipt of such a removal notice;
 - (b) restore the immediate area around the sign to the satisfaction of the Development Authority; and
 - (c) bear all the costs related to such removal and restoration.

MISCELLANEOUS

6.24 Non-Conforming Buildings and Uses

- (1) A non-conforming use of land or a Building may be continued but if that use is discontinued for a period of six (6) consecutive months or more, any future use of the land or Building shall conform with the provisions of the Land Use Bylaw then in effect.
- (2) A non-conforming use of part of a Building may be extended throughout the Building but the Building, whether or not it is a non-conforming Building, shall not be enlarged or added to and no structural alterations shall be made thereto or therein.
- (3) A non-conforming use of part of a parcel shall not be extended or transferred in whole or in part to any other part of the parcel and no additional Buildings shall be erected upon the parcel while the non-conforming use continues.
- (4) A non-conforming Building may continue to be used but the Building shall not be enlarged, added to, rebuilt or structurally altered except:
 - (a) as may be necessary to make it a conforming Building, or
 - (b) as the Development Authority considers necessary for the routine maintenance of the Building, or
 - (c) in accordance with the provisions of section #4.4 – *Granting Relaxations*.
- (5) If a non-conforming Building is damaged or destroyed to the extent of more than 75 % of the market value of the Building above its foundation, the Building shall not be repaired or rebuilt except in accordance with this Bylaw.
- (6) 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.

6.25 Dangerous Goods

- (1) Prior to making any decision on a Development application which involves dangerous goods or Development on Adjacent Land or in close proximity to any dangerous goods the Development Authority shall refer the Development proposal to the appropriate regulatory authority for comments.

6.26 Home Occupations

- (1) In accordance with 2.1(2) (c) a Development Officer may make a decision on an application for a Home Occupation provided the application complies entirely with the regulations herein.
- (2) Home occupations shall comply with the following:
 - (a) a home occupation shall not include any use or operation which detracts from the amenities of a residential neighbourhood, by way of creating dangerous or objectionable conditions;
 - (b) a home occupation shall be incidental and subordinate to both the residential use and any Accessory Residential Building;
 - (c) there shall be no exterior display or advertising with the exception of one sign with a maximum area of 0.4 m² (4 ft²) being located within a window or, at the discretion of the Development Authority, located on the Building or other suitable location on the site;
 - (d) there shall be no outside storage of materials, commodities or finished products;
 - (e) no commodity other than the product or service of the home occupation shall be sold on the premises;
 - (f) no person other than a resident of the dwelling shall be employed on-site;
 - (g) not more than one (1) business vehicle used in or for the home occupation shall be parked on the site or any street adjacent thereto;
 - (h) a home occupation shall not involve the on-site use and/or storage of hazardous or dangerous goods; and
 - (i) a home occupation license does not exempt the applicant from compliance with any federal or provincial regulation, or any municipal Bylaw or regulation.
 - (j) a permit for a home occupation may be revoked at any time if, in the opinion of the Development Authority, the home occupation has become detrimental to the residential nature and amenity of the neighbourhood or otherwise does not meet the criteria or intent of a home occupation.

6.27 Keeping of Livestock

- (1) Subject to section #6.27(2) below, no person shall keep or permit to be kept on any site in a

residential District:

- (a) animals, livestock or poultry with the exception of dogs, cats and hens authorized and licensed under Bylaw #500-13 (Dog Control Bylaw), Bylaw #513-16 (Cat Control Bylaw), or Bylaw #531-19 (Urban Hen Bylaw) respectively and such other domestic pet
 - (b) any pets or domestic animals on a Commercial basis.
- (2) In the Residential Small Holdings District (RSH), a person may be allowed to keep horses to a maximum of one (1) per 0.4 ha (1 acre) on a site of not less than 1.2 ha (3 acres) if, in the opinion of the Municipal Planning Commission, the site is suitable for such use and it would not create a nuisance for neighbouring properties.
 - (3) The number of animals referred to in Subsection (2) does not apply to offspring under the age of six (6) months of any horses kept on the site.

6.28 Mechanized Excavation, Stripping and Grading of Parcels

- (1) A temporary fence shall be erected around all excavations which, in the opinion of the Development Authority, may be hazardous to the public.
- (2) Where finished ground elevations are established, all grading shall comply therewith.
- (3) All Parcels shall be Graded to ensure that storm water is directed to a Road without crossing Adjacent Land, except as permitted by the Development Authority.
- (4) All topsoil shall be retained on the Parcel, except where it must be removed for Building purposes.

6.29 Development in Proximity to Oil and Gas Wells

- (1) In accordance with the *Subdivision and Development Regulation*, no Building shall be constructed within 100 m (328 ft) of the well head of a gas or oil well, unless in the opinion of the Development Officer, it may be considered an infill Development or is otherwise approved in writing by the Energy Resources Conservation Board.

