CITY OF BROOKS

BYLAW NO. 14/16

A BYLAW OF THE CITY OF BROOKS IN THE PROVINCE OF ALBERTA TO AMEND BYLAW NO. 14/12 BEING THE LAND USE BYLAW.

WHEREAS it is desirable to amend Bylaw No. 14/12 being the Land Use Bylaw to change the use listed as *home occupation 2* from a permitted to a discretionary use in the Residential Small Lot (R-SL), Residential High Density (R-HD), Residential Manufactured Home (R-MH), and Residential Manufactured Home Park (R-MP) land use districts.

AND WHEREAS it is desirable to amend Bylaw No. 14/12 being the Land Use Bylaw to include a definition for the term *established areas* in Schedule 6 (Definitions) which is to be defined as:

areas of the City where urban forms of development have already occurred on the majority of lots, including but not limited to site improvements such as landscaping and principal and secondary buildings serviced by utilities and infrastructure such as water, wastewater, power, gas, and electrical, roads and garbage collection services

AND WHEREAS it is desirable to amend Bylaw No. 14/12 being the Land Use Bylaw to include the use *funeral services* in the Commercial Central (C-C) land use district as a discretionary use.

AND WHEREAS the purpose of the proposed amendment is to provide for the opportunity for people that may be considered likely affected by a home occupation 2 in the aforementioned land use districts the opportunity to voice concerns and if it is so wished to appeal an application for a home occupation 2, to provide clarity regarding the term 'established areas' in Bylaw 14/12, and to add the land use *funeral services* to the Commercial Central (C-C) land use district's list of discretionary uses.

AND WHEREAS a Public Hearing, as required by Section 692 of the Municipal Government Act, will be held prior to second reading of this Bylaw.

NOW THEREFORE, the Council of the City of Brooks duly assembled, enacts as follows:

1. That the Residential Small Lot (R-SL), Residential High Density (R-HD), Residential Manufactured Home (R-MH), and Residential Manufactured Home Park (R-MP) land use districts within Bylaw 14/12, being the Land Use Bylaw, be

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amended to remove the use *home occupation 2* from the list of permitted uses, and added to the list of discretionary uses in the same land use districts.

2. That Schedule 6 (Definitions) of Bylaw 14/12 being the Land Use Bylaw, be amended to include the term *established areas* and to define the term *established areas* as follows:

   areas of the City where urban forms of development have already occurred on the majority of lots, including but not limited to site improvements such as landscaping and principal and secondary buildings serviced by utilities and infrastructure such as water, wastewater, power, gas, and electrical, roads and garbage collection services.

3. That the Commercial Central (C-C) land use district within Bylaw 14/12, being the Land Use Bylaw, be amended to include the use *funeral services* in the discretionary use list.

4. That the aforementioned amendments to Bylaw 14/12, being the Land Use Bylaw, shall make use of formatting that maintains the consistency of the portions of the bylaw being amended.

5. That this Bylaw shall take effect upon final passing thereof.

Read a first time this 20th day of October, 2014
Read a second time this 17th day of November, 2014.
Read a third time and finally passed 17th day of November, 2014.

Mayor

Chief Administrative Officer

Certified
True Copy
City of Brooks

Dated Nov 20, 2014

Municipal Secretary

CITY OF BROOKS

BYLAW NO. 14/17

A BYLAW OF THE CITY OF BROOKS IN THE PROVINCE OF ALBERTA TO AMEND BYLAW NO. 14/12 BEING THE LAND USE BYLAW.

WHEREAS it is desirable to amend Bylaw No. 14/12 being the Land Use Bylaw to rezone a parcel of land legally described as Plan 4012X, Block 10, Lot 31-32 from Residential High Density (R-HD) to Commercial Central (C-C) as shown in Schedule "A" of this bylaw.

AND WHEREAS an amendment to the Land Use Bylaw for this parcel is necessary to ensure direction is given for its potential development to the Approving Authority.

AND WHEREAS a Public Hearing, as required by Section 692 of the Municipal Government Act, will be held prior to second reading of this Bylaw.

NOW THEREFORE, the Council of the City of Brooks duly assembled, enacts as follows:

1. That Schedule 1, Section H of The Land Use Map Book in Bylaw 14/12, being the Land Use Bylaw, is amended by changing the zoning for lands legally described as Plan 4012X, Block 10, Lot 31-32 from Residential High Density (R-HD) to Commercial Central (C-C) as shown in Schedule "A".

2. That this Bylaw shall take effect upon final passing thereof.

Read a first time this 20th day of October, 2014
Read a second time this 17th day of November, 2014.
Read a third time and finally passed 17th day of November, 2014.

Mayor

Chief Administrative Officer

Certified
True Copy
City of Brooks
Dated
Municipal Secretary

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LAND USE DISTRICT REDESIGNATION
SCHEDULE 'A'

FROM: RESIDENTIAL HIGH DENSITY "R-HD"
TO: COMMERCIAL CENTRAL "C-C"

LOTS 31 AND 32, BLOCK 10, PLAN 4012X
IN NW 1/4 SEC 32, TWP 18, RGE 14, W 4 M
MUNICIPALITY: CITY OF BROOKS
DATE: SEPTEMBER 25, 2014

Bylaw #: _____
Date: _____

OLDMAN RIVER REGIONAL SERVICES COMMISSION

0 Metres 50 100 150 200

N

MAP PREPARED BY:
OLDMAN RIVER REGIONAL SERVICES COMMISSION
3105 16th AVENUE NORTH, LETHBRIDGE, ALBERTA T1H 5E8
TEL. 403-329-1344

"NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"

September 25, 2014 H:\Hawk-County\Brooks\Brooks LUD & Land Use Redesignations\City of Brooks – Lots 31 and 32 – Block 10 – Plan 4012X.dwg

CITY OF BROOKS

BYLAW NO. 14/18

A BYLAW OF THE CITY OF BROOKS IN THE PROVINCE OF ALBERTA TO AMEND BYLAW NO. 14/12 BEING THE LAND USE BYLAW.

WHEREAS it is desirable to amend Bylaw No. 14/12 being the Land Use Bylaw to rezone a portion of the parcel of land legally described as Plan 8411174, Block 1, described as the easternmost 63.0 m of the north and south parcel boundaries, for a distance of 129.0 m along the easternmost parcel boundary, from Commercial General (C-G) to Direct Control (DC), as shown in Schedule "A" of this bylaw.

AND WHEREAS it is desirable to amend Bylaw No. 14/12 being the Land Use Bylaw to update the Direct Control (DC) land use district to include the following:

SECTION 8: SITE SPECIFIC DIRECT CONTROL STANDARDS

8.1: The portion of Plan 8411174, Block 1, as described in Bylaw 14/18.

8.1.1: Permitted uses: Seasonal Recreational Vehicle (RV) Park

8.1.2: Definitions: Seasonal Recreational Vehicle (RV) Park shall mean, solely for the purposes of the use associated with Bylaw 14/18, a development that allows the temporary rental of space to allow for the parking of RVs for the purposes of using the RVs as overnight accommodation, in compliance with all requirements of any and all Development Permits associated with Bylaw 14/18.

8.1.2: Standards of Development: shall be to the discretion of Council and shall be clearly outlined in an associated Development Permit, including but not limited to any restrictions set regarding length of stay, the number of RVs allowed in the RV Park at any one time, the months of the year the RV Park is permitted to operate, and any other matters as deemed necessary to regulate by Council.

AND WHEREAS an amendment to the Land Use Bylaw for a portion of this parcel is necessary to ensure direction is given for its potential development to the Approving Authority.

AND WHEREAS a Public Hearing, as required by Section 692 of the Municipal Government Act, will be held prior to second reading of this Bylaw.

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NOW THEREFORE, the Council of the City of Brooks duly assembled, enacts as follows:

1. That Schedule 1, Section B of The Land Use Map Book in Bylaw 14/12, being the Land Use Bylaw, is amended by changing the zoning for the portion of the parcel described in this bylaw that is a part of lands legally described as Plan 8411174, Block 1 from Commercial General (C-G) to Direct Control (DC) as shown in Schedule "A".

2. That the Direct Control (DC) land use district in Bylaw 14/12, being the Land Use Bylaw, is amended by including the following:

   SECTION 8: SITE SPECIFIC DIRECT CONTROL STANDARDS

   8.1: The portion of Plan 8411174, Block 1, as described in Bylaw 14/18.

   8.1.1: Permitted uses: Seasonal Recreational Vehicle (RV) Park

   8.1.2: Definitions: Seasonal Recreational Vehicle (RV) Park shall mean, solely for the purposes of the use associated with Bylaw 14/18, a development that allows the temporary rental of space to allow for the parking of RVs for the purposes of using the RVs as overnight accommodation, in compliance with all requirements of any and all Development Permits associated with Bylaw 14/18.

   8.1.2: Standards of Development: shall be to the discretion of Council and shall be clearly outlined in an associated Development Permit, including but not limited to any restrictions set regarding length of stay, the number of RVs allowed in the RV Park at any one time, the months of the year the RV Park is permitted to operate, and any other matters as deemed necessary to regulate by Council.

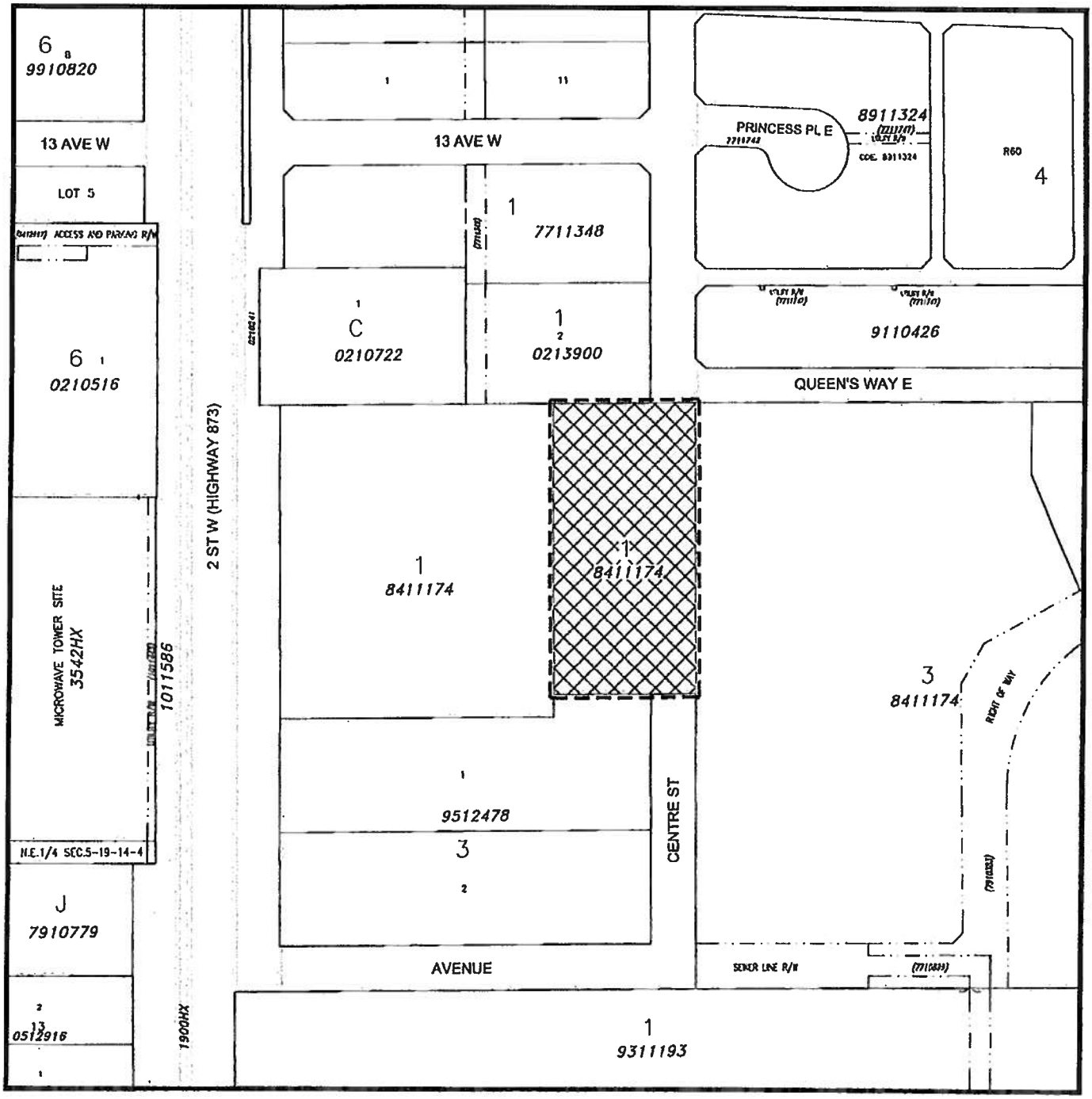
3. That this Bylaw shall take effect upon final passing thereof.

Read a first time this 20th day of October, 2014
Read a second time this 17th day of November, 2014.
Read a third time and finally passed 17th day of November, 2014.

Certified
True Copy
City of Brooks
Date: Nov 26/14
Municipal Secretary

Mayor

Chief Administrative Officer



LAND USE DISTRICT REDESIGNATION
SCHEDULE 'A'

FROM: COMMERCIAL GENERAL "C-G"
TO: DIRECT CONTROL "DC"

PORTION OF BLOCK 1, PLAN 8411174
IN NW 1/4 SEC 4, TWP 19, RGE 14, W 4 M
MUNICIPALITY: CITY OF BROOKS
DATE: SEPTEMBER 25, 2014

Bylaw #: _____
Date: _____

OLDMAN RIVER REGIONAL SERVICES COMMISSION

0 Metres 50 100 150 200

September 25, 2014 H:\Hansell-County\Brooks\Brooks LUD & Land Use Redesignations\City of Brooks – Block 1 – Plan 8411174.dwg

MAP PREPARED BY:
OLDMAN RIVER REGIONAL SERVICES COMMISSION
3105 16th AVENUE NORTH, LETHBRIDGE, ALBERTA T1H 5E8
TEL. 403-329-1344

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CITY OF BROOKS

BYLAW NO. 14/19

A BYLAW OF THE CITY OF BROOKS IN THE PROVINCE OF ALBERTA TO AMEND BYLAW NO. 14/12 BEING THE LAND USE BYLAW.

WHEREAS it is desirable to amend Bylaw No. 14/12 being the Land Use Bylaw to rezone a parcel of land legally described as Plan 5111FW, Block 30, Lot 1 from Future Urban Development (FUD) to Industrial Light (I-L) as shown in Schedule "A" of this bylaw.

AND WHEREAS an amendment to the Land Use Bylaw for this parcel is necessary to ensure direction is given for its potential development to the Approving Authority.

AND WHEREAS a Public Hearing, as required by Section 692 of the Municipal Government Act, will be held prior to second reading of this Bylaw.

NOW THEREFORE, the Council of the City of Brooks duly assembled, enacts as follows:

1. That Schedule 1, Section L of The Land Use Map Book in Bylaw 14/12, being the Land Use Bylaw, is amended by changing the zoning for lands legally described as Plan 5111FW, Block 30, Lot 1 from Future Urban Development (FUD) to Industrial Light (I-L) as shown in Schedule "A".

2. That this Bylaw shall take effect upon final passing thereof.

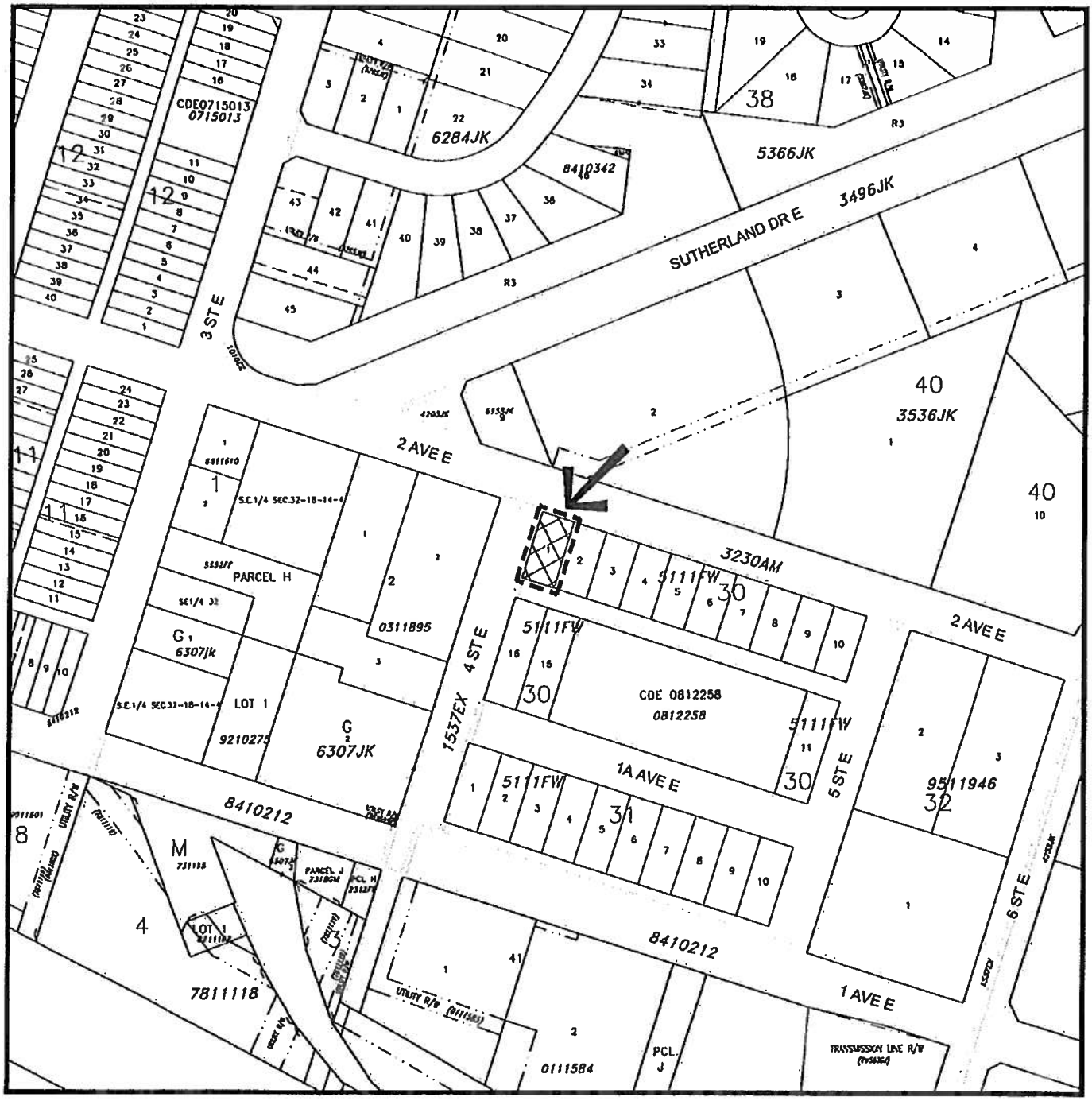
Read a first time this 20th day of October, 2014
Read a second time this 17th day of November, 2014.
Read a third time and finally passed 17th day of November, 2014.

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True Copy
City of Brooks
Dated Dec 26/14
Municipal Secretary

Mayor

Chief Administrative Officer

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LAND USE DISTRICT REDESIGNATION
SCHEDULE 'A'

FROM: FUTURE URBAN DEVELOPMENT (FUD)
TO: INDUSTRIAL LIGHT (I-L)

LOT 1, BLOCK 30, PLAN 5111FW
IN SE 1/4 SEC 32, TWP 18, RGE 14, W 4 M
MUNICIPALITY: CITY OF BROOKS
DATE: OCTOBER 15, 2014

Bylaw #: _____
Date: _____

OLDMAN RIVER REGIONAL SERVICES COMMISSION

0 Metres 50 100 150 200

N

MAP PREPARED BY:
OLDMAN RIVER REGIONAL SERVICES COMMISSION
3105 16th AVENUE NORTH, LETHBRIDGE, ALBERTA T1H 5E8
TEL. 403-329-1344
"NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"

October 15, 2014 N:\News-County\Brooks\Brooks LUD & Land Use Redesignations\City of Brooks – Lot 1 – Block 30 – Plan 5111FW.dwg

CITY OF BROOKS

BYLAW NO. 14/23

A BYLAW OF THE CITY OF BROOKS IN THE PROVINCE OF ALBERTA TO AMEND BYLAW NO. 14/12 BEING THE LAND USE BYLAW.

WHEREAS it is desirable to amend Bylaw No. 14/12 being the Land Use Bylaw to include the use *secondary suites* in the bylaw including regulations specific to the use to be inserted into Schedule 4: Use Specific Standards of the bylaw as Section 13: Secondary Suites;

AND WHEREAS it is desirable to amend Bylaw No. 14/12 being the Land Use Bylaw to include the use *secondary suites* in the bylaw under the discretionary uses category for the Residential Single Detached (R-SD), Residential Small Lot (R-SL), Residential Low Density (R-LD), Residential High Density (R-HD), Residential Manufactured Home (R-MH), Residential Manufactured Home Park (R-MP), Commercial General (C-G) and Commercial Central (C-C) land use districts:

AND WHEREAS it is desirable to amend Bylaw No. 14/12 being the Land Use Bylaw to include a definition for the use *secondary suites* in the bylaw;

AND WHEREAS the purpose of the proposed amendment is to regulate existing and proposed new secondary suites in the City of Brooks in a fair and equitable manner, which provides for the opportunity for people that may be considered likely affected by a secondary suite in the aforementioned land use districts to voice concern or support for the use and if it is so wished to appeal an application for a secondary suite, to provide clarity regarding the term secondary suite, and to ensure that secondary suites and the tenants that occupy them are considered safe;

AND WHEREAS a Public Hearing, as required by Section 692 of the Municipal Government Act, will be held prior to second reading of this Bylaw;

NOW THEREFORE, the Council of the City of Brooks duly assembled, enacts as follows:

1. That Schedule 4: Use Specific Standards of Bylaw 14/12 being the Land Use Bylaw be amended to include the following regulations and that these regulations are entitled Section 13: Secondary Suites:

SECTION 13: SECONDARY SUITES

13.1 APPLICABILITY

The requirements of this section, with the exception of the general requirements, which apply to all secondary suites, are categorized based on the context of the suites and how they may be incorporated into a principal dwelling, detached garage, or as stand-alone garden suites in rear yards.

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13.2 GENERAL REQUIREMENTS

All secondary suites shall meet the following requirements:

(1) only one secondary suite may be developed per lot;

(2) should all residential dwelling units on a lot be rented, including but not limited to the main floor and, if applicable, second storey of a principal dwelling where there is a basement suite, a suite above an attached garage, a suite that is part of a detached garage, or a garden suite, the owner shall be required to obtain a business license;

(3) notwithstanding 13.2(4), variances or waivers of setbacks or any other measureable standard in conjunction with applications for secondary suites shall be decided upon by the Municipal Planning Commission.

(4) a secondary suite shall provide one off-street parking space per bedroom and no variances or waivers to this requirement shall be granted;

(5) all required off-street parking shall be designed and developed to the standards set out in Section 17 (Parking and Loading) of Schedule 3 (General Standards of Development);

(6) development of a new secondary suite shall meet all requirements of the Alberta Building Code and Alberta Fire Code as a condition of approval;

(7) a secondary suite shall not be separated from the principal dwelling or any part of the lot on which the principal dwelling is located through a condominium conversion or subdivision;

(8) a secondary suite shall be restricted to a lot occupied by a single detached dwelling, not including a manufactured home as defined by this bylaw;

(9) a secondary suite shall not be permitted in a duplex, triplex, or any other variation of multi-unit dwelling;

(10) notwithstanding 13.2(11), the maximum number of bedrooms in a secondary suite shall be three (3), or however many can be reasonably accommodated while meeting all other requirements of this bylaw, whichever is the lesser of the two options;

(11) the maximum number of bedrooms in a secondary suites in the Residential Small Lot (R-SL) land use district shall be one (1);

(12) a secondary suite includes, but is not limited, to a facility containing cooking facilities, food preparation area, sleeping and sanitary facilities, which is physically separate from those of the principal dwelling within the structure or on the lot, and that has an entrance separate from the entrance to the principal dwelling, either from a common indoor landing or directly from the side or rear of the structure;

(13) a secondary suite does not include a boarding or lodging house, duplex dwelling, semi-detached dwelling, multi-unit dwelling, townhouse, or apartment;

(14) the Development Authority, as a condition of approval, may request proof that the utility services to the principal dwelling are capable of carrying the additional load of the proposed secondary suite;

(15) a secondary suite shall not be developed on the same lot as a home occupation 2 or 3 (see Section 6 of this Schedule), unless it can be proven to the Development Authority that the impact resulting from the home occupation is limited, adequate parking is provided and the amenities of the neighbourhood are not negatively affected; and

(16) the minimum floor area of a secondary suite shall be 30 m^2 (322.9 ft^2).

13.3 EXISTING SECONDARY SUITES

Existing secondary suites include any suite that existed prior to the passing of this bylaw. In addition to the requirements of 13.2 of this section, excepting thereout the building code requirement of 13.2(6) if it can be proven that the suite was developed prior to December 31, 2006, existing secondary suites shall meet the following requirements:

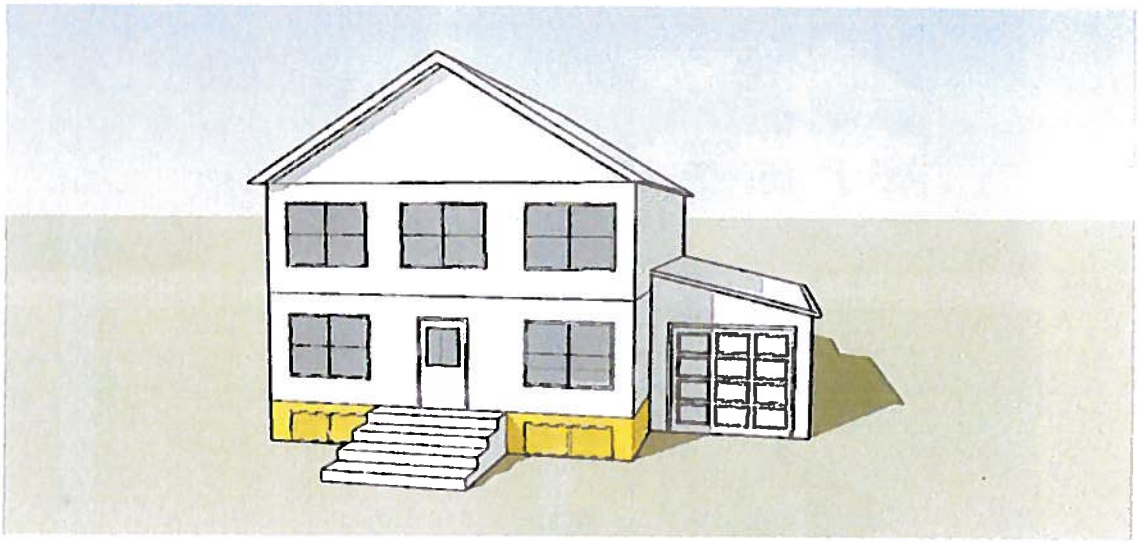
(1) an existing secondary suite developed prior to December 31, 2006 shall meet all applicable requirements of the Alberta Fire Code as a condition of approval;

(2) an existing secondary suite developed after December 31, 2006, shall comply with all Alberta Building Code and Alberta Fire Code requirements, including separate heating and ventilation systems for the principal dwelling unit and secondary suite, as a condition of approval;

(3) an existing secondary suite shall meet all other requirements of this section and any other applicable section of this bylaw; and

(4) should an existing secondary suite be unable to reasonably meet the requirements of this bylaw, to the discretion of the Development Authority, the use of the suite for rental purposes shall not be permitted.

13.4 BASEMENT SUITES



Basement suites are located below grade, in the basement of a single detached dwelling. In addition to the requirements of 13.2 of this section, the following requirements apply to basement suites:

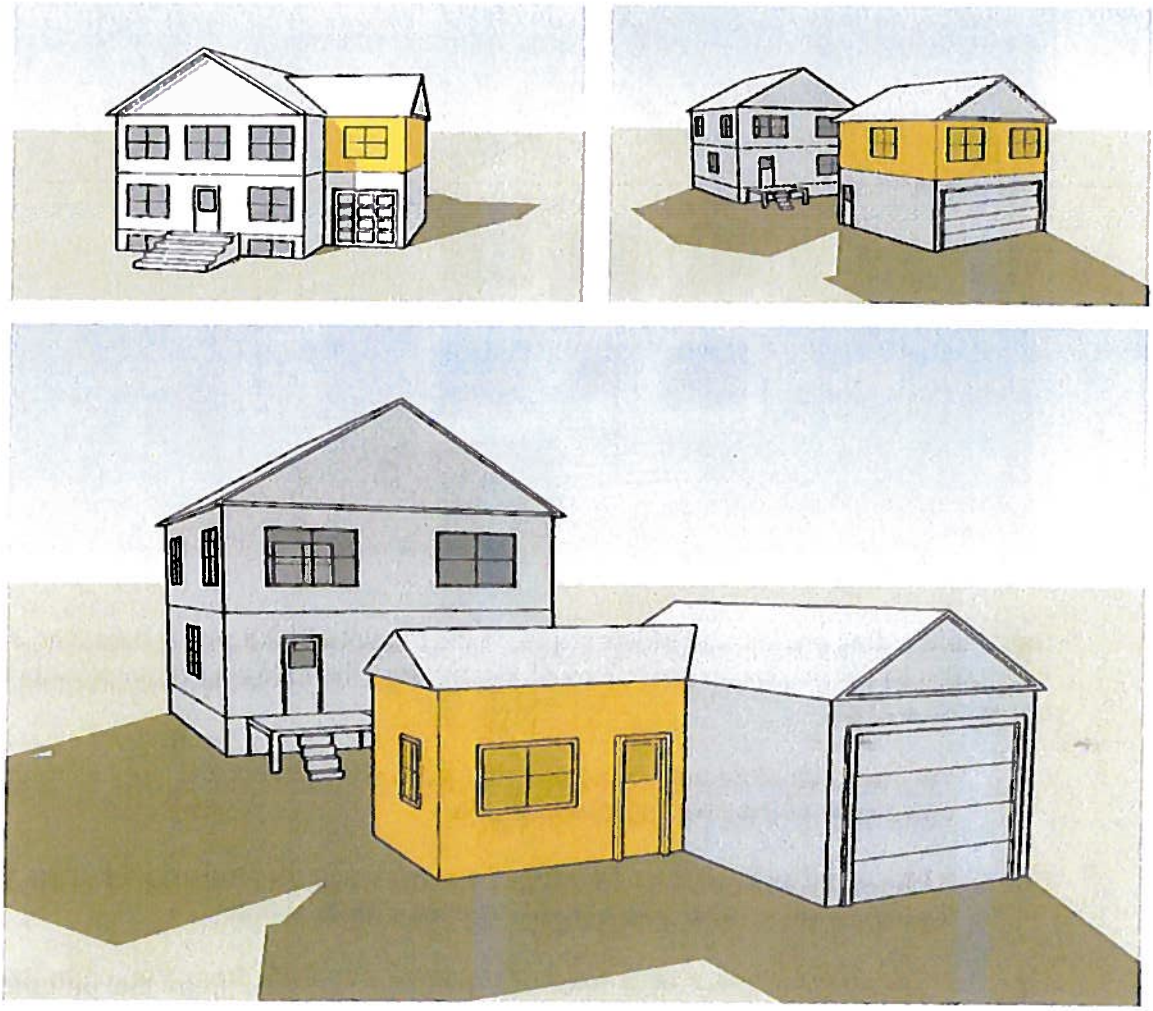
(1) the maximum floor area of a basement suite shall not exceed the floor area of any one storey of the dwelling above grade;

(2) a basement suite shall be developed in such a way that the exterior of the principal dwelling shall appear as a single detached dwelling; and

(3) a basement suite shall have an entrance separate from the entrance of the principal dwelling, either from a common indoor landing, or from the exterior of the principal dwelling; and

(4) should the entrance be directly from the exterior of the dwelling, it shall be on the side or rear of the structure.

13.5 GARAGE SUITES



Garage suites may include a secondary suite within the same structure as the garage, located above or beside the garage, herein referred to as above grade and at grade respectively. In addition to the requirements of 13.2 of this section, at or above grade garage suites shall meet the following requirements:

(1) the maximum height to roof peak of the garage shall be 6.5 m (21.32 ft) or the height of the principal dwelling's roof peak, whichever is the lesser of the two;

(2) in no instance shall the roof peak of a garage suite be higher than the roof peak of the principal dwelling;

(3) the roof slope of the garage should be the same as or similar to the roof slope of the principal dwelling, to the discretion of the Development Authority;

(4) an entrance separate from the entrance to the garage, either from a common indoor landing or from the exterior of the structure, shall be provided;

(5) at or above grade garage suites that are a part of a detached garage shall only be permitted on lots with laneways;

(6) an at or above grade garage suite shall not be developed on a lot until a principal dwelling has been erected on the same lot;

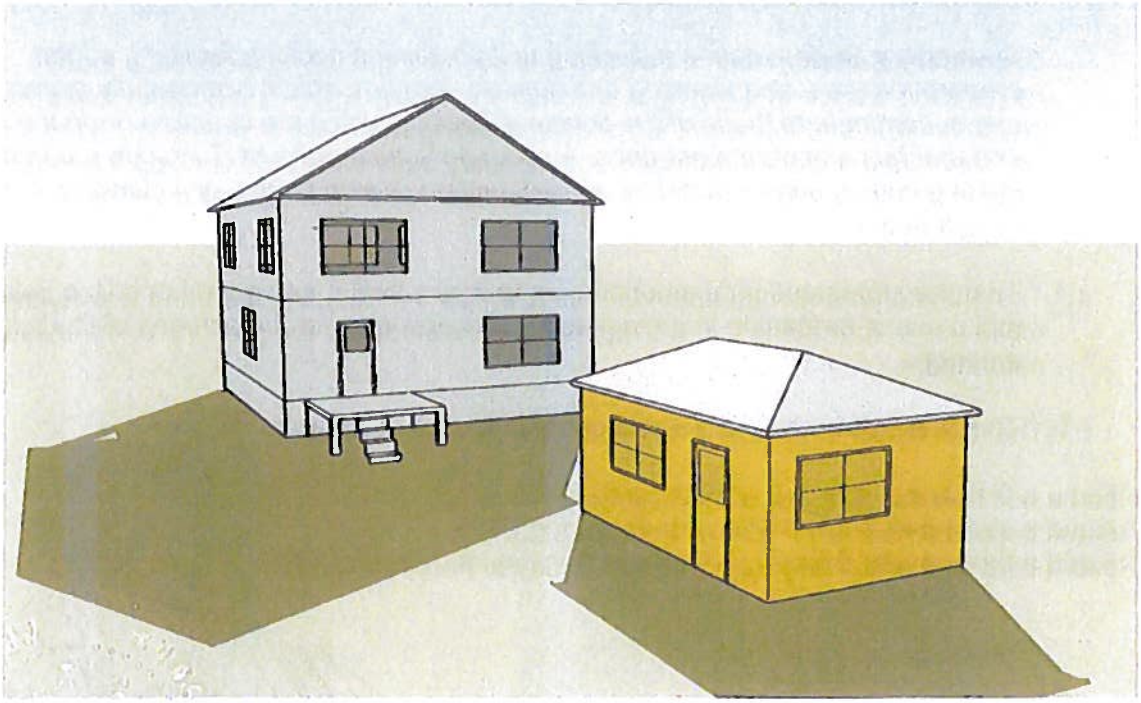
(7) the maximum floor area of the suite shall not exceed the floor area of the garage, not including shared mechanical rooms and common areas;

(8) the minimum setback from the principal dwelling shall be 3 m (9.84 ft);

(9) the minimum side yard setback shall be 1.2 m (3.93 ft); and

(10) the portion of the garage structure intended for use as a garage shall not be permitted to be used as additional living space.

13.6 GARDEN SUITES



Garden suites are detached completely from the principal dwelling and are standalone structures constructed at grade. In addition to the requirements of 13.2 of this section, garden suites shall meet the following requirements:

(1) the maximum height to roof peak shall be 4.5 m (14.8 ft);

(2) a garden suite shall only be permitted on lots with laneways;

(3) a garden suite shall not be developed on a lot until a principal dwelling has been erected on the same lot;

(4) the maximum floor area of a garden suite shall be 74.32 m^2 (800 ft^2);

(5) the minimum setback from the principal dwelling shall be 3 m (9.84 ft);

(6) the minimum side yard setback shall be 1.2 m (3.93 ft); and

(7) the exterior finish of a garden suite, including but not limited to materials, textures, and colours, shall match or compliment the exterior finish of the principal dwelling, to the satisfaction of the Development Authority.