6.30 Development Setbacks From Landfills and Waste Sites

- (1) In accordance with the *Subdivision and Development Regulation*:
 - (a) a school, hospital, food establishment or residence must not be approved and a residence must not be constructed if the Building site is within the distances from a sanitary landfill, modified sanitary landfill, hazardous waste management facility, dry waste site, waste processing site, waste storage site, waste sorting station or waste transfer station specified in the *Subdivision and Development Regulation*; and
 - (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 distance 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

6.31 Provincial Land Use Policies

- (1) Every action undertaken by the municipality and the Development Officer must be consistent with any land use policies established pursuant to the *Municipal Government Act*.

6.32 Secondary Suites in Residential Districts

- (1) Secondary Suites may only be situated in a single family Detached Dwelling.
- (2) A maximum of one secondary suite may be allowed per Detached Dwelling lot.
- (3) The floor area of a secondary suite located within the principal dwelling shall not exceed the ground floor area of the principal dwelling.
- (4) One (1) off-street parking stall shall be provided per secondary residence in addition to the required number of parking stalls for the principal Building.
- (5) Separate municipal utility services or means of suspending service to the secondary residence without disrupting service to the principal residence may be required at the discretion of the Development Authority.
- (6) There may only be one Secondary Suite per parcel and a parcel containing a Secondary Suite shall not be allowed to have a Garden Suite or Garage Suite.

6.33 Garden Suites

A Garden Suite:

- (1) shall only be situated in the Rear Yard of a Parcel.
- (2) shall not exceed one storey in height.
- (3) shall be situated so the exterior walls are at least;
 - (a) 1.5 m (5 ft.) from the side property boundary except that on a corner Parcel, the Garden Suite shall be no closer to the Street than the primary dwelling;
 - (b) 1.5 m (5 ft.) from the rear property boundary when the Garden Suite has a blank wall facing that boundary;
 - (c) 3.0 m (10 ft.) from the rear property boundary when the Garden Suite has a window opening in the wall facing that boundary;
 - (d) 2.5 m (8 ft.) from the primary dwelling and all other Buildings on the Parcel.
- (4) shall be placed on prepared cribbings or piers and shall be skirted within 30 days of its placement on the Parcel.
- (5) shall be connected to the utilities servicing the primary dwelling.

- (6) shall not, in combination with the primary residence, result in site coverage in excess of 40% of the area of the Parcel.
- (7) shall be of a design and appearance that is acceptable to the Municipal Planning Commission.
- (8) shall be removed from a Parcel within thirty (30) days of the death or permanent departure of the occupants, or the sale or rental of the primary dwelling.
- (9) Development Permits issued for Garden Suites shall be reviewed every two (2) years.
- (10) There may only be one Garden Suite per parcel and a parcel containing a Garden Suite shall not be allowed to have a Secondary Suite or Garage Suite.

6.34 Garage Suites

- (1) Notwithstanding section 6.1, an accessory building containing a garage suite may be used as a subordinate dwelling to the principal dwelling unit on the parcel.
- (2) Garage Suites shall have an entrance separate from the entrance to the detached garage.
- (3) Garage Suites shall be restricted to sites that can be accessed by a rear lane.
- (4) There may only be one garage suite per parcel and a parcel containing a garage suite shall not be allowed to have a secondary suite or garden suite.
- (5) A parcel containing a garage suite may also accommodate a Home occupation as described in section 6.26.
- (6) One on-site parking stall shall be provided per garage suite, in addition to the number of stalls required for the principal building.
- (7) Garage Suite Design Guidelines:
 - (a) Garage and suite exteriors shall relate to the house exterior by utilizing similar design elements, colours and finish materials.
 - (b) Windows and platform structures, including balconies and stairwells, shall be designed to face a flanking roadway, interior of the lot, or the lane, so as to provide privacy for adjacent properties.
- (8) All garage suites shall comply with the Province of Alberta's Building Code and Fire Code.
- (9) A garage suite shall not be subject to separation from the principle dwelling through a condominium conversion or subdivision.
- (10) In addition to the other regulations listed herein, the following standards shall apply to garage suites:
 - (a) Garage suites shall only be located on parcels containing single detached dwellings
 - (b) The minimum parcel area that may contain a garage suite is 428 m² (4607ft²).
 - (c) The maximum floor area of a garage suite is 60 m² (645 ft²).
 - (d) The minimum side yard shall be the same as the primary dwelling requirement for the district.
 - (e) The maximum height of a garage suite is 7.5 m (24.6 ft.) above grade and shall not exceed the height of the principal dwelling.

6.35 Bed and Breakfast Establishments

- (1) The residential nature of the dwelling and the neighbourhood shall be preserved as much as is reasonably possible.
- (2) A dwelling that is being used for a Bed and Breakfast Establishment shall not also contain a secondary residence.
- (3) The granting of a Development Permit for a Bed and Breakfast Establishment does not exempt compliance with any provincial regulations or other permit requirements.

6.36 Drinking Establishments

- (1) No Development application for the construction or renovation of a drinking establishment may be approved unless it meets the following requirements:
 - (a) No openings, such as a public entrance door or opening window, and no outdoor patio balcony, shall be located on a side of the subject Building that faces or abuts a residential district or a lane or road separating the site from a residential district. This prohibition does not apply to emergency exits, loading-bay doors or non-opening windows;
 - (b) The parking areas of the drinking establishment, which are located adjacent to a residential area, shall be screened to the satisfaction of the Development Authority;
 - (c) Lighting of a site containing a drinking establishment shall be provided to the satisfaction of the Development Authority and so as to minimize the potential impact on any adjacent residential uses;
 - (d) Subject to safety code requirements, outdoor patios shall be enclosed so that they are only accessible via the indoor portion of the drinking establishment;
 - (e) Outdoor patio enclosures must be:
 - (i) Permanent / immovable;
 - (ii) A minimum of 1.8 m (6 ft) in height; and
 - (iii) Made of a material, such as tempered glass, that allows for two-way visual surveillance, and limits or prevents physical interaction between patrons and people outside the drinking establishment.
 - (f) The Development Authority may require that elevated or rooftop outdoor patios be set back from the property line or Building eave to reduce or eliminate patrons' sightlines and ability to interact with persons on the street or lane immediately adjacent to the drinking establishment.
 - (g) Elevated or roof top outdoor patios should be sited so as to minimize their potential impact on the use and enjoyment of surrounding land uses, particularly residential uses.
 - (h) In making its decision, the Development Authority shall be mindful of Crime

Prevention Through Environmental Design (CPTED) principles.

6.37 Drive Through Businesses

- (1) Drive Through Businesses shall be located only where the Development Authority is satisfied that the Development and the on-site layout of vehicle circulation patterns will not adversely affect the functioning of surrounding public roadways.
- (2) Queuing space shall be provided on the same site as the Development as follows:
 - (a) For drive through food services and other Development having a service window or automated machine, a minimum of five (5) inbound queuing spaces shall be provided for vehicles approaching the service window or automated machine. One (1) outbound queuing space shall be provided on the exit side of the service window or automated machine.
 - (b) For drive through vehicle services, a minimum of five (5) inbound queuing spaces shall be provided and a minimum of two (2) outbound queuing spaces shall be provided prior to exiting onto a public roadway
 - (c) Each queuing space shall be a minimum of 5.5 m (18 ft) long and 3 m (10 ft) wide. Queuing lanes shall provide sufficient space for turning and manoeuvring.

6.38 Guidelines for Other Land Uses

- (1) All uses which are not covered by specific regulations in Part #5 – *Land Use District Regulations* shall, in accordance with the following guidelines, be:
 - (a) separated from adjacent uses by such a distance as to ensure that there will be no adverse impact upon or by those adjacent uses,
 - (b) at a density which is consistent with that prevailing in the area, unless otherwise provided for in a statutory plan,
 - (c) setback from any parcel boundary abutting a public roadway a sufficient distance to ensure that the Development will not be visually intrusive, having regard to any possible changes in surrounding uses,
 - (d) of a height which will be consistent with that prevailing in the area,
 - (e) developed in such a manner that there will be no adverse impact upon or by traffic on adjacent public roadways, and
 - (f) developed in conformance with and any applicable statutory plan policies.

PART 7 ENFORCING THE LAND USE BYLAW

7.1 Contravention and Enforcement

- (1) If the Development Authority finds that a Development, land use or use of a Building is not in conformity with:
 - (a) This Bylaw, Part 17 of the *Municipal Government Act* or *Subdivision and Development Regulation*; or
 - (b) a Development Permit or subdivision approval;

the Development Authority 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.

and in such order establish a time for reasonable compliance with such order.
- (2) Any person who receives an order under section 7.1(1) may appeal to the Subdivision and Development Appeal Board pursuant to section #4.9 – *Appealing a Decision of the Development Authority* of this Bylaw.
- (3) If a person fails or refuses to comply with an order under section #7.1(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.
- (4) 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.
- (5) 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.

7.2 Offences and Penalties

- (1) A person who contravenes or does not comply with:
 - (a) this Bylaw;
 - (b) Part 17 or the Municipal Government Act;
 - (c) the Subdivision and Development Regulations;
 - (d) an order under Section #7.1 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 a person in the exercise or performance of his/her powers or duties under this Bylaw;is guilty of an offence.
- (2) A person who is guilty of an offence referred to in section #7.2(1) above is liable to a fine of not more than ten thousand dollars (\$10,000.00) or to imprisonment for not more than one (1) year, or to both fine and imprisonment.

PART 8 AMENDING THE LAND USE BYLAW

8.1 Initiating an Amendment

- (1) The Council on its own initiative may give first (1st) reading to a Bylaw to amend this Bylaw.
- (2) A person may make application to the Development Officer to amend this 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 Council and set out in the Village of Clive's Master Rates & Fees Bylaw #511 – 16, as amended. A portion of such fee, constituting the cost of advertising a proposed amendment, shall be refunded to the applicant if the amendment is defeated at first reading or withdrawn prior to advertising of the proposed amendment.
- (3) If the amendment is for a re-designation of land, the Development Officer may require:
 - (a) an outline plan for the area to be re-designated, 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 re-designation and/or related outline plan, or if necessary to prepare an outline plan.