2. That the discretionary use category of the Residential Single Detached (R-SD), Residential Small Lot (R-SL), Residential Low Density (R-LD), Residential High Density (R-HD), Residential Manufactured Home (R-MH), Residential Manufactured Home Park (R-MP), Commercial General (C-G) and Commercial Central (C-C) land use districts of Bylaw 14/12, being the Land Use Bylaw, be amended to include the use *secondary suites*.

3. That Schedule 6 (Definitions) of Bylaw 14/12 being the Land Use Bylaw, be amended to include the term *secondary suites* and to define the term *secondary suites* as follows:

   ***Secondary Suites** means a dwelling unit containing cooking facilities, a food preparation area, and sleeping and sanitary facilities, which is physically separate from and subordinate to those of the principal dwelling within the structure or on the same lot and that has a separate entrance. A secondary suite does NOT include a boarding or lodging house, duplex dwelling, semi-detached dwelling, multi-unit dwelling, townhouse, or apartment.*

4. That the aforementioned amendments to Bylaw 14/12, being the Land Use Bylaw, shall make use of formatting that maintains the consistency of the portions of the bylaw being amended.

5. That this Bylaw shall take effect upon final passing thereof.

Read a first time this 15th day of December, 2014.
Read a second time this 17th day of February, 2015.
Read a third time and finally passed this 17th day of February, 2015.

Mayor

Chief Administrative Officer

Certified
True Copy
City of Brooks
Feb 24/15
Secretary

CITY OF BROOKS

BYLAW NO. 15/01

A BYLAW OF THE CITY OF BROOKS IN THE PROVINCE OF ALBERTA TO AMEND BYLAW NO. 14/12 BEING THE LAND USE BYLAW.

WHEREAS it is desirable to amend Bylaw No. 14/12 being the Land Use Bylaw to reduce the minimum corner lot width for semi-detached, duplex and triplex dwelling units in the Residential High Density (R-HD) land use district from 18 m (59.1 ft) to 15 m (49.2 ft).

AND WHEREAS the purpose of the proposed amendment is to allow for greater flexibility in the development of semi-detached, duplex and triplex dwelling units in the Residential High Density (R-HD) land use district.

AND WHEREAS a Public Hearing, as required by Section 692 of the Municipal Government Act, will be held prior to second reading of this Bylaw.

NOW THEREFORE, the Council of the City of Brooks duly assembled, enacts as follows:

1. That the Residential High Density (R-HD) land use district within Bylaw 14/12, being the Land Use Bylaw, be amended to change the minimum width for semi-detached, duplex and triplex dwelling unit development on a corner lot from 18 m (59.1 ft) to 15 m (49.2 ft).

2. That the aforementioned amendments to Bylaw 14/12, being the Land Use Bylaw, shall make use of formatting that maintains the consistency of the portions of the bylaw being amended.

3. That this Bylaw shall take effect upon final passing thereof.

Read a first time this 2nd day of February, 2015.
Read a second time this 20th day of April, 2015, as amended:

In addition to the amendments to Bylaw 14/12, being the land use bylaw, as outlined in this bylaw, being Bylaw 15/01, the minimum lot size for corner lots accommodating a semi-detached, duplex and triplex dwelling unit, shall be reduced from 603 m^2 (6490 ft2) to 502.5 m^2 (5414.2 ft^2) to reflect the reduction in width from 18 m to 15 m.

Read a third time and finally passed this 20th day of April, 2015.

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City of Brooks

Dated April 23, 15

Municipal Secretary

Mayor

Chief Administrative Officer

CITY OF BROOKS

BYLAW NO. 15/15

A BYLAW OF THE CITY OF BROOKS IN THE PROVINCE OF ALBERTA TO AMEND BYLAW NO. 14/12 BEING THE LAND USE BYLAW.

WHEREAS it is desirable to amend Bylaw No. 14/12 being the Land Use Bylaw to introduce the use *Medical marihuana production facility* into the bylaw as a discretionary use in the Industrial General (I-G) land use district, and to define and regulate the use in order to ensure matters such as public safety, air quality, security and potential negative impacts to adjacent and neighbouring properties are addressed.

AND WHEREAS an amendment to the Land Use Bylaw for the introduction and regulation of the use *Medical marihuana production facility* is necessary to ensure direction is given for its potential development to the Approving Authority.

AND WHEREAS a Public Hearing, as required by Section 692 of the Municipal Government Act, will be held prior to second reading of this Bylaw.

NOW THEREFORE, the Council of the City of Brooks duly assembled, enacts as follows:

1. That Schedule 4: Use Specific Standards of Bylaw 14/12 being the Land Use Bylaw, be amended to include the regulations outlined herein, and that these regulations are entitled "Section 10: Medical Marihuana Production Facilities", and that all other Sections of Schedule 4 subsequent to this be renumbered throughout Bylaw 14/12, to reflect this change and ensure accuracy:

   Section 10: Medical Marihuana Production Facilities

   10.1 APPLICABILITY

   The requirements of this section apply to any and all medical marihuana production facilities, as defined by the Land Use Bylaw and are in addition to the federal regulations required by the Government of Canada's Marihuana for Medical Purposes Regulations (MMPR).

   10.2 GENERAL REQUIREMENTS

   (1) A license for all activities associated with medical marihuana production as issued by Health Canada shall be provided to the Development Authority prior to a development permit being decided upon;

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(2) all of the processes and functions associated with a medical marihuana production facility shall be fully enclosed within a stand-alone building;

(3) a medical marihuana production facility shall not operate in conjunction with another approved use;

(4) a medical marihuana production facility shall not include an outdoor area for storage of goods, materials or supplies;

(5) all loading stalls and docks shall be inside a building;

(6) medical marihuana production facility is a discretionary use within the Industrial General (I-G) land use district;

(7) an ancillary building or structure used for security purposes may be located on the parcel containing a medical marihuana production facility;

(8) equipment that is designed and intended to remove odours from the air where it is discharged from the building as part of a ventilation system shall be provided and operate at any time a medical marihuana production facility is in operation;

(9) garbage containers and waste material shall be contained within the building containing a medical marihuana production facility;

(10) a medical marihuana production facility shall not be located on a parcel of land that is adjacent to another parcel of land that is regulated by another land use district;

(11) a medical marihuana production facility shall not be located on a parcel that is adjacent to an arterial roadway;

(12) the Development Authority may require, as a condition of a development permit for a medical marihuana production facility, a Public Utility and Waste Management Plan, completed by a qualified professional, that includes detail on:

(a) the incineration of waste products and airborne emissions including smell;

(b) the quantity and characteristics of liquid and waste material discharged by the facility; and

(c) the method and location of collection and disposal of liquid and waste material;

2. That Schedule 6: Definitions of Bylaw 14/12 being the Land Use Bylaw, be amended to include definitions for the term *Medical marihuana* and for the term *Medical marihuana production facility*, the definitions for each being:

   Medical marihuana means a substance used for medical purposes authorized by a license issued under the federal governments Marihuana for Medical Purposes Regulations (MMPR) or any subsequent legislation which may be enacted in substitution.

   Medical marihuana production facility means a use where medical marihuana is grown, processed, packaged, tested, destroyed, stored or loaded for shipping, and that meets all federal requirements and that meets all requirements of this bylaw, as amended from time to time.

3. That Schedule 3: General Standards of Development, Section 17: Parking and Loading, be updated to include the use *Medical Marihuana Production Facility* as a use listed in the low parking need portion of sub-section 17.2(2).

4. That all other formatting updates required to fully integrate the amendments in this bylaw with Bylaw 14/12, including but not limited to updating the Table of Contents, and the list of Applicable Schedules in the Industrial General (I-G) land use district, shall be completed when this amendment is consolidated with Bylaw 14/12.

5. That this Bylaw shall take effect upon final passing thereof.

Read a first time this 19th day of May, 2015.
Read a second time this 15th day of June, 2015.
Read a third time and finally passed this 15th day of June, 2015.

Mayor

Chief Administrative Officer

CITY OF BROOKS

BYLAW NO. 15/16

A BYLAW OF THE CITY OF BROOKS IN THE PROVINCE OF ALBERTA TO AMEND BYLAW NO. 14/12 BEING THE LAND USE BYLAW.

WHEREAS it is desirable to amend Bylaw No. 14/12 being the Land Use Bylaw to define the term *Medical marihuana (dispensing of)* in order to clarify that the only legal process to dispense medical marihuana is to obtain the prescribed amount through a pharmacist.

AND WHEREAS an amendment to the Land Use Bylaw for the defining of the term *Medical marihuana (dispensing of)* is necessary to ensure clarification regarding the legalities of dispensing the substance and to clarify that no listed use in the permitted or discretionary uses of the land use districts contained in the bylaw may allow the dispensing of medical marihuana, other than through a pharmacist.

AND WHEREAS a Public Hearing, as required by Section 692 of the Municipal Government Act, will be held prior to second reading of this Bylaw.

NOW THEREFORE, the Council of the City of Brooks duly assembled, enacts as follows:

1. That Schedule 6: Definitions of Bylaw 14/12 being the Land Use Bylaw, be amended to include a definition for the term *Medical marihuana (dispensing of)*, the definition for the term being:

   Medical marihuana (dispensing of) means the dispensing of marihuana for medical purposes that has been legally produced and distributed as per the Government of Canada's *Narcotic Control Regulations C.R.C., c. 1041* and *Marihuana for Medical Purposes Regulations SOR/2013-119* and any amendments thereto, from a pharmacist, as defined by the *Narcotic Control Regulations C.R.C., c. 1041*, to a person, in accordance with the abovementioned regulations.

2. That this Bylaw shall take effect upon final passing thereof.

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Read a first time this 1st day of June, 2015.
Read a second time this 6th day of July, 2015.
Read a third time and finally passed this 6th day of July, 2015.

Mayor

Chief Administrative Officer

CITY OF BROOKS

BYLAW NO. 15/17

A BYLAW OF THE CITY OF BROOKS IN THE PROVINCE OF ALBERTA TO AMEND BYLAW NO. 14/12 BEING THE LAND USE BYLAW.

WHEREAS it is desirable to amend Bylaw No. 14/12 being the Land Use Bylaw to regulate the width of driveways on private property in all land use districts contained within the Land Use Bylaw.

AND WHEREAS it is desirable to amend Bylaw No. 14/12 being the Land Use Bylaw to include a new sub-section in Section 17: Parking and Loading of Schedule 3: General Standards of Development, to regulate driveways in residential land use districts by allowing a maximum driveway width of fifty (50) percent of the width of a lot, with the width of the lot being measured 7.5 m (24.6 ft) back from the front property line, in keeping with the definition of lot width provided in Schedule 6: Definitions of the Land Use Bylaw.

AND WHEREAS it is desirable to amend Bylaw No. 14/12 being the Land Use Bylaw to include an exemption from the regulation for pie-shaped lots, which are typically found fronting a cul-de-sac or on the corners of a crescent.

AND WHEREAS it is desirable to amend Bylaw No. 14/12 being the Land Use Bylaw to regulate the width of driveways in all other land use districts by allowing a maximum driveway width to be determined at the discretion of the Development Authority, with consideration for the context of a parcel of land and the associated development that requires a driveway, potential impact to adjacent and neighbouring parcels of land, and the public rights-of-way that a driveway may be directly accessed from.

AND WHEREAS it is desirable to amend Bylaw No. 14/12 being the Land Use Bylaw to include the term *Driveway* and the term *Lot, Pie-shaped* in Schedule 6: Definitions of the Land Use Bylaw and to define the term Driveway as follows:

> ***Driveway*** *means a paved or unpaved strip of land located on private property that is used exclusively as a connector between public right-of-way and private land, for the purposes of accessing and providing parking space on private land, or for the purposes of accessing a garage structure or other enclosure located on private land, that is intended primarily for the parking of motorized or non-motorized vehicles.*

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Lot, Pie-shaped *means a lot that is typically found fronting a cul-de-sac and that is narrower at the frontage of the lot than it is at the rear of the lot.*

AND WHEREAS the purpose of the proposed amendment is to avoid potential negative impacts of driveways that are of a width that may be considered excessive, while specifically exempting pie-shaped lots due to the potential issues that may occur with trying to develop a driveway on a lot with relatively narrow frontage, and to define the term *driveway* and the term *lot, pie-shaped* to ensure clarity and ease of use of the Land Use Bylaw.

AND WHEREAS a Public Hearing, as required by Section 692 of the Municipal Government Act, will be held prior to second reading of this Bylaw.

NOW THEREFORE, the Council of the City of Brooks duly assembled, enacts as follows:

1. That Schedule 6: Definitions of Bylaw 14/12 being the Land Use Bylaw, be amended to include and define the term Driveway as follows:

   Driveway *means a paved or unpaved strip of land located on private property that is used exclusively as a connector between public right-of-way and private land, for the purposes of accessing and providing parking space on private land, or for the purposes of accessing a garage structure or other enclosure located on private land, that is intended primarily for the parking of motorized or non-motorized vehicles.*

   Lot, Pie-shaped *means a lot that is typically found fronting a cul-de-sac or the corner of a crescent, and that is substantially narrower at the frontage of the lot than it is at the rear of the lot.*

2. That Schedule 3: General Standards of Development, Section 17: Parking and Loading be amended to include the following:

   17.7 Driveways

   (1) Driveways in residential districts shall be a maximum of 50 percent of the width of the lot;

   (2) The width of the lot shall be measured 7.5 m (24.6 ft) back from the front property boundary for the purposes of 17.7(1);

   (3) Pie-shaped lots, which are typically found fronting onto culs-de-sac or the corners of crescents, are exempt from 17.7(1) and 17.7(2).

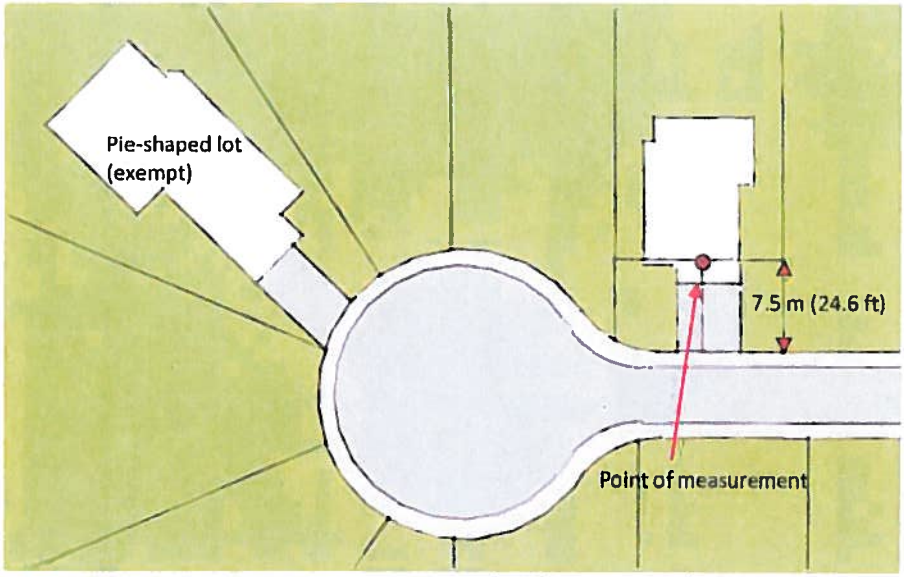


Figure 17.7.1: an illustration of where lot width is measured from in accordance with 17.7(2), and a pie-shaped lot in accordance with 17.7(3).

(4) Driveways in all other land use districts shall be of a maximum width that is determined by the Development Authority, with consideration for the context of the land on which the driveway is located, and potential negative impacts to adjacent and neighbouring properties and the public rights-of-way from which the driveway is accessed.

4. That the aforementioned amendments to Bylaw 14/12, being the Land Use Bylaw, shall make use of formatting and numbering conventions that maintain the consistency of the portions of the bylaw being amended.

5. That this Bylaw shall take effect upon final passing thereof.

Read a first time this 8th day of September, 2015.
Read a second time this 5th day of October, 2015.
Read a third time and finally passed this 5th day of October, 2015.

Mayor

Chief Administrative Officer

CITY OF BROOKS

BYLAW NO. 16/05

A BYLAW OF THE CITY OF BROOKS IN THE PROVINCE OF ALBERTA TO AMEND BYLAW NO. 14/12 BEING THE LAND USE BYLAW.

WHEREAS it is desirable to amend Bylaw No. 14/12 being the Land Use Bylaw to clarify the definition for Dwelling: Modular;

AND WHEREAS the purpose of the proposed amendment is to include the defined dwelling types of Panellized and Ready-to-Move (RTM) under Dwelling: Modular home to be consistent with Schedule 4: Use Specific Standards Section 11: Modular Homes;

AND WHEREAS a Public Hearing, as required by Section 692 of the Municipal Government Act, will be held prior to second reading of this Bylaw.

NOW THEREFORE, the Council of the City of Brooks duly assembled, enacts as follows:

1. That Schedule 6 (Definitions) of Bylaw 14/12 being the Land Use Bylaw, be amended by revising the definition for Dwelling subsection (d) as follows:

   (d) Modular home means a dwelling unit built at an off-site manufacturing facility designed in modules or sections in conformance with Alberta Building Code and CSA standards. The dwelling is transported by transport trailer in sections and delivered to the site where it is assembled over a conventional, permanent concrete foundation (a basement foundation, slab-on-grad or crawl space) or other approved foundation.

   Modular includes the following two subtypes: Panellized and Ready-to-Move (RTM), but does not include a MANUFACTURED, MOVED-IN, or SINGLE DETACHED DWELLING.

   i. Panellized means a dwelling unit constructed at the site intended for occupancy using pre-built exterior/interior wall panels and building components that are delivered to the site as a package ready for assembly over a conventional, permanent concrete foundation (basement foundation, slab-on-grade, or crawl space) or other approved foundation.

   ii. Ready-to-Move (RTM) means a dwelling unit built to the current Alberta Building Code that would normally be constructed on the site

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intended for occupancy, but for various reasons, is constructed at an off-site manufacturing facility, construction site, plant site or building yard. It is then loaded and transported as one unit onto the proper moving equipment and delivered to the site intended for occupancy and placed on a concrete slab or basement or other approved foundation.

2. That Schedule 6 (Definitions) of Bylaw 14/12 being the Land Use Bylaw, be amended by deleting subsection (g) and (h) under the definitions for Dwelling.

3. That the aforementioned amendments to Bylaw 14/12, being the Land Use Bylaw, shall make use of formatting that maintains the consistency of the portions of the bylaw being amended and adjust the numbering accordingly.

4. That this Bylaw shall take effect upon final passing thereof.

Read a first time this 21st day of March, 2016.
Read a second time this 18th day of April, 2016.
Read a third time and finally passed this 18th day of April, 2016.

Mayor

Chief Administrative Officer

CITY OF BROOKS

BYLAW NO. 16/17

A BYLAW OF THE CITY OF BROOKS IN THE PROVINCE OF ALBERTA TO AMEND BYLAW NO. 14/12 BEING THE LAND USE BYLAW.

WHEREAS it is desirable to amend Bylaw No. 14/12 being the Land Use Bylaw to address the use *Secondary suites* in the bylaw including modifying regulations specific to the use under Schedule 4: Use Specific Standards of the bylaw as Section 14: Secondary Suites;

AND WHEREAS it is desirable to amend Bylaw No. 14/12 being the Land Use Bylaw to include the use *secondary suites* in the bylaw that existed prior to December 31, 2006 under the permitted uses category for the Residential Single Detached (R-SD), Residential Small Lot (R-SL), Residential Low Density (R-LD), Residential High Density (R-HD), Residential Manufactured Home (R-MH), Commercial General (C-G) and Commercial Central (C-C) land use districts:

AND WHEREAS it is desirable to amend Bylaw No. 14/12 being the Land Use Bylaw to remove the use *secondary suites* from the Residential Manufactured Home Park (R-MP) land use district;

AND WHEREAS the purpose of the proposed amendment is to regulate existing secondary suites in the City of Brooks in a fair and equitable manner, which provides a means to bring these dwelling units into compliance with the Land Use Bylaw and Alberta Fire Code;

AND WHEREAS a Public Hearing, as required by Section 692 of the Municipal Government Act, will be held prior to second reading of this Bylaw;

NOW THEREFORE, the Council of the City of Brooks duly assembled, enacts as follows:

1. That Schedule 4 Section 14.2 GENERAL REQUIREMENTS subsection 8 be revised to read as follows:

   (8) a secondary suite shall be restricted to a lot occupied by a single dwelling unit either a *Dwelling, single detached*, *Dwelling, Modular home* or *Dwelling, Moved-in* but, not including a *Dwelling, Manufactured* as defined by this bylaw;

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2. That the permitted use category of the Residential Single Detached (R-SD), Residential Small Lot (R-SL), Residential Low Density (R-LD), Residential High Density (R-HD), Residential Manufactured Home (R-MH), Commercial General (C-G) and Commercial Central (C-C) land use districts of Bylaw 14/12, being the Land Use Bylaw, be amended to include the use ***Secondary suites (developed prior to February 18, 2015)***.

3. That the discretionary use category of the Residential Single Detached (R-SD), Residential Small Lot (R-SL), Residential Low Density (R-LD), Residential High Density (R-HD), Residential Manufactured Home (R-MH), Commercial General (C-G) and Commercial Central (C-C) land use districts of Bylaw 14/12, being the Land Use Bylaw, be revised to include the use **Secondary suites (developed after to February 17, 2015)**.

4. That the discretionary use category of the Residential Manufactured Home Park (R-MP), land use district of Bylaw 14/12, being the Land Use Bylaw, be amended by removing the use Secondary suites.

5. That the aforementioned amendments to Bylaw 14/12, being the Land Use Bylaw, shall make use of formatting that maintains the consistency of the portions of the bylaw being amended.

6. That this Bylaw shall take effect upon final passing thereof.

Read a first time this 19th day of September, 2016.
Read a second time this 7th day of November, 2016.
Read a third time and finally passed this 7th day of November, 2016.

Mayor

Chief Administrative Officer

CITY OF BROOKS

BYLAW NO. 16/18

A BYLAW OF THE CITY OF BROOKS IN THE PROVINCE OF ALBERTA TO AMEND BYLAW NO. 14/12 BEING THE LAND USE BYLAW.

WHEREAS it is desirable to amend Bylaw No. 14/12 being the Land Use Bylaw to address the use *Home Occupation - 2* in the bylaw including modifying regulations specific to processing the use as development officer discretionary under the Administration section and Schedule 2 of the bylaw;

AND WHEREAS it is desirable to amend Bylaw No. 14/12 being the Land Use Bylaw to include the use *Home Occupation - 2* as a Development Officer Discretionary use category for the Residential Single Detached (R-SD), Residential Small Lot (R-SL), Residential Low Density (R-LD), Residential High Density (R-HD), Residential Manufactured Home (R-MH), Residential Manufactured Home Park (R-MP);

AND WHEREAS the purpose of the proposed amendment is to regulate and process Home Occupation -2 use in the City of Brooks in a fair and equitable manner;

AND WHEREAS a Public Hearing, as required by Section 692 of the Municipal Government Act, will be held prior to second reading of this Bylaw;

NOW THEREFORE, the Council of the City of Brooks duly assembled, enacts as follows:

1. That Administration Section 2: Approving Authorities subsection 2.2.1(3)(e) be revised to include the following:

   (vii) Development officer discretionary uses

2. That Administration Section 3.5 Discretionary Use Applications be revised to include the following:

   Upon receipt of a completed application for a development permit for a discretionary use for which the Development Officer is authorized to decide upon (listed as Development Officer Discretionary Uses in Schedule 2), and which complies with this bylaw, the Development Officer:

   (a) shall notify adjacent landowners and other persons likely to be affected in accordance with Section 3.13 (Notice of Receipt of an Application); and

   (b) may approve a development permit with or without conditions; or

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(c) may refuse to approve the development permit, stating reasons; or

(d) may refer the application to the Municipal Planning Commission for a decision.

3. That the preamble to the Administration Section 3.6 Development Permit Conditions be revised to read as follows:

   The development authority may place any of the following conditions on a development permit for a permitted, development officer discretionary or discretionary use:

4. That the preamble to the Administration Section 3.10 (3) Major variances be revised to read as follows:

   Upon receipt of a completed application for a development permit for a permitted, development officer discretionary or discretionary use that requests a variance exceeding the provisions of 3.10(2), the Development Officer shall:

5. That Administration Section 3.10 (4) Variances for existing development be revised to read as follows:

   (4) Variances for existing development

   (a) Upon receipt of a completed application for a development permit for a permitted, development officer discretionary, or discretionary use that requests a variance of up to 50 percent of any measurable standard for an existing development, the Development Officer shall:
   (i) grant the variance and issue the development permit with or without conditions if, in the opinion of the Development Officer, the variance would meet the requirements of the Act as outlined in sub-section 3.10(1) of this bylaw; or
   (ii) refer the development application involving the request for a variance to the Municipal Planning Commission for a decision;

   (b) Upon receipt of a completed application for a development permit for a permitted, development officer discretionary, or discretionary use that requests a variance in excess of 50 percent of any measurable standard for an existing development, the Development Officer shall:
   (i) refer the application to the Municipal Planning Commission for a decision, if, in the opinion of the Municipal Planning Commission, the variance would meet the requirements of the Act as outlined in sub-section 3.10(1) of this bylaw; and
   (ii) notify adjacent landowners and persons likely affected in accordance with Administration sub-section 3.13 and 3.14 of this bylaw.

6. That Administration Section 3.15(2) Commencement of Development for existing development be revised to read as follows:

(2) development officer discretionary or discretionary uses:
for development permits issued for development officer discretionary or discretionary uses, development shall not commence until 14 days from the date of the notice of decision being deemed received as per section 686(1) of the Act;

7. That Administration Section 7.1(3) Establishment of Districts for existing development be revised to read as follows:

(3) the one or more uses of land and/or buildings that are:
(a) permitted uses in each district, with or without conditions; or
(b) discretionary uses in each district, with or without conditions; or
(c) development officer discretionary uses in each district, with or without conditions; or
(d) a combination of permitted, development officer discretionary, and discretionary uses, as described in Schedule 2 and shown on the Land Use District Map;
are delineated and described in Schedule 2 of this bylaw;

8. That Administration Section 7.3(1) Suitability of Sites for existing development be revised to read as follows:

(1) Notwithstanding that a use of land may be permitted, development officer discretionary or discretionary or considered similar in nature to a permitted or discretionary use in a land use district, the Subdivision Authority or Development Authority, as applicable, may refuse to approve a subdivision or issue a development permit if the Subdivision Authority or Development Authority is made aware of or if in their opinion, the site of the proposed building or use:

9. That Section 2: Uses within all districts of Bylaw 14/12, being the Land Use Bylaw, be amended to include the heading *2.3 Development Officer Discretionary*.

10. That the Development Officer Discretionary use category of the Residential Single Detached (R-SD), Residential Small Lot (R-SL), Residential Low Density (R-LD), Residential High Density (R-HD), Residential Manufactured Home (R-MH), and Residential Manufactured Home Park (R-MP) districts of Bylaw 14/12, being the Land Use Bylaw, be amended to include the use *Home Occupation -2 use.*

11. That the discretionary use category of the Residential Single Detached (R-SD), Residential Small Lot (R-SL), Residential Low Density (R-LD), Residential High Density (R-HD), Residential Manufactured Home (R-MH), and Residential Manufactured Home Park (R-MP) districts of Bylaw 14/12, being the Land Use Bylaw, be revised to remove the use *Home Occupation -2* use.

12. That the aforementioned amendments to Bylaw 14/12, being the Land Use Bylaw, shall make use of formatting that maintains the consistency of the portions of the bylaw being amended.

13. That this Bylaw shall take effect upon final passing thereof.

Read a first time this 19th day of September, 2016.
Read a second time this 7th day of November, 2016.
Read a third time and finally passed t this 7th day of November, 2016.

Mayor

Chief Administrative Officer

CITY OF BROOKS

BYLAW NO. 16/21

A BYLAW OF THE CITY OF BROOKS IN THE PROVINCE OF ALBERTA TO AMEND BYLAW NO. 14/12 BEING THE LAND USE BYLAW.

WHEREAS it is desirable to amend Bylaw No. 14/12 being the Land Use Bylaw to rezone a parcel of land legally described as Plan 0512323, Block 5, Lot 1MR from Residential Single Detached (R-SD) to Public and Quasi-Public Service (P-PS) as shown in Schedule "A" of this bylaw.

AND WHEREAS the purpose of the amendment to the Land Use Bylaw for this parcel is necessary to ensure the potential school site for Southern Francophone Education Region No. 4 is properly designated.

AND WHEREAS it is desirable to amend Bylaw No. 14/12 being the Land Use Bylaw to correct a clerical error where the Public and Quasi-Public Service district's abbreviated designation is referenced as (P-QS) and change it to (P-PS) in all instances throughout the bylaw.

AND WHEREAS a Public Hearing, as required by Section 692 of the Municipal Government Act, will be held prior to second reading of this Bylaw.

NOW THEREFORE, the Council of the City of Brooks duly assembled, enacts as follows:

1. That Schedule 1, Section K of the Land Use Map Book in Bylaw 14/12, being the Land Use Bylaw, is amended by changing the zoning for lands legally described as Plan 0512323, Block 5, Lot 1MR from Residential Single Detached (R-SD) to Public and Quasi-Public Service (P-PS) as shown in Schedule "A".

2. That Bylaw 14/12, being the Land Use Bylaw, is amended by changing all instances of the abbreviation (P-QS) to (P-PS).

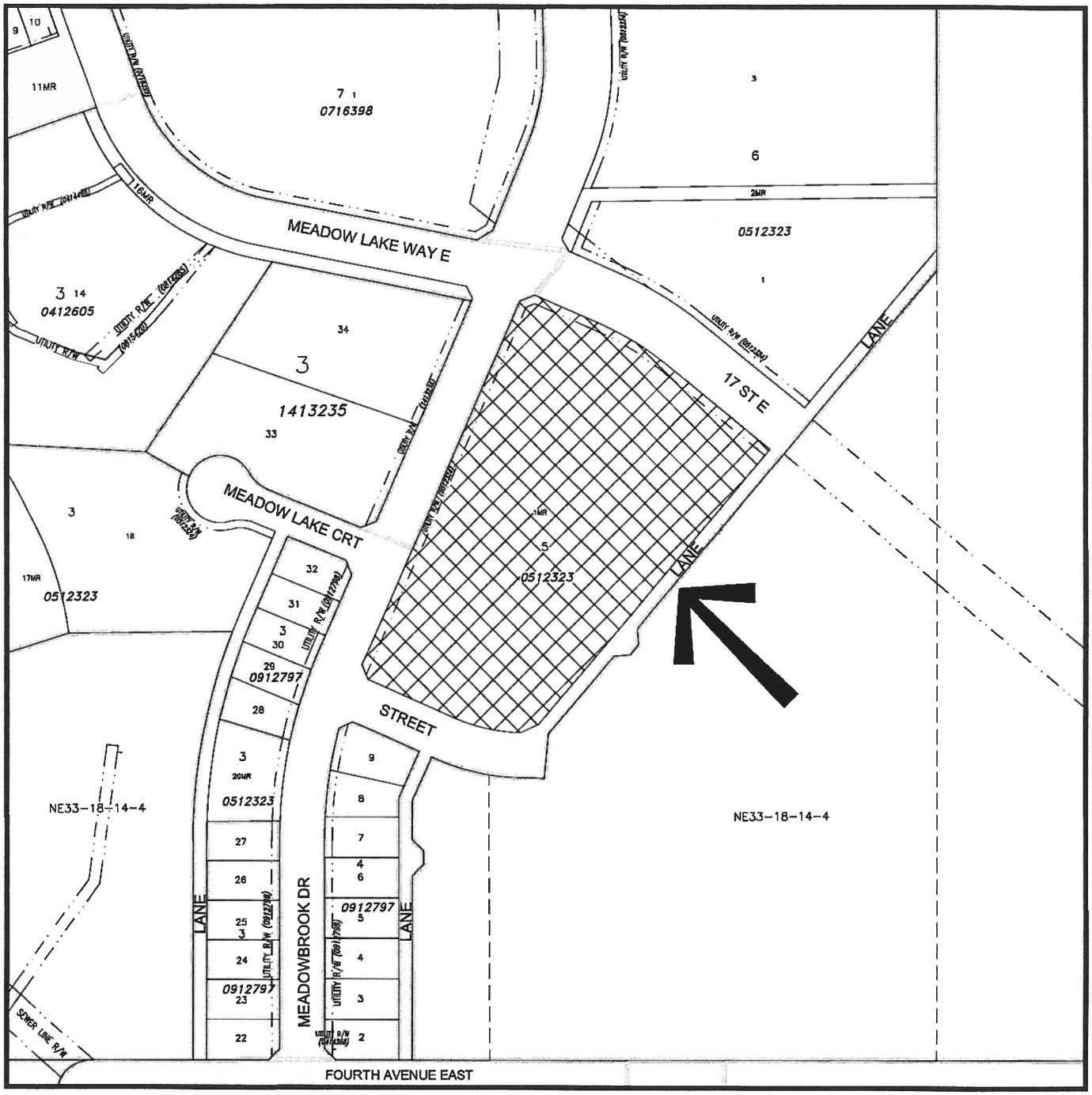
3. That this Bylaw shall take effect upon final passing thereof.

Read a first time this 21st day of November, 2016
Read a second time this 19th day of December, 2016
Read a third time and finally passed this 19th day of December, 2016

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Mayor

Chief Administrative Officer



LAND USE DISTRICT REDESIGNATION
SCHEDULE 'A'

FROM: Residential Single Detached (R-SD)
TO: Public and Quasi-Public Service (P-PS)

LOT 1MR, BLOCK 5, PLAN 0512323 WITHIN
NE 1/4 SEC 33, TWP 18, RGE 14, W 4 M
MUNICIPALITY: CITY OF BROOKS
DATE: NOVEMBER 8, 2016

Bylaw #: 16/21
Date: _____

OLDMAN RIVER REGIONAL SERVICES COMMISSION

0 Metres 50 100 150 200

November 08, 2016 N:\Newell-County\Brooks\Brooks LUD & Land Use Redesignations\City of Brooks - Lot 1MR - Block 5 - Plan 0512323.dwg

MAP PREPARED BY:
OLDMAN RIVER REGIONAL SERVICES COMMISSION
3105 16th AVENUE NORTH, LETHBRIDGE, ALBERTA T1H 5E8
TEL. 403-329-1344

"NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"

CITY OF BROOKS

BYLAW NO. 17/12

A BYLAW OF THE CITY OF BROOKS IN THE PROVINCE OF ALBERTA TO AMEND BYLAW NO. 14/12 BEING THE LAND USE BYLAW.

WHEREAS it is desirable to amend Bylaw No. 14/12 being the Land Use Bylaw to include Breweries, Wineries and Distilleries in the bylaw;

WHEREAS the purpose of the proposed amendment is to regulate and process Breweries, Wineries and Distilleries in the City of Brooks in a fair and equitable manner;

WHEREAS a Public Hearing, as required by Section 692 of the Municipal Government Act, will be held prior to second reading of this Bylaw;

NOW THEREFORE, the Council of the City of Brooks duly assembled, enacts as follows:

1. That Schedule 6: Definition of Bylaw 14/12 being the Land Use bylaw, be amended to include a definition for the term Breweries, Wineries and Distilleries, the definition for the term being:

   Breweries, Wineries and Distilleries means a facility where small-scale production and packaging of alcoholic and non-alcoholic beverages takes place. Such facilities may or may not include a tasting room, retail sales space, wholesale sales or a restaurant.

2. That Section 2 Uses: 2.2 Discretionary in districts Commercial Central (C-C), Commercial General (C-G), Commercial Neighbourhood (C-N) of Bylaw 14/12 be amended to include Breweries, Wineries and Distilleries.

3. That Section 2 Uses: 2.2 Discretionary in districts Industrial Light (I-L) and Industrial General (I-G) of Bylaw 14/12 be amended to include Breweries, Wineries and Distilleries.

4. That Schedule 3 Section 17: Parking be amended to indicate the number of parking spaces required by zone are as follows:

   1 space for every 100m² (1076 ft²) of manufacturing area and 1 space for every 33m² (355.22 ft²) of secondary retail sales area or restaurant area.

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5. That Schedule 4 be amended by adding Section 15:

   Section 15: Breweries, Wineries and Distilleries

   15.1 Breweries, Wineries and Distilleries shall comply with the following regulations:

   1. Breweries, Wineries and Distilleries shall not generate odour, dust, waste or delivery traffic in excess of that which is characteristic of the District in which it is located.
   2. There shall be no unenclosed outdoor storage of material or equipment associated with the business.