8.2 Processing an Amendment

- (1) Upon receipt of an application for amendment to this Bylaw, the Development Officer shall initiate an investigation and analysis of the potential impacts of Development resulting from or allowed as a result of the proposed amendment. The analysis shall be based on the full Development potential of the proposed amendment and not on the merits of any particular Development proposal. The analysis shall, among other things, consider the following impact criteria:
 - (a) Relationship to and compliance with approved statutory plans and Council policies
 - (b) Relationship to and compliance with statutory plans or outline plans in preparation;
 - (c) Compatibility with surrounding Development in terms of land use function and scale of Development;
 - (d) Traffic impacts;

- (e) Relationship to, or impacts on, services such as water and sewage systems, and other public utilities and facilities such as recreation facilities and schools;
 - (f) Relationship to municipal land, right-of-way or easement requirements;
 - (g) Effect on stability, retention, and rehabilitation of desirable existing uses, Buildings, or both in the area;
 - (h) Necessity and appropriateness of the proposed amendment in view of the stated intentions of the applicant; and
 - (i) Relationship to the documented concerns and opinions of area residents regarding Development implications.
- (2) 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 five (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 sixty (60) days of its receipt by the Development Officer.
- (3) The Council, in considering an application to amend this 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 Bylaw, with or without conditions or amendments; or
 - (d) defeat first reading of a Bylaw to amend this Bylaw; or
 - (e) pass first reading of an alternative amendment to this Bylaw, with or without conditions.
- (4) 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.
- (5) Following first reading of an amending Bylaw, the Development Officer must give notice of the public hearing by:
- (a) publishing notice at least once a week for two (2) consecutive weeks in at least one (1) newspaper or other publication circulating in the area to which the proposed Bylaw relates, or
 - (b) mailing or delivering notice to every residence and to every assessed owner of a

residence, if other than the occupier, in the area to which the proposed Bylaw relates.

- (6) A notice of a public hearing must be advertised at least five (5) days before the public hearing occurs and 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; and
 - (c) the date, place and time where the public hearing will be held.
- (7) 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 section #8.2(5),
 - (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 sections #8.2(5) and (6) to the assessed owner of the parcel of land at the name and address shown on the assessment roll of the municipality, and;
 - (c) give written notice containing the information described in sections #8.2(5) and (6) to each owner of Adjacent Land at the name and address shown for each owner on the assessment roll of the municipality.
- (8) If the land referred to in section #8.2(7) 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.
- (9) Notwithstanding section 8.2(1) this Bylaw may be amended without giving notice or holding a public hearing if the amendment corrects clerical, technical, grammatical or typographical errors and does not materially affect the Land Use Bylaw in principal or substance.
- (10) In the public hearing, the Council:
 - (a) must 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.
- (11) 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.
- (12) 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.
- (13) 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 section #8.2(7).
- (14) 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 three (3) 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 9 DEFINITIONS

(1) In this Land Use Bylaw,

ACCESSORY BUILDING means a building separate and subordinate to the principal building, the use of which is incidental to that principal building and is located on the same parcel of land;

ACCESSORY DWELLING UNIT means a dwelling unit which is accessory to other developments on the parcel;

ACCESSORY RESIDENTIAL BUILDING means an accessory building to a residence, and includes such things as garages, garden sheds and greenhouses and Coops;

ACCESSORY USE means a use customarily incidental and subordinate to the principal use and is located on the same parcel of land with such principal use.

ACCOMMODATION UNIT means one or more rooms that provide(s) sleeping accommodation and bathroom facilities (excluding campgrounds and/or RV parks) for not more than four persons, and is not equipped with self-contained cooking facilities;

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 or any other land identified by the Development Authority;

AGRICULTURAL OPERATION an agricultural activity conducted on agricultural land for gain or reward or in the hope or expectation of gain or reward, and includes:

- a) The cultivation of land;
- b) The raising of livestock; pastureland;
- c) The production of agricultural field crops;
- d) The production of fruit, vegetables, sod, trees, shrubs and other specialty horticultural crops;
- e) The operation of agricultural machinery and equipment, including irrigation pumps;
- f) The operation of fertilizers, insecticides, pesticides, fungicides and herbicides, including application by ground and aerial spraying for agricultural purposes.

APARTMENT means a residential building consisting of at least five (5) dwelling units utilizing a common entrance;

AREA REDEVELOPMENT PLAN means a plan adopted by the Council as an area redevelopment plan pursuant to the *Municipal Government Act*;

AREA STRUCTURE PLAN means a plan adopted by the Council as an pursuant to the *Municipal Government Act*;

AUCTION MART means a parcel and/or a building used for the temporary storage of goods, excluding livestock, which are to be sold on the premises by public auction from time to time;

AUTO WRECKING (SALVAGE) 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

fifty (50) percent of the distance, between the floor level and the underside of the ceiling joists, above adjacent ground elevation;

BED and BREAKFAST ESTABLISHMENT means an owner occupied detached dwelling where temporary accommodation is provided in three or less guest rooms and meals are supplied on a daily basis to registered guests;

BOARDING and ROOMING HOUSE means a detached dwelling in which a proprietor supplies for a fee sleeping accommodations, with or without meals, for at least three (3) but not more than six (6) persons, exclusive of the proprietor's family;

BUILDING includes anything constructed or placed on, in, over or under land but does not include a highway or road or a bridge forming part of a highway or road;

BUILDING DEMOLITION means the pulling down, tearing down or razing of a building;

BUILDING HEIGHT means the vertical distance from the average grade to the highest point of a building, excluding chimneys, skylights, ventilation fans, flagpoles, antennas, or similar features which are not structurally essential to the building;

BUILDING PERMIT means permission or authorization in writing to commence the use, occupancy, relocation, construction or demolition of any building;

BUILDING RELOCATION means the act of relocating a building to a new location. This may involve removing a building from one site and placing it on another site, moving a building to a new location on the same site or bringing a building onto a site;

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

CANNABIS means cannabis plant, fresh cannabis, dried cannabis, cannabis oil and cannabis plant seeds and any other substance defined as cannabis in the Cannabis Act (Canada) and its regulations, as amended from time to time, and includes edible products that contain cannabis; (Amended by Bylaw #523-18)

CANNABIS ACCESSORY means a thing, including but not limited to, rolling paper or wraps, holders, pipes, water pipes, bongs and vaporizers, or any other thing described in the Cannabis Act (Canada) that is used in the consumption or production of cannabis; (Amended by Bylaw #523-18)

CANNABIS PRODUCTION AND DISTRIBUTION means an establishment used principally for one or more of the following activities as it relates to Cannabis:

- a) The production, cultivation, and growth of Cannabis;
- b) The processing of raw materials;
- c) The making, testing, manufacturing, assembling or in any way altering the chemical or physical properties of semi-finished or finished goods and products;
- d) The storage or transshipping of materials, goods and products; or

- e) The distribution and sale of materials, goods and products to Cannabis Retail Sales stores or to individual customers; (Amended by Bylaw #523-18)

CANNABIS LOUNGES means an establishment where the primary purpose of the facility is the sale of cannabis and cannabis accessories to the public, for consumption of cannabis within the premises that is authorized by provincial or federal legislation. This use does not include Cannabis Production and Distribution; (Amended by Bylaw #523-18)

CANNABIS RETAIL SALES means an establishment used for the retail sale of cannabis and cannabis accessories that is authorized by provincial or federal legislation. This use does not include Cannabis Production and Distribution; (Amended by Bylaw #523-18)

COMMERCIAL means the primary use of land, building(s), or structure(s) for the purpose of buying and selling commodities and supplying professional and personal services for compensation. This does not include cannabis retail sales, medical cannabis counselling or cannabis lounge; (Amended by Bylaw #523-18)

COMMERCIAL RECREATION AND ENTERTAINMENT FACILITY means a facility or establishment which provides for recreation or entertainment for a gain or a profit;

COMMUNITY MARKET means the use of land, buildings or structures, or part thereof, for the primary purpose of selling agricultural products and handmade merchandise to the general public. This does not include cannabis retail sales; (Amended by Bylaw #523-18)

CONTRACTING SERVICES means a business that contracts work, particularly in any of the building trades, to supply certain materials or do certain work for a stipulated sum;

COOP means a structure used for keeping of Urban Chickens as defined in the Urban Hen Bylaw #531-19;

COUNCIL means the Council of the Village of Clive;

DAY CARE FACILITY means a facility that provides care and supervision for 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 at least twelve (12) consecutive weeks per year;

DERELICT VEHICLE means the storage, collection or accumulation of all or part of a used motor vehicle that is not in an operating condition, or is in a dilapidated state and which is not housed in an enclosed building or structure;

DETACHED DWELLING means a residential building containing one (1) dwelling unit, which is physically separate from any other residential building;

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 AGREEMENT means a written agreement between the municipality and a developer which establishes particular circumstances and conditions under which a development may be carried out;

DEVELOPMENT AUTHORITY means the person(s) appointed pursuant to Development Authority Bylaw No. 401-95;

DEVELOPMENT OFFICER means a person appointed as a Development Officer pursuant to this Bylaw;

DEVELOPMENT PERMIT means a document authorizing a development issued pursuant to this Land Use Bylaw which is separate and distinct from a building permit;

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;

DISTRIBUTION FACILITY means a warehouse or other structure used for receipt, temporary storage, and redistribution of goods. This does not include cannabis production and distribution; (Amended by Bylaw #523-18)

DISTRICT means Land Use District;