6. That the aforementioned amendments to Bylaw 14/12, being the Land Use Bylaw, shall make use of formatting that maintains the consistency of the portions of the bylaw being amended.

7. That this Bylaw shall take effect upon final passing thereof.

Read a first time this 17th day of July, 2017.
Read a second time this 21st day of August, 2017.
Read a third time and finally passed this 21st day of August, 2017

Mayor

Chief Administrative Officer

CITY OF BROOKS

BYLAW NO. 17/13

A BYLAW OF THE CITY OF BROOKS IN THE PROVINCE OF ALBERTA TO AMEND BYLAW NO. 14/12 BEING THE LAND USE BYLAW.

WHEREAS it is desirable to amend Bylaw No. 14/12 being the Land Use Bylaw for the City of Brooks; parcels legally described as Lot 19 Block 1 Plan 3661FC, Lot 20 Block 1 Plan 3661FC as shown on a map in Schedule A;

WHEREAS the purpose of the proposed amendment is to change the zoning from R-SD: Single detached to R-LD: Low Density for parcels legally described as Lot 19 Block 1 Plan 3661FC and Lot 20 Block 1 Plan 3661FC as shown on attached map in Schedule A;

WHEREAS a Public Hearing, as required by Section 692 of the Municipal Government Act, will be held prior to second reading of this Bylaw;

NOW THEREFORE, the Council of the City of Brooks duly assembled, enacts as follows:

1. That the Zoning Map be amended to indicate the zoning is R-LD: Low Density for parcels legally described as Lot 19 Block 1 Plan 3661FC and Lot 20 Block 1 Plan 3661FC as shown on the attached map in Schedule A;

2. The subject lands described as Lot 19 Block 1Plan 3661FC and Lot 20 Block 1 Plan 3661FC must comply with all requirements of the R-LD: Low Density District;

3. That the aforementioned amendments to Bylaw 14/12, being the Land Use Bylaw, shall make use of formatting that maintains the consistency of the portions of the bylaw being amended.

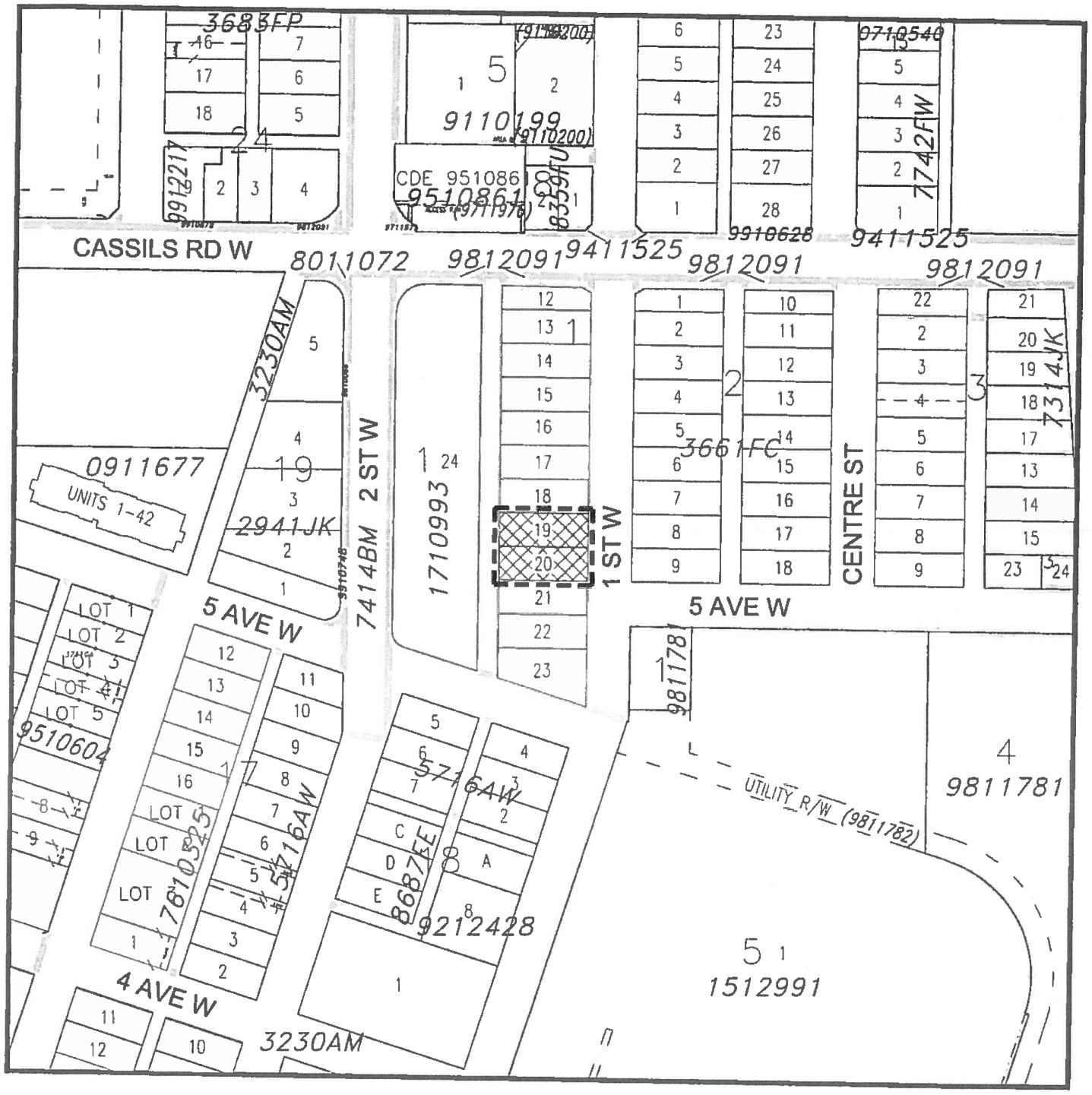
4. That this Bylaw shall take effect upon final passing thereof.

Read a first time this 18th day of September, 2017.
Read a second time this 6th day of November, 2017.
Read a third time and finally passed this 6th day of November, 2017.

Mayor

Chief Administrative Officer

RECEIVED
OCT 1 - 2018
IM / KS / BT



LAND USE DISTRICT REDESIGNATION
SCHEDULE 'A'

FROM: SINGLE DETACHED RESIDENTIAL - R-SD

TO: LOW DENSITY RESIDENTIAL - R-LD

LOTS 19 & 20, BLOCK 1, PLAN 3661FC

IN NW 1/4 SEC 32, TWP 18, RGE 14, W 4 M

MUNICIPALITY: CITY OF BROOKS

DATE: SEPTEMBER 13, 2017

Bylaw #: _____

Date: _____

OLDMAN RIVER REGIONAL SERVICES COMMISSION

0 Metres 50 100 150 200

N

MAP PREPARED BY:
OLDMAN RIVER REGIONAL SERVICES COMMISSION
3105 16th AVENUE NORTH, LETHBRIDGE, ALBERTA T1H 5E8
TEL. 403-329-1344
"NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"

September 13, 2017 N:\Newell-County\Brooks\Brooks LUD & Land Use Redesignations\City of Brooks - Plan 3661FC, Block 1, Lots 19 & 20.dwg

CITY OF BROOKS

BYLAW NO. 18/09

A BYLAW OF THE CITY OF BROOKS IN THE PROVINCE OF ALBERTA TO AMEND BYLAW NO. 14/12 BEING THE LAND USE BYLAW.

WHEREAS it is desirable to amend Bylaw No. 14/12 being the Land Use Bylaw for the City of Brooks; with respect to the land legally described as Lot 5 Block F Plan 2230JK as shown on a map in Schedule A;

WHEREAS the purpose of the proposed amendment is to change the zoning from Residential: R-HD: High Density to Commercial: C-N: Local Neighbourhood for the land legally described as Lot 5 Block F Plan 2230JK as shown on the attached map in Schedule A;

WHEREAS a Public Hearing, as required by Section 692 of the *Municipal Government Act*, will be held prior to second reading of this Bylaw;

NOW THEREFORE, the Council of the City of Brooks duly assembled, enacts as follows:

1. That the Zoning Map be amended to indicate the zoning is Commercial: C-N: Local Neighbourhood for the land legally described as Lot 5 Block F Plan 2230JK as shown on the attached map in Schedule A. Lot 15; See Bylaw 19/11
2. The subject land described as Lot 5 Block F Plan 2230JK must comply with all requirements of the Commercial: C-N: Local Neighbourhood.
3. That the aforementioned amendments to Bylaw 14/12, being the Land Use Bylaw, shall make use of formatting that maintains the consistency of the portions of the Bylaw being amended.
4. That this Bylaw shall take effect upon final passing thereof.

GIS Updated
April 26/19 MK

Map Updated
April 25/19 KS

Read a first time this 3rd day of December 2018.
Read a second time this 17th day of December, 2018.
Read a third time and finally passed this 17th day of December, 2018.

Mayor

Chief Administrative Officer



LAND USE DISTRICT REDESIGNATION
SCHEDULE 'A'

FROM: Residential High Density R-HD

TO: Commercial Local Neighbourhood C-N

LOT 15, BLOCK F, PLAN 2230JK WITHIN
NW 1/4 SEC 32, TWP 18, RGE 14, W 4 M
MUNICIPALITY: CITY OF BROOKS
DATE: NOVEMBER 20, 2018

Bylaw #: _____

Date: _____

MAP PREPARED BY:
OLDMAN RIVER REGIONAL SERVICES COMMISSION
3105 16th AVENUE NORTH, LETHBRIDGE, ALBERTA T1H 5E8
TEL. 403-329-1344

"NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"

OLDMAN RIVER REGIONAL SERVICES COMMISSION

0 Metres 50 100 150 200

April 25, 2019 N:\Newell-County\Brooks\Brooks LUD & Land Use Redesignations\City of Brooks – Lot 15, Block F, Plan 2230JK.dwg

CITY OF BROOKS

BYLAW NO. 18/10

A BYLAW OF THE CITY OF BROOKS IN THE PROVINCE OF ALBERTA TO AMEND THE PARKING SCHEDULE IN BYLAW NO. 14/12 BEING THE LAND USE BYLAW.

WHEREAS the City of Brooks is desirous of amending Bylaw No. 14/12 being the City of Brooks Land Use Bylaw;

WHEREAS the purpose of the proposed amendment is to regulate parking based on individual uses to simplify the interpretation of parking requirements;

WHEREAS a Public Hearing, as required by Section 692 of the Municipal Government Act, will be held prior to second reading of this Bylaw;

NOW THEREFORE, the Council of the City of Brooks duly assembled, enacts as follows:

1. TITLE:

100. That Section 17 "Parking and Loading", 17.2 (2) Minimum off-street parking requirements: Non-residential uses, be replaced with the attached Schedule A:

2. LAND USE BYLAW 14/12

200. That the aforementioned amendments to Bylaw 14/12, being the Land Use Bylaw, shall make use of formatting that maintains the consistency of the portions of the bylaw being amended.

3. EFFECTIVE DATE:

300. That this Bylaw shall take effect upon final passing thereof.

RECEIVED
OCT 1 - 2018
JM / BJ

Read a first time this 16th day of April, 2018.
Read a second time this 7th day of May, 2018.
Read a third time and finally passed this 7th day of May, 2018.

Mayor

Chief Administrative Officer

Land Use	**Parking Requirements**
Adult entertainment establishments	10 Stalls per 100m² (1076.39ft²) GFA
Amusement establishments	3 Stalls per 100m² (1076.39ft²) GFA
Arts and Craft Studio	2 Stalls per 100m² (1076.39ft²) GFA
Asphalt operations	2 Stalls per 100m² (1076.39ft²) GFA
Auction Establishments	10 Stalls per 100m² (1076.39ft²) GFA
Auto body and paint shops	2 Stalls per 100m² (1076.39ft²) GFA
Auto sales and rentals	2 Stalls per 100m² (1076.39ft²) GFA
Auto wrecking facilities	2 Stalls per 100m² (1076.39ft²) GFA
Automotive repair shops	2 Stalls per 100m² (1076.39ft²) GFA
Bakery	2 Stalls per 100m² (1076.39ft²) GFA
Bar/Lounges	10 Stalls per 100m² (1076.39ft²) GFA
Bulk fertilizer storage and sales	2 Stalls per 100m² (1076.39ft²) GFA
Bulk Fuel Stations	2 Stalls per 100m² (1076.39ft²) GFA
Bus Depot	2 Stalls per 100m² (1076.39ft²) GFA
Business and professional offices	2 Stalls per 100m² (1076.39ft²) GFA
Cafe	2 Stalls per 100m² (1076.39ft²) GFA
Car wash	2 Stalls per 100m² (1076.39ft²) GFA
Card lock facility	2 Stalls per 100m² (1076.39ft²) GFA
Cemeteries	As required by the DA
Commercial schools	2 Stalls per 100m² (1076.39ft²) GFA
Community halls	10 Stalls per 100m² (1076.39ft²) GFA
Contractor services	2 Stalls per 100m² (1076.39ft²) GFA

Cultural centres	10 Stalls per 100m² (1076.39ft²) GFA
Day care	2 Stalls per 100m² (1076.39ft²) GFA
Entertainment Establishments	10 Stalls per 100m² (1076.39ft²) GFA
Equipment sales, rentals and service	2 Stalls per 100m² (1076.39ft²) GFA
Farm supplies and service	2 Stalls per 100m² (1076.39ft²) GFA
Financial institutions	3 Stalls per 100m² (1076.39ft²) GFA
Freight and cartage service facility	2 Stalls per 100m² (1076.39ft²) GFA
Funeral Parlour service establishments	10 Stalls per 100m² (1076.39ft²) GFA
Gas bars	2 Stalls per 100m² (1076.39ft²) GFA
General manufacturing Facilities	2 Stalls per 100m² (1076.39ft²) GFA
Heavy manufacturing	2 Stalls per 100m² (1076.39ft²) GFA
Hospitals	10 Stalls per 100m² (1076.39ft²) GFA
Hotels and motels	1 Stall per Room
Laboratories	2 Stalls per 100m² (1076.39ft²) GFA
Laundromats and dry cleaners	2 Stalls per 100m² (1076.39ft²) GFA
Libraries	As required by the DA
Light Manufacturing	2 Stalls per 100m² (1076.39ft²) GFA
Lodges and clubs	10 Stalls per 100m² (1076.39ft²) GFA
Lumber yards	2 Stalls per 100m² (1076.39ft²) GFA
Machinery sales and service	2 Stalls per 100m² (1076.39ft²) GFA
Manufactured home sales and service	2 Stalls per 100m² (1076.39ft²) GFA
Media production facilities	2 Stalls per 100m² (1076.39ft²) GFA
Medical and dental offices	5 Stalls per 100m² (1076.39ft²) GFA

Medical Marihuana production facility	2 Stalls per 100m² (1076.39ft²) GFA
Nursing homes	2 Stalls per 100m² (1076.39ft²) GFA
Outdoor recreation facilities	As required by the DA
Outdoor sport fields and facilities	As required by the DA
Outdoor storage	As required by the DA
Parks and playgrounds	As required by the DA
Pawn shops	2 Stalls per 100m² (1076.39ft²) GFA
Personal Service Establishments	3 Stalls per 100m² (1076.39ft²) GFA
Pet grooming facilities	2 Stalls per 100m² (1076.39ft²) GFA
Private schools	10 Stalls per 100m² (1076.39ft²) GFA
Public Recreation and Open Space	As required by the DA
Public utilities	As required by the DA
Recreational Facility	5 Stalls per 100m² (1076.39ft²) GFA
Recreational vehicle sales and service	2 Stalls per 100m² (1076.39ft²) GFA
Recycling Depot	2 Stalls per 100m² (1076.39ft²) GFA
Religious assembly	As required by the DA
Renewable energies	As required by the DA
Repair and service shops	2 Stalls per 100m² (1076.39ft²) GFA
Restaurants	10 Stalls per 100m² (1076.39ft²) GFA
Retail Establishments	2 Stalls per 100m² (1076.39ft²) GFA
Retail liquor stores and sales	2 Stalls per 100m² (1076.39ft²) GFA
Salvage and scrap yards	2 Stalls per 100m² (1076.39ft²) GFA
Sand and gravel operations	As required by the DA

Schools and Colleges	10 Stalls per 100m² (1076.39ft²) GFA
Senior Citizens Home	10 Stalls per 100m² (1076.39ft²) GFA
Service stations	2 Stalls per 100m² (1076.39ft²) GFA
Shopping mall	2 Stalls per 100m² (1076 ft²) GFA
Special care facilities	2 Stalls per 100m² (1076.39ft²) GFA
Tattoo shops	2 Stalls per 100m² (1076.39ft²) GFA
Theatres	10 Stalls per 100m² (1076.39ft²) GFA
Tourist Information Centre	As required by the DA
Truck and car wash	2 Stalls per 100m² (1076.39ft²) GFA
Vegetable Processing Plant	2 Stalls per 100m² (1076.39ft²) GFA
Veterinary clinics	2 Stalls per 100m² (1076.39ft²) GFA
Warehouse store	2 Stalls per 100m² (1076.39ft²) GFA
Warehousing and storage facilities	As required by the DA

CITY OF BROOKS

BYLAW NO. 18/11

A BYLAW OF THE CITY OF BROOKS IN THE PROVINCE OF ALBERTA TO AMEND SCHEDULE 6 - DEFINITIONS OF BYLAW NO. 14/12 BEING THE LAND USE BYLAW.

WHEREAS the City of Brooks is desirous of amending Bylaw No. 14/12 being the City of Brooks Land Use Bylaw;

WHEREAS the purpose of the proposed amendment is to amend Schedule 6 - Definition Section for the purpose of clarifying definitions within the Land Use Bylaw; Including, but not limited to, stating that retail cannabis stores are not included in current uses, Retail Establishment – Major or Retail Establishment – Minor;

WHEREAS a Public Hearing, as required by Section 692 of the Municipal Government Act, will be held prior to second reading of this Bylaw;

NOW THEREFORE, the Council of the City of Brooks duly assembled, enacts as follows:

1. That Definition Schedule 6, be deleted in its entirety and replaced with Schedule 6 attached as Schedule A:

2. That the aforementioned amendments to Bylaw 14/12, being the Land Use Bylaw, shall make use of formatting that maintains the consistency of the portions of the bylaw being amended.

3. That this Bylaw shall take effect upon final passing thereof.

Read a first time this 16th day of April, 2018.
Read a second time this 7th day of May, 2018.
Read a third time and finally passed this 7th day of ~~May, 2018~~.

Mayor

Chief Administrative Officer

RECEIVED
OCT 1 - 2018
IM / BJ

SCHEDULE 6: DEFINITIONS

A

Accessory Building means a building that is physically separate from the principle building on the lot on which both are located and which is subordinate and incidental to the principle building.

Accessory Structure means any structure that is physically separated from the principle building and is subordinate and incidental to the principle building and/or use of the site.

Accessory Use means a use customarily associated with, but subordinate to, another use on the same lot or district which is a permitted or discretionary use pursuant to this bylaw.

Act means the *Municipal Government Act, RSA 2000, Chapter M-26* of the Province of Alberta, as amended from time to time, and is referred to in the bylaw as 'the Act'.

Active Modes means any form of human-powered transportation such as but not limited to walking, bicycling, in-line skating, skateboarding, a non-mechanized wheelchair, snowshoeing and skiing.

Addition means adding onto an existing building, provided that there are no structural changes to the existing building, no removal of the roof structure, and no removal of the exterior walls, other than that required to provide an opening for access from, and integration of, the existing building to the portion added thereto and there is a common structural connection from the existing building to the addition that includes a foundation, constructed to the minimum standards outlined in the Alberta Building Code, and a roof.

Adjacent means a lot, land or site that is contiguous, or would be contiguous if not for a highway, road, river or stream, in accordance with the Act. Additionally and for the purposes of this bylaw, adjacent can also mean a lot, land or site that shares a property boundary with another lot, land or site.

Adult Establishment means commercial establishments in which a significant portion of the business is to:

(a) display, sell, have in their possession for sale, offer for view, publish, disseminate, give, lease or otherwise deal in any written or printed matter, pictures, films, sound recordings, machines, mechanical devices, models, facsimiles, or other material and paraphernalia depicting sexual conduct or nudity and which exclude minors by reason of age; and/or

(b) which display for viewing any film or pictures depicting sexual conduct or nudity and which excludes minors by reason of age; and/or

(c) in which any person appears or performs in a manner depicting sexual conduct or involving nudity and which minors are excluded by reason of age.

Alter or Alteration means any structural change to a building that results in an increase or decrease in the area or the volume of the building; any change in the area frontage, depth, or width of a lot that affects the required yard, landscaped open space, or parking requirements of

this bylaw; structural change to a sign; and to discontinue or change the principal use of the site or building with a use defined as being distinct from the discontinued use.

Alternative (Renewable) Energy Systems means systems for commercial or residential use that derive energy from wind, solar, geothermal or other sources of energy that do not depend on finite, non-renewable resources such as fossil fuels and include but are not limited to such systems as wind energy conversion systems and solar collector arrays.

Amenity Area means an area(s) within the boundaries of a development intended for recreational purposes. These may include landscaped areas, patios, balconies, swimming pools, beaches and other similar items that are intended for private or public use as specified by the Development Authority.

Amusement Establishment means a development providing leisure and recreational activities within an enclosed environment for the entertainment and amusement of patrons and does not include an adult entertainment establishment. Typical uses include video arcades, billiard parlours, bingo halls, bowling alleys and other uses similar to these.

Apartment Building means a building in which there are more than three dwelling units but specifically excludes townhouses, row housing, and similar integrated housing schemes.

Applicant means the registered owner of the land or his or her representative or agent certified or authorized as such to act on their behalf.

Approved Use means a use of land and/or building(s) for which a development permit has been issued by the Development Authority or the Subdivision and Development Appeal Board.

Architectural Features means any part or portion of a building or structure including but not limited to projections, recesses, windows, columns, awnings, marquee, façade or fascia, cornices, eaves, gutters, belt courses, sills, lintels, windows, chimneys and any other decorative and/or functional ornamentation that may be considered to contribute to the beauty, elegance and character of the building or structure and that may or may not be necessary for the structural integrity of the building or structure.

Area Redevelopment Plan means a statutory plan, prepared in accordance with Sections 634 and 635 of the Act for the purpose of all or any of the following:

(a) preserving or improving land and buildings in the area;

(b) rehabilitating buildings in the area;

(c) removing buildings from the area;

(d) constructing or replacing buildings in the area;

(e) establishing, improving or relocating public roadways, public utilities or other services in the area;

(f) any other development in the area.

Area Structure Plan means a statutory plan prepared for the purpose of providing a framework for subsequent subdivision and development of an area of land as per Section 633 of the Act and that may be adopted by a Council by bylaw.

Art and Craft Studio means development used for the purpose of small scale, on-site, production of goods by hand manufacturing primarily involving the use of hand tools. Typical uses include pottery, ceramic, jewelry, toy manufacturing and sculpture and artist studios.

Articulation means the design, orientation and layout of a building or group of buildings, with a focus on the exterior, that should clearly define and positively contribute to the quality of the pedestrian environment and the overall streetscape through the selection and combination of exterior building materials, the transparency of the building faces (windows and openings) and the animation of the building(s) exterior walls through the inclusion of architectural features including but not limited to those presented in the respective definition included in this schedule.

Asphalt Operations means a development that manufactures asphalt either onsite or offsite and includes the ancillary storage of materials necessary for the manufacture of same.

Attached Garage means a building or portion of a building that is used for the storage of motor vehicles, which is attached to the principal building by sharing a common wall with the dwelling, and usually contains an access doorway into the principal building. For the purpose of calculating yard setbacks and site coverage requirements, an attached garage is deemed to be part of the principal building.

Auction Establishment means a development specifically intended for the auctioning of goods and equipment services including related temporary storage of such goods and equipment.

Auto Sales and Rentals means an establishment for the sale or rental of new and used vehicles and may include related service and repair facilities.

Auto Wrecking Facility means a facility or operation specifically intended for the dismantling of automotive vehicles and the sale of those parts to the general public. Such a facility may include an administrative office, work areas, and outdoor storage.

Autobody and Paint Shop means an establishment for the repair or painting of motor vehicle bodies but does not include facilities for the sale of gasoline or lubricating oil, or for the repair or maintenance of mechanical or electrical parts.

Automotive Repair Shop means a development used for the servicing and mechanical repair of automobiles, motorcycles, snowmobiles and similar vehicles or the sale, installation or servicing of related accessories and parts, including transmission shops, muffler shops, tire shops, automotive glass shops and upholstery shops.

Awning means a light-weight metal or cloth shelter projecting from and supported entirely by the exterior wall of a building.

B

Balcony means an elevated platform projecting from a wall with no support from the ground, having an outer railing or parapet and being greater than 0.6 metres in width.

Bakery means a building used for the baking and selling of baked goods and includes within the principle bakery building small food establishments subordinate to the main baking operation.

Ball Park means a development used for the sports of baseball and softball and may include the ball diamond, fencing, spectator seating and dugout structures.

Band Shell means a development used for outdoor musical performance and may include a partially enclosed structure elevated above ground level, and spectator seating.

Bar/Lounge means an establishment, licensed by the Alberta Liquor Control Board, where the main purpose is to serve alcoholic beverages for consumption on the premises, and any preparation or serving of food is ancillary to such use. Typical uses include neighbourhood pubs, bars, taverns and licensed lounges that are ancillary to a restaurant. This use does not include entertainment establishments, restaurants or Adult entertainment establishments.

Basement means the portion of a building or structure which is partially or wholly below grade and having its floor below grade by a distance greater than one-half the distance from floor to ceiling.

Bay means a self-contained unit or part of a building that can be sold or leased for individual occupancy.

Bay window means a window or series of windows projecting from the outer wall of a building and forming a recess within.

Bed and Breakfast means an accessory use carried out in an owner-occupied dwelling where temporary accommodation is provided to non-residents of the dwelling for remuneration, and where meals, if provided for guests, are prepared in the common kitchen of the principal residence.

Block Scale means elements of an urban block such as but not limited to the shape, orientation, number of points of access for vehicles and active modes of transportation, length of streets as measured from one intersection to the next, and the overall perimeter measurement of a block, as measured from one intersection to any other number of intersections as may be required to be measured from and to depending on the shape of the block being measured.

Boating Facility means a development adjacent to and sometimes extending into a water body for the use and enjoyment of personal watercraft and may include boat launches, ramps, docks, moorings and slips and storage structures such as boathouses.

Breweries, Wineries and Distilleries means a facility where small-scale production and packaging of alcoholic and non-alcoholic beverages takes place. Such facilities may or may not include a tasting room, retail sales space, wholesale sales or a restaurant.

Building means anything constructed or placed on, in, over or under land but does not include a highway or road or a bridge that forms part of a highway or road.

Building Design means the development of a building's massing, shape, orientation, size, height, interior, exterior, structural, electrical, plumbing and other systems, overall style and any other elements as required to adequately provide the desired intent of the building to its users.

Building Height means the vertical distance between average grade and the highest point of the building, excluding a roof stairway entrance, elevator shaft, a ventilating fan, a skylight, a steeple, a chimney, a smoke stack, a fire wall, a parapet wall, a flagpole or similar devices not structurally essential to the building.

Building Massing means the volume, height, location and orientation of a building.

Building Scale means building elements and details as they proportionally relate to each other and to humans.

Buffer means a row of trees, hedges, shrubs, a fence, or a berm planted or constructed to provide visual screening and separation between uses, buildings, sites or districts.

Build Within Area means the designated area, typically within the front yard, that is required for the front of a building to be constructed within, and is different from a setback in that a setback dictates only that a building face cannot be built any closer than a certain prescribed distance to a lot line in the given yard, whereas the build within area designates a minimum **and** maximum distance from the lot line within which the associated building face must be constructed.

Bulk Fertilizer Storage and Sales Facility means a facility used to store bulk fertilizer for sale and distribution. Such a facility may include an administrative office, outdoor work area(s) and storage area(s).

Bulk Fuel Station means a use of land or buildings for storing and distributing petroleum products in bulk quantities. This use includes supplementary tanker vehicle storage and card lock or key lock fuel distribution facilities.

Bus Depot means development for the transient housing or parking of motor-driven buses and the loading and unloading of passengers and accessory uses. The transportation and storage of freight incidental to this use is considered part of this use.

Business and Professional Office means development used to offer professional, trading or occupational services including accountants, engineers and architects, real estate, insurance, clerical, secretarial, employment, telephone answering and other similar uses excepting out financial institutions and medical clinics.

Business Frontage means – see Frontage, Business

Café means a retail sales establishment engaged in the selling of light meals and nonalcoholic drinks where commercial kitchens and ventilation systems are not permitted.

Campgrounds means development of land which has been planned and improved for the seasonal short-term use of holiday trailers, motor homes, tents, campers and similar recreational vehicles and may include full time on site management accommodation accessory to the principal use. It is not used as year round storage or accommodation for residential use. Typical uses include tourist trailer parks, campsites and tenting grounds.

Canopy means a non-retractable solid projection extending from the wall of a building, or freestanding, which is intended to be used as protection against weather, other than normal architectural features such as lintels, sills, mouldings, architraves and pediments and includes the structure known as a theatre marquee.

Car Wash means a facility for the washing, cleaning or polishing of automobiles and similar size motor vehicles on a commercial basis.

Card Lock Facility means a facility for the wholesale or retail sale of products by means of a card lock. Such a facility may include an office and retail establishment for the sale of convenience items.

Carnival means a temporary development that provides a variety of shows, games and amusement rides, for a period less than thirty (30) days, in which patrons take part.

Cemetery means development of a parcel of land primarily as landscaped open space for the entombment of the deceased and may include the following accessory developments: crematoriums, cinerariums, columbariums, and mausoleums. Typical uses include memorial parks, burial grounds and gardens of remembrance.

Certificate of Compliance means a document signed by the Development Authority, certifying that a development complies with this bylaw with respect to yard requirements and insofar as represented on an Alberta Land Surveyors' Real Property Report.

Change of Use means the conversion of land or building, or portion thereof from one land use activity to another in accordance with the Permitted or Discretionary Uses as listed in each land use district.

Character means the special physical characteristics of a building, structure or area that set it apart from its surroundings and contribute to its individuality, either in the present tense through the creation of character based on the historic and recent development activities within and around the given building, structure or area, or in the future tense if the desire for a certain character for a given building, structure or area is identified in a plan approved by Council.

Child Care Facility means the use of a building, or portion of a building, for the provision of care, instruction, maintenance, or supervision of children between the ages of 0 and 12 and includes the following specific and separate categories:

(1) Day Homes;

means those facilities operating out of a residence that provide services to care for no more than six (6) children between the ages of 0 and 12 at any one time, for periods of time not to exceed 24 hours, not including those children who reside in the home on a permanent basis, and that may be unlicensed but shall be approved by the Province.

(2) Day Cares;

means in part as those facilities that provide services to care for seven (7) or more children between the ages of 0 and 12 at any one time, for periods of time not to exceed 24 hours, and that shall meet the licensing requirements of the Province.

Choke Points means a point of congestion or blockage within transportation r-o-w.

Civic Space means a building, structure or area developed with the intention of providing access to all members of the public, including but not limited to public buildings, libraries, playgrounds, parks, assembly halls, green spaces, trails and active modes pathways, squares, festival facilities, amphitheaters, and community gardens.

Clear Vision Zone means a triangular area formed on the corner of a site by measuring back from the corner of the property line adjacent to the public right-of-way, and joining these two points across the property, as shown in Section 3, sub-section 3.3 of Schedule 3 (General Standards of Development).

Combined or Shared Parking means an arrangement where two or more uses share a common parking area. This definition includes an arrangement where one use requires the common parking area during different hours than the other use that shares the same common parking area.

Commercial School means development used for training and instruction in a specific trade, skill or service. Typical uses may include, but are not limited to, secretarial, business, hairdressing, beauty culture, dancing or music schools.

Commercial Use means – see Use, Commercial

Community Hall means buildings and facilities which are available for the use and enjoyment of the general public for the purposes of assembly, cultural and recreational activity.

Conceptual Design Scheme means a detailed site layout plan for a parcel of land which typically addresses the same requirements of an Area Structure Plan but which is not adopted by bylaw which:

(a) shows the location of any existing or proposed buildings; and

(b) describes the potential effect and/or relationship of the proposed development on the surrounding area and the municipality as a whole; and

(c) provides for access roads, water, sewer, power and other services to the satisfaction of the Subdivision Authority or Council.

Condominium means:

(a) in the case of a building, a space that is situated within a building and described as a unit in a condominium plan by reference to floors, walls, and ceilings within the building; and

(b) in the case other than a building, land that is situated within a lot and described as a unit in a condominium plan by reference to boundaries governed by monuments placed pursuant to the provisions of the *Surveys Act* respecting subdivision surveys.

Connectivity means a measure of the efficiency of the physical layout of the block structure as made up by the transportation network, including but not limited to average block dimensions, the number of intersections, the percentage of three and four way intersections, and route choice throughout a given transportation network. High connectivity means that a given network has many direct route choices, while low connectivity means a given network has few direct route choices.

Convenience Store means a retail store that sells a limited line of groceries and household goods for the convenience of the neighbourhood.

Corner lot means – see Lot, Corner

Council means the duly elected Council of the City of Brooks.

Coverage means – see Lot, Coverage or Site Coverage

Cultural Centre means a development for the collection, preservation, restoration, storage or display of works or objects of historical, archaeological, scientific or artistic value such as museums and art galleries or a development for theatrical, literary or musical performances.

Custodial Quarters means an area not exceeding 83 square metres within an industrial building that is designed and utilized as living accommodation for a custodian as part of the operation or security function of an industrial use. A custodial quarter shall provide sleeping and living accommodation for up to two (2) adults and only one (1) such living accommodation shall be allowed per property.

D

Dating Service means any person or business carrying on the business of providing information to persons desirous of meeting other persons, or introducing other persons to each other, for the purpose of social outings. A dating service also includes an introduction service or other similar use.

Day Care means – see Child Care Facility, Day Cares

Deck means an uncovered horizontal structure, with a surface height greater than 0.6 m (2 ft) above grade at any point, but no higher than the first story floor level, and intended for use as a private outdoor amenity space.

Deflection means the placement of object(s) in the way of a straight line of sight, thereby shifting the visual focus from the linear path to the change in direction that is forced by the object. Objects may consist of but not be limited to hard and soft landscaping, structures, and buildings.

Demolition means the pulling down, tearing down or razing of a building or structure.

Density means the number of dwelling units on a site expressed in dwelling units per hectare or acre, and may be calculated using only developable area, generally expressed as *Net Density*, or using all of the subject site area, generally expressed as *Gross Density*.

Designated Officer means a person authorized by Council to act as a Development Authority pursuant to Section 624(2)(a) of the Act and in accordance with the City's associated enabling bylaw.

Detached Garage means an accessory building designed and use primarily for the storage of motor vehicles that is not attached or is separate from the principal building.

Developer means a person or an owner of land in accordance with the Statutes of the Province of Alberta who wishes to alter the title to the property and who may also wish to change the use of the property from its existing use.

Development means, as per the Act:

(a) an excavation or stockpile and the creation of either of them;

(b) a building or an addition to, or replacement or repair of a building and the construction or placing of any of them in, on, over or under land;

(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 contractual agreement completed between the municipality and an applicant for a Development Permit which specifies the public roadways, utilities and other services to be provided by the Permit holder as a condition of Development approval or subdivision approval, provided the agreement is in accordance with sections 648, 650, 654 and 655 of the *Municipal Government Act*, as amended.

Development Application means an application made to the Development Authority in accordance with the Land Use Bylaw for the purpose of obtaining a development permit.

Development Area means the area to be occupied by a building plus the reasonable area required for excavation and construction.

Development Authority means the body established by bylaw to act as the Development Authority in accordance with Sections 623(b) or (c) and 624 of the Act and may include the

Development Officer or other Designated Officer, the Municipal Planning Commission or the Council of the City of Brooks.

Development Officer means a person appointed as the Development Officer pursuant to the Development Authority Bylaw and this Land Use Bylaw.

Development Permit means a document issued pursuant to this bylaw by the City of Brooks authorizing a Development that has been approved by the Development Authority or Subdivision and Development Appeal Board.

Discretionary Use means one or more uses of land or buildings in a land use district for which a development permit may be issued at the discretion of the Development Authority or the Subdivision and Development Appeal Board, with or without conditions.

District means – see Land Use District

Drive-In/Drive-Through Restaurant means a restaurant which offers vehicle attendant service or drive-through customer service as a secondary means of dealing with customers.