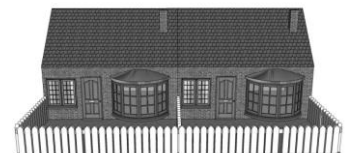
DRINKING ESTABLISHMENT means an establishment the primary purpose of which is the sale of alcoholic beverages for consumption on the premises and the secondary purposes of which may include entertainment, dancing, the preparation and sale of food for consumption on the premises, takeout food services and the sale of alcoholic beverages for consumption away from the premises. A drinking establishment includes any premises where a license for the sale of liquor that prohibits minors on the premises at any time, is issued by the Alberta Gaming and Liquor Commission. This does not include cannabis lounge; (Amended by Bylaw #523-18)

DRIVE THROUGH BUSINESS means an establishment with facilities for on-site service to customers who remain in their motor vehicles. A drive-through business may include banking, food services, dry cleaning but does not include a drive-in theatre. A drive-through component of a business shall be deemed accessory to that business. This does not include cannabis retail sales or cannabis lounges; (Amended by Bylaw #523-18)

DRIVEWAY means a vehicle access route between the street and a use on a parcel and has a surface of gravel, shale, concrete, pavement or a semi-permeable paver material;

DUPLEX means a residential building consisting of two (2) separate dwelling units only, each above grade and having exterior entrances;

DWELLING UNIT means a complete building or self-contained portion of a building for the use of one (1) or more individuals living as a single housekeeping unit, containing sleeping, cooking and separate toilet facilities 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;

EQUIPMENT RENTAL means a building or part of a building in which residential, commercial and industrial equipment are provided for rent, lease, or hire; where outdoor storage is permitted, it shall be listed with the use in the district;

EXISTING RESIDENCE AND OTHER RELATED IMPROVEMENTS means a detached dwelling or manufactured home and buildings accessory to the use of the dwelling unit and the parcel upon which it is located, serviced by utilities and access to the satisfaction of the Development Officer/Municipal Planning Commission;

FABRIC COVERED ENGINEERED STRUCTURE means a modular style, pre-fabricated, framed membrane building system with clear span structures without internal columns which are designed for both semi-permanent and permanent building applications;

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;

FERTILIZER SALES AND STORAGE means an outlet for the supply and sale of various fertilizers in large quantities and includes the storage thereof; (add to Industrial – Discretionary?)

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;

FOUR-PLEX DWELLING 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 Schedule B].

FRONT YARD means that portion of a lot extending across the full width of the site from the front property boundary to the front wall of the principal building situated on the parcel [see sketch in section #6.8 – *Projections Over Yards*];

GARAGE SUITE means a dwelling unit located above a detached garage;

GARDEN SUITE means a re-locatable factory built detached dwelling limited to occupancy by the parent(s), grandparent(s) or dependant or partly dependant adult relative(s) of the registered owner(s) of a residential parcel and located on the same parcel as an existing single detached dwelling occupied by the registered owner(s);

GAS STATION means a development primarily used for servicing or repairing motor vehicles, and may include the sale of fuels and lubricating oils and other fluids and accessories for motor vehicles and may include the sale of a limited range of convenience goods. A gas station may include a car wash but does not include an auto body or painting shop or a car sales lot.

GRADE means the ground elevation established for the purpose of regulating the height of a building. The

building grade shall be the finished ground elevation adjacent the walls of the building if the finished grade is level. If the ground is not entirely level the grade shall be determined by averaging the finished ground elevation for each face of the building.

GREENHOUSE, COMMERCIAL means a building for the growing of flowers, plants, shrubs, trees and similar vegetation which are sold directly from the parcel at retail or wholesale and may include the accessory sale of related supplies. This does not include cannabis production and distribution or medical cannabis production facility or cannabis retail sales; (Amended by Bylaw #523-18)

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. This does not include cannabis production and distribution or medical cannabis production facility; (Amended by Bylaw #523-18)

HEIGHT – see “building height”

HIGHWAY means highway pursuant to the *Public Highways Development Act*;

HOME OCCUPATION means any occupation, professional or trade carried on by an occupant of a residential building within that same residential building as a use secondary to the residential use of the building; which does not change the character thereof, or have any exterior evidence of such secondary use. Typical uses include self-employed persons providing personal, professional and office services. This does not include cannabis retail sales, medical cannabis counselling or cannabis production and distribution; (Amended by Bylaw #523-18)

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. This includes, but is not limited to the sale of such things as groceries, clothing and household goods. This does not include cannabis retail sales or medical cannabis counselling; (Amended by Bylaw #523-18)

INTERMUNICIPAL DEVELOPMENT PLAN means a plan adopted by the Council of the Village of Clive and the Council of Lacombe County as an Intermunicipal Development Plan pursuant to the *Municipal Government Act*;

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, storage, parking lots or driveways;

LAND USE BYLAW means this Bylaw and amendments thereto;

LAND USE DISTRICT means an area as described in Part #5 and shown in 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(s) 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. This does not include cannabis production and distribution or medical cannabis production facility; (Amended by Bylaw #523-18)

M means metres (“m²” means square metres);

MAIN BUILDING means a building in which is conducted the 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 dwelling unit built in an enclosed off site factory environment in one (1) or more sections and intended to be occupied in a place other than where it was manufactured. Manufactured homes include homes that are completely self-contained single section dwelling units or are incomplete multi-section modules that are placed together and completed on site. A manufactured home has a steel frame and is transported to the building site on dollies (wheels) or a flat bed truck and after placement, the dollies are removed from the site. Manufactured homes must meet Alberta Building Code requirements.