Drive-Through means a use where services are provided to patrons who are in a motor vehicle and may have outdoor intercom devices provided that is typically accessory to a principle use.

Driveway means a paved or unpaved strip of land located on private property that is used exclusively as a connector between public right-of-way and private land, for the purposes of accessing and providing parking space on private land, or for the purposes of accessing a garage structure or other enclosure located on private land, that is intended primarily for the parking of motorized or non-motorized vehicles.

Dry Cleaner means a development used for the cleaning and ironing of clothing related materials in a customer service basis but does not include laundromats. It may include tailoring services as an accessory use.

Dwelling means any building or portion thereof designed for human habitation and which is intended to be used as a residence for one or more individuals but does not include travel trailers, motor homes, recreational vehicles, or other mobile living units, hotel, motel, dormitory, boarding house, or similar accommodation. Dwelling includes the following:

(a) **Apartment** means a building containing three or more dwelling units with shared services, facilities and outside entrances.

(b) **Duplex** means a building containing two dwelling units connected by a common floor/wall or ceiling, but not legally subdivided by a property line.

(c) **Manufactured** means a residential building containing one dwelling unit built in a factory and designed to be transported in one or more sections to a suitable site. The homes are typically built with an integrated frame that allows them to be placed on a surface-mount foundation (i.e. a home built to the CSA-Z240 standard). The home shall meet the requirements of a single-detached dwelling as defined in the Land Use Bylaw, but does not include a MODULAR, READY-TO-MOVE-IN, MOVED-IN dwelling.

(d) **Modular home** means a dwelling unit built at an off-site manufacturing facility designed in modules or sections in conformance with Alberta Building Code and CSA standards. The dwelling is transported by transport trailer in sections and delivered to the site where it is assembled over a conventional, permanent concrete foundation (a basement foundation, slab-on-grade or crawl space) or other approved foundation.

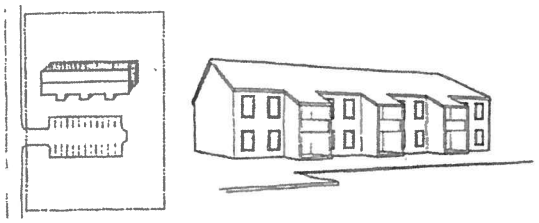
Modular includes the following two subtypes: Panellized and Ready-to-Move (RTM), but does not include a MANUFACTURED, MOVED-IN, or SINGLE DETACHED DWELLING.

(i) **Panellized** means a dwelling unit constructed at the site intended for occupancy using pre-built exterior/interior wall panels and building components that are delivered to the site as a package ready for assembly over a conventional, permanent concrete foundation (basement foundation, slab-on-grade, or crawl space) or other approved foundation.

(ii) **Ready-to-Move (RTM)** means a dwelling unit built to the current Alberta Building Code that would normally be constructed on the site intended for occupancy, but for various reasons, is constructed at an off-site manufacturing facility, construction site, plant site or building yard. It is then loaded and transported as one unit onto the proper moving equipment and delivered to the site intended for occupancy and placed on a concrete slab or basement or other approved foundation.

(e) **Moved-in** means a conventional, previously occupied building which is physically removed from one site, transported and re-established on another site with a different legal description for use as a residence. Modular dwelling, prefabricated dwelling and manufactured dwelling are separate uses and defined as single-detached prefabricated and single-detached manufactured.

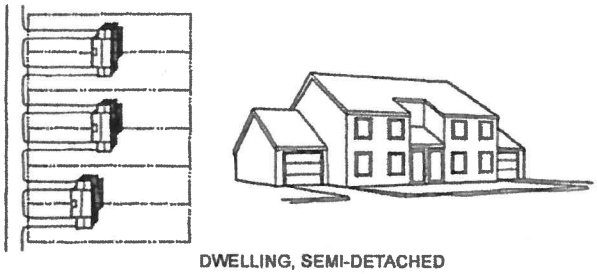
(f) **Multi-unit** means a building that contains 2 or more dwelling units.



DWELLING, MULTI-UNIT

Figure 6.1: an example of a multi-unit dwelling.

(i) **Semi-detached** means a residential building containing only two dwelling units located side by side with separate access to each dwelling unit. Each dwelling unit is joined to the



DWELLING, SEMI-DETACHED

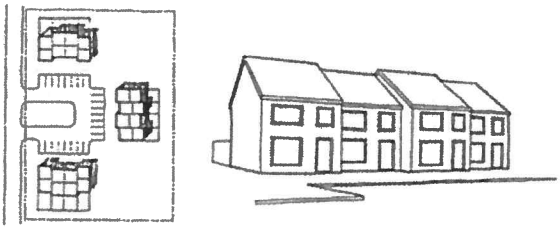
other unit by at least one common wall which extends from the foundation to at least the top of the first storey of both dwellings units.

Figure 6.2: an example of a semi-detached dwelling.

(j) **Single Detached** means a building constructed on the lot intended for occupancy containing a single dwelling unit which is not attached to any other dwelling by any means.

(k) **Single Detached (Existing)** means a single-detached site-built dwelling constructed and completed prior to the adoption of this bylaw or any amendments to this bylaw and is currently being used (legally) for residential occupancy.

(l) **Townhouse** means a single building comprised of three or more dwelling units separated one from another by common party walls extending from foundation to roof, with each dwelling unit having a separate, direct entrance from grade and includes all row, linked,



DWELLING, TOWNHOUSE

patio, garden court or other housing which meet such criteria.

Figure 6.3: an example of a townhouse building.

(m) **Triplex** means a building containing three dwelling units connected by a common floor/wall or ceiling, but not legally subdivided by a property line.

Dwelling Unit means a self-contained living premises with cooking, eating, living, sleeping and sanitary facilities for domestic use of one or more individuals.

Dwelling Unit Above Non-Residential Use means a dwelling unit as defined by this bylaw that is located above non-residential uses that are located in the same building, and that meets all other requirements of this bylaw.

Dwelling Unit in Rear of Non-Residential use means a dwelling unit as defined by this bylaw that is located in the rear of a building that contains a non-residential use in the front portion of the same building, and that meets all other requirements of this bylaw.

E

Easement is the right to use the real property owned by another for a specific purpose.

Eating Establishment means an establishment where food is prepared and served on the premises for sale to the public and includes delicatessens, cafeterias, and tea rooms and may include including outdoor seating areas but excludes drive-in food services. For purposes of

clarification, the service of alcoholic beverages is classified under the separate use class of "restaurant or Bar/Lounge".

Eave Line means the outermost extent of the extension or overhang of a roof line beyond the vertical wall of a building.

Eaves means the extension or overhang of a roof line beyond the vertical wall of a building.

Entertainment Establishment means a facility where beverages may be served to customers on the premises and may provide dramatic, musical, dancing or cabaret entertainment as well as the service of prepared food for consumption on the premises as an ancillary use. Typical uses include nightclubs, concert halls and dinner theatres but do not include Bar/Lounges, restaurants or Adult entertainment establishments.

Equipment Sales, Rental and Services means development used for the sale or rental of tools, appliances, recreation craft, office machines, furniture, and light construction equipment and vehicles such as machinery or mechanical equipment used in construction, or similar items.

Escort Service means any person or business carrying on the business of providing, or offering to provide, the services of the names of persons to act as escorts or companions for other persons, for a fee or other form of payment.

Established Areas means areas of the City where urban forms of development have already occurred on the majority of lots, including but not limited to site improvements such as landscaping and principal and secondary buildings serviced by utilities and infrastructure such as water, wastewater, power, gas, and electrical, roads and garbage collection services.

Existing means in place as of the date of adoption of this bylaw or any amendments to this bylaw.

F

Façade means the entire area and all elements (including but not limited to windows, recesses, projections, fascia, soffit, doors and canopies) of an exterior building wall for the entire width and from grade to the top of the building, not including any structural or non-structural elements extending beyond the highest point of the roof, eaves or parapet, whichever is applicable based on the design of the building.

Farm means an agricultural parcel that may be developed with a dwelling, structures, shelter belts, dugouts, storage areas for farm equipment, produce, fertilizer and other materials necessary to the extensive cultivation of the major portion of land associated with such development.

Farm Supplies Sales and Service means a facility for the sale and service of farm supplies, equipment and material that may include offices and general work areas related to the servicing of supplies.

Fence means a structure which is used to prevent or redirect passage, to provide visual screening, sound attenuation, protection from dust or the elements or to mark a boundary.

Financial Institution means a development providing financial and banking services. Typical uses include banks, credit unions, trust companies or any other company providing loans or mortgages.

Fish Processing Facility means a development used for the processing and packaging of fish related meat and goods. This definition includes fish market businesses where a maximum of 50,000 kg of fish may be processed per week but it does not include general or light manufacturing facilities.

Flankage applies to corner lots and means the longer of the two lot lines facing the streets unless both lot lines facing the streets are of equal length, at which point either lot line, but not both, could be considered the flankage.

Flankage Setback applies to corner lots and means the minimum setback required along the lot line that is determined to be the flankage.

Floor Area means the sum of the gross horizontal area of the several floors and passageways of a building, but not including basements, attached garages, and open porches. All dimensions shall be external dimensions.

Floor Area, Gross means the total floor area of each floor of a building measured from the outside surface of the exterior walls, and includes all floors totally or partially above grade level except parking levels.

Floor Area, Net means the gross floor area define by the inside dimensions for each floor minus the horizontal floor are on each floor used for corridors, elevators, stairways, mechanical rooms, workrooms, washrooms, lobbies, and other non-rentable areas.

Floor Area Ratio (FAR) means the ratio derived by dividing the gross floor area of all buildings on a lot by the total area of the lot, not including parking below grade.

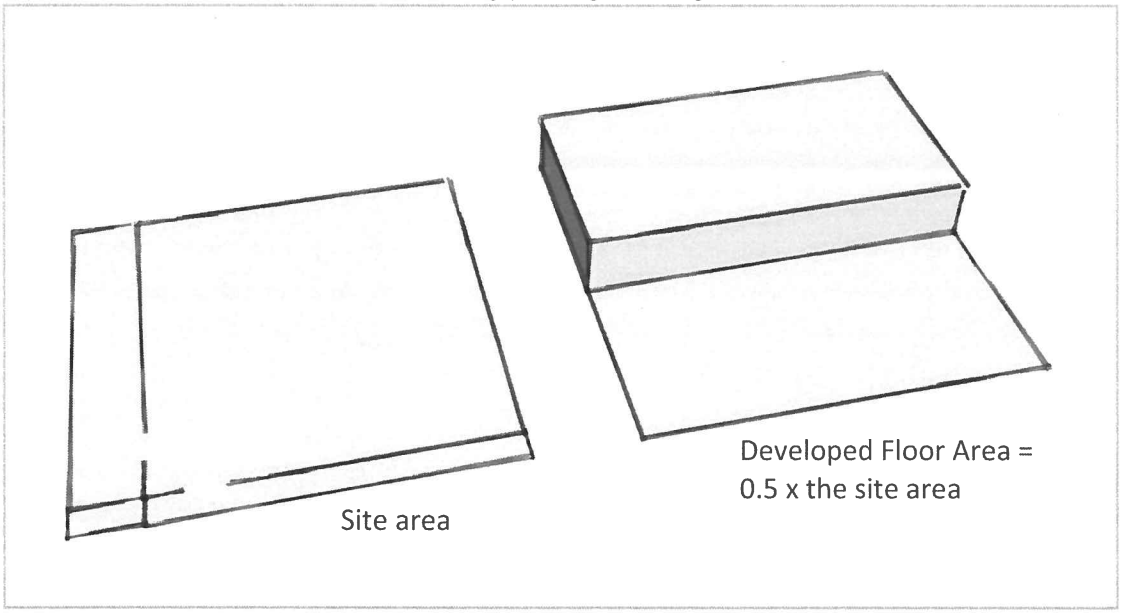


Figure 6.4: an example of an FAR of 0.5.

Foundation means the supporting base structure of a building.

Freight and Cartage Service Facility means a facility for the temporary storage and distribution of freight shipped by air, rail or highway transportation.

Front Yard means – see Yard, Front

Frontage means the linear distance measure along the front property line parallel to and along a street, but does not include a lane.

Frontage, Business means the length of the property line of any one business use, parallel to and along each legally accessible public street, excluding a lame that it borders.

Funeral Service Establishment means a development used for the arrangement of funerals, the preparation of the dead for burial or cremation, the holding of funeral services and the carrying out of cremations, where not more than one cremation chamber is provided.

G

Garage means an accessory building or part of a principal building designed and used for the shelter or storage of vehicles and includes a carport.

Gas Bar means an establishment for the retail sale only of motor vehicle fuels lubricating oils and associated automotive accessories with no other automotive services provided, but may include a convenience store.

Golf Course means an outdoor use/establishment of varying size where the land is developed primarily to accommodate the game of golf. Accessory uses may include a pro shop, driving range and/or proactive facility, food service, and other commercial uses typically associated with a golf course clubhouse facility but subordinate to the actual area where the game of golf is played.

Grade means the average level of finished ground adjoining the main front wall of a building (not including an attached garage), except that localized depressions such as for vehicle or pedestrian entrances need not be considered in the determination of average levels of finished ground.

Gross Floor Area means – see Floor Area, Gross

Group Care Facilities means a development that provides accommodation and rehabilitative services to persons who are handicapped, aged, disabled or undergoing rehabilitation and are provided care to meet their needs. Persons are typically referred to a group care facility by hospitals, government agencies or recognized social service agencies or health professionals but may also voluntarily request care or accommodation. This use includes supervised uses such as seniors long-term care facilities, but does not include a group home, hospital, sanatorium, jail, prison, reformatory or hostel.

Group Home Facilities means supervised residential dwelling units, licensed and approved by the Province of Alberta, for the accommodation of persons, excluding staff, and in which supervisory, educational, developmental, daily living and/or personal care services are provided

or made available for persons typically referred by hospitals, courts, government agencies or recognized social service agencies or health care professionals. A group home shall not include a hospital, sanatorium, seniors long-term care facility, jail, prison, reformatory or hostel.

H

Home Occupation means the secondary and subordinate use of a dwelling unit by the owner or occupant for the purpose of operating a business, trade, profession or craft that, based on the measurable impact of factors such as the number of non-resident employees, commercial vehicles, commercial trailers, outside storage, additional off-street parking, client visits, signage, on-site sales associated with the use, and other applicable factors, that may be categorized as either a level 1, 2 or 3 Home Occupation as determined by the application of the requirements of this bylaw.

Hotel means a development used for the provision of rooms or suites for temporary sleeping accommodation for the travelling public, where the rooms have access from a common interior or exterior corridor. Hotels may include accessory uses that are considered to complement the hotel such as but not limited to drinking and eating establishments, restaurants, cafes, recreational facilities, convention facilities, retail establishments and personal service establishments.

Hospital means a facility providing room, board, and surgical or other medical treatment for the sick, injured or infirm including outpatient services and accessory staff residences. Typical uses include hospitals, sanatoria, nursing homes, convalescent homes, isolation facilities, psychiatric hospitals, auxiliary hospitals, and detoxification centres.

I

Industrial Use means – see Use, Industrial

Intensity of Use means the extent to which land or a building is used as measured by area, floor space, seating capacity or other similar characteristics.

L

Laboratories means a development used for the purpose of scientific or technical research, investigation or experimentation.

Land Use District means a district established under Schedule 2 of this bylaw.

Landing means an uncovered platform extending horizontal from a building adjacent to an entry door and providing direct access to grade or stairs.

Landowner means:

(a) in the case of land owned by the Crown in right of Alberta or the Crown in right of Canada, the Minister of the Crown having the administration of the land; or

(b) in the case of any other land:

(i) the purchase of the fee simple estate in the land under an agreement for sale that is the subject of a caveat registered against the certificate of title in the land, and any assignee of the purchaser's interest that is the subject of a caveat registered against the certificate of title; or

(ii) in the absence of a person described in paragraph (i), the person registered under the *Land Titles Act* as the owner of the fee simple estate in the land.

Landscaped Area means that portion of a site which is required to be landscaped and may not be used for parking, storage, or display of items for sale.

Landscaping means to preserve, enhance or incorporate vegetation or other materials in a development and includes combining new or existing vegetative materials with architectural elements, existing site features or other development features including fences, walls or decorative walks.

Lane means a public through fare designed to serve as a secondary access and providing for utility services to adjacent properties.

Laundromat means a development used for self-service laundry but does not include dry cleaners.

Library means a building or room containing collections of books, periodicals, and sometimes films, recorded music and other digital media for people to read, borrow or refer to.

Light Manufacturing means – see Manufacturing

Linked Housing means development consisting of row housing where each dwelling is joined to the adjacent dwelling by a wall which is not a party wall between habitable rooms, but which is communion with the basement, garage, carport, entry way, or enclosed patio of the adjoining dwelling.

Liquor Store means a retail establishment licensed under provincial authority for the sale of any or all of beer, wine, or spirits for consumption off premises. Full walls must physically separate the premises from any other business.

Livestock means all domestic animals kept for use on a farm or raised for sale or profit and includes horses, cattle, sheep, swine, fur-bearing animals raised in captivity as well as game production animals within the meaning of the *Livestock Industry Diversification Act*, live poultry and bees or other animals as determined by the municipality.

Loading Area means a space designated for parking a commercial vehicle while being loaded or unloaded.

Lodges and Clubs means a development for the assembly of members of non-profit clubs or organizations, including charitable, social service, ethnic, athletic, business or fraternal organizations. This use may include eating, drinking, entertainment, sports, recreation and amusement facilities as accessory.

Lodging House means a dwelling unit in which persons rent room(s) for one or more nights. The common parts of the dwelling unit, such as bathroom(s), kitchen and living areas are maintained by the private owner. Meals, laundry and/or cleaning may be provided as part of the occupancy agreement. This use does not include a hotel, motel, special care facility, bed and breakfast or senior citizen housing.

Lot in accordance with the *Municipal Government Act*, means:

(a) a quarter section;

(b) a river lot shown on an official plan, as defined in the Surveys Act, that is filed or lodged in a Land Titles Office;

(c) a settlement lot shown on an official plan as defined in the Surveys Act, that is filed or lodged in a Land Titles Office;

(d) a part of a parcel where the boundaries of the parcel are separately described in the certificate of title other than by reference to a legal subdivision; or

(e) a part of a parcel of land described in a certificate of title if the boundaries of the part are described in a certificate of title by reference to a plan of subdivision.

(f) Where a certificate of title contains one or more lots described in a plan of subdivision that was registered in a land titles office before July 1, 1950, lot means parcel.

Lot Area means the area contained within the boundaries of a lot as shown on a plan of subdivision or described in a certificate of title that may be specified further as:

(a) *Gross Lot Area (GLA)* which includes all of the area of a lot.

(b) *Net Lot Area (NLA)* which includes only those parts of the lot on which improvements have been placed, including but not limited to parking areas, buildings, landscaping, and any other site feature that has been introduced to the lot beyond the natural state of the lot in its pre-development form.

Lot, Corner means a lot located at the intersection of two or more streets.

Lot Coverage means the combined area of all buildings or structures on a site including but not limited to the principal structure, accessory structures, decks, verandas, porches, and balconies but excluding eaves, cornices, and other similar projections.

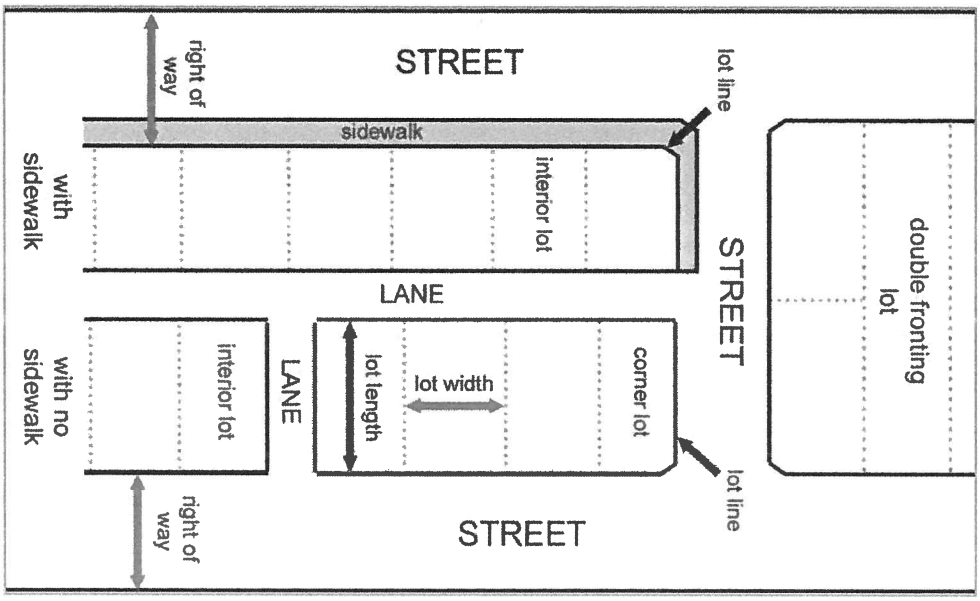


Figure 6.5: an illustrative explanation of lot-related terms.

Lot, Double Fronting means a lot which abuts two parallel or approximately parallel streets.

Lot Frontage means the front lot line or that side of a lot abutting a public roadway, but does not include any side abutting a lane, unless said lane is the only means of physical access to a lot.

Lot, Interior means a lot situated between two lots or another lot and a lane and having access to not more than one street (See Figure 1).

Lot Length, also referred to as site depth, means the horizontal distance between the front and the rear lot lines measured along the median between the side lot lines.

Lot Line means a legally defined boundary of any lot. The term property line and boundary line have the corresponding meaning.

Lot, Pie-shaped means a lot that is typically found fronting a cul-de-sac and that is narrower at the frontage of the lot than it is at the rear of the lot.

Lot Scale means the elements of the lot as they relate to one another and to the building and street scales, as defined by this bylaw. Lot scale elements include but are not limited to the boundaries of a lot, the relationship of one lot to adjacent and other lots in close proximity, and the ability of a lot to meet the needs of the uses that may be developed within it.

Lot, Vacant means a lot with no existing development.

Lot Width means the horizontal distance between the side lot lines measured at the front setback line (e.g. 7.6 m (25 ft.) from the front property line for residential lots).

Lumber Yard means a building or area where finished lumber is stored or cut.

M

Machinery Sales and Service means a development for the sale and servicing of machinery, equipment and material associated with the maintenance of industrial and/or farming facilities. This may also include the fabrication or assembling of parts and outside storage of industrial and/or farming materials and equipment.

Manufactured Home means a manufactured self-contained dwelling unit constructed in accordance with CSA-Z250 standards, whether ordinarily equipped with wheels or not, which can be moved from one point to another by being towed or carried and can be placed on a surface-mount foundation and connected to utility services.

Manufactured Home Park (Community) means a parcel of land under one title or condominium plan, which provides spaces for the long term placement and occupancy of manufactured homes that are either for purchase or lease.

Manufactured Home Sales and Services means a development used for the sale, rental, storage or maintenance of new or used manufactured homes.

Manufacturing means a development for the manufacturing, fabricating, processing, production, assembly or packing of goods, products, materials or equipment and that may be categorized into light, general and heavy, characterized by:

(a) **Light Manufacturing** means a development for the manufacturing predominately of previously prepared materials, of finished products or parts that are not flammable or combustible, including processing, fabrication, assembly, treatment and packaging, and incidental storage, sales and distribution of such products through a use accessory to the light manufacturing operation, such as administrative and sales offices, that do not generate any detrimental impact, potential health or safety hazard or any nuisance beyond the boundaries of the site or lot upon which it is situated, in accordance with this bylaw.

(b) **General Manufacturing** means a development for manufacturing from processed or unprocessed raw materials, assembling or fabricating of the same, with the result typically being product that is not highly combustible or flammable, and that may contain administrative offices and warehousing and wholesale distribution uses, provided that the use does not generate any detrimental impact, potential health or safety hazard or any nuisance beyond the boundaries of the site or lot upon which it is situated, in accordance with this bylaw.

(c) **Heavy Manufacturing** means a development for manufacturing, processing, assembling, fabricating or compounding activities typically involving raw materials that may be highly flammable and/or combustible and where there may be external effects from the activity

such as smoke, noise, odour, vibration, dust and other types of nuisances that shall be contained on-site in accordance with this bylaw.

May means within the context of policy, that a discretionary action is permitted.

Measurable Impact means the outcome of a development relating to the amount of vehicle and/or pedestrian trips to and from the development in a given time period, the amount of noise, dust or other audible, visual, or odorous outcomes of activity relating to the development or any other impact as determined by the Development Authority.

Measurable Standard means a minimum or maximum standard stipulated in this bylaw that can be expressed as a unit of measurement in terms of length, width, height, area, volume, capacity, specified numbers of (for instance parking stalls), angle, and any other unit as determined by the Development Authority.

Meat Processing Facility means a development used for the processing and packaging of livestock related meat and goods. This definition includes butcher shops and meat market businesses where a maximum of sixty (60) animals may be killed per week but it does not include general or light manufacturing facilities.

Media Production Facilities means a development associated to the manufacturing, distribution, marketing or consulting of products related but not exclusive to radio, television, wire, satellite and cable.

Medical Clinic means a facility for the provision of human health services without overnight accommodation for patients and may include associated office space. Typical uses include physiotherapy, registered massage therapy, doctor, dentist, optometrist, and chiropractic offices.

Medical Marihuana means a substance used for medical purposes authorized by a license issued under the federal governments Marihuana for Medical Purposes Regulations (MMPR) or any subsequent legislation which may be enacted in substitution.

Medical Marihuana (dispensing of) means the dispensing of marihuana for medical purposes that has been legally produced and distributed as per the Government of Canada's *Narcotic Control Regulations C.R.C., c. 1041* and *Marihuana for Medical Purposes Regulations SOR/2013-119* and any amendments thereto, from a pharmacist, as defined by the *Narcotic Control Regulations C.R.C., c. 1041*, to a person, in accordance with the abovementioned regulations.

Medical Marihuana Production Facility means a use where medical marihuana is grown, processed, packaged, tested, destroyed, stored or loaded for shipping, and that meets all federal requirements and that meets all requirements of this bylaw, as amended from time to time.

Merchandise Auction Service Facility means a development providing auction services for a fee. It may include the temporary storage of related goods, products, materials and equipment.

Modular Home means – see Dwelling, Modular Home

Moved-in Building means a conventional, pre-constructed, previously utilized, non-residential building which is physically removed from one site, transported and re-established on another site and does not include single-detached manufactured homes or other residential structures.

Moved-in Dwelling means – see Dwelling, Moved-in

Multi-unit Dwelling means – see Dwelling, Multi-unit

Municipality means the City of Brooks.

Municipal Development Plan means a Statutory Plan, formerly known as a General Municipal Plan, adopted by bylaw in accordance with Section 632 of the *MGA*.

Municipal Planning Commission means the Municipal Planning Commission established pursuant to the City of Brooks Municipal Planning Commission Bylaw. The Municipal Planning Commission may also be known as the Development Authority where stipulated in this bylaw and the Development Authority Bylaw.

Municipal Reserve means the land specified to be municipal reserve by a subdivision approving authority pursuant to Section 666 of the Act.

Municipal/School Reserve means the land specified to be municipal and school reserve by a subdivision approving authority pursuant to Section 666 of the *MGA*.

N

Non-Compliance means a development constructed, or use undertaken after the adoption of the current Land Use Bylaw and does not comply with the current Land Use Bylaw.

Non-Conforming Building in accordance to the Act means a building:

(a) that is lawfully constructed or lawfully under construction on 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, or when constructed will not, comply with the land use bylaw.

Non-Conforming Use in accordance to the Act means a lawful specific use being made of land or a building or intended to be made of a building lawfully under construction at the date a land use bylaw affecting the land or building becomes effective, and 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.

Nuisance means any use, prevailing condition or activity which has a negative measurable impact on living or working conditions.

O

Occupancy Permit means a permit issued by the municipality that authorizes the right to occupy or use a building or structure for its intended use.

Office means development primarily for the provision of professional, management, administrative, consulting, or financial services in an office setting. Typical uses include but are not limited to the offices of lawyers, accountants, travel agents, real estate and insurance firms, planners, clerical and secretarial agencies. This excludes government services, the servicing and repair of goods, the sale of goods to the customer on the site, and the manufacturing or handling of a product.

Off-Street Parking means the area of a lot designated for the parking of one or more motor vehicles.

Orientation means the arranging or facing of a building or other structure with respect to the points of the compass.

Outdoor Display means the open outdoor display of goods that shall be limited to examples of product, merchandise, equipment, and/or items sold by the business or industry on the lot(s) or development site.

Outdoor Recreation and Sports Fields means development providing facilities that are available to the public at large for sports and active recreation conducted outdoors. Typical facilities would include golf courses, driving ranges, sports fields, outdoor tennis courts, unenclosed ice surfaces or rinks, athletic fields, boating facilities, Scouts/Guide camps, religious outdoor retreat camps and parks, outdoor swimming pools, bowling greens, riding stables and fitness trails. This may include public or private (for-profit) development and may include eating and retail sales.

Outdoor Recreation Facility means improvements to support activities operated out of doors and includes but is not limited to a ski resort, riding stable, water slide, ice skating, marina, tennis court, or equestrian centre.

Outdoor Storage means the use of land with or without attendant buildings for the open, outdoor storage of equipment, materials or vehicles, or processed or unprocessed resources or materials. For the purposes of this bylaw, this definition is limited to those uses that require minimal on-site improvements, service and public amenities or facilities and does not include those goods or materials which are hazardous.

Outermost Extent means the eaves of a building or if a building does not have eaves, whichever portion of the building extends outward the furthest, and in the case of a structure, the portion of the structure that extends outward the furthest.

P

Parcel means the aggregate of one or more areas of land described in a Certificate of Title or described in a Certificate of Title by reference to a plan filed or registered in a Land Titles Office.

Parking Facility means a structure designed for the parking of motor vehicles either outdoors or in a structure.

Parking Stall means a clearly marked and identifiable stall which is accessible on a continuous basis for the parking of one motor vehicle, either by the general public or employees, and shall not be used for storage or any other purpose which detracts from the intended use or the accessibility of the stall.

Parks and Playground means land developed for public recreational activities that do not require major buildings or facilities, and includes picnic areas, playgrounds, pedestrian and bicycle paths, landscaped areas and associated public washrooms. This may include public open space, which is not in private ownership and is open to use by the public.

Patio means an uncovered horizontal structure, with a surface height greater, at any point, no greater than 0.60 metres above grade, adjacent to a residential dwelling and intended for use as a private outdoor amenity space.

Pawn Shop means a business where money is loaned on the security of a pledge or pawn of personal property and where such personal property is held within the business premises for the period of the loan. This definition does not include financial institutions.

Permeability means – see Connectivity.

Permitted Use means a use of land or buildings in a land use district designated as a permitted use in this bylaw for which a development permit shall be issued by the Development Authority, with or without conditions, if the development application otherwise conforms with this bylaw.

Personal Service Establishment means a development that provides a service on a commercial basis to individuals. Typical uses include barbershops, beauty salons and minor repair shops dealing with the repair of personal equipment and appliances. The following uses are excluded, adult entertainment facility, dating services, escort services, tattoo shops or other similar uses.

Pet Grooming Establishment means a development providing onsite and offsite washing and grooming of small domestic animals within an enclosed building.

Plan of Subdivision means a plan of survey prepared in accordance with the relevant provisions of the *Land Titles Act* for the purpose of effecting subdivision.

Porch means a flat floored, generally enclosed, roofed structure adjoining a principal building or built as a structural part of it.

Portable Shelter means any temporary structure with or without side panels, the covering of which is made of pliable materials such as but not limited to plastics, fabrics or any other materials with similar structural properties, that is supported by an external or internal frame made of materials such as but not limited to plastic, metal or wood which the pliable material is stretched over or hung from and which may be fastened to the ground using eyelets and stakes or other non-permanent fastening devices and/or methods.

Principal Building means a building which, in the opinion of the Designated Officer:

(a) occupies the major or central portion of a site;

(b) is the chief or main building among one or more buildings for which the site is used; or

(c) constitutes, by reason of its use, the primary purpose for which the site is used.

Principal Entrance means the main point of access into and out of a building or structure.

Principal Use means the main purpose for which a lot, parcel, or building is used or intended to be used.

Privacy wall means a structure that:

(a) is accessory to an approved principal use;

(b) provides visual screening;

(c) is located on a balcony, deck or patio;

(d) is no greater than 2 m above the grade of a balcony, deck or patio; and

(e) does not include a railing.

Private Club means a development for the meeting or social or recreational activities of a non-profit charitable, social, service, athletic, business or fraternal organization. Eating and Bar/Lounges may be allowed as an accessory use.

Private School means a place of instruction which is not operated with public funds and which may offer courses of study equivalent to those offered in a public school.

Private Swimming Pool means a structure located above or at grade and designed for recreational swimming. They are usually an accessory use associated with a private residence and do not include public swimming pools.

Prohibited Use means a development that is not listed as permitted or discretionary, or is not considered similar within a land use district.

Public Building or Quasi-Public Building and Use means buildings, facilities and installations owned or operated by a municipal, provincial or federal authority for the purposes of furnishing services or commodities to the public. Typical uses include City hall, fire and police stations, hospitals, tourist information centres, libraries and related public essential service buildings.

Public Use means – see Use, Public

Public Right-of-Way means a right-of-way maintained by the City and is open to the public for the purpose of vehicular and pedestrian traffic in the case of roads, sidewalks and trails, and for the purposes of public enjoyment in the case of civic spaces as defined in this bylaw.

Public Roadway means a right-of-way maintained by the City and is open to the public for the purpose of vehicular traffic.

Public Utilities means a system or works used to provide water or steam, sewage disposal, public transportation operated by or on behalf of the municipality, irrigation, drainage, fuel, electric power, heat, waste management and telecommunications for public consumption, benefit, convenience or use.

Publishing, Printing, Recording and/or Broadcasting Establishment means a development for the preparation, distribution or transmission of printed materials or audiovisual programming. Typical uses include radio stations, television stations, recording studios, newspaper publishers and printing businesses.

R

Radio and Television Studio means a facility for the transmission or broadcasting of radio and television programs.

Ready-to-Move Dwelling means – see Dwelling, Ready-to-Move

Real Property Report (RPR) means a legal document that illustrates in detail the location of all relevant, visible public and private improvements relative to property boundaries.

Rear Yard means – see Yard, Rear

Recreational Facility means a facility for the purpose of active recreation where patrons may be either participants or observers. Typical uses include skating and hockey rinks, swimming pools, gyms and racquet courts.

Recreational Vehicle Sales and Service means a development that sells and services transportable temporary dwelling units, generally constructed on a frame and chassis that is intended for recreational use and subject to transportation safety standards rather than those related to the construction of permanent dwelling units and may be referred to as holiday trailers, campers, motor homes, fifth wheel trailers, tent trailers, and park model trailers.

Recycling Facility means a development for the purchasing, collecting or receiving of goods that are intended to be re-used or recycled. Typical uses include bottle, can and paper recycling depots. Salvage and scrap yards are separate uses.

Religious Assembly means a development for religious worship and related religious, charitable, educational or social activities. Typical uses include chapels, churches, convents, monasteries, mosques, parish halls, rectories, synagogues and temples.

Renewable Energies means a development for the advancement, manufacture, wholesale, resale and repair of renewable energies such as but not limited to Wind Energy Conversion Systems (WECS) as defined in this bylaw, solar collector arrays as defined by this bylaw, and other forms of solar collection systems.

Repair and Service Shop means a development offering the repair of, or service of, goods, equipment or products. Sales of repair or service goods, equipment or products and limited sales of related goods, equipment or products are permitted as an ancillary part of this land use.

Research Establishment means a development that provides professional research and scientific investigation and product development services and generally can be categorized as a public or private organization.

Residential Sales Center means a permanent or temporary building or structure used for a limited period of time for the purpose of marketing residential lands or buildings.

Residential Use means – see Use, Residential

Restaurant means a development primarily used for the preparation and sale of food for consumption on the premises. Accessory uses may include the sale of alcoholic or non-alcoholic beverages incidental to the meal, take-out services and/or catering. A restaurant may hold a "Class A" liquor license and minors may, or may not, be prohibited. A restaurant does not include a drinking, eating, or entertainment establishment.

Retail Establishment – Major means standalone retail stores that typically exceed 2,000 m^2 (21,529 ft^2) in size and may include retail outlets operated as part of a chain that locate on individual sites or that cluster on a large site, sometimes adjacent to each other. This use may include grocery stores or supermarkets, department stores, and specialty stores selling a single line of products such as: business and office supply stores, electronics, appliances, furniture, fashion and clothing, craft and hobby stores, book stores, sporting goods, home improvement, hardware stores, gardening materials or building supplies. This use does not include liquor stores, automotive related uses, farm or industrial sales or service, or retail cannabis sales.