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;

MEDICAL CANNABIS means a substance used for medical purpose authorized by a licence issued under the federal government’s Access to Cannabis for Medical Purposes Regulations, or any subsequent legislation which may be enacted in substitution; (Amended by Bylaw #523-18)

MEDICAL CANNABIS COUNSELLING means a use where counselling on medical cannabis is provided by persons who are not medical professionals, and that may include the ancillary retail sale or rental of cannabis accessories; (Amended by Bylaw #523-18)

MEDICAL CANNABIS PRODUCTION FACILITY means any building in which an activity authorized by the Access to Cannabis for Medical Purposes Regulations, or any successor or replacement legislation or regulation, is or may be conducted including such activities as growing, processing, labeling and packaging, storing and transporting of cannabis; (Amended by Bylaw #523-18)

MIXED USE means a mix of land uses that facilitate the mixing rather than the separation of land uses in one distinctive environment, either vertically in the same building or horizontally adjacent and is intended to be compatible with adjacent uses;

MOBILE COMMERCIAL SALES means the sale of items from a motorized vehicle or a temporary structure designed to be removed at the end of each business day and while in operation does not encroach upon any required setbacks or parking spaces for the principal use of the site e.g. fish trucks, fruit trucks) and the location is to the satisfaction of the Development Officer. This does not include cannabis retail sales



or medical cannabis counselling; (Amended by Bylaw #523-18)

MODULAR UNIT OR HOME means a prefabricated factory built frame or shell which comprises the wall or siding of a proposed building. A modular unit represents only a section of the dwelling, and such a unit has neither chassis, running gear nor its own wheels, but units may be placed side by side or stacked vertically, and completed to form one or more complete dwelling units for year round occupancy. A modular unit has a wooden frame. Modular homes are constructed to Alberta Building Code standards. Modular homes are considered to be the same as conventional, on site, framed single family homes;



MUNICIPALITY means the Village of Clive;

MUNICIPAL DEVELOPMENT PLAN means a plan adopted by Council as a municipal development plan pursuant to the *Municipal Government Act*;

MUNICIPAL GOVERNMENT ACT means that *Municipal Government Act*, S.A. 2000, Chapter M-26, as amended;

MUNICIPAL PLANNING COMMISSION means a Municipal Planning Commission established by Bylaw 402-95 and pursuant to the *Municipal Government Act*;

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;

NON-RENEWABLE RESOURCE EXTRACTION means the mining or removal from the ground of deposits of coal, sand gravel, clay and other minerals;

OFFICE means a facility providing for the administration of business, government, or the provision of professional services. This does not include medical cannabis counselling; (Amended by Bylaw #523-18)

OPEN STORAGE YARD means land that is used for the storage of products, goods or equipment;

OPERATING CONDITION in relation to a vehicle, means that it is capable of being driven on a highway in compliance with the *Traffic Safety Act*;

OUTDOOR DISPLAY means the use of land for the purpose of showing merchandise for sale;

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

PARCEL means the aggregate of the one (1) 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 COVERAGE means the area covered by buildings, parking facilities, driveways, storage areas and display areas;

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.

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;

PERMANENT FOUNDATION means:

- (a) a foundation meeting *CSA Z240.10.1 standard*, the Alberta Building Code or
- (b) an engineered approved wood foundation, or
- (c) a poured reinforced concrete Basement, or
- (d) a concrete block Basement, or
- (e) at the discretion of the Development Authority, screw piles

PERMITTED USE means a use which is compatible with other uses in the District and for which a development permit shall be issued provided it otherwise conforms to this 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. This does not include medical cannabis counselling; (Amended by Bylaw #523-18)

PLACE OF WORSHIP means any public or private building used for the collection or assembly of persons for worship, and related accessory and subordinate uses that may include religious study, community outreach, support groups, social programs and non-profit uses. This does not include day care facilities, educational facilities or most commercial ventures, but may include minor personal service businesses that are offered for a profit, e.g music lessons, singing lessons, drama club, etc.

PRINCIPAL BUILDING means a building which accommodates a principal or main use;

PRINCIPAL USE means the primary or main purpose for which a parcel, building, site or dwelling unit is

used or intended to be used.

PROJECTION means a portion or part of a building that extends horizontally above and beyond the foundation of the building including, but not limited to, decks, landings, verandas, unenclosed steps, cantilevered windows, cantilevered living space, fireplace chaises, or eaves;

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 Part 17 of 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;

PUBLIC WORKS BUILDINGS AND STRUCTURES 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;

RAILWAY USES means a use of land or a building directly related to the building or operation of a railroad system.