Retail Establishment – Minor means premises where goods, merchandise, substances, articles, and other materials, are offered for sale at retail to the general public and includes limited on-site storage or limited seasonal outdoor sales to support that store's operations. Typical uses include but are not limited to grocery, bakery, hardware, pharmaceutical, appliance, clothing, and sporting goods stores. These uses exclude retail large-scale uses, warehouse retail and the sale of gasoline, heavy agricultural and industrial equipment, alcoholic beverages, retail stores requiring outdoor storage, or retail cannabis sales. Minor government services, such as postal services, are permitted within retail stores.

Retail Liquor Store and Sales means an establishment, licensed by the *Alberta Gaming and Liquor Commission*, in which alcoholic beverages are sold to the public and intended to be consumed off the premises. Retail liquor stores may include the sale of ancillary complementary products, such as soft drinks and juices (mixes), pre-packaged snack foods (potato chips, pretzels), bar utensils (corkscrews, glasses) and nonalcoholic beer and wine.

Right-of-Way (r-o-w) means an area of land not on a lot that is dedicated for public or private use to accommodate a transportation system and necessary public utility infrastructure (including but not limited to water lines, sewer lines, power lines, and gas lines).

Rodeo Grounds means a development used for the purposes of holding a private or public competition or exhibition in which skills such as riding horses, bulls and other livestock or roping

calves or other livestock are undertaken by amateur or professional athletes and where spectators may watch such events.

S

Safety Codes means a code, regulations, standard, or body of rules regulating things such as building, electrical systems, elevating devices, gas systems, plumbing or private sewage disposal systems, pressure equipment, fire protection systems and equipment, barrier free design and access in accordance with the *Safety Codes Act, RSA 2000, Chapter S-1*, as amended.

Salvage and Scrap Yard means a development for the purchasing, receiving, resale or transporting of waste materials or substances which may generate a detrimental impact or nuisance beyond the boundaries of the parcel. Recycling facilities are separate uses.

Sand and Gravel Yards means a development for the storage and sale of sand and gravel products.

Scientific and Professional Equipment Manufacturing means a development associated but not exclusive to the manufacturing of scientific and professional equipment including medical, educational, military, motor vehicle and electronic related products.

Schools and Colleges means an institute of education that offers courses, certificate and degree programs and includes Commercial Schools as defined by this bylaw.

Secondary Suites means a dwelling unit containing cooking facilities, a food preparation area, and sleeping and sanitary facilities, which is physically separate from and subordinate to those of the principal dwelling within the structure or on the same lot and that has a separate entrance. A secondary suite does NOT include a boarding or lodging house, duplex dwelling, semi-detached dwelling, multi-unit dwelling, townhouse, or apartment.

Senior Citizen Home means a development which complies with the *Senior Citizens Housing Act*, as amended, and which is used as a residence designed for elderly persons not requiring constant or intensive medical care, and usually consists of multiple dwelling units.

Service Station means an establishment for the retail sale of motor vehicle fuels, lubricants, parts and accessories, and may include the supplementary servicing and mechanical repair of motor vehicles, including a towing service. A car wash may be incorporated as an accessory use.

Setback means the distance which must be maintained between a development or a specific portion of the development and a property line as specified in this bylaw or on a development permit. For the purposes of this bylaw, setbacks shall be measured to the closest point of the development to the property line or to another development, depending on whether the setback requirement pertains to the property line or to another development. For cut-off corner lots, the setback distance is to be measured from where the two property lines would intersect.

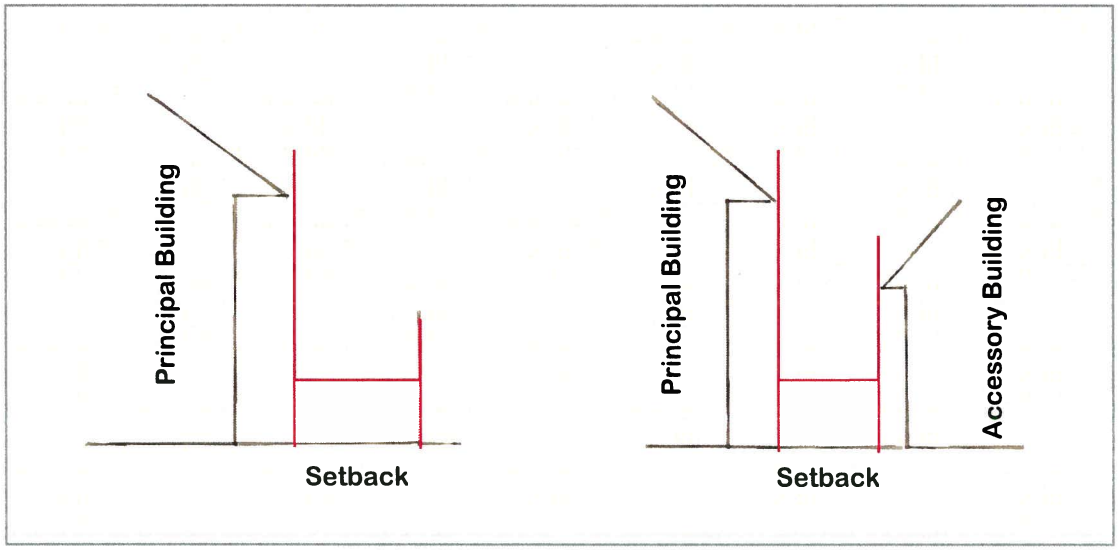


Figure 6.6: an illustrative example of setbacks and the closest point of buildings.

Shall means within the context of a policy, that the action is mandatory.

Shipping Container means any container that is or was used for transport of goods by means of rail, truck or by sea. These are generally referred to as a C-Container, sea cargo container, sea can or cargo container. Such containers are typically rectangular in shape and are generally made of metal. For the purposes of this bylaw, when such a container is used for any purpose other than transporting freight, it will be considered as a structure, must conform to these regulations and may require a permit.

Shopping Mall means a unified group of buildings with more than one commercial use being primarily retail and personal services and on a site comprehensively planned, developed and managed as a single commercial operating unit with shared on-site parking where the intended uses comply with the subject district.

Should means that the action, requirement or regulation is recommended but is not mandatory, unless the Development Authority determines that the action is to be mandatory as a condition of a Development Permit.

Shrub means a single or multi-stemmed woody plant generally less than 5 m (16 ft) in height.

Side Yard means – see Yard, Side

Sign means – see Schedule 5 (Signage Standards)

Similar Use means where a use is applied for which is not specifically considered in any land use district or defined elsewhere in the bylaw, but is similar in character and purpose to another use that is permitted or discretionary in the land use district in which such use is proposed, whereby the following process shall apply:

(a) the matter shall be referred by the Development Officer to the Municipal Planning Commission;

(b) the Municipal Planning Commission shall determine and make a ruling on the proposed use as to its similarity to a permitted or discretionary use in the district;

(c) if the use is deemed similar, the proposed use shall be reviewed by the Development Officer as a discretionary use for the land use district; and

(d) given the above, if the application is approved by the Municipal Planning Commission, the permit shall be issued in accordance with this bylaw.

Single Detached Dwelling means a building on a lot containing one dwelling unit only, which is not attached to any other building and which is not a manufactured or modular home.

Site Coverage means the combined area of all buildings or structures on a site expressed as a percentage of the total area of the lot. It includes accessory buildings, decks and balconies and other structures that have a height of 0.6 metres or more above the grade but excludes eaves, cornices and other similar projections that have a clearance greater than 2.4 metres above grade.

Site Depth means the mean horizontal distance between the front and rear boundaries of the site as measured from property line to property line.

Site Plan means a plan drawn to scale showing the boundaries of the site, the location of all existing and proposed buildings upon that site, and the use or the intended use of the portions of the site on which no building are situated, and showing fencing, screening, grassed areas, and the location, species and size of all existing and proposed shrubs and trees on site.

Site Servicing Plan means a plan showing the legal description and dimensions of the site, the utilities, site drainage, existing and proposed site grades, the grades of streets and sewer servicing the property, elevations of top of curb or sidewalk and lot corners approved by the City's Engineer.

Site Width means the average horizontal distance between the side boundaries of a site measured at 8 m (26.2 ft.) from the front property line.

Solar Collector Array means a device or combination of devices, structures or parts of a device or structure that transforms direct solar energy into thermal, chemical or electrical energy.

Special Care Facility means a development in a district which provides accommodation to individuals who require special care either in a group-care or family-care environment but does not include day care facilities.

Stacked Row Housing means development consisting of row housing, except that dwellings may be arranged two deep, either vertically so that dwellings may be placed over others, or horizontally so that dwellings may be attached at the rear as well as at the side. Each dwelling shall have separate and individual access, not necessarily directly to grade, provided that no more than two dwellings may share access at grade, and such access shall not be located more than 4.5 metres above grade.

Statutory Plans means an intermunicipal development plan, Municipal Development Plan, Area Structure Plan, or Area Redevelopment Plan adopted pursuant to the *Municipal Government Act*.

Stop Order means an order issued by the Development Authority pursuant to Section 645 of the Act.

Storage Yard and Facilities means the use of a site for the storage of materials that are screened in accordance with the provisions established in this bylaw but it does not include salvage and scrap yards.

Storey means that portion of a building which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it.

Storey, First means the storey with its floor closest to grade.

Storey, Half means the storey immediately under a pitched roof, the top wall plates of which, on at least two possible walls, are less than 1.4 metres above its floor.

Street means a public thoroughfare affording the principal means of access to abutting parcels and includes the sidewalks and the land on each side of and contiguous to the prepared surface of the thoroughfare and owned by the municipality.

Street Furniture means those features associated with a street that are intended to enhance the aesthetic and function of the street such as but not limited to benches and other forms of seating, trash and recycling receptacles, kiosks, lighting, bicycle racks and storage facilities, planters, and other hard and soft landscaping.

Street Scale means elements of a street such as but not limited to the sidewalks and other pedestrian spaces, the thoroughfare including driving and, if present, parking lanes, boulevards, and other features including landscaping, foliage, active modes infrastructure including benches and seating, bicycle parking and storage racks, and any other objects present in the area defined as street.

Subdivision means the division of a parcel by an instrument, and "subdivide" has a corresponding meaning.

Subdivision and Development Appeal Board means the Subdivision and Development Appeal Board established pursuant to the City of Brooks Subdivision and Development Appeal Board Bylaw.

Subdivision and Development Regulations means regulations established by order of the Lieutenant Governor in Council pursuant to Section 694 of the Act.

Subdivision Approval means the approval of a subdivision by a subdivision approving authority.

Subdivision Authority means the body established by bylaw to act as the subdivision authority in accordance with section 623 of the *Municipal Government Act*.

Swimming Pool, Private means an in-ground or above-ground structure containing an artificial body of water.

T

Tattoo Shop means a development providing a personal service whereby the human body, or a part thereof, may be stenciled with permanent or temporary markings or where body piercing may occur or other similar uses.

Temporary means a restricted period of time and in some cases as defined by this bylaw, such a period of time as determined by the Development Authority.

Temporary Accessory Building means an accessory building constructed or located on a property, without any foundation below grade, for a period of time of no more than six (6) consecutive months annually.

Temporary Building means any building, other than a manufactured home constructed or placed on a property without any foundation below grade, or any other building determined by the Development Authority to be temporary as a condition to the issuance of a development permit.

Temporary Structure means a structure without any foundation or footings and which is removed when the designated time period, activity or use for which the temporary structure was erected and ceased.

Temporary Use means a use intended for limited duration in a land use zone.

Theatre means a commercial facility with fixed seating designed to show movies, plays, musicals or other similar entertainment facilities. The following use is excluded, Adult Entertainment Facility.

Therapeutic Massage Centre means a development used to offer massages (as by rubbing, stroking, kneading or tapping) to patrons for remedial or hygienic purposes where the person giving the massage holds an appropriate diploma or certification.

Tourist Information Centre means a development intended to provide information to the travelling public and may include washroom and picnic facilities and accessory retail sales.

Townhouse means – see Dwelling, Townhouse

Transparency means the number and/or size and placement of windows and doors facing private and public outdoor spaces such as but not limited to parking lots, patios, pedestrian and cyclist linkages, and streets.

Truck and Car Wash means a facility for the washing, cleaning, or polishing of vehicles including both passenger automobiles and commercial vehicles on a fee basis.

U

Use means the purposes for which land or a building is arranged or intended, or for which either land, a building or a structure is, or may be, occupied and maintained.

Utility means any one or more of the following:

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

(b) waterworks systems (facilities for the storage, transmission, treatment, distribution or supply of water);

(c) sewage systems (facilities for the collection, treatment, movement or disposal of sanitary sewage);

(d) storm sewage drainage facilities;

(e) telecommunications systems;

(f) systems for the distribution of artificial light or electric power;

(g) facilities used for the storage of telephone, cable, remote weather stations or internet infrastructure; and

(h) anything else prescribed by the Lieutenant Governor in Council by regulation;

but does not include those systems or facilities referred to in subclause (a) through (g) that are exempted by the Lieutenant Governor in Council by regulation.

V

Vacant Lot means – see Lot, Vacant

Variance means the relaxation of a measurable standard of this bylaw.

Vegetable Processing Plant means a development used for the industrial processing of vegetable related materials including seeds, roots, leaves, flowers and bark and may have a noise, odour and nuisance potential. It does not include pulp mill factories.

Veterinary Clinic means a facility for the medical treatment of small or large animals and includes provision for their overnight accommodation within the building only, and may include associated office space.

W

Waiver means – see Variance

Warehouse means the use of a building for the storage of materials, products, goods and merchandise.

Warehouse Store means a development used for the wholesale or retail sale of a limited range of bulky goods on the premises and displayed or catalogued for customer selection. Typical uses include furniture stores, building supply centres and garden centres.

Warehousing and Storage Facility means a development for the indoor or outdoor storage of goods or merchandise but does not include a building or area which the principal use is the sale of goods.

Wind Energy Conversion System (WECS) means a development that generates electricity from a wind turbine, either building or tower mounted, including associated control and conversion electronics and tower guy wires, some of which may have a limited generation capacity to be used primarily for the applicants own use, and some of which may have significant generation capacity and may be associated with commercial power generation. See Alternative Energy.

Workshops Accessory to Retail Establishments means a defined space within or constructed on the same site as a retail establishment that is secondary to the approved retail establishment but associated with the assembly, repair and alteration of goods sold at the retail establishment.

X

Xeriscaping means landscaping and gardening in ways that reduce or eliminate the need for supplemental water from irrigation and includes plants whose natural requirements are appropriate to the local climate.

Y

Yard means the area between a lot line and the nearest part of any building, structure, development, excavation or use on the lot. *May be referred to as 'setback'.*

Yard, Flankage means the side yard of a corner lot which side yard extends from the front yard to the rear yard between the flankage lot line and the nearest main wall of the main building or structure.

Yard, Front means a yard extending across the full width of a lot and situated between the front lot line and the nearest portion of the principal buildings.

Yard, Rear means a yard extending across the full width of a lot and situated between the rear lot lines and the nearest portion of the principal building.

Yard, Side means a yard extending from the front yard to the rear yard and situated between the side lot lines and the nearest portion of the principal building.

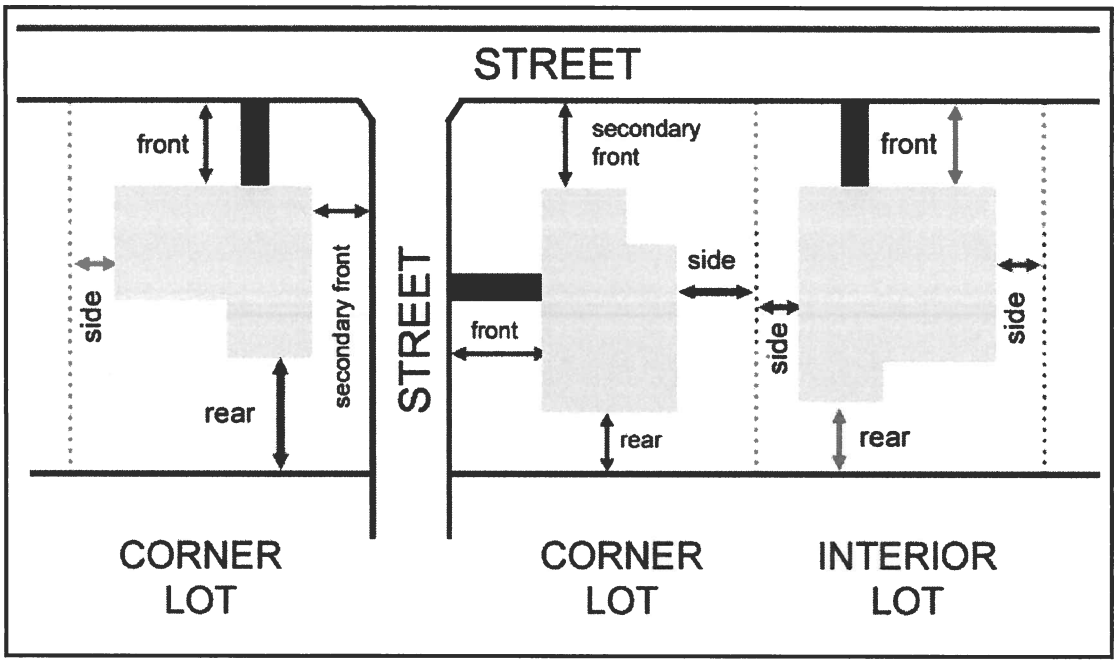


Figure 6.7: an illustrative explanation of yard-related terms.

CITY OF BROOKS

BYLAW NO. 18/18

A BYLAW OF THE CITY OF BROOKS IN THE PROVINCE OF ALBERTA TO AMEND SCHEDULE 3: GENERAL STANDARDS, SECTION 10.7 PUBLIC NOTICE OF BYLAW NO. 14/12, BEING THE LAND USE BYLAW.

WHEREAS the City of Brooks is desirous of amending Bylaw No. 14/12, being the City of Brooks Land Use Bylaw;

WHEREAS the purpose of the proposed amendment is to amend Schedule 3: General Standards for the purpose of clarifying Section 10.7 with regards to the Public Notice requirements in the Interface Area within this section of the Land Use Bylaw, as per Schedule A;

WHEREAS a Public Hearing, as required by Section 692 of the Municipal Government Act, will be held prior to second reading of this Bylaw;

NOW THEREFORE, the Council of the City of Brooks duly assembled, enacts as follows:

1. TITLE:

100. That the Schedule 3: General Standards, Section 10.7 Public Notice, be replaced with the attached Schedule A.

2. LAND USE BYLAW NO. 14/12

200. That the aforementioned amendments to Bylaw No. 14/12, being the Land Use Bylaw, shall make use of formatting that maintains the consistency of the portions of the Bylaw being amended.

3. EFFECTIVE DATE:

300. That this Bylaw shall take effect upon final passing thereof.

Read a first time this 3rd day of July 2018.
Read a second time this 20th day of August, 2018.
Read a third time and finally passed this 20th day of August, 2018.

Mayor

Chief Administrative Officer

RECEIVED
OCT 1 - 2018
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SCHEDULE 3: GENERAL STANDARDS

SECTION 10: INTERFACE AREAS

10.7 PUBLIC NOTICE

1) In addition to the requirements of Section 3 of the Administration portion of this Bylaw, should the Development Officer deem it appropriate, they shall:

   (a) require the applicant to undertake public consultation and provide direction regarding the method and duration of advertising, the type of consultation, and to collect and forward the results of the consultation to the Development Officer at least seven days prior to the scheduled MPC hearing where the application is to be decided upon.

CITY OF BROOKS

BYLAW NO. 18/19

A BYLAW OF THE CITY OF BROOKS IN THE PROVINCE OF ALBERTA TO AMEND BYLAW NO. 14/12, BEING THE LAND USE BYLAW TO INTRODUCE PERSONAL CANNABIS CULTIVATION, RETAIL CANNABIS STORES, AND CANNABIS PRODUCTION FACILITIES.

WHEREAS the City of Brooks is desirous of amending Bylaw No. 14/12, being the City of Brooks Land Use Bylaw;

WHEREAS the purpose of the proposed amendment is to introduce Personal Cannabis Cultivation, Retail Cannabis Stores and Cannabis Production Facilities within the Land Use Bylaw;

WHEREAS a Public Hearing, as required by Section 692 of the *Municipal Government Act*, will be held prior to second reading of this Bylaw;

NOW THEREFORE, the Council of the City of Brooks duly assembled, enacts as follows:

1. That Section 25: Personal Cannabis Cultivation, as per Schedule A, be added to Schedule 3: General Standards and to all Land Use Districts in Schedule 2.

2. That Section 10: Medical Marihuana Production Facilities be amended to read Cannabis Production Facilities, as per Schedule A, and be added to Industrial Heavy (I-H).

3. That Section 16: Retail Cannabis Stores, as per Schedule A, be added to Schedule 4: Use Specific Standards of Development, and to the Land Use Districts Commercial Central (C-C), Commercial General (C-G), and Industrial Light (I-L).

4. That Schedule 6: Definitions be amended to add the new and amended definitions as per Schedule A.

5. That the aforementioned amendments to Bylaw No. 14/12, being the Land Use Bylaw, shall make use of formatting that maintains the consistency of the portions of the Bylaw being amended.

6. That this Bylaw shall take effect upon final passing thereof.

RECEIVED
OCT 1 - 2018
IM / BJ

Read a first time this 3rd day of July, 2018.
Read a second time this 4th day of September, 2018.
Read a third time and finally passed this 4th day of September, 2018.

Mayor

Chief Administrative Officer

SCHEDULE A

SCHEDULE 2: LAND USE DISTRICTS

Add:

Retail Cannabis Store as a Permitted Use within the Commercial Central (C-C), Commercial General (C-G) and Industrial Light (I-L) Land Use Districts;

Replace:

Medical Marihuana Production Facility with **Cannabis Production Facility** as a Discretionary Use within Industrial General (I-G) and Industrial Heavy (I-H) Land Use Districts.

SCHEDULE 3: GENERAL STANDARDS

SECTION 17: PARKING AND LOADING

17.2 (2) MINIMUM OFF-STREET PARKING REQUIREMENTS: NON-RESIDENTIAL USES

Retail Cannabis Stores be added to the Parking Schedule as
2 Stalls per 100m^2 (1076.39ft^2) GFA

SECTION 25: PERSONAL CANNABIS CULTIVATION

25.1 APPLICABILITY

The requirements of this section apply to all Personal Cannabis Cultivation, as defined by the Land Use Bylaw and are in addition to the Government of Alberta's requirements of the *Gaming, Liquor, and Cannabis Act* and the Government of Canada's *Cannabis Act.*

25.2 GENERAL REQUIREMENTS

(1) The act of Personal Cannabis Cultivation shall only be permitted in all residential districts and is restricted in all other districts.

(2) Through Federal regulations, adults are allowed to grow a maximum of four (4) cannabis plants per household.

(3) All personal Cannabis plants are to be cultivated in the principal building as defined in the Land Use Bylaw. Plants shall not be cultivated in accessory buildings.

SCHEDULE 4: USE SPECIFIC STANDARDS OF DEVELOPMENT

SECTION 10: CANNABIS PRODUCTION FACILITIES

10.1 APPLICABILITY

The requirements of this section apply to any and all Cannabis Production Facilities, as defined by the Land Use Bylaw and are in addition to the Federal regulations required by

the Government of Canada's Access to Cannabis for Medical Purposes Regulations (ACMPR) and all requirements in the Government of Canada's *Cannabis Act*.

10.2 GENERAL REQUIREMENTS

(1) A licence for all activities associated with Cannabis production as issued by Health Canada shall be provided to the Development Authority prior to occupancy as a condition of development approval.

(2) All of the processes and functions associated with a Cannabis Production Facility shall be fully enclosed within a stand-alone building.

(3) A Cannabis Production Facility shall not operate in conjunction with another approved Use.

(4) A Cannabis Production Facility shall not include an outdoor area for storage of goods, materials or supplies.

(5) All loading stalls and docks shall be inside a building.

(6) Cannabis Production Facility is a Discretionary Use within the Industrial General (I-G) and Industrial Heavy (I-H) Land Use Districts.

(7) An ancillary building or structure used for security purposes may be located on the parcel containing a Cannabis Production Facility.

(8) Equipment that is designed and intended to remove odours from the air where it is discharged from the building as part of a ventilation system shall be provided and operate at any time a Cannabis Production Facility is in operation.

(9) Garbage containers and waste material shall be contained within the building containing a Cannabis Production Facility.

(10) A Cannabis Production Facility shall not be located on a parcel of land that is adjacent to another parcel of land that is regulated by another Land Use District, unless that other parcel of land is in an Industrial Land Use District or Direct Control Land Use District.

(11) The Development Authority may require, as a condition of a Development Permit for a Cannabis Production Facility, a Public Utility and Waste Management Plan, completed by a qualified professional, that includes details on:

(a) the incineration of waste products and airborne emissions including smell;

(b) the quantity and characteristics of liquid and waste material discharged by the facility; and

(c) the method and location of collection and disposal of liquid and waste material.

SECTION 16: RETAIL CANNABIS STORES

16.1 APPLICABILITY

The requirements of this section apply to all Retail Cannabis Stores, as defined by the Land Use Bylaw and are in addition to the Government of Alberta's requirements of the *Gaming, Liquor, and Cannabis Act.*

16.2 GENERAL REQUIREMENTS

(1) The development of Retail Cannabis Stores shall be in accordance with the *Gaming, Liquor, and Cannabis Act* as well as any other applicable regulation.

(2) A copy of the Retail Cannabis Licence issued by the Alberta Gaming and Liquor Commission shall be provided to the City prior to occupancy as a condition of Development Permit approval.

(3) The maximum operating hours will be 10:00 a.m. to 10:00 p.m. daily.

(4) Advertising inside the premises shall not be visible from the outside.

(5) Only permanent signage shall be permitted and copy shall be restricted to the business name.

(6) Retail Cannabis Stores will be restricted in the use of portable signs.

(7) The premises must operate separately from other businesses, including providing a separate Loading Space when one is required.

(8) The public entrance and exit to the Use must be direct to the outdoors.

(9) Goods shall not be visible from outside the business premises.

(10) A Retail Cannabis Store shall have no other Use.

(11) Retail Cannabis Stores shall only be allowed within the Commercial Central (C-C), Commercial General (C-G), and Industrial Light (I-L) Land Use Districts.

(12) In all districts a Retail Cannabis Store must not be located within a 100m area that contains any of the following Uses or structures, when measured from the closest point of a Retail Cannabis Stores parcel of land to any of the following:

(a) The boundary of the parcel of land on which a Provincial Health Care Facility, as defined in this Bylaw is located;

(b) The boundary of the parcel of land containing a School, as defined in this Bylaw;

(c) A boundary of a parcel of land that is designated as school reserve or municipal and school reserve under the *Municipal Government Act*; or

(d) Any City owned playground structure.

(13) The specified separation distances noted in 16.2(12) are reciprocal.

(14) The Commercial Central District (C-C) shall have a maximum of three (3) Retail Cannabis Stores. This clause may be reviewed annually from the date of cannabis legalization.

SCHEDULE 6: DEFINITIONS

AGLC means Alberta Gaming, Liquor and Cannabis Commission.

Cannabis means any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not.

Cannabis Accessories means accessories that promote the responsible and legal consumption and storage of cannabis.

Cannabis Product means a product that contains Cannabis.

Cannabis Production Facility means a Use where Cannabis is grown, processed, packaged, tested, destroyed, stored or loaded for shipping, and that meets all Federal requirements as well as all requirements of this Bylaw, as amended from time to time.

Cannabis Representative means a corporation or individual registered with the AGLC who is in the business of representing a Cannabis supplier in the sale of the supplier's Cannabis.

Cannabis Supplier means a person who holds a Federal licence that authorizes the person to produce Cannabis for commercial purposes or to sell Cannabis to the AGLC.

Colleges means an institution of education that offers courses, certificate and degree programs and includes Commercial Schools as defined by this Bylaw, and does not include Schools as defined by this Bylaw.

Medical Cannabis means a substance used for medical purposes authorized by a licence issued under the Federal Government's Access to Cannabis for Medical Purposes Regulations (ACMPR) or any subsequent legislation which may be enacted in substitution.

Personal Cannabis Cultivation means Cannabis plants being cultivated for personal use to a maximum of four (4) plants per principal dwelling in accordance with the Government of Alberta's requirements of the *Gaming, Liquor, and Cannabis Act* and the Government of Canada's *Cannabis Act*.

Provincial Health Care Facility means a hospital owned and operated by the Province of Alberta for the care of diseased, injured, sick or mentally disordered people.

Retail Cannabis Licence means a licence under the *Gaming, Liquor and Cannabis Act* that authorizes the purchase, sale, transport, possession, and storage of Cannabis.

Retail Cannabis Store means a Use where recreational Cannabis can be legally sold, and has been licensed by the AGLC. All Cannabis that is offered for sale or sold must be from a federally approved and licensed producer. No consumption shall be on premises. This may include

ancillary retail sale or rental of Cannabis Accessories, and where counselling on Cannabis may be provided.

School means where any school district, school division, or a society or company named within a charter approved by the Minister of Education operating a charter school teaching students the education curriculum from kindergarten to grade 12 pursuant to the *School Act*.

CITY OF BROOKS

BYLAW NO. 19/05

A BYLAW OF THE CITY OF BROOKS IN THE PROVINCE OF ALBERTA TO AMEND BYLAW NO. 14/12 BEING THE LAND USE BYLAW.

WHEREAS it is desirable to amend Bylaw No. 14/12 being the Land Use Bylaw for the City of Brooks; with respect to the a parcel legally described as Lot 2 Block 3 Plan 0712311 and part of a closed road as described in Plan 0712311, such lands are shown on attached map in Schedule A;

WHEREAS the purpose of the amendment is to change the zoning from Commercial: C-G: General to Industrial: I-L: Light for the parcel legally described as Lot 2 Block 3 Plan 0712311 and the adjacent closed road as shown on Schedule A, as attached hereto and forming part of this Bylaw;

WHEREAS the purpose of the amendment is to zone the portion of the closed road adjacent to Lot 1 Block 3 Plan 0312117 to Commercial: C-G: General as shown on attached map in Schedule A;

WHEREAS a Public Hearing, as required by Section 692 of the *Municipal Government Act*, RSA 2000, Chapter M-26, will be held prior to second reading of this Bylaw;

NOW THEREFORE, the Council of the City of Brooks duly assembled, enacts as follows:

1. That the Zoning Map be amended to indicate the zoning is Industrial: I-L: Light for parcel legally described as Lot 2 Block 3 Plan 0712311, and the portion of the closed road adjacent to Lot 2 Block 3 Plan 0712311 as shown on Schedule A, as attached hereto and forming part of this Bylaw.

2. The subject lands described as Lot 2 Block 3 Plan 0712311, and the portion of the closed road adjacent to Lot 2 Block 3 Plan 0712311 must comply with all requirements of the Industrial: I-L: Light district.

3. That the Zoning Map be amended to indicate the zoning is Commercial: C-G: General for the portion of the closed road adjacent to Lot 1 Block 3 Plan 0312117 as shown on Schedule A, as attached hereto and forming part of this Bylaw.

4. The subject lands described as the portion of the closed road shown on plan 0712311 adjacent to Lot 1 Block 3 Plan 0312117 must comply with all requirements of the Commercial: C-G: General district.

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FEB 18 2019

GIS Updated
Feb 22/19 MK
Map Updated
Feb 25/19 KS

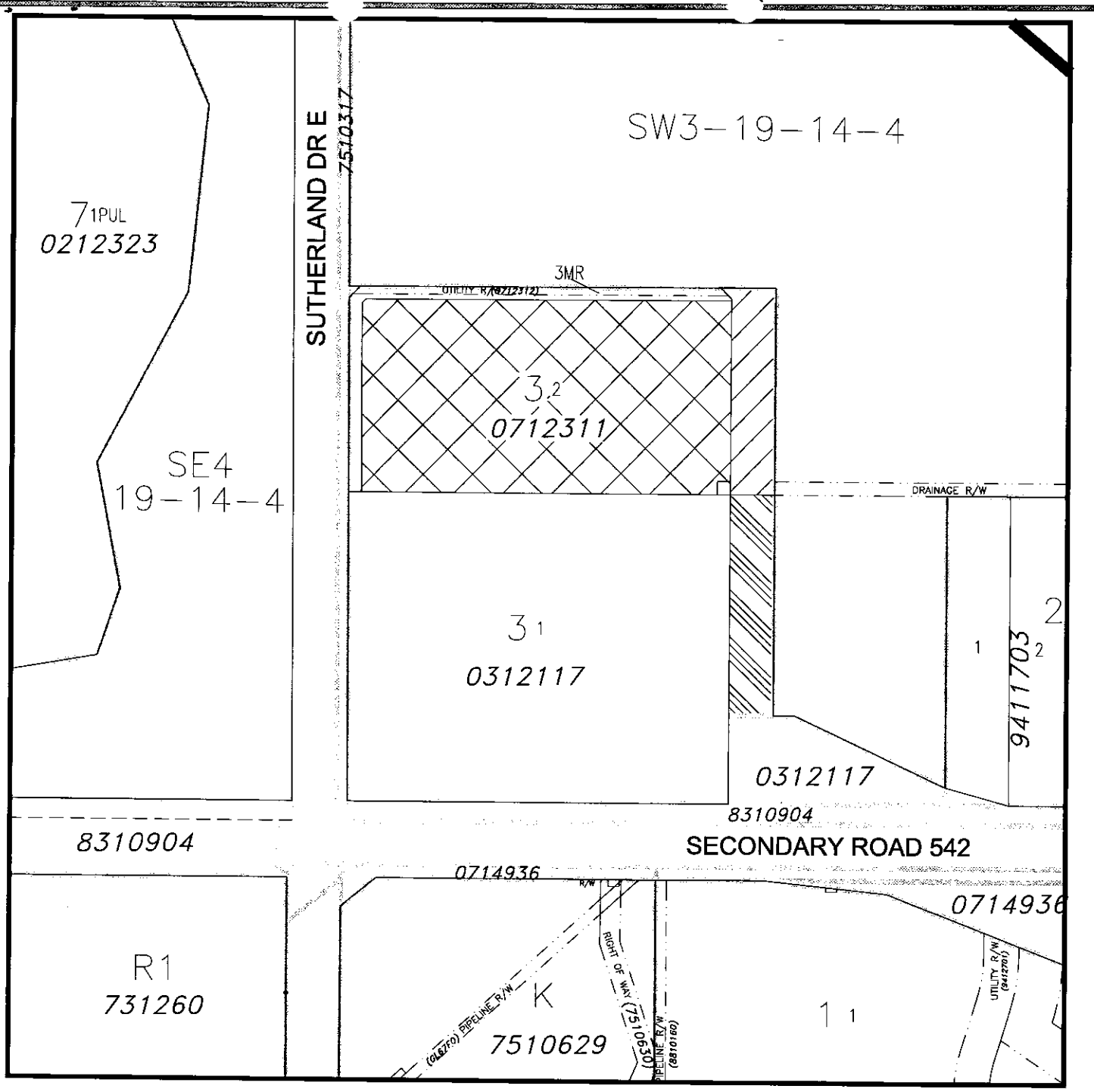
5. That the aforementioned amendments to Bylaw 14/12, being the Land Use Bylaw, make use of formatting that maintains the consistency of the portions of the Bylaw being amended.

6. That this Bylaw shall take effect upon final passing thereof.

Read a first time this 21st day of January, 2019.
Read a second time this 4th day of February, 2019.
Read a third time and finally passed this 4th day of February, 2019.

Mayor

Chief Administrative Officer



LAND USE DISTRICT REDESIGNATION
SCHEDULE 'A'
LOT 2, BLOCK 3, PLAN 0712311

FROM: Commercial General C-G
TO: Industrial Light I-L

PORTION OF ROAD

FROM: No Zoning
TO: Industrial Light I-L

PORTION OF ROAD

FROM: No Zoning
TO: Commercial General C-G

WITHIN SW 1/4 SEC 3, TWP 19, RGE 14, W 4 M
MUNICIPALITY: CITY OF BROOKS
DATE: JANUARY 8, 2019

Bylaw #: _____
Date: _____

MAP PREPARED BY:
OLDMAN RIVER REGIONAL SERVICES COMMISSION
3105 16th AVENUE NORTH, LETHBRIDGE, ALBERTA T1H 5E8
TEL. 403-329-1344
"NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"

OLDMAN RIVER REGIONAL SERVICES COMMISSION

0 Metres 50 100 150 200

January 09, 2019 N:\Newell-County\Brooks\Brooks LUD & Land Use Redesignations\City of Brooks - Lot 2, Block 3, Plan 0712311 & Lot 1, Block 3, Plan 0312117.dwg

CITY OF BROOKS

BYLAW NO. 19/07

A BYLAW OF THE CITY OF BROOKS IN THE PROVINCE OF ALBERTA TO AMEND BYLAW NO. 14/12 BEING THE LAND USE BYLAW.

WHEREAS it is desirable to amend Bylaw No. 14/12 being the Land Use Bylaw for the City of Brooks, with respect to the setback requirements for principal buildings in Residential Low Density (R-LD) district;

WHEREAS the purpose of the amendment is to provide 0.0 (zero) internal side yard setback requirements for multi-unit dwellings in the Residential Low Density (R-LD) district;

WHEREAS a Public Hearing, as required by Section 692 of the *Municipal Government Act*, will be held prior to second reading of this Bylaw;

NOW THEREFORE, the Council of the City of Brooks duly assembled, enacts as follows:

1. That the table for the setback requirements in Residential Low Density (R-LD) district be amended as shown in the attached Schedule "A".

2. That the aforementioned amendments to Bylaw 14/12, being the Land Use Bylaw, make use of formatting that maintains the consistency of the portions of the Bylaw being amended.

3. That this Bylaw shall take effect upon final passing thereof.

Read a first time this 4th day of February, 2019.
Read a second time this 19th day of February, 2019.
Read a third time and finally passed this 19th day of February, 2019.

Mayor

Chief Administrative Officer

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FEB 2 6 2019
LK | KS | BJ

BYLAW 19/07
SCHEDULE "A"

Principal Building			
Mid-block	Front (build within area)	Minimum: 5 m (16.4 ft) Maximum: 7.5 m (24.6 ft)	
	Attached garage oriented to the front of the principal building	Minimum: 6 m (19.7 ft) Maximum: 7.5 m (24.6 ft)	
	Rear	7.6 m (24.9 ft)	
	Side	1.5 m (4.9 ft) Multi-unit dwelling internal	0.0 m 0.0 ft

CITY OF BROOKS
BYLAW NO. 19/11

A BYLAW OF THE CITY OF BROOKS IN THE PROVINCE OF ALBERTA TO AMEND BYLAW NO. 18/09, BEING AN AMENDMENT TO THE LAND USE BYLAW.

WHEREAS Section 63(1) and Section 63(2)(g) of the *Municipal Government Act*, RSA 2000, Chapter M-26, as amended, provides that a council may by Bylaw authorize the revision of a Bylaw to make changes, without materially affecting the Bylaw in principle or substance, to correct clerical, technical, grammatical or typographical errors in the Bylaw; to bring out more clearly what is considered to be the meaning of a Bylaw, or to improve the expression of the law; and,

WHEREAS Section 692(6) of the *Municipal Government Act*, RSA 2000, Chapter M-26, as amended, provides that a Bylaw under Section 692(1), Planning Bylaws, 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 Bylaw in principle or substance; and,

WHEREAS a clerical error has been identified in Bylaw No. 18/09 being a Bylaw to amend Bylaw No. 14/12, being the Land Use Bylaw, whereby the legal description of the lot to be rezoned from Residential: R-HD: High Density to Commercial: C-N was misidentified in the Bylaw verbiage as Lot 5 instead of Lot 15; and,

WHEREAS the Council of the City of Brooks deems it proper and expedient to correct the clerical error and deems that the correction does not materially affect the Bylaw in principle or substance;

NOW THEREFORE, under the authority and subject to the provisions of the *Municipal Government Act*, RSA 2000, Chapter M-26, as amended, the Council of the City of Brooks in the Province of Alberta duly assembled does hereby enact the following:

1. That the reference to "Lot 5, Block F, Plan 2230 JK" be amended and changed to read "Lot 15, Block F, Plan 2230JK".

2. Bylaw No. 18/09 is hereby amended and a consolidated version of Bylaw No. 14/12 reflecting the correction is authorized to be prepared.

3. This Bylaw shall come into effect upon third and final reading hereof.

RECEIVED
APR 16 2019
DH/KS/BJ

Bylaw 19/11

Read a first time this 1st day of April, 2019.

Read a second time this 1st day of April, 2019.

Read a third time and finally passed this 1st day of April, 2019.

Mayor

Chief Administrative Officer

CITY OF BROOKS

BYLAW NO. 20/09

A BYLAW OF THE CITY OF BROOKS IN THE PROVINCE OF ALBERTA TO AMEND BYLAW NO. 14/12 BEING THE LAND USE BYLAW.

WHEREAS it is desirable to amend Bylaw No. 14/12, being the Land Use Bylaw for the City of Brooks;

AND WHEREAS, the purpose of the amendment is to update the administration section to align with the *Municipal Government Act*, to add clearer regulations for the subdivision and development process, to clarify notification requirements, to better define mobile vendors and to generally improve the organization and functionality of the Land Use Bylaw;

AND WHEREAS, a Public Hearing, as required by section 692 of the *Municipal Government Act*, will be held prior to second reading of the Bylaw;

NOW THEREFORE, the Council of the City of Brooks in the Province of Alberta hereby enacts as follows:

1. That the Administration portion of the Land Use Bylaw, including Sections 1 through 7 be deleted in its entirety and replaced with the Administration section attached as Schedule A.

2. That the aforementioned amendments to Bylaw No. 14/12, being the Land Use Bylaw, make use of formatting that maintains the consistency of the portions of the Bylaw being amended.

3. That this Bylaw shall take effect upon final passing thereof.

Read a first time this 6th day of April, 2020.
Read a second time this 6th day of April, 2020.
Read a third time and finally passed this 4th day of May, 2020.

Mayor

Chief Administrative Officer

RECEIVED
MAY 19 2020
MB/BJ

SCHEDULE A

ADMINISTRATION

PART 1: PURPOSE AND APPLICATION

SECTION 1 TITLE

1.1 This bylaw may be cited as the "City of Brooks Land Use Bylaw."

SECTION 2 PURPOSE

2.1 The purpose of this bylaw is to, amongst other things:

(a) divide the municipality into districts;

(b) prescribe and regulate the use(s) for each district and the intent and purpose for which land and buildings may be used;

(c) establish a method for making decisions on applications for development permits and issuing development permits for a development;

(d) provide the manner in which the notice of decision of a development permit is to be given; and

(e) implement the City of Brooks Municipal Development Plan and other statutory plans of the municipality that exist or may be developed.

SECTION 3 EFFECTIVE DATE

3.1 This bylaw shall come into effect upon third and final reading thereof.

SECTION 4 REPEAL OF FORMER BYLAW

4.1 City of Brooks Land Use Bylaw No. 03/30 and amendments thereto are hereby repealed.

SECTION 5 SEVERABILITY

5.1 If any provision of this bylaw is held to be invalid by a decision of a court of competent jurisdiction, that decision will not affect the validity of the remaining portions.

SECTION 6 APPLICABILITY

6.1 This bylaw shall apply to the entire City of Brooks, being all lands contained within its corporate boundaries.

6.2 Unless exempt from this bylaw, development shall not commence unless the applicant has been issued a development permit pursuant to this bylaw.

SECTION 7 COMPLIANCE WITH OTHER LEGISLATION

7.1 Compliance with the requirements of this bylaw does not exempt any person undertaking a development from complying with all applicable municipal, provincial or federal legislation, and respecting any easements, covenants, agreements or other contracts affecting the land or the development.

SECTION 8 RULES OF INTERPRETATION

8.1 Unless otherwise required by the context, words used in the present tense include the future tense, words used in the singular include the plural, and the word person includes a corporation as well as an individual. The *Alberta Interpretation Act, Chapter I-8, RSA 2000,* as amended from time to time, shall be used in the interpretation of this bylaw.

8.2 Words have the same meaning whether they are capitalized or not.

8.3 The written regulations of this bylaw take precedence over any graphic or diagram if there is a perceived conflict.

8.4 The Land Use Districts Map takes precedence over any graphic or diagram in the district regulations if there is a perceived conflict.

8.5 All references to engineering requirements shall be prepared by an engineer registered with the Association of Professional Engineers and Geoscientists of Alberta (APEGA).

SECTION 9 MEASURMENTS AND STANDARDS

9.1 All units of measure contained within this bylaw are expressed in metric form, with equivalent imperial measure given in parenthesis. Should there be a discrepancy between the metric and imperial units, the metric version shall prevail.

SECTION 10 DEFINITIONS

10.1 Refer to Schedule 10, Definitions.

SECTION 11 FORMS AND FEES

11.1 For the purposes of administering the provisions of this bylaw, Council may authorize by separate resolution or bylaw as may be applicable, the preparation and use of such fee schedules, forms or notices as in its discretion it may deem necessary. Any such fee schedules, forms or notices are deemed to have the full force and effect of this bylaw in execution of the purpose for which they are designed, authorized and issued. Application forms and notices are included in Appendix A. Fees are included in Appendix B.

11.2 The application fee is non-refundable once the application is deemed complete.

11.3 Refund of application fees requires approval of the City Council.

11.4 In any case, where the required fee is not included in Appendix B "Fees", such fee shall be determined by the Development Officer or other Approving Authority as assigned by Council and shall be consistent with those fees listed in the Appendix for similar developments.

11.5 If development is commenced without a valid development permit, an additional fee in the amount prescribed in Appendix B "Fees" shall be payable upon application for the development permit.

SECTION 12 APPENDICES

12.1 Appendices attached hereto are for information purposes only and may be amended from time to time as they do not form part of the City of Brooks Land Use Bylaw.

PART 2: APPROVING AUTHORITIES

SECTION 13 DEVELOPMENT AUTHORITY

13.1 The Development Authority is established in accordance with the Development Authority Bylaw and amendments thereto and consists of:

(a) the Development Officer as a Designated Officer authorized by Council in accordance with sections 210 and 624 of the *Municipal Government Act (MGA)*, while carrying out municipal functions or duties under the Development Authority Bylaw where applicable by resolution of Council and the *MGA*; and

(b) the Municipal Planning Commission while exercising development powers or duties under this bylaw, the Development Authority Bylaw and, where applicable, by resolution of Council, or the *MGA*; and

(c) Council in Direct Control Districts, unless authority has been specifically delegated by bylaw or resolution to the Municipal Planning Commission or another Designated Officer under section 624 of the *MGA*.

13.2 In the absence of the Development Officer, the following are authorized to act in the capacity of Development Officer:

(a) Municipal Planning Commission,

(b) Chief Administrative Officer, or

(c) a designate(s) in accordance with the *MGA*.

SECTION 14 DEVELOPMENT OFFICER – POWERS AND DUTIES

14.1 The Development Officer is a Designated Officer and is an authorized person in accordance with sections 210 and 624 of the *MGA* and the Development Authority Bylaw included in Appendix C.

14.2 The position of Development Officer is hereby established and Council shall, by resolution, appoint one or more Development Officers.

14.3 The Development Officer:

(a) shall receive all development applications and shall review each application to ensure that it is complete in accordance with the requirements of this bylaw and the *MGA*;

(b) shall collect the fees payable for each development permit application in accordance with Appendix B "Fees" which has been established by resolution of Council;

(c) may require a development permit applicant to supply information other than prescribed in this bylaw if such information is deemed to be necessary for consideration of the development application;

(d) shall not process a development application until it is deemed complete and the Development Officer is satisfied that all requirements have been met;

(e) may, as a condition of issuing a development permit, require the applicant to provide security in the form of a certified cheque, irrevocable Letter of Credit or other security acceptable to the Development Officer, to ensure the terms and conditions attached to the development permit are carried out;

(f) shall consider and decide upon applications for development permits as described in this bylaw and the *MGA*, except as provided in subsections (g) and (h);

(g) shall refer with appropriate recommendations, to the Municipal Planning Commission or any other Municipal Committee as deemed necessary, all development permit applications involving:

(i) discretionary uses;

(ii) any development application the Development Officer deems necessary for review by the Municipal Planning Commission;

(iii) those matters requiring the specific approval or recommendation of the Municipal Planning Commission pursuant to this bylaw or the Municipal Planning Commission Bylaw;

(iv) any other matter which, in the opinion of the Development Officer, does not comply with the provisions of this bylaw, or has a provincial or federal interest;

(h) shall refer all development permit applications in a Direct Control district to Council for a decision, unless Council has specifically delegated approving authority to the Development Officer, another Designated Officer or the Municipal Planning Commission;

(i) shall keep and maintain, for the inspection of the general public, a copy of this bylaw including all amendments, and shall ensure that copies of the same are available to the general public on the City of Brooks official website;

(j) shall keep on file and make available for inspection by the general public all completed applications for development permits, including the decisions thereon; and

(k) shall perform any other powers and duties as are specified in this bylaw, the Development Authority Bylaw, the Municipal Commission Planning bylaw, the MGA or by resolution of Council.

SECTION 15 SUBDIVISION AUTHORITY

15.1 Pursuant to section 623 of the *MGA*, the Subdivision Authority is authorized to make decisions on applications for subdivisions pursuant to the Subdivision Authority Bylaw, and may exercise only such powers and duties as are specified:

(a) in the municipality's Subdivision Authority Bylaw,

(b) in this bylaw, or

(c) by resolution of Council.

15.2 The Subdivision Authority may delegate, through any of the methods described in Section 15.1, to any individual, municipal staff, or a regional services commission, any of its required functions or duties in the processing of subdivision applications. In respect of this:

(a) the delegation of duties by the Subdivision Authority may include the authorized entity being responsible for determining the completeness of a submitted subdivision application;

(b) the Subdivision Authority delegate is authorized to carry out the application process with subdivision applicants as described in the Subdivision Application Rules and Procedures section of the bylaw, including the task of sending all required notifications to applicants as stipulated.

SECTION 16 MUNICIPAL PLANNING COMMISSION

16.1 The Municipal Planning Commission may exercise only such powers and duties as are specified in the Development Authority Bylaw, the Municipal Planning Commission Bylaw, the Subdivision Authority Bylaw, by resolution of Council and the *MGA*, as amended.

16.2 The Municipal Planning Commission shall be responsible for:

(a) considering and deciding upon development permit applications referred by the Development Officer;

(b) determining if notification of persons likely to be affected as per Section 38 (Notice to Adjacent Landowners and Persons Likely to be Affected) is required for applications for discretionary uses or applications requesting variances greater than those able to be granted by the Development Officer as per Section 32.2;

(c) considering and deciding upon requests for time extensions on development permit applications referred by the Development Officer;

(d) considering and deciding upon the classification of a use deemed to be similar to a use listed in a land use district as referred by the Development Officer and deciding on the application;

(e) considering and deciding upon applications for subdivision approval;

(f) requiring, when deemed necessary by the Commission, the applicant to provide security in the form of a certified cheque, irrevocable Letter of Credit or other security acceptable to the Commission;

(g) providing recommendations on planning and development matters referred by the Development Officer or Council; and

(h) any other powers and duties as are specified in this bylaw, the Municipal Planning Commission Bylaw, the *MGA* or by resolution of Council.

SECTION 17 SUBDIVISION AND DEVELOPMENT APPEAL BOARD (SDAB)

17.1 The powers, duties and responsibilities of the Subdivision and Development Appeal Board with respect to this bylaw are those established in the Subdivision and Development Appeal Board Bylaw included in Appendix C.

17.2 The Subdivision and Development Appeal Board shall consider and decide upon appeals concerning subdivision and development decisions and stop orders which have been properly lodged in accordance with this bylaw and the *MGA*.

SECTION 18 COUNCIL

18.1 Council shall be responsible for considering and deciding upon development permit applications within any Direct Control district, except where the decision making authority has been delegated to the Development Officer or Municipal Planning Commission.

18.2 Council shall be responsible for considering and deciding upon subdivision applications within any Direct Control district, except where the decision making authority has been delegated to the Development Officer or Municipal Planning Commission.

18.3 Council shall be responsible for considering and deciding upon requests for time extensions on subdivision approvals in accordance with section 657 of the *MGA*.

PART 3: PRIMARY REQUIREMENTS OF DEVELOPMENT AND SUBDIVISION

SECTION 19 ESTABLISHMENT OF LAND USE DISTRICTS

19.1 In accordance with section 640 of the *MGA*, all land within the City of Brooks is herein divided into land use districts.

19.2 The boundaries of the districts are delineated on the Land Use Districts Map contained in Schedule 1 of this bylaw.

19.3 The one or more uses of land or buildings that are:

(a) permitted uses in each district, with or without conditions; or

(b) discretionary uses in each district, with or without conditions; or both

are described in Schedule 2.

19.4 A land use that is not listed as a permitted or discretionary use but which is reasonably similar in character and purpose to a permitted or discretionary use in that district may be deemed a similar use by the Municipal Planning Commission in accordance with Section 35 (Similar and Prohibited Uses).

19.5 A land use not listed as a permitted or discretionary use or not deemed a similar use in a district is a prohibited use and shall be refused.

19.6 Should any perceived error exist on the Land Use Districts Map relating to the assigning of a land use district to a specific lot or portion of the City, corrective action regarding the perceived error shall be decided upon by resolution of Council or if Council has designated such decision making authority to a Designated Officer.

SECTION 20 USE OF LAND

20.1 A person who develops land or a building in the City of Brooks shall comply with the requirements of this bylaw including all conditions attached to a development permit, if one is required, and all other applicable federal, provincial and municipal requirements.

SECTION 21 SUITABILITY OF SITES

21.1 Notwithstanding that a use of land may be permitted or discretionary or considered similar in nature to a permitted or discretionary use in a land use district, the Development Authority or Subdivision Authority as applicable, may refuse to issue a development permit or approve a subdivision or if the Development Authority or Subdivision Authority is made aware of, or if in their opinion, the site of the proposed building or use:

(a) does not have safe legal and physical access to a maintained road in accordance with the Land Use Bylaw, other municipal requirements, or those of Alberta Transportation if within 300 m (984 ft.) of a provincial highway or 800 m (2,626 ft.) from the centre point of an intersection of a controlled highway and a public road;

(b) creates a situation where vehicular and non-vehicular traffic safety is negatively impacted;

(c) has a high water table, drainage/stormwater issues or soil conditions which make the site unsuitable for development or subdivision;

(d) is situated on an unstable slope;

(e) consists of unconsolidated material unsuitable for building;

(f) does not comply with the requirements of the South Saskatchewan Regional Plan, Subdivision and Development Regulation or any other applicable Statutory Plans;

(g) is situated over an active or abandoned coal mine or oil or gas well or pipeline;

(h) is unsafe due to contamination by previous land uses;

(i) does not meet the minimum setback requirements from a sour gas well or bulk ammonia storage facility;

(j) does not have adequate water and sewer provisions;

(k) cannot adequately contain or convey stormwater runoff;

(l) does not meet the lot size and/or setback requirements or any other applicable standards or requirements, unless a variance has been granted in accordance with the City of Brooks Land Use Bylaw; and

(m) is subject to an easement, caveat, restrictive covenant or other registered encumbrance which makes it impossible to build on the site.

21.2 Nothing in this section shall prevent the Development Officer or Municipal Planning Commission, as applicable, from issuing a development permit or approving a subdivision if the Development Officer or Municipal Planning Commission is satisfied that there is no risk to persons or property or that these concerns will be met by appropriate engineering measures or other mitigating measures and approvals from provincial and/or federal agencies have been obtained, as applicable.

SECTION 22 NUMBER OF DWELLING UNITS ON A LOT

22.1 No person shall construct or locate, or cause to be constructed or located, more than one dwelling unit on a lot except when permitted by the land use district or unless authorized by the Development Authority through the issuance of a development permit.

SECTION 23 REMOVAL, REPLACEMENT AND PLACEMENT OF BUILIDINGS

23.1 Any application for removal or replacing or placing a building on a site is subject to all conditions and regulations specified under the appropriate district and, in addition, the Development Authority may require:

(a) recent colour photographs of the structure;

(b) written confirmation by a licensed professional that the building meets the requirements of the *Alberta Safety Codes Act* or, if it does not, the manner in which the building will be brought up to these standards within the time limit established by the Development Authority;

(c) the applicant to pay for the costs of an inspection by an authorized municipal official prior to moving the building.

23.2 The standards that the building must meet shall be established by the Development Authority at the time of the approval of the development permit application and shall form part of the conditions of the development permit.

23.3 All renovations to a building that has been moved to and placed on a site shall be completed within twelve (12) months of the date of the development permit. A final inspection to verify compliance with any condition outlined in the development permit shall be conducted by an authorized municipal official.

23.4 The setbacks shall be as prescribed in this bylaw or as authorized in accordance with the variances that may be granted by the Development Authority in accordance with Section 36 of the Administrative Section of this bylaw.

SECTION 24 NON-CONFORMING BUILDINGS AND USES

24.1 If a development permit has been issued on or before the day on which this bylaw or a land use amendment bylaw comes into force in a municipality and the bylaw would make the development in respect of which the permit was issued a non-conforming use or non-conforming building, the development permit continues in effect in spite of the coming into force of the bylaw, pursuant to section 643 of the *MGA*.

24.2 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 must conform to the Land Use Bylaw then in effect, pursuant to section 643 of the *MGA*.

24.3 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, may not be enlarged or added to and no structural alterations shall be made to it or in it, pursuant to section 643 of the *MGA*.

24.4 A non-conforming use of part of a lot may not be extended or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed on the lot while the non-conforming use continues, pursuant to section 643 of the *MGA*.

24.5 A non-conforming building, pursuant to section 643 of the *MGA*, may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except:

(a) to make it a conforming building;

(b) for routine maintenance of the building, if the Development Authority considers it necessary; or

(c) in accordance with a Land Use Bylaw that provides minor variance powers to the Development Authority for the purposes of this section.

24.6 If a non-conforming building is damaged or destroyed by more than 75 percent of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with this bylaw.

24.7 Questions regarding the interpretation and application of Sections 24.3 to 24.6 shall, if necessary, be referred to the Municipal Planning Commission for interpretation and a decision.

24.8 The land use or the use of a building is not affected by a change of ownership or tenancy of the land or building.

SECTION 25 NON-CONFORMING LOT SIZES

25.1 Development on an existing registered lot that does not conform with the minimum requirements for lot length, width or area specified in the applicable land use district as per this bylaw, may be permitted at the discretion of the Development Authority.

25.2 The Development Officer is authorized to approve development on existing registered lots that do not conform to the requirements for lot length, width or area specified in the applicable land use district as per this bylaw, if a variance was issued as a part of the subdivision of the lot.

SECTION 26 NON-CONFORMING LOT VARIANCES

26.1 Where a proposed lot contains different dimensions than those prescribed within the land use district in effect, or will result in an existing or future building not conforming with the height or setback requirements prescribed within the district in effect, a variance may be approved where, in the opinion of the Development Officer or Municipal Planning Commission, the noncompliance with the district regulations is:

(a) minor in nature;

(b) consistent with the general character of the area; and

(c) does not interfere with the use, enjoyment or value of the neighbouring properties.

SECTION 27 DEVELOPMENT AGREEMENTS

27.1 The Development Authority may require, with respect to a development that as a condition of issuing a development permit, the applicant enter into an agreement with the municipality, pursuant to section 650(1) of the *MGA*, to do any or all of the following:

(a) to construct or pay for the construction of a road required to give access to the development;

(b) to construct or pay for the construction of a pedestrian walkway system to serve the development and/or connect with existing or proposed pedestrian walkway systems that serve adjacent development;

(c) to install or pay for the installation of public utilities, other than telecommunication systems or works, that are necessary to serve the development;

(d) to construct or pay for the construction of off-street, or other parking facilities and/or loading and unloading facilities;

(e) to pay an off-site levy or redevelopment levy;

(f) to give security to ensure that the terms of the agreement under this section are carried out.

27.2 The Subdivision Authority may require, with respect to a subdivision, that as a condition of issuing an approval for a subdivision, the applicant enter into an agreement with the municipality, pursuant to section 655(1)(b) of the *MGA*.

27.3 An agreement referred to in this section may require the applicant for a development permit or subdivision approval to oversize improvements in accordance with section 651 of the *MGA*.

27.4 A municipality may register a caveat under the *Alberta Land Titles Act* with respect to an agreement under this section against the Certificate of Title for the land that is the subject of the development, or for the parcel of land that is the subject of the subdivision.

27.5 If a municipality registers a caveat under this section, the municipality must discharge the caveat when the agreement has been complied with.

27.6 As a condition of subdivision approval, all agreements may be registered concurrently by caveat onto individual lots created.

27.7 The Developer shall be responsible for and within 30 days of the presentation of an account, pay to the City of Brooks all legal and engineering costs, fees, expenses and disbursements incurred by the City through its solicitors and engineers for all services rendered in connection with the preparation, fulfilment, execution and enforcement of the agreement.

PART 4: DEVELOPMENT PERMIT RULES AND PROCEDURES

SECTION 28 DEVELOPMENT PERMIT

28.1 Except as otherwise provided for in Section 29 (Development Not Requiring a Development Permit), no person shall commence development unless they have been issued a development permit in respect of the development in accordance with the terms and/or conditions of a development permit pursuant to this bylaw.

28.2 In addition to meeting the requirements of this bylaw, it is the responsibility of the applicant to ascertain, obtain and comply with all other approvals and licenses that may be required by other federal, provincial or municipal regulatory departments or agencies.

SECTION 29 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

29.1 If a variance to any measurable standard in this bylaw is required, this section does not apply and a development permit is required.

29.2 This section does not negate the requirement of obtaining all required permits, as applicable, under the *Alberta Safety Codes Act* and any other provincial or federal statute.

29.3 If there is a question as to whether a development permit is required for a particular use, the matter shall be referred to the Municipal Planning Commission for a determination.

29.4 The following shall not require a development permit, provided that the proposed development complies with the applicable provisions of this bylaw:

(a) accessory buildings up to 10 m^2 in residential districts, provided they meet all other requirements as set forth in this bylaw;

(b) accessory buildings up to 60 m^2 in all other districts, provided they meet all other requirements as set forth in Schedules 2 to 4 of this bylaw;

(c) interior or exterior maintenance, repair or renovations of any building, provided that such work does not include structural alterations, create another dwelling unit, or result in a change of use or intensity of the building;

(d) the temporary use of all or part of a building for a polling station, returning officer's headquarters, campaign office or any other use directly related to a federal, provincial, municipal or school election, or a referendum, plebiscite or census;

(e) the construction and maintenance of gates, fences, walls or other means of enclosure that meet the requirements of this bylaw;

(f) the landscaping of a parcel that shall not have proposed grades which would adversely impact the site or adjacent property and which is not a requirement of another development permit;

(g) temporary buildings used in the construction or alteration of a building for which a permit has been issued under this bylaw, provided the temporary building is not used as a dwelling and provided the building(s) is removed within one (1) month of completion of construction of the building for which the permit has been issued;

(h) the placement of no more than one shipping container used in the construction or alteration of a building for which a permit has been issued under this bylaw, provided the shipping container is not used as a dwelling and provided the shipping container is removed immediately upon completion of construction of the building for which the permit has been issued;

(i) the construction, maintenance and repair of public works, services and utilities carried by or on behalf of federal, provincial or municipal public authorities on land which is publically owned or controlled;

(j) the construction of a balcony, patio, uncovered deck or landing that meets the requirements of this bylaw;

(k) the installation of swimming pools and hot tubs with a depth of up to 600 mm;

(l) any sign that does not require a permit as per Schedule 5 of this bylaw;

(m) grading, excavating, stripping and/or stockpiling of land, when such operations are performed in accordance with a valid Development Agreement, but where a valid Development Agreement does not exist, an application for a development permit must be made; or

(n) any mobile vendor if:

  (i) they are part of a special event or seasonal sale hosted by a non-profit or community organization; or

  (ii) the area of a stand or structure, and any other materials used for service or retail purposes can fit within an area of 4.6 m^2 (50 sq. ft.).

29.5 The following developments shall not require a development permit:

(a) any use or development exempted under section 618(1) of the *MGA*;

(b) any use or development exempted by the Lieutenant Governor in Council pursuant to section 618(4) of the *MGA*;

(c) telecommunication antenna systems that are regulated by Innovation, Science and Economic Development (ISED) Canada, subject to the Telecommunication Antenna Siting Protocol in Appendix D;

(d) the completion of a building which was lawfully under construction at the date this bylaw came into force, provided that the building is completed in accordance with the terms and conditions of any development permit granted; and

(e) the completion of a building that did not require a development permit under the previous Land Use Bylaw and which was lawfully under construction provided, the building is completed within twelve (12) months from the date of this bylaw coming into force.

SECTION 30 DEVELOPMENT PERMIT APPLICATIONS

30.1 Except as provided in Section 29 (Development Not Requiring a Development Permit) no person shall commence a development unless he/she has been issued a development permit in respect of the proposed development.

30.2 Development permit applications shall be made only by the registered owner of the land on which the development is proposed. An application may be made by a person who is not the registered owner of the land only with written consent of the registered owner. The Development Officer may request a current title documenting ownership and copies of any registered encumbrance, lien or interest registered on title.

30.3 An application for a development permit shall be made by submitting to the Development Officer the following, which must be of a quality adequate to properly evaluate the application:

(a) a completed application form with the required fee;

(b) a description of the proposed development, including a statement of the intended use of all land, buildings, and finishes to be used;

(c) a site plan and building plans drawn to scale showing:

(i) legal description and municipal address of subject property;

(ii) north arrow and accurate orientation of all proposed development;

(iii) land use district;

(iv) adjacent roadways and lanes;

(v) lot dimensions, lot area, and percentage of lot coverage for all buildings and/or structures;

(vi) the location of any and all abandoned wells, and if abandoned wells are present, a legal Alberta Land survey showing the actual well location(s) in relation to property lines and existing and/or proposed buildings;

(vii) any existing or proposed buildings/structures with all foundation dimensions and projections including decks;

(viii) the dimensions of all front, side and rear yard setbacks;

(ix) separation distance between all buildings/structures;

(x) location of lot access, existing sidewalk(s) and curbs;

(xi) number and location of parking spaces;

(xii) location of any registered utility right of ways and easements; and

(xiii) a floor plan and elevation plans for the buildings to be constructed including front, sides and rear elevations, building height (from finished grade) and roof pitch;

(d) in the cases where the proposed development is for commercial, industrial, institutional or multiple residential dwelling developments on one or more lots, the following additional information is required:

(i) landscaping plan;

(ii) lighting plan;

(iii) location of amenity space;

(iv) location of fire hydrant, streetlight, power/telephone/cable pedestal(s) located within property frontage;

(v) proposed lot grading plan and on-site drainage information;

(vi) location of signage, fencing, storage areas and garbage receptacles;

(vii) location of all existing buildings and/or structures, roads, water bodies and other physical features of the land and all adjacent properties;

(viii) Engineering studies prepared and sealed by a professional engineer in good standing with the Association of Professional Engineers and Geoscientists of Alberta (APEGA), including but not limited to:

a. Geotechnical Report ensuring that the site is suitable in terms of topography, soil characteristics, flooding, subsidence, slope stability and erosion control measures;

b. Site Servicing Study which looks at the availability of infrastructure to service the site including adequate water, and sanitary sewer capacities;

c. Storm Water Management Study which looks at the existing site storm runoff and using current Alberta Environment policies, provides a storm water management system to restrict both quantity and quality to pre-development rates without affecting neighbouring properties; and

d. Traffic Impact Assessment which considers the potential impacts to public roads and options available to address any impacts that would create issues relating to road capacities, levels of service and vehicular/non-vehicular traffic safety;

(e) in cases where architectural controls are in place and applicable to the parcel or unit in question, a copy of the architectural controls approval;

(f) a current copy of the Certificate of Title showing ownerships and encumbrances; and

(g) any other information deemed necessary by the Development Authority to adequately process the application.

30.4 The Development Authority may accept an application and make a decision thereon without all of the above information if, at the discretion of the Development Authority, the nature of the development is such that a decision on the application would not:

(a) unduly interfere with the amenities of the neighbourhood; or

(b) materially interfere with or affect the use, enjoyment or value of the neighbouring parcels of land; and

(c) the proposed development must conform with the use prescribed for that land or building in this bylaw.

SECTION 31 DETERMINATION OF COMPLETE DEVELOPMENT PERMIT APPLICATION

31.1 A Development Officer shall, within 20 days after the receipt of an application in accordance with Section 30 (Development Permit Applications) for a development permit, determine whether the application is complete for processing.

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

31.3 The 20-day time period referred to in Section 31.1 may be extended by an agreement in writing between the applicant and the Development Officer, which would extend the time to deem the application complete for processing.

31.4 If the Development Officer does not make a determination referred to in Section 31.1 within the time required under Section 31.1 or 31.3, the application is complete for processing.

31.5 If a Development Officer determines that the application is complete, the Development Officer shall issue to the applicant a written notice acknowledging that the application is complete, delivered by hand, mail or electronic means.

31.6 If the Development Officer determines that the application is incomplete, the Development Officer shall issue to the applicant a written notice indicating that the application is incomplete, which specifies:

(a) the outstanding documents and information to be provided, including but not limited to those required by Section 30 (Development Permit Applications), and

(b) a submission deadline.

A later submission date may be agreed upon by the applicant and the Development Officer in order for the application to be considered complete.

31.7 If the Development Officer determines that the information and documents submitted under Section 31.6 are complete, the Development Officer shall issue to the applicant a written notice acknowledging that the application is complete for processing, delivered by hand, mail or electronic means.

31.8 If the required documents and information under Section 31.6 have not been submitted within the timeframe prescribed in the notice issued under Section 31.6, the Development Officer shall return the application to the applicant accompanied by a written notice of refusal stating the application is deemed refused and the reasons for refusal.

31.9 In the course of reviewing the application, the Development Officer may request additional information or documentation from the applicant that the Development Authority considers necessary to review the application, even if a notice has been issued under Section 31.5 or 31.7.

SECTION 32 PERMITTED USE APPLICATIONS

32.1 Upon receipt of a complete application for a development permit for a permitted use that conforms with this bylaw, the Development Officer:

(a) shall approve a development permit with or without conditions, including the provision of a development agreement pursuant to the *MGA*; or

(b) may refer the application to the Municipal Planning Commission for a decision.

32.2 Upon receipt of a complete application for a permitted use that requests a variance to any measurable standard of this bylaw, the Development Officer:

(a) may grant an unlimited variance to any setback and a variance of 25 percent for one other measurable standard of this bylaw for **new construction** and approve the development permit with or without conditions if, in the opinion of the Development Officer, the variance would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land; or

(b) may grant an unlimited variance to any setback and any other measurable standards of this bylaw for **existing development** and approve the development permit with or without conditions if, in the opinion of the Development Officer, the variance would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land; or

(c) will refer any application for a variance or variances which exceeds the percentages outlined in (a) above to the Municipal Planning Commission for a decision; and

(d) may refer the development application involving any request for a variance to any measurable standard of this bylaw to the Municipal Planning Commission for a decision; and

(e) is not required to notify adjacent landowners or persons likely to be affected prior to issuance of a decision on a development permit granting a variance under this section.

32.3 The Development Authority may place any of the following conditions on a development permit for a permitted use:

(a) require the applicant to enter into a development agreement pursuant to the *MGA*, as prescribed in this bylaw;

(b) the provision of security in the form of a certified cheque, irrevocable Letter of Credit or other security acceptable to the Development Authority;

(c) alteration of a structure or building size or location to ensure any setback requirements of this bylaw or the Subdivision and Development Regulation can be met;

(d) time periods stipulating completion of development;

(e) easements and/or encroachment agreements required as a result of the development;

(f) an increased setback to any minimum required setback if determined to be necessary where an adjacent use may be considered to be otherwise negatively impacted, and the increased setback would serve to improve the suitability of the proposed use at the subject location, with consideration for the local context;

(g) the property owner/developer is to repair or reinstate, or pay for the repair or reinstatement to original condition, of any City owned infrastructure, including but not limited to, street furniture, curbing, sidewalk, boulevard landscaping and tree planting that may be damaged or destroyed or otherwise harmed by development or/and building operations upon the site. All repair and reinstatement work must be completed by a City approved contractor. The property owner/developer must notify the City if they are going to have to destroy or replace any City owned infrastructure;

(h) provision of vehicular and pedestrian access and public utilities other than telecommunication systems or works;

(i) obtain any other approval, permit, authorization, consent or license that may be required to develop or service the affected land;

(j) requirement of a lot or construction stakeout conducted by an approved surveyor or agent;

(k) any measure required to ensure compliance with applicable federal, provincial and/or municipal legislation and approvals; and

(l) any other conditions necessary to ensure compliance with this bylaw and any other statutory plans brought into force by the City of Brooks.