REAR YARD means that portion of the site extending across the full width of the site from the rear property boundary to the rear wall of the principal building situated on the parcel [see sketch in section #6.8 – Projections Over Yards];

RECREATION FACILITIES means a public building and grounds for community entertainment, relaxation, social activity and other leisure needs;

RECREATION VEHICLE means a motor home, camper, watercraft on a trailer, trailer, tent trailer, or any form of vehicle used or intended to be used for recreational or holiday accommodation;

REPAIR SERVICES (with or without outdoor storage) means a development where broken, damaged, or failed devices, equipment, parts, or goods are restored to an acceptable operating or usable condition or state. This does not include a Gas Station. Where Outdoor storage is allowed, the use shall be listed as such within the District;

RESIDENTIAL means the use of land, buildings or structures primarily for human habitation;

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. This does not include cannabis lounges; (Amended by Bylaw #523-18)

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 road, but does not include a highway;

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;

SECONDARY SUITE means a separate, subordinate and self-contained dwelling unit with a cooking facility, located within a principal dwelling. A suite must contain a separate entrance from the principal dwelling;

SEED CLEANING PLANT means a building for the storage and preparation of seed used in agriculture;

SELF-SERVICE STORAGE means one or more buildings, storage rooms, or lockers provided on site for the purpose of renting space for the indoor storage of goods;

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

SHIPPING CONTAINER (RAIL OR SEA CAN) means a steel storage container designed to be used for sea, rail or intermodal shipping and which is used strictly for the storage of materials associated with the principal use of the parcel. Shipping containers do not fall into the definitions of temporary building. Shipping containers shall not be used for the storage of dangerous goods. A shipping container is not a rail box car.

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 principal building therein [see sketch in section #6.8 – *Projections Over Yards*];

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 ft) in height about 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;

SIGN, AWNING means a sign inscribed on or affixed flat upon the covering material of an awning;

SIGN, BILLBOARD means a sign to which advertising copy is affixed to permit its periodic replacement;

SIGN, FACIA means a sign attached to, marked or inscribed on and parallel to the face of a building wall but does not include a billboard;

SIGN, FREESTANDING means a sign that is exclusively supported by post(s) that extend below the frost line;

SIGN, PORTABLE means a sign that is not in a permanently installed or affixed position;

SIGN, PROJECTING means a sign that projects from a structure or a building face;

SINGLE FAMILY 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;



SOFT LANDSCAPING means the use of vegetative materials as part of a landscaped area

SOFT SIDED BUILDING means any building that is faced or finished, on any portion of the building exterior, with flexible sheeting capable of being rolled or folded;

SOLAR ENERGY INFRASTRUCTURE means infrastructure designed to convert solar radiation into electrical or thermal energy. Where structures are required to support the infrastructure, the structures may require a permit;

STATUTORY PLAN means an existing 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;

STORAGE AREA OR OUTDOOR STORAGE means an area of land provided for the purpose of storing vehicles, equipment, seasonal recreational equipment and/or other items which are associated with the principal use of the parcel;

STREET means any category of road except a lane;

STRUCTURE means anything constructed or erected, the use of which requires location on the ground or attachment to something located on the ground, but does not include pavements, curbs, walks or open air surfaced areas;

STRUCTURAL ALTERATIONS means altering the principal building components which support a building.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD means the board established by Bylaw No.403-95 and pursuant to *the Municipal Government Act*;

SUBDIVISION AND DEVELOPMENT REGULATION means the *Subdivision and Development Regulation (AR 212/95)*, as amended;

SUBDIVISION AUTHORITY means the person, persons or organization appointed pursuant to the Subdivision Authority Bylaw; (Amended by Bylaw #522-18)

SUPPORTIVE CARE RESIDENCE means a building with two or more Accommodation Units designed to

provide long term housing wherein the adult 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;

TEMPORARY BUILDING means a building or structure without a foundation or footing and which is removed when the development permit for such a building has expired. Temporary building may include soft-sided or fabric covered structures;

TOWN HOUSE DWELLING means a dwelling, designed as one cohesive building in terms of architectural design, which contains three(3) or more similar attached dwelling units each of which fronts on a street, has a separate front and rear direct access to the outside at grade and is not wholly or partly above another dwelling;



TRUCKING ESTABLISHMENT means the use of land, buildings or structures for the purpose of storing, servicing, repairing or loading trucks, transport trailers and/or buses;

UNREGISTERED VEHICLE means a motor vehicle which is not validly registered in accordance with the *Motor Vehicle Act*;

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

WAREHOUSING means a facility for the indoor storage of goods and merchandise, excluding dangerous or hazardous materials, Derelict Vehicles thereof, or any waste material, and may include offices related to the administration of the warehouse facility, a showroom and/or the retail sale of goods stored in the warehouse as Accessory Uses. This does not include self-service storage;

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.

ZONING means land use zoning, or district, established under this Bylaw;

All other words and expressions have the meaning respectively assigned to them in Part 17 of the *Municipal Government Act* and the *Subdivision and Development Regulation*.