SECTION 33 DISCRETIONARY USE APPLICATIONS

33.1 Upon receipt of a completed application for a development permit for a discretionary use, the Development Officer shall send the application to the Municipal Planning Commission.

33.2 Upon receipt of a completed application under Section 33.1, the Municipal Planning Commission may, at their discretion or as required in this bylaw, notify the owners of the land likely to be affected by the issue of a development permit or hold a development hearing in accordance with Section 38 (Notification of Adjacent Landowners and Persons Likely to be Affected).

33.3 The Development Officer or Development Authority may place any of the following conditions on a development permit for a discretionary use:

(a) require the applicant to enter into a development agreement pursuant to the *MGA*, as prescribed in this bylaw;

(b) the provision of security in the form of a certified cheque, irrevocable Letter of Credit or other security acceptable to the Development Authority;

(c) alteration of a structure or building size or location to ensure any setback requirements of this bylaw or the Subdivision and Development Regulation can be met;

(d) time periods stipulating completion of development;

(e) easements and/or encroachment agreements required as a result of the development;

(f) the application of an increased setback to any minimum required setback if determined to be necessary where an adjacent use may be considered to be otherwise negatively impacted, and the increased setback would serve to improve the suitability of the proposed use at the subject location, with consideration for the local context;

(g) the property owner/developer is to repair or reinstate, or pay for the repair or reinstatement to original condition, of any City owned infrastructure, including but not limited to, street furniture, curbing, sidewalk, boulevard landscaping and tree planting that may be damaged or destroyed or otherwise harmed by development or/and building operations upon the site. All repair and reinstatement work must be completed by a City approved contractor. The property owner/developer must notify the City if they are going to have to destroy or replace any City owned infrastructure;

(h) provision of vehicular and pedestrian access and public utilities other than telecommunication systems or works;

(i) obtain any other approval, permit, authorization, consent or license that may be required to develop or service the affected land;

(j) requirement of a lot or construction stakeout conducted by approved surveyor or agent;

(k) any measure required to ensure compliance with applicable federal, provincial and/or municipal legislation and approvals; and

(l) any other conditions necessary to ensure compliance with this bylaw and any other statutory plans brought into force by the City of Brooks.

33.4 After considering any response to the notifications to owners likely to be affected by the development and, as applicable, any comment received at a development hearing, the Development Authority may issue a development permit with or without conditions, or may refuse to issue a development permit stating the reasons.

SECTION 34 DIRECT CONTROL DISTRICT APPLICATIONS

34.1 Upon receipt of a complete application for a development permit in a Direct Control District, the Development Officer:

(a) shall refer the application to Council for a decision, except where the decision making authority has been delegated to the Municipal Planning Commission or the Development Officer; and

(b) may notify adjacent landowners and other persons likely to be affected in accordance with Section 38 (Notification of Adjacent Landowners and Persons Likely to be Affected) if directed by Council.

34.2 After considering any response to notifications issued under Section 38 (Notification of Adjacent Landowners and Persons Likely to be Affected), Council or the delegated decision making authority may:

(a) approve a development permit with or without conditions; or

(b) refuse to approve the development permit, stating reasons.

34.3 In accordance with section 641(4)(a) of the *MGA*, there is no appeal to the Subdivision and Development Appeal Board for a decision on an application for a development permit in a Direct Control District if the decision is a Council decision.

SECTION 35 SIMILAR AND PROHIBITED USES

35.1 Where a use is applied for which is not specifically considered in any land use district or defined elsewhere in the Land Use Bylaw, but is similar in character and purpose to another use that is permitted or discretionary in the land use district in which such use is proposed, the matter shall be referred by the Development Officer to the Municipal Planning Commission for a determination if the proposal is a similar use.

35.2 The Municipal Planning Commission shall determine and make a ruling on the proposed use as to its similarity to a permitted or discretionary use in the district.

35.3 If the use is deemed similar, the proposed use shall be reviewed by the Municipal Planning Commission and will render a decision on the application.

35.4 Given the above, if the application is approved by the Municipal Planning Commission, a development permit shall be issued in accordance with Section 39 (Notice of Decision).

35.5 Where a use is not listed in a land use district as either discretionary or permitted and is not deemed similar in nature in accordance with Section 35.1, then that use is prohibited.

SECTION 36 VARIANCE TO BYLAW PROVISIONS

36.1 In accordance with section 640(6) of the *MGA*, the Development Officer or the Municipal Planning Commission may approve, with or without conditions, a development permit even though the proposed development 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; and

(b) the proposed development conforms with the use prescribed for that land or building in this bylaw.

36.2 Upon receipt of a completed application for a development permit for a permitted use that requests an unlimited variance to any setback and 25 percent for one other measurable standard of this bylaw for **new construction**, the Development Officer may grant the variance and issue the development permit with or without conditions if, in the opinion of the Development Officer, the variance would meet the requirements of the *MGA* as outlined in Section 36.1(a) and (b).

36.3 Upon receipt of a completed application for a development permit for a permitted use that requests an unlimited variance to any setback and any other measurable standards of this bylaw for **existing building**, the Development Officer may grant the variance and issue the development permit with or without conditions if, in the opinion of the Development Officer, the variance would meet the requirements of the *MGA* as outlined in Section 36.1(a) and (b).

36.4 Upon receipt of a completed application for a permitted use that requests a variance exceeding the provisions of Section 36.2 or 36.3, or a discretionary use that requests a variance, the Development Officer:

(a) shall refer the application to the Municipal Planning Commission for a decision; and

(b) may be directed by the Municipal Planning Commission to notify adjacent landowners and persons likely to be affected in accordance with Administration Section 38 (Notification of Adjacent Landowners and Persons to be Likely Affected).

SECTION 37 LIMITATIONS ON VARIANCE PROVISIONS

37.1 In approving an application for a development permit, the Development Officer or Municipal Planning Commission shall adhere to the general purpose and intent of the appropriate land use district and to the following:

(a) a variance for the purposes of having existing buildings and structures comply with the requirements of this bylaw shall be considered in the context of the neighbourhood, adjacent uses and the impacts to neighbouring properties;

(b) a variance of measurable standards of the bylaw shall be considered in cases of unnecessary hardship or practical difficulties to the use, character, or situation of land or buildings which are not generally common to other land or buildings in the same land use district;

(c) where a variance is considered that will reduce the setback from any road as defined in the *MGA*, the Development Authority shall consider all future road construction needs of the municipality as well as the transportation requirements of the parcel(s) or lot(s) affected.

37.2 Despite Section 36, the Development Officer shall not grant a variance for the following:

(a) density regulations;

(b) distances and requirements of the Subdivision and Development Regulations;

(c) any applicable standard of the land use bylaw, if a section or policy specifically sates that the standard is not to be waived or varied; or

(d) requirements of any local, provincial or national building or construction standards.

SECTION 38 NOTFICATION OF ADJACENT LANDOWNERS AND PERSONS LIKELY TO BE AFFECTED

38.1 Where notification of adjacent landowners and persons likely to be affected is required as set forth in sections 606, 606.1 and 640 of the *MGA* and have been determined to be required by the Municipal Planning Commission or Council, the Development Officer shall, at least five (5) days, excluding weekends and holidays, preceding the date of consideration by the Municipal Planning Commission or Council:

(a) provide notice of the complete application to the applicant in writing by mail or email;

(b) provide notice of the application to adjacent landowners and persons likely to be affected by undertaking any one of the following:

(i) placing a notice on the City's website; or

(ii) placing a notice on any other form of digital media that is accessible by adjacent landowners and persons likely to be affected; or

(iii) placing a notice on the property in a location where the notice is visible and readable from a public right-of-way; and, if deemed necessary; or

(iv) mailing the notice; and/or

(v) placing an advertisement in a newspaper circulating within the City.

38.2 Notification shall be provided to the County of Newell if the development permit application is identified within the County of Newell and City of Brooks Intermunicipal Development Plan.

38.3 Notification shall be provided to any other persons, government departments or referral agencies that are deemed by the Development Authority to be affected.

38.4 In all cases, the notification shall:

(a) describe the nature and location of the use;

(b) state the time and place where the Development Authority will meet to consider the application and indicate how and when written or oral submission on the application will be received and considered;

(c) specify the location at which the development permit application can be inspected;

(d) in the instance of mailing of the notice, be deemed received seven (7) days from mailing the notice; and

(e) in the instance of the notice being placed in a newspaper, be deemed received on the date of publication of the newspaper.

SECTION 39 NOTICE OF DECISION

39.1 Upon the decision of all development permit applications, the Development Officer shall:

(a) mail, email or hand deliver a written notice of decision to the applicant; and

(b) mail, email or hand deliver a written notice of decision to adjacent landowners and persons likely to be affected; and

(c) to any persons likely to be affected by or appeal the decision of the Development Authority by:

(i) posting a notice prominently on the City of Brooks official website or official social media site(s), or

(ii) mailing a notice (postal service or electronic mail), or

(iii) posting a notice conspicuously on the property for which the application has been made, or

(iv) placing a notice in a newspaper circulating in the City of Brooks, or

(v) or any combination thereof.

39.2 The Development Officer will give (hand deliver) or send a copy (postal service or electronic mail) of the written decision, which specifies the date on which the decision was given, to the applicant on the same day the decision is given.

39.3 For the purposes of Section 39.2, the “date on which the decision was given” means:

(a) the date that the Development Officer signs the notice of decision or development permit, or

(b) the date the decision is posted in the newspaper circulating in the City of Brooks, or

(c) the date the decision is posted on the City of Brooks official website or official social media site(s),

whichever occurs later.

SECTION 40 FAILURE TO MAKE A DECISION

40.1 In accordance with section 684 of the *MGA*, if the Development Authority has not made a decision within 40 days of receipt of an application being deemed complete under Section 31 (Determination of Complete Development Permit Application), the development permit application may be deemed to be refused and may be appealed by the applicant.

40.2 The Development Authority and the applicant must enter into a written agreement prior to the expiration of the 40-day time period to extend the period referred to in Section 40.1.

40.3 Section 40.1 does not apply in the case of a development application deemed to be refused under Section 31 (Determination of Complete Development Permit Application).

SECTION 41 COMMENCEMENT OF DEVELOPMENT

41.1 Even though a development permit has been issued, development shall not commence until 21 days from the date of the notice of decision is given as per section 686(1) of the *MGA.*

41.2 Development permits issued that have been appealed, no development shall commence until the appeal is decided upon.

SECTION 42 DEVELOPMENT PERMIT VALIDITY

42.1 Unless a development permit is suspended or cancelled, the development must be commenced or carried out with reasonable diligence in the opinion of the Development Authority within 12 months from the date of issuance of the permit, otherwise the permit is void, notwithstanding an extension approved by the Development Authority prior to the 12 month period concluding.

42.2 An application to extend the validity of a development permit may be made at any time prior to the expiration of the approved permit. The application to extend the validity of a development permit is at the discretion of the Development Authority.

42.3 When any discretionary use has been discontinued for a period of six (6) months or more, any development permit that may have been issued is no longer valid and the use may not be recommenced until a new application for a development permit has been submitted, reviewed and a new development permit issued.

42.4 The Development Officer or Municipal Planning Commission may attach a condition to a permit approval to limit the time frame that any development permit is valid for. If a time limit is applied to a development permit, the following conditions may also be applied:

(a) the applicant or developer is liable for any costs involved in the cessation or removal of any development at the expiration of the permitted period;

(b) the applicant may be required to submit an irrevocable Letter of Credit, performance bond or other acceptable form of security guaranteeing the cessation or removal of the non-permanent use; and

(c) any other conditions as deemed necessary.

SECTION 43 TRANSFERABILITY OF DEVELOPMENT PERMIT

43.1 A valid development permit is transferable when the use remains unchanged and the development is affected only by a change in ownership, tenancy or occupancy.

43.2 A home occupation permit is non-transferable.

SECTION 44 REAPPLICATION FOR A DEVELOPMENT PERMIT

44.1 If an application for a development permit is refused by the Development Officer, the Municipal Planning Commission, or the Subdivision and Development Appeal Board, the submission of another application for a development permit on the same parcel of land for the same or for a similar use of the land may not be accepted by the Development Officer for at least six (6) months after the date of refusal.

44.2 If an application was refused solely because it did not comply with the development standards of this bylaw or was refused as an incomplete application under Section 31 (Determination of Complete Development Permit Application), the Development Officer may accept another application on the same parcel of land for the same or similar use before the time period referred to in Section 45.1 has lapsed, provided the application has been modified to comply with this bylaw.

SECTION 45 SUSPENSION OR CANCELLATION OF A PERMIT

45.1 If, after a development permit has been issued, the Development Officer or the Municipal Planning Commission determines that:

(a) the application for the development permit contained a misrepresentation, or

(b) facts were not disclosed which should have been at the time of consideration of the application for the development permit; or

(c) the development permit was issued in error; or

(d) the applicant withdrew the application by way of written notice; or

(e) the applicant's development has deviated from what was approved;

the Development Officer or the Municipal Planning Commission may suspend or cancel the development permit by notice in writing to the holder of it stating the reasons for any suspension or cancellation.

45.2 Upon receipt of the written notification of suspension or cancellation of the permit, the permit holder must cease all development and activities to which the development permit relates.

45.3 A person whose development permit is suspended or cancelled under this section may appeal within 21 days of the notice of decision to the Subdivision and Development Appeal Board.

45.4 If a development permit is suspended or cancelled, the Subdivision and Development Appeal Board shall review the application if an appeal is filed by the applicant and either:

(a) reinstate the development permit; or

(b) cancel the development permit if the Development Officer or the Municipal Planning Commission would not have issued the development permit if the facts subsequently disclosed had been known during the consideration of the application; or

(c) reinstate the development permit and impose such other conditions as are considered necessary to ensure that this bylaw or any statutory plan is complied with.

PART 5: SUBDIVISION RULES AND PROCEDURES

SECTION 46 SUBDIVISION IN GENERAL

46.1 Where the development of land requires the subdivision of land, no development permit shall be issued until the application for subdivision has been approved in accordance with the *MGA*.

46.2 The minimum dimensional standards for lots and all other requirements in this bylaw shall be as specified in the applicable land use district in Schedule 2.

46.3 An application for subdivision may be subject to the same requirements of Section 21 (Suitability of Sites) and Section 57 (Land Use District Redesignation) if deemed necessary by the Subdivision Authority.

46.4 All applications for subdivision shall be required to meet the design standards set out in Schedule 3.

46.5 Subdivision of lands within the Residential Manufactured Home Park (R-MP) land use district shall not be permitted unless accompanied by an approved concept plan or adopted area structure plan.

SECTION 47 SUBDIVISION APPLICATIONS

47.1 An applicant applying for subdivision shall provide the required material and information as requested by the Subdivision Authority or its designate. A complete application shall consist of:

(a) an official application, in the manner and form prescribed, clearly and legibly completed with all the required information and signatures provided as requested on the form; and

(b) the applicable fees paid; and

(c) an up-to-date and current copy of the Certificate of Title to the subject land; and

(d) a surveyors sketch or tentative subdivision plan with dimensions, structures, location of private sewage disposal system, professionally prepared; and

(e) provincial abandoned gas well information; and

(f) any such other information as may be required at the discretion of the Subdivision Authority in order to accurately evaluate the application and determine compliance with the Land Use Bylaw or other government regulations. This may include but is not limited to the provision of geotechnical information, soil analysis reports, water reports, soil or slope stability analysis, drainage information, contours and elevations of the land, engineering studies or reports, wetland reports, environmental impact assessments, utility and servicing information, and/or the preparation of a conceptual design scheme or an area structure plan prior to a decision being rendered on a subdivision application to determine the suitability of the land for the proposed use; and

(g) the consent to authorize the Subdivision Authority or its designate to carry out a site inspection on the subject land as authorized in accordance with the *MGA* must also be provided on the submitted application form unless determined not to be needed by the Subdivision Authority.

47.2 In accordance with the *MGA*, the Subdivision Authority or those authorized to act on its behalf, shall provide notification to a subdivision applicant within the 20-day prescribed time period, on whether a submitted application is deemed complete, or if it is determined to be deficient what information is required to be submitted by a specified time period, by sending notification in the following manner:

(a) for an application deemed complete, the applicant shall be notified in writing as part of the formal subdivision application circulation referral letter;

(b) for an application determined to be incomplete, written notification shall be given to the applicant which may be in the form of a letter sent by regular mail to the applicant, or sent by electronic means, or both, or by any other method as may be agreed to between the applicant and Subdivision Authority;

(c) in respect of subsection (b) for a subdivision application determined to be incomplete, the applicant will be advised in writing as part of the Notice of Incompleteness what the outstanding or required information items are that must be submitted by the time specified in the notice.

47.3 Notwithstanding Section 47.2, the applicant and Subdivision Authority may agree and sign a time extension agreement in writing in accordance with section 653.1(3) of the *MGA* to extend the 20-day decision time period to determine whether the subdivision application and support information submitted is complete.

47.4 A determination made by the Subdivision Authority that an application is complete for processing does not preclude the ability for the Subdivision Authority to request other information or studies to be submitted by the applicant during the review and processing period, prior to a decision being rendered, or as condition of subdivision approval.

SECTION 48 INCOMPLETE SUBDIVISION APPLICATIONS

48.1 The Subdivision Authority may refuse to accept and process a subdivision application where the information required under Section 47 and/or as described in a Notification of Incompleteness has not been submitted, is determined to be deficient, is still incomplete, or in the opinion of the Subdivision Authority the quality of the material supplied is inadequate to properly evaluate the application.

48.2 If the Subdivision Authority makes a determination that the application is refused due to incompleteness, the applicant shall be notified in writing with reasons in the manner as described in Section 47.2.

48.3 The notification provided for in Section 48.2 shall include for the applicant the required information on the filing of an appeal and to which appeal board body the appeal lies, either the local appeal board or provincial Municipal Government Board, in accordance with the parameters of the *MGA*.

PART 6: ENFORCEMENT AND APPEALS

SECTION 49 DESIGNATED OFFICERS

49.1 In accordance with section 210 of the *MGA*, an officer designated to carry out enforcement of the *MGA*, the Subdivision and Development Regulation, a development permit or subdivision approval, or this bylaw is herein referred to as an Officer, and includes:

(a) the Development Officer or another designated officer in Section 13.1(a) of this bylaw, and

(b) a Bylaw Enforcement Officer in accordance with the *MGA*, and

(c) a Community Peace Officer in accordance with the Alberta *Peace Officer Act*, and

(d) a Police Officer in accordance with the Alberta *Police Act*.

SECTION 50 SUBDIVISON AND DEVELOPMENT APPEALS

50.1 Any person applying for a development permit or any other person affected by an order, decision or development permit made or issued by the Development Officer or the Municipal Planning Commission may appeal such an order or decision to the Subdivision and Development Appeal Board in accordance with the procedures described in the *MGA*.

50.2 The applicant may appeal a subdivision decision, and any condition attached to the decision, to the Subdivision and Development Appeal Board in accordance with the procedures described in the *MGA*. Adjacent or affected landowners have no right to appeal under the *MGA*.

50.3 Notwithstanding Section 50.1, there is no avenue for an appeal if the application was made on lands zoned as Direct Control, if the decision was made by Council. If the decision was made by the Municipal Planning Commission or the Development Officer as a delegated authority of Council, the appeal is limited to

whether the Development Authority followed the directions of Council, as per section 641 of the *MGA*.

50.4 An appeal to the Subdivision and Development Appeal Board shall be commenced by serving a written notice of the appeal with reasons to the Subdivision and Development Appeal Board and shall be accompanied by the applicable fees.

SECTION 51 CONTRAVENTION OF THE LAND USE BYLAW

51.1 A Development Officer may enforce the provisions of this bylaw, a development permit or subdivision approval, the Subdivision and Development Regulation, or the MGA. Enforcement may be by notice of violation, stop orders, or any other authorized action to ensure compliance.

51.2 Any owner, lessee, tenant or occupant of land, a building, a structure or a sign thereon, who, with respect to such land, building or structure:

(a) contravenes; or

(b) causes, allows or permits a contravention of any provision of this bylaw;

commits an offence.

51.3 It is an offence for any person to:

(a) construct a building or structure,

(b) make an addition or alteration thereto, or

(c) place a sign on land,

for which a development permit is required but has not been issued or is not valid under this bylaw.

51.4 It is an offence to use residential, agricultural, public, commercial or industrial property without a valid development permit where the use is listed as a permitted or discretionary use in the land use district.

51.5 It is an offence to use residential, agricultural, public, commercial or industrial property without a valid development permit where the use is not listed as a permitted or discretionary use in the land use district.

SECTION 52 NOTICE OF VIOLATION

52.1 Where the Development Authority finds that a development or use of land or buildings is not in accordance with this bylaw, a development permit or subdivision approval, the Subdivision and Development Regulation, or the MGA, an Officer may issue a notice of violation to the registered owner or the person in possession of the land or buildings or to the person responsible for the contravention.

52.2 Such notice shall state the following:

(a) nature of the violation;

(b) corrective measures required to comply;

(c) the time period within which such corrective measures must carried out; and

(d) a warning that if the violation is not corrected, a stop order will be issued pursuant to section 645 of the *MGA*.

52.3 The Municipality is not required to issue a notice of violation before commencing any other enforcement action under the *MGA*, or this bylaw, or at all.

SECTION 53 STOP ORDERS

53.1 As set forth in section 645 of the *MGA*, the Development Authority is authorized to issue a stop order, herein referred to as an order, if a development or use of land or buildings is not in accordance with this bylaw, a development permit or subdivision approval, the Subdivision and Development Regulation, or the MGA.

53.2 A person who receives notice pursuant to Section 54.1 may appeal the order within 21 days of the date on which the order is made to the Subdivision and Development Appeal Board in accordance with the *MGA*.

53.3 Pursuant to section 646 of the *MGA*, if a person fails or refuses to comply with an order directed to the person under section 645 or an order of a Subdivision And Development Appeal Board under section 687, the Development Officer may, in accordance with section 542, enter on the land or building and take any action necessary to carry out the order.

53.4 The City may register a caveat under the *Land Titles Act* in respect of an order referred to in Section 54.1 against the Certificate of Title for the land that is the subject of an order.

53.5 If a caveat is registered under Section 54.4, the City must discharge the caveat when the order has been complied with.

53.6 If a stop order is not complied with, the City may undertake legal action, including but not limited to, seeking injunctive relief from the Alberta Court of Queen's Bench pursuant to section 554 of the *MGA*. In accordance with section 553 of the *MGA*, the expenses and costs of carrying out an order under section 646 of the *MGA* may be added to the tax roll of the parcel of land.

SECTION 54 PENALTIES AND RIGHT OF ENTRY

54.1 Any person who contravenes any provision of this bylaw is guilty of an offence in accordance with Part 13, Division 5, Offences and Penalties of the *MGA* and is liable to a fine of not more than $10,000 or to imprisonment for not more than one year or to both fine and imprisonment.

54.2 Pursuant to section 542 of the *MGA*, an Officer may, after giving reasonable notice to and obtaining consent from the owner or occupier of land:

(a) enter on that land at a reasonable time and carry out inspection, enforcement, or action authorized or required by the enactment or bylaw;

(b) request anything to be produced that would assist in carrying out Section 54.2(a); and

(c) make copies of anything related to Section 54.2(a).

54.3 Pursuant to section 543 of the *MGA*, if a person refuses to grant consent or refuses to provide anything to assist in the inspection, enforcement or action referred to in section 542 of the *MGA*, the municipality may obtain a court order.

PART 7: AMENDMENTS TO THIS BYLAW

SECTION 55 AMENDMENT OR REPEAL OF BYLAW

55.1 A person may request an amendment to this bylaw, by applying in writing, providing reasons in support of the application and paying the prescribed fee.

55.2 All applications to amend this bylaw shall be submitted to the Development Officer and shall be accompanied by the following:

(a) an application fee;

(b) an application form included in Appendix A of this bylaw, which is completed to the satisfaction of the Development Officer;

(c) a current Certificate of Title of the land affected and/or other documents satisfactory to the Development Officer, which indicate the interest of the applicant in the said land;

(d) all drawings required to be submitted, drawn to the satisfaction of the Development Officer; and

(e) any other material as deemed necessary by the Development Officer to allow Council to make a decision on the application.

55.3 The Development Officer may refuse to accept an application for an amendment to this Land Use Bylaw if, in their opinion, the information supplied is not sufficient to undertake a proper evaluation of the proposed amendment.

55.4 Once an application is accepted by the Development Officer, they shall forward the application to Council for a decision.

55.5 In reviewing an application to amend this bylaw, Council shall give consideration to the following:

(a) the consistency of the proposal to the City's statutory and non-statutory plans, approved policies, and this bylaw;

(b) the proposal is located in an appropriate area of the community and is compatible with adjacent land uses;

(c) the proposal does not compromise the road capacity of the area, levels of service of the roads in the area, or vehicular and non-vehicular traffic safety, and is suitably and efficiently serviced by an off-site road network;

(d) the proposal can be adequately serviced with municipal utilities; and

(e) any other matter as deemed necessary by Council.

55.6 All proposed amendments to this bylaw shall be decided upon by Council in accordance with the *MGA*.

55.7 Public hearing and notification requirements shall be in accordance with sections 230, 606, 606.1 and 692 of the *MGA*.

55.8 Where an application for an amendment to this bylaw has been refused by Council, another application that is the same or similar shall not be accepted for a period of six (6) months following the date of the decision of refusal.

55.9 Where an application for an amendment to this bylaw has been refused by Council, another application that has been significantly changed may be accepted prior to the six (6) month waiting period prescribed in 55.8 of this section, at the discretion of Council.

SECTION 56 LAND USE DISTRICT REDESIGNATION

56.1 In addition to the general requirements for amendment or repeal of this bylaw as set forth in Section 55 (Amendment or Repeal of Bylaw), an application made specifically for redesignation from one land use district to another shall be accompanied by the following:

(a) an application fee;

(b) a completed application form as included in Appendix A;

(c) an explanation of the application describing:

(i) proposed land use designation and future use(s);

(ii) consistency with applicable statutory plans or rationale for why the proposal may be inconsistent with applicable statutory plans;

(iii) development potential/suitability of the site including identification of any constraints and/or hazards to development;

(iv) availability of infrastructure to service the site including adequate water, sewer, and storm water capacities;

(v) potential impacts to public roads and options available to address any impacts that would create issues relating to road capacities, levels of service and vehicular/non-vehicular traffic safety;

(vi) conceptual subdivision design, if applicable;

(vii) geotechnical report prepared by an engineer demonstrating soil suitability if deemed necessary by the Development Authority;

(viii) an evaluation of surface drainage which may include adjacent properties if deemed necessary by the Development Authority; and

(ix) any other information deemed necessary by the Development Authority to properly evaluate the application;

(c) an Area Structure Plan, Outline Plan or Conceptual Design Scheme may be required in conjunction with an application if:

(i) proposing to redesignate lands from Future Urban Development (FUD) to any other land use district,

(ii) multiple parcels of land are involved,

(iii) more than four (4) lots could be created,

(iv) several fragmented parcels are adjacent to the parcel that is the subject of the proposed redesignation,

(v) internal public roads would be required,

(vi) municipal services would need to be extended, or

(vii) it is required by the Development Authority.

CITY OF BROOKS

BYLAW NO. 20/19

A BYLAW OF THE CITY OF BROOKS IN THE PROVINCE OF ALBERTA TO AMEND BYLAW NO. 14/12 BEING THE LAND USE BYLAW.

WHEREAS it is desirable to amend Bylaw No. 14/12 being the Land Use Bylaw for the City of Brooks;

AND WHEREAS the purpose of the proposed amendment is to redesignate land legally described as:

Lot 19, Block 3, Plan 9710398

from "Residential Low Density – R-LD" to "Commercial Neighbourhood – C-N", as shown on the map in Schedule 'A' attached hereto to accommodate the development of a real estate office;

AND WHEREAS a Public Hearing, as required by Section 692 of the Municipal Government Act, will be held prior to second reading of this Bylaw;

NOW THEREFORE, the Council of the City of Brooks in the Province of Alberta hereby enacts as follows:

1. That Bylaw 20/17 is hereby repealed.

2. The land described as Lot 19, Block 3, Plan 9710398 as shown on the attached Schedule 'A' be designated Commercial Neighbourhood – C-N.

3. That the Land use Districts map of the City of Brooks Land Use Bylaw 14/12 be amended to reflect this designation.

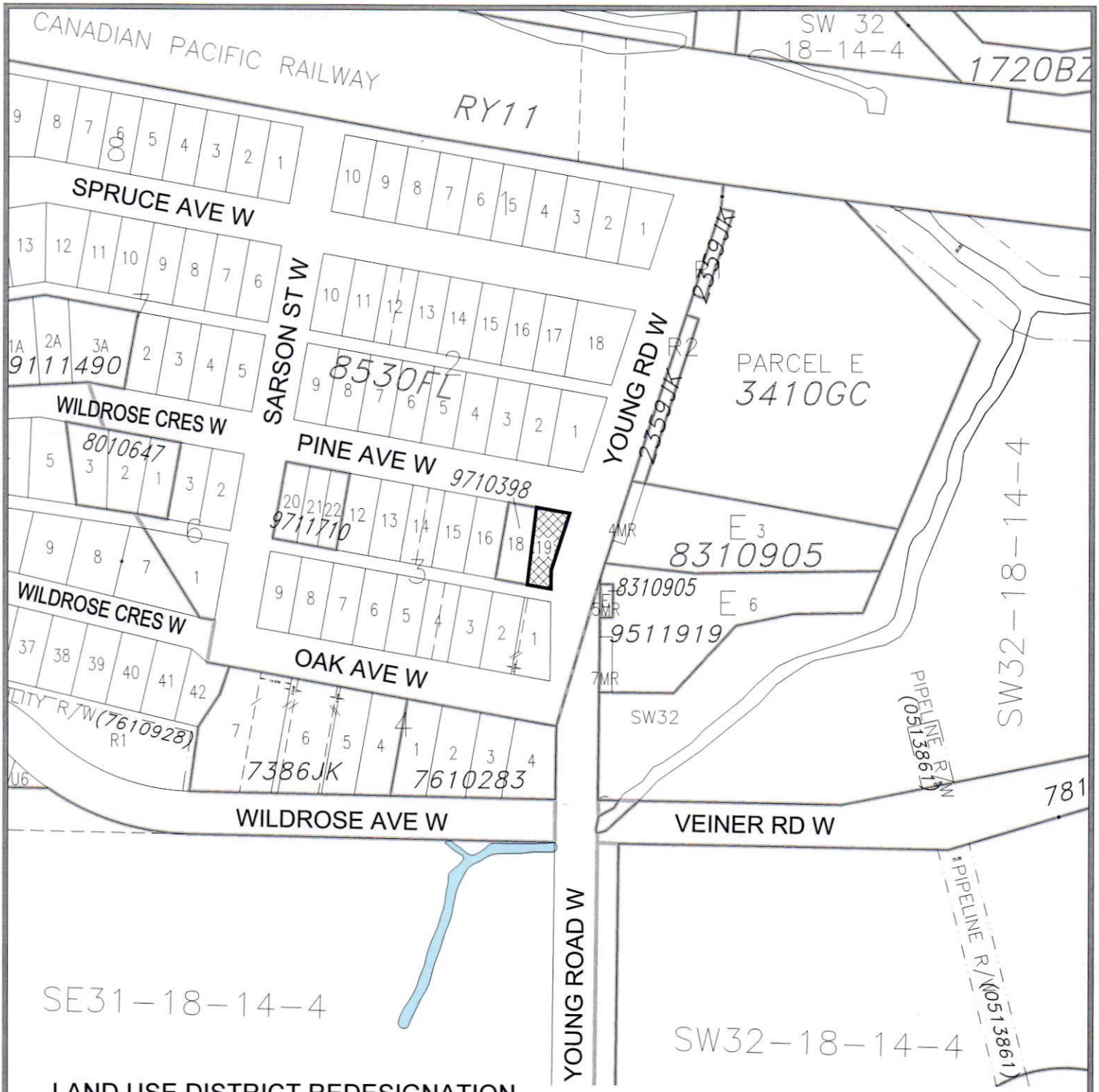
4. Bylaw 14/12, being the Land Use Bylaw, is hereby amended and a consolidated version of the Land Use Bylaw reflecting the amendment is authorized to be prepared.

4. That this Bylaw shall take effect upon final passing thereof.

Read a first time this 8th day of September, 2020.
Read a second time this 8th day of September, 2020.
Read a third time and finally passed this 8th day of September, 2020.

Mayor

Chief Administrative Officer



LAND USE DISTRICT REDESIGNATION
SCHEDULE 'A'

FROM: Residential Low Density - R-LD

TO: Commercial Neighbourhood - C-N

LOT 19; BLOCK 3; PLAN 9710398

WITHIN SE 1/4 SEC 31, TWP 18, RGE 14, W 4 M

MUNICIPALITY: CITY OF BROOKS

DATE: JULY 2, 2020

Bylaw #: _____

Date: _____

OLDMAN RIVER REGIONAL SERVICES COMMISSION

0 Metres 50 100 150 200

July 02, 2020 N:\Newell-County\Brooks\Brooks LUD & Land Use Redesignations\City of Brooks - Lot 19 - Block 3 - Plan 9710398.dwg

MAP PREPARED BY:
OLDMAN RIVER REGIONAL SERVICES COMMISSION
3105 16th AVENUE NORTH, LETHBRIDGE, ALBERTA T1H 5E8
TEL. 403-329-1344
"NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"

CITY OF BROOKS

BYLAW NO. 20/20

A BYLAW OF THE CITY OF BROOKS IN THE PROVINCE OF ALBERTA TO AMEND BYLAW NO. 14/12 BEING THE LAND USE BYLAW.

WHEREAS it is desirable to amend Bylaw No. 14/12 being the Land Use Bylaw for the City of Brooks;

AND WHEREAS the purpose of the proposed amendment is to redesignate land legally described as:

Lot 2, Block 15, Plan 3230AM

from "Residential High Density – R-HD" to "Commercial General – C-G", as shown on the map in Schedule 'A' attached hereto to accommodate the expansion of an existing funeral home;

AND WHEREAS a Public Hearing, as required by Section 692 of the Municipal Government Act, will be held prior to second reading of this Bylaw;

NOW THEREFORE, the Council of the City of Brooks in the Province of Alberta hereby enacts as follows:

1. That Bylaw 20/18 is hereby repealed.

2. The land described as Lot 2, Block 15, Plan 3230AM as shown on the attached Schedule 'A' be designated Commercial General – C-G.

3. That the Land use Districts map of the City of Brooks Land Use Bylaw 14/12 be amended to reflect this designation.

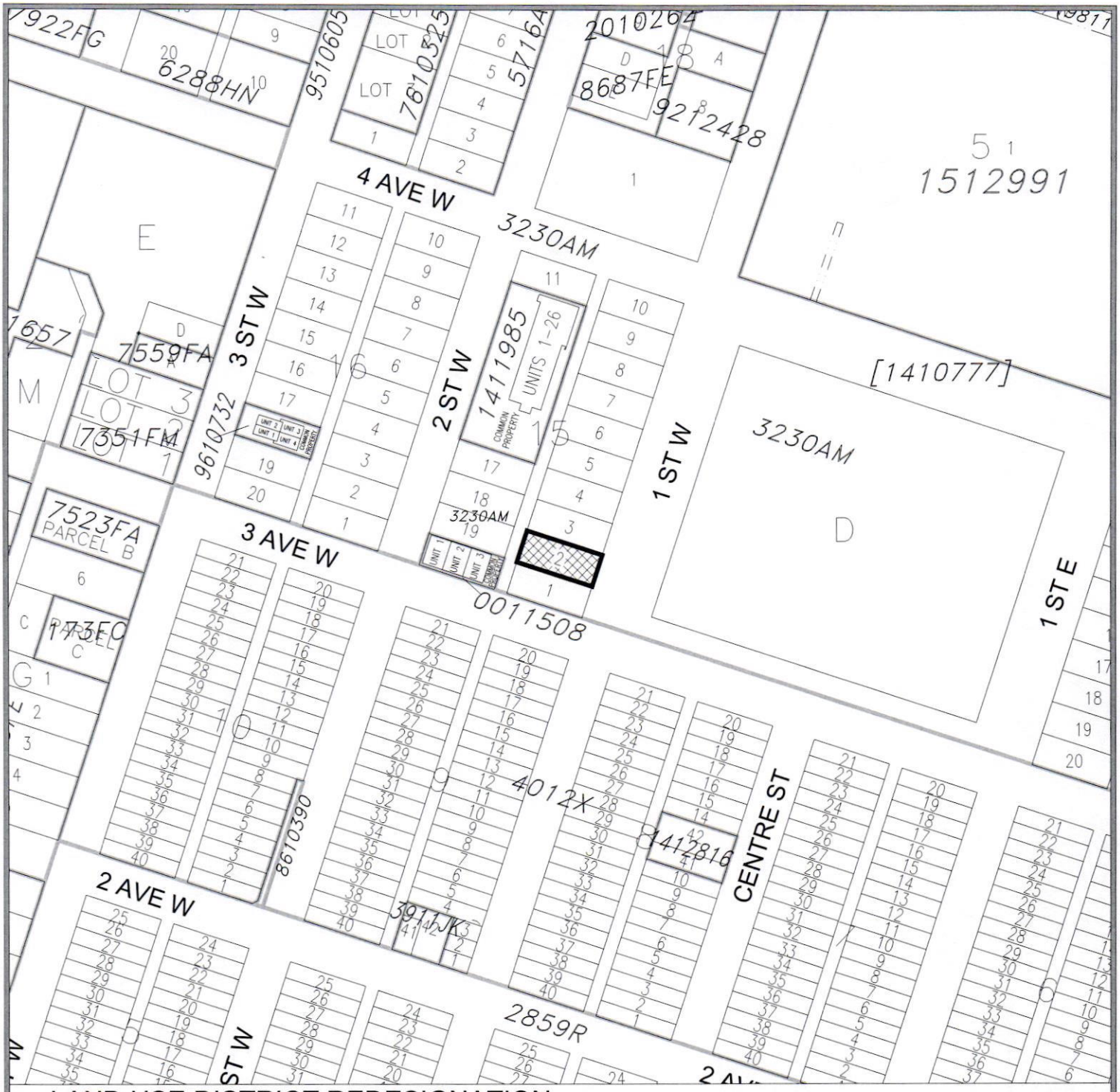
4. Bylaw 14/12, being the Land Use Bylaw, is hereby amended and a consolidated version of the Land Use Bylaw reflecting the amendment is authorized to be prepared.

4. That this Bylaw shall take effect upon final passing thereof.

Read a first time this 8th day of September, 2020.
Read a second time this 8th day of September, 2020.
Read a third time and finally passed this 8th day of September, 2020.

Mayor

Chief Administrative Officer



LAND USE DISTRICT REDESIGNATION
SCHEDULE 'A'

FROM: Residential High Density - R-HD

TO: Commercial General - C-G

LOT 2; BLOCK 15; PLAN 3230AM

WITHIN NW 1/4 SEC 32, TWP 18, RGE 14, W 4 M

MUNICIPALITY: CITY OF BROOKS

DATE: JUNE 24, 2020

Bylaw #: _____

Date: _____

OLDMAN RIVER REGIONAL SERVICES COMMISSION

0 Metres 50 100 150 200

June 24, 2020 N:\Newell-County\Brooks\Brooks LUD & Land Use Redesignations\City of Brooks – Lot 2, Block 15, Plan 3230AM.dwg

MAP PREPARED BY:
OLDMAN RIVER REGIONAL SERVICES COMMISSION
3105 16th AVENUE NORTH, LETHBRIDGE, ALBERTA T1H 5E8
TEL. 403-329-1344

"NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"

CITY OF BROOKS

BYLAW NO. 20/21

A BYLAW OF THE CITY OF BROOKS IN THE PROVINCE OF ALBERTA TO AMEND BYLAW NO. 14/12 BEING THE LAND USE BYLAW.

WHEREAS it is desirable to amend Bylaw No. 14/12 being the Land Use Bylaw for the City of Brooks;

AND WHEREAS the purpose of the proposed amendment is to redesignate land legally described as:

Lot 2, Block 3, Plan 731352

from "Light Industrial – I-L" to "Commercial General – C-G", as shown on the map in Schedule 'A' attached hereto to accommodate the development of a medical clinic;

AND WHEREAS a Public Hearing, as required by Section 692 of the Municipal Government Act, will be held prior to second reading of this Bylaw;

NOW THEREFORE, the Council of the City of Brooks in the Province of Alberta hereby enacts as follows:

1. The land described as Lot 2, Block 3, Plan 731352 as shown on the attached Schedule 'A' be designated Commercial General – C-G.

2. That the Land use Districts map of the City of Brooks Land Use Bylaw 14/12 be amended to reflect this designation.

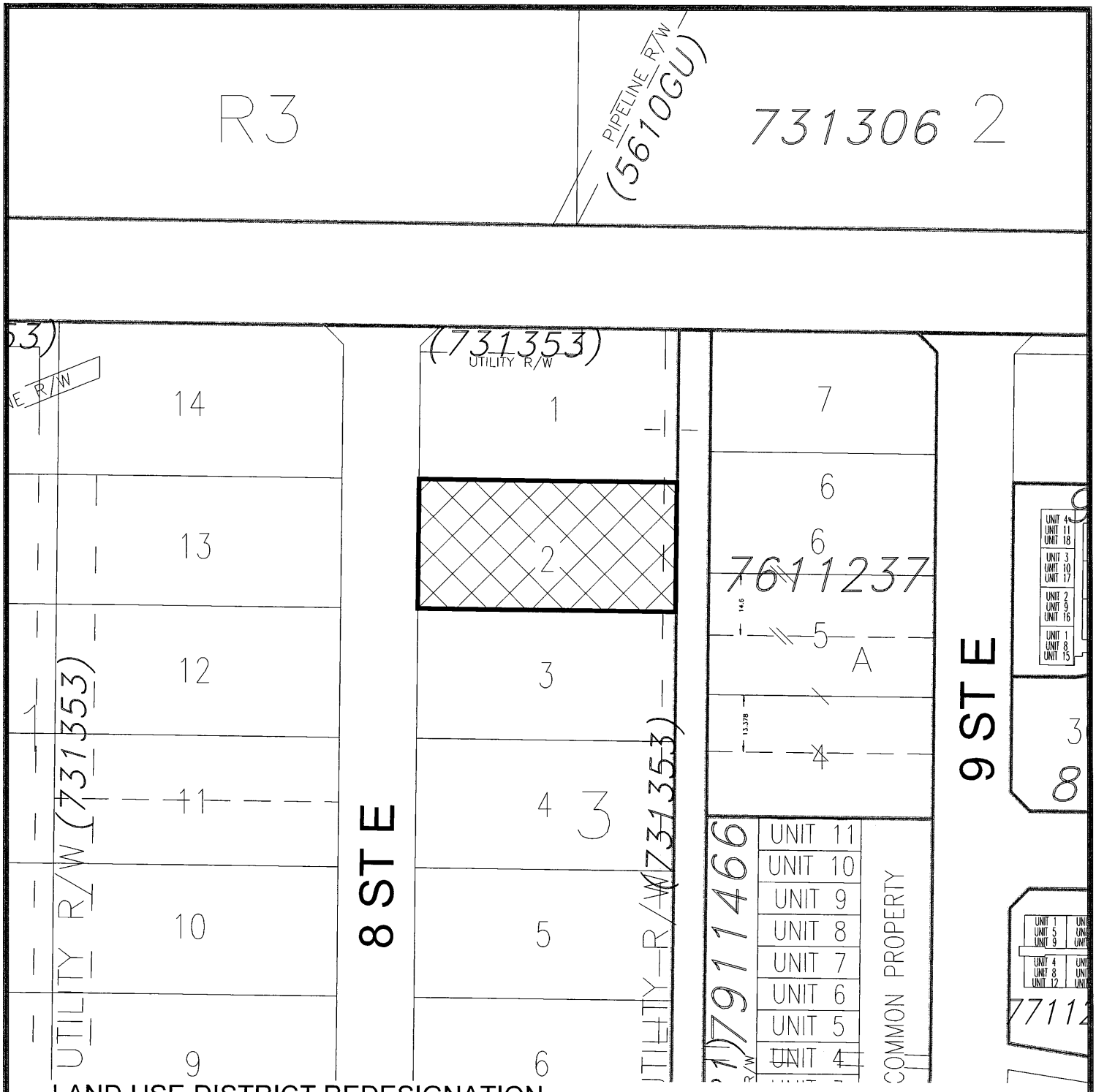
3. Bylaw 14/12, being the Land Use Bylaw, is hereby amended and a consolidated version of the Land Use Bylaw reflecting the amendment is authorized to be prepared.

4. That this Bylaw shall take effect upon final passing thereof.

Read a first time this 21st day of September, 2020.
Read a second time this 21st day of September, 2020.
Read a third time and finally passed this 21st day of September, 2020.

Mayor

Chief Administrative Officer



LAND USE DISTRICT REDESIGNATION
SCHEDULE 'A'

FROM: Industrial Light (I-L)
TO: Commercial General (C-G)

LOT 2; BLOCK 3; PLAN 731352
WITHIN NW 1/4 SEC 33, TWP 18, RGE 14, W 4 M
MUNICIPALITY: CITY OF BROOKS
DATE: AUGUST 25, 2020

Bylaw #: 20/21
Date: Sept 21, 2020

OLDMAN RIVER REGIONAL SERVICES COMMISSION

0 Metres 50 100 150 200

N

August 25, 2020 N:\Newell-County\Brooks\Brooks LUD & Land Use Redesignations\City of Brooks – Lot 2 – Block 3 – Plan 731352.dwg

MAP PREPARED BY:
OLDMAN RIVER REGIONAL SERVICES COMMISSION
3105 16th AVENUE NORTH, LETHBRIDGE, ALBERTA T1H 5E8
TEL. 403-329-1344

"NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"

CITY OF BROOKS

BYLAW NO. 20/22

A BYLAW OF THE CITY OF BROOKS IN THE PROVINCE OF ALBERTA TO AMEND BYLAW NO. 14/12 BEING THE LAND USE BYLAW.

WHEREAS it is desirable to amend Bylaw No. 14/12 being the Land Use Bylaw for the City of Brooks;

AND WHEREAS the purpose of the proposed amendment is to consolidate and clarify the use definitions, to generally expand the types of uses under the permitted versus discretionary category within all Land Use Districts, and to make small text changes to streamline the development permit process;

AND WHEREAS a Public Hearing, as required by Section 692 of the Municipal Government Act, will be held prior to second reading of this Bylaw;

NOW THEREFORE, the Council of the City of Brooks in the Province of Alberta hereby enacts as follows:

1. That the Administration portion of the Land Use Bylaw, Part 4: Development Permit Rules and Procedures, Section 29, Development Not Requiring a Development Permit, subsection 29.4 be amended by adding or rewording the following underlined text:

   (c) interior or exterior renovations to a building which do not:

   - Create another dwelling unit,
   - Increase parking requirements,
   - Result in the change of use of a building,
   - Increase the square footage (increase density);

2. That the Administration portion of the Land Use Bylaw, Part 4: Development Permit Rules and Procedures, Section 32, Permitted Use Applications, subsection 32.2 be amended by adding or rewording the following underlined text:

   (a) may grant an unlimited variance to any setback and/or a variance of up to but no more than 25 percent of any combination of other measurable standards of this bylaw for **new construction** and approve the development permit with or without conditions if, in the opinion of the Development Officer, the variance would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring

parcels of land; or

3. That the Administration portion of the Land Use Bylaw, Part 4: Development Permit Rules and Procedures, Section 36, Variance to Bylaw Provisions, subsection 36.2 be amended by adding or rewording the following underlined text:

> Upon receipt of a completed application for a development permit for a permitted use that requests an unlimited variance to any setback and/or a variance of up to but no more than 25 percent <u>of any combination of other measurable standards</u> of this bylaw for **new construction**, the Development Officer may grant the variance and issue the development permit with or without conditions if, in the opinion of the Development Officer, the variance would meet the requirements of the *MGA* as outlined in Section 36.1(a) and (b).

4. That Schedule 2: Land Use Districts, Residential Single Detached (R-SD), Section 2: Uses, be deleted in its entirety, and be replaced with the following text:

2.1 PERMITTED

- Accessory buildings and structures
- Day homes
- Home occupations – 1, 2
- Public utilities
- Secondary suites
- Single detached dwellings

2.2 DISCRETIONARY

- Bed and breakfasts
- Day cares
- Duplexes
- Government and public services
- Group care facilities (≤ 5 residents)
- Home occupations – 3
- Modular homes
- Moved-in dwellings
- Religious assemblies
- Semi-detached dwellings
- Townhouses (3 units maximum)

5. That Schedule 2: Land Use Districts, Residential Small Lot (R-SL), Section 2: Uses, be deleted in its entirety, and be replaced with the following text:

2.1 PERMITTED

- Accessory buildings and structures

- Day homes
- Home occupations – 1, 2
- Public utilities
- Secondary suites
- Single detached dwellings

2.2 DISCRETIONARY

- Bed and breakfasts
- Duplexes
- Government and public services
- Home occupations – 3
- Moved-in dwellings
- Modular homes
- Semi-detached dwellings

6. That Schedule 2: Land Use Districts, Residential Low Density (R-LD), Section 2: Uses, be deleted in its entirety, and be replaced with the following text:

2.1 PERMITTED

- Accessory buildings and structures
- Day homes
- Duplexes
- Home occupations – 1, 2
- Public utilities
- Secondary suites
- Semi-detached dwellings
- Single detached dwellings
- Townhouses (3 unit maximum)

2.2 DISCRETIONARY

- Apartments (8 unit maximum)
- Bed and breakfasts
- Day cares
- Government and public services
- Group care facilities (≤ 5 residents)
- Home occupations – 3
- Moved-in dwellings
- Modular homes
- Townhouses (8 unit maximum)

7. That Schedule 2: Land Use Districts, Residential High Density (R-HD), Section 2: Uses, be deleted in its entirety, and be replaced with the following text:

2.1 PERMITTED

- Accessory buildings and structures
- Apartments
- Day cares
- Day homes
- Duplexes
- Home occupations – 1, 2
- Public utilities
- Secondary suites
- Semi-detached dwellings
- Single detached dwellings
- Townhouses

2.2 DISCRETIONARY

- Bed and breakfasts
- Commercial uses on the main floor of multi-storey buildings:
  - Business and professional offices
  - Cafes
  - Medical offices
  - Minor retail establishments
  - Personal services
- Government and public services
- Group care facilities (≤ 5 residents)
- Home occupations – 3
- Modular homes
- Moved-in dwellings
- Religious assemblies

8. That Schedule 2: Land Use Districts, Residential Manufactured Home (R-MH), Section 2: Uses, be deleted in its entirety, and be replaced with the following text:

2.1 PERMITTED

- Accessory buildings and structures
- Home occupations – 1, 2
- Manufactured homes
- Public utilities

2.2 DISCRETIONARY

- Government and public services
- Home occupations – 3
- Modular homes
- Moved-in dwellings
- Single detached dwellings

9. That Schedule 2: Land Use Districts, Residential Manufactured Home Park (R-MP), Section 2: Uses, be deleted in its entirety, and be replaced with the following text:

2.1 PERMITTED

- Accessory buildings and structures
- Home occupations – 1, 2
- Manufactured homes
- Manufactured home parks
- Parks and playgrounds
- Public utilities

2.2 DISCRETIONARY

- Government and public services
- Home occupations – 3
- Modular homes

10. That Schedule 2: Land Use Districts, Commercial Central (C-C), Section 2: Uses, be deleted in its entirety, and be replaced with the following text:

2.1 PERMITTED

- Accessory buildings and structures
- Art and craft studios
- Bakeries
- Bars/Lounges
- Breweries, wineries and distilleries
- Business and professional offices
- Cafes
- Cannabis stores
- Commercial schools
- Cultural facilities
- Dwelling units above non-residential uses
- Entertainment facilities
- Financial institutions
- Government and public services
- Home occupations – 1, 2

- Hotels
- Media production facilities
- Medical offices
- Minor retail establishments
- Personal services
- Pet grooming establishments
- Private recreation facilities
- Public utilities
- Religious assemblies
- Restaurants

2.2 DISCRETIONARY

- Adult entertainment establishments
- Apartments
- Auto and equipment rentals and sales
- Day cares
- Duplexes
- Dwelling units in the rear of non-residential uses
- Funeral services
- Home occupations – 3
- Liquor stores
- Modular homes
- Moved-in buildings
- Moved-in dwellings
- Parking facilities
- Personal services
- Repair shops
- Secondary suites
- Semi-detached dwellings
- Service stations
- Shopping malls
- Single detached dwellings
- Townhouses

11. That Schedule 2: Land Use Districts, Commercial General (C-G), Section 2: Uses, be deleted in its entirety, and be replaced with the following text:

2.1 PERMITTED

- Accessory buildings and structures
- Art and craft studios
- Auto and equipment rental and sales
- Bakeries
- Bar/Lounges
- Breweries, wineries and distilleries
- Bus depots

- Building and trade contractors
- Business and professional offices
- Cafes
- Cannabis stores
- Commercial schools
- Cultural facilities
- Dwelling units above non-residential uses
- Dwelling units in the rear of non-residential uses
- Entertainment facilities
- Financial institutions
- Funeral services
- Government and public services
- Home occupations – 1, 2
- Hotels
- Major retail establishments
- Media production facilities
- Medical offices
- Minor retail establishments
- Personal services
- Pet grooming establishments
- Private recreation facilities
- Public utilities
- Religious assemblies
- Restaurants
- Service stations
- Shopping malls
- Veterinary clinics

2.2 DISCRETIONARY

- Adult entertainment establishments
- Apartments
- Day cares
- Duplexes
- Home occupations – 3
- Liquor stores
- Modular homes
- Moved-in buildings
- Moved-in dwellings
- Oilfield services
- Parking facilities
- Recycling facilities
- Repair shops
- Secondary suites
- Semi-detached dwellings
- Single detached dwellings
- Townhouses

- Truck and car washes
- Warehouses

12. That Schedule 2: Land Use Districts, Commercial Neighbourhood (C-N), Section 2: Uses, be deleted in its entirety, and be replaced with the following text:

2.1 PERMITTED

- Accessory buildings and structures
- Art and craft studios
- Bakeries
- Bed and breakfasts
- Business and professional offices
- Cafes
- Day cares
- Day homes
- Duplexes
- Dwelling units above nonresidential uses
- Dwelling units in the rear of residential uses
- Home occupations – 1, 2
- Minor retail establishments
- Personal services
- Public utilities
- Semi-detached dwellings
- Single detached dwellings

2.2 DISCRETIONARY

- Apartments
- Bars/Lounges
- Breweries, wineries and distilleries
- Commercial schools
- Government and public services
- Group care facility (<= 5 residents)
- Home occupations - 3
- Medical offices
- Modular homes
- Moved-in buildings
- Moved-in dwellings
- Restaurants
- Townhouses

13. That Schedule 2: Land Use Districts, Industrial Light (I-L), Section 2: Uses, be deleted in its entirety, and be replaced with the following text:

2.1 PERMITTED

- Accessory buildings and structures
- Auction establishments
- Auto and equipment paint shops
- Auto and equipment rental and sales
- Breweries, wineries and distilleries
- Building and trade contractors
- Business and professional offices
- Cafes
- Cannabis stores
- Commercial schools
- Day cares
- Entertainment facilities
- Funeral services
- Government and public services
- Laboratories
- Light manufacturing
- Major retail establishments
- Media production facilities
- Minor retail establishments
- Oilfield services
- Pet grooming establishments
- Private recreation facilities
- Public utilities
- Recycling facilities
- Religious assemblies
- Repair shops
- Restaurants
- Service stations
- Truck and car washes
- Veterinary clinics
- Warehouses

2.2 DISCRETIONARY

- Adult entertainment establishments
- Bar/Lounges
- Bulk fuel stations
- Cannabis production facilities
- Dwelling units above non-residential uses
- Hotels
- Liquor stores
- Moved-in buildings

- Outdoor storage
- Personal services
- Renewable energies

14. That Schedule 2: Land Use Districts, Industrial General (I-G), Section 2: Uses, be deleted in its entirety, and be replaced with the following text:

2.1 PERMITTED

- Accessory buildings and structures
- Auction establishments
- Auto and equipment paint shops
- Auto and equipment rental and sales
- Building and trade contractors
- Bulk fuel stations
- Business and professional offices
- Cannabis production facilities
- Commercial schools
- Funeral services
- Government and public services
- Laboratories
- Light manufacturing
- Major retail establishments
- Media production facilities
- Minor retail establishments
- Oilfield services
- Outdoor storage
- Public utilities
- Recycling facilities
- Renewable energies
- Repair shops
- Service stations
- Truck and car washes
- Veterinary clinics
- Warehouses

2.2 DISCRETIONARY

- Breweries, wineries and distilleries
- Day cares
- Heavy manufacturing
- Liquor stores
- Moved-in buildings
- Religious assemblies
- Salvage yards

15. That Schedule 2: Land Use Districts, Industrial Heavy (I-H), Section 2: Uses, be deleted in its entirety, and be replaced with the following text:

2.1 PERMITTED

- Accessory buildings and structures
- Auction establishments
- Auto and equipment paint shops
- Building and trade contractors
- Bulk fuel stations
- Cannabis production facilities
- Government and public services
- Light manufacturing
- Public utilities
- Oilfield services
- Outdoor storage
- Recycling facilities
- Repair shops
- Renewable energies
- Salvage yards
- Warehouses

2.2 DISCRETIONARY

- Commercial schools
- Heavy manufacturing
- Major retail establishments
- Moved-in buildings

16. That Schedule 2: Land Use Districts, Public and Quasi-Public Service (P-PS), Section 2: Uses, be deleted in its entirety, and be replaced with the following text:

2.1 PERMITTED

- Accessory buildings and structures
- Cultural facilities
- Day cares
- Education facilities
- Government and public services
- Hospitals
- Parks and playgrounds
- Public recreation facilities
- Public utilities

2.2 DISCRETIONARY

- Cemeteries
- Group care facilities
- Moved-in buildings
- Religious assemblies
- Seniors housing

17. That Schedule 2: Land Use Districts, Public Recreation and Open Space (P-OS), Section 2: Uses, be deleted in its entirety, and be replaced with the following text:

2.1 PERMITTED

- Accessory buildings and structures
- Cultural facilities
- Parks and playgrounds
- Public recreational facilities
- Public utilities

2.2 DISCRETIONARY

- Campgrounds
- Golf courses

18. That Schedule 2: Land Use Districts, Mixed Use (MU) be deleted in its entirety, and any references to the Mixed Use Land Use District be deleted throughout the Land Use Bylaw.

19. That Schedule 2: Land Use Districts, Future Urban Development (FUD), Section 2: Uses, be deleted in its entirety, and be replaced with the following text:

2.1 PERMITTED

- Accessory buildings and structures
- Farms
- Home occupations – 1, 2
- Public utilities

2.2 DISCRETIONARY

- Home occupations – 3
- Modular homes
- Moved-in buildings
- Moved-in dwellings
- Outdoor storage
- Parks and playgrounds
- Public recreation facilities

- Renewable energies
- Single detached dwellings

20. That the table in Schedule 3: General Standards of Development, Section 17: Parking and Loading, subsection 17.2, General Requirements, subsection (2), be deleted in its entirety, and be replaced with the following table:

MINIMUM OFF-STREET PARKING REQUIREMENTS: Non-residential Uses

Uses	Parking requirements
Adult entertainment establishments	10 stalls/100 m^2 (1076.39 ft^2) GFA
Arts and craft studios	2 stalls/100 m^2 (1076.39 ft^2) GFA
Auction establishments	10 stalls/100 m^2 (1076.39 ft^2) GFA
Auto and equipment paint shops	2 stalls/100 m^2 (1076.39 ft^2) GFA
Auto and equipment rental and sales	2 stalls/100 m^2 (1076.39 ft^2) GFA
Bakeries	2 stalls/100 m^2 (1076.39 ft^2) GFA
Bars/Lounges	10 stalls/100 m^2 (1076.39 ft^2) GFA
Bed and breakfasts	1 stall/guest room
Breweries, wineries and distilleries	As required by the DA
Building and trade contractors	2 stalls/100 m^2 (1076.39 ft^2) GFA
Bulk fuel stations	2 stalls/100 m^2 (1076.39 ft^2) GFA
Bus depots	2 stalls/100 m^2 (1076.39 ft^2) GFA
Business and professional offices	2 stalls/100 m^2 (1076.39 ft^2) GFA
Cafes	2 stalls/100 m^2 (1076.39 ft^2) GFA
Campgrounds	As required by the DA
Cannabis production facilities	2 stalls/100 m^2 (1076.39 ft^2) GFA
Cannabis stores	2 stalls/100 m^2 (1076.39 ft^2) GFA
Cemeteries	As required by the DA
Commercial schools	2 stalls/100 m^2 (1076.39 ft^2) GFA
Cultural facilities	10 stalls/100 m^2 (1076.39 ft^2) GFA
Day cares	2 stalls/100 m^2 (1076.39 ft^2) GFA
Day homes	As required by the DA
Education facilities	10 stalls/100 m^2 (1076.39 ft^2) GFA
Entertainment facilities	5 stalls/100 m^2 (1076.39 ft^2) GFA

Financial institutions	3 stalls/100 m^2 (1076.39 ft^2) GFA
Farms	Not applicable
Funeral services	10 stalls/100 m^2 (1076.39 ft^2) GFA
Government and public services	As required by the DA
Heavy manufacturing	2 stalls/100 m^2 (1076.39 ft^2) GFA
Home occupations	See Section 6
Hospitals	10 stalls/100 m^2 (1076.39 ft^2) GFA
Hotels	1 stall/room
Laboratories	2 stalls/100 m^2 (1076.39 ft^2) GFA
Light manufacturing	2 stalls/100 m^2 (1076.39 ft^2) GFA
Liquor stores	2 stalls/100 m^2 (1076.39 ft^2) GFA
Major retail establishments	2 stalls/100 m^2 (1076.39 ft^2) GFA
Media production facilities	2 stalls/100 m^2 (1076.39 ft^2) GFA
Medical offices	5 stalls/100 m^2 (1076.39 ft^2) GFA
Minor retail establishments	2 stalls/100 m^2 (1076.39 ft^2) GFA
Oilfield services	As required by the DA
Outdoor storage	As required by the DA
Parking facilities	Not applicable
Parks and playgrounds	As required by the DA
Personal services	2 stalls/100 m^2 (1076.39 ft^2) GFA
Pet grooming facilities	2 stalls/100 m^2 (1076.39 ft^2) GFA
Private recreation facilities	5 stalls/100 m^2 (1076.39 ft^2) GFA
Public recreation facilities	As required by the DA
Public utilities	As required by the DA
Recycling facilities	2 stalls/100 m^2 (1076.39 ft^2) GFA
Religious assemblies	As required by the DA
Renewable energies	As required by the DA
Repair shops	2 stalls/100 m^2 (1076.39 ft^2) GFA
Restaurants	10 stalls/100 m^2 (1076.39 ft^2) GFA
Salvage yards	2 stalls/100 m^2 (1076.39 ft^2) GFA
Seniors housing	10 stalls/100 m^2 (1076.39 ft^2) GFA
Service stations	2 stalls/100 m^2 (1076.39 ft^2) GFA

Shopping malls	2 stalls/100 m^2 (1076.39 ft^2) GFA
Truck and car washes	2 stalls/100 m^2 (1076.39 ft^2) GFA
Veterinary clinics	2 stalls/100 m^2 (1076.39 ft^2) GFA
Warehouses	As required by the DA

21. That Schedule 4: Use Specific Standards of Development, Section 6: Home Occupations, Subsection 6.4, Assessment of Measurable Impact, is amended by rewording the following underlined text:

Impact Factor	Home Occupation Categories		
	1	2	3
Non-resident employees	None	1	2
Commercial vehicles	None	None	1
Commercial trailers	None	None	1
Outdoor storage	None	None	Development Authority's discretion
Off-street Parking stalls	None	Development Authority's discretion	3
Client visits	None	3 – 5 per day	5 + per day
Signage	None	1 window	1 window + 1 free-standing
On-site sales	None	Development Authority's discretion	Development Authority's discretion
Development Permit	Not required	Required	Required

22. That Schedule 4: Use Specific Standards of Development, Section 8: Lodging Houses be deleted in its entirety, subsequent sections renumbered accordingly, and any references to Lodging Houses be deleted throughout the Land Use Bylaw.

23. That Schedule 4: Use Specific Standards of Development, Section 9: Manufactured Homes & Manufactured Home Parks, subsection 9.3, Used Manufactured Homes, be amended by adding the following underlined text:

(2) any application for a Development Permit to locate a used manufactured home shall include recent colour photographs of all elevations, including additions and shall show Canadian Standards Association and Alberta building Standards Label Numbers. A Safety Codes Officer must inspect all

proposed dwellings built 20 years prior to the date when a Development Permit Application is submitted for a used manufactured home, at the developer's/applicant's expense, and provide a report as part of the Development Permit Application.

24. That Schedule 4: Use Specific Standards of Development, Section 11: Modular Homes, subsection 11.2, General Requirements, be amended by adding or rewording the following text:

    (a) the unit is CSA certified for modular homes and shall meet all safety code requirements, and only safety code requirements for ready-to-move and panelized dwellings;

25. That Schedule 4: Use Specific Standards of Development, Section 12: Multi-unit Dwellings, subsection 12.2, General Requirements, be amended by adding or rewording the following text:

    (4) for multi-unit buildings any side yard setback requirements in any land use district do not apply to internal units.

26. That Schedule 4: Use Specific Standards of Development, Section 14: Secondary Suites, subsection 14.2, be amended by deleting the following text:

    (3) notwithstanding 14.2(4), variances or waivers of setbacks or any other measurable standard in conjunction with applications for secondary suites shall be decided upon by the Municipal Planning Commission.

27. That Schedule 6: Definitions of the Land Use Bylaw be deleted in its entirety and replaced with the Definitions section attached as Schedule A.

28. That amendments to definitions as shown in Schedule A are reflected throughout the Land Use Bylaw through the deletion, rewording and renumbering of terms where necessary.

29. That the amendments to Bylaw No. 14/12, being the Land Use Bylaw, make use of formatting that maintains the consistency of the portions of the Bylaw being amended.

30. That this Bylaw shall take effect upon final passing thereof.

Read a first time this 7th day of December 2020.

MOVED BY COUNCILLOR NESBITT that Bylaw No. 20/22 be amended by including the minor wording revisions included in the report. **Motion carried.**

Read a second time this 21st day of December, 2020.

Read a third time and finally passed this 21st day of December, 2020.

Mayor

Chief Administrative Officer

CITY OF BROOKS

BYLAW NO. 20/22

SCHEDULE A

SCHEDULE 6: DEFINITIONS

A

Accessory Building and Structure means any building or structure that is incidental or subordinate to and located on the same lot as a principal building, structure or use. A principal building, structure or use must be approved or legally established before an accessory building or structure can be approved. When a building or structure is attached to the principal building by a roof, floor or foundation above or below grade, it is considered to be part of the principal building.

Accessory Use means a use of a building or site that is associated with or part of a primary use and is incidental or subordinate to and located on the same lot as a principal building, structure or use.

Act means the *Municipal Government Act, RSA 2000, Chapter M-26* of the Province of Alberta, as amended from time to time, and is referred to in the bylaw as 'the Act'.

Active Modes means any form of human-powered transportation such as but not limited to walking, bicycling, in-line skating, skateboarding, a non-mechanized wheelchair, snowshoeing and skiing.

Addition means adding onto an existing building, provided that there are no structural changes to the existing building, no removal of the roof structure, and no removal of the exterior walls, other than that required to provide an opening for access from, and integration of, the existing building to the portion added thereto and there is a common structural connection from the existing building to the addition that includes a foundation, constructed to the minimum standards outlined in the Alberta Building Code, and a roof.

Adjacent means a lot, land or site that is contiguous, or would be contiguous if not for a highway, road, river or stream, in accordance with the Act. Additionally and for the purposes of this bylaw, adjacent can also mean a lot, land or site that shares a property boundary with another lot, land or site.

Adult Entertainment Establishment means commercial establishments in which a significant portion of the business is to:

(a) display, sell, have in their possession for sale, offer for view, publish, disseminate, give, lease or otherwise deal in any written or printed matter, pictures, films, sound recordings, machines, mechanical devices, models, facsimiles, or other material and paraphernalia depicting sexual conduct or nudity and which exclude minors by reason of age; and/or

(b) which display for viewing any film or pictures depicting sexual conduct or nudity and which excludes minors by reason of age; and/or

(c) in which any person appears or performs in a manner depicting sexual conduct or involving nudity and which minors are excluded by reason of age.

AGLC means Alberta Gaming, Liquor and Cannabis Commission

Alter or Alteration means any structural change to a building that results in an increase or decrease in the area or the volume of the building; any change in the area frontage, depth, or width of a lot that affects the required yard, landscaped open space, or parking requirements of this bylaw; structural change to a sign; and to discontinue or change the principal use of the site or building with a use defined as being distinct from the discontinued use.

Alternative (Renewable) Energy Systems means systems for commercial or residential use that derive energy from wind, solar, geothermal or other sources of energy that do not depend on finite, non-renewable resources such as fossil fuels and include but are not limited to such systems as wind energy conversion systems and solar collector arrays.

Amenity Area means an area(s) within the boundaries of a development intended for recreational purposes. These may include landscaped areas, patios, balconies, swimming pools, beaches and other similar items that are intended for private or public use as specified by the Development Authority.

Apartment means a building containing three or more dwelling units with shared services, facilities and outside entrances. This use does not include Townhouse, which is a separate use in this bylaw.

Applicant means the registered owner of the land or his or her representative or agent certified or authorized as such to act on their behalf.

Approved Use means a use of land and/or building(s) for which a development permit has been issued by the Development Authority or the Subdivision and Development Appeal Board.

Architectural Features means any part or portion of a building or structure including but not limited to projections, recesses, windows, columns, awnings, marquee, façade or fascia, cornices, eaves, gutters, belt courses, sills, lintels, windows, chimneys and any other decorative and/or functional ornamentation that may be considered to contribute to the beauty, elegance and character of the building or structure and that may or may not be necessary for the structural integrity of the building or structure.

Area Redevelopment Plan means a statutory plan, prepared in accordance with Sections 634 and 635 of the Act for the purpose of all or any of the following:

(a) preserving or improving land and buildings in the area;

(b) rehabilitating buildings in the area;

(c) removing buildings from the area;

(d) constructing or replacing buildings in the area;

(e) establishing, improving or relocating public roadways, public utilities or other services in the area;

(f) any other development in the area.

Area Structure Plan means a statutory plan prepared for the purpose of providing a framework for subsequent subdivision and development of an area of land as per Section 633 of the Act and that may be adopted by a Council by bylaw.

Art and Craft Studio means development used for the purpose of small scale, on-site, production of goods by hand manufacturing primarily involving the use of hand tools. Typical uses include pottery, ceramic, jewelry, toy manufacturing and sculpture and artist studios. This use does not include Light or Heavy Manufacturing, which are separate uses in this bylaw.

Articulation means the design, orientation and layout of a building or group of buildings, with a focus on the exterior, that should clearly define and positively contribute to the quality of the pedestrian environment and the overall streetscape through the selection and combination of exterior building materials, the transparency of the building faces (windows and openings) and the animation of the building(s) exterior walls through the inclusion of architectural features including but not limited to those presented in the respective definition included in this schedule.

Attached Garage means a building or portion of a building that is used for the storage of motor vehicles, which is attached to the principal building by sharing a common wall with the dwelling, and usually contains an access doorway into the principal building. For the purpose of calculating yard setbacks and site coverage requirements, an attached garage is deemed to be part of the principal building.

Auction Establishment means a development specifically intended for the auctioning of goods and equipment services including related temporary storage of such goods and equipment. This use does not include Auto and Equipment Rental and Sales or Minor or Major Retail Establishments, which are separate uses in this bylaw.

Auto and Equipment Paint Shop means a development where vehicles, machines, large equipment, and similar objects are painted. This use may include outdoor storage and administrative offices as accessory uses. This use does not include Repair Shop or Service Station, which are separate uses in this bylaw.

Auto and Equipment Rental and Sales means a development for the sale or rental of new and used vehicles, recreational vehicles (campers, trailers etc.), manufactured homes, farm equipment, construction equipment and other similar large scale objects that cannot be readily stored in a building. This use must include a permanent building for sales and may include associated outdoor storage and administrative and sales offices as accessory uses. This use does not include Repair Shop, Auto and Equipment Paint Shop or Minor or Major Retail Establishments, which are separate uses in this bylaw.

Awning means a light-weight metal or cloth shelter projecting from and supported entirely by the exterior wall of a building.

B

Balcony means an elevated platform projecting from a wall with no support from the ground, having an outer railing or parapet and being greater than 0.6 metres in width.

Bakery means a building used for the baking and selling of baked goods and may include the retail sale of related goods or a café within the principle bakery building as accessory uses. This use does not include Restaurants, which is a separate use in this bylaw.

Bar/Lounge means an establishment, licensed by the Alberta Liquor Control Board, where the main purpose is to serve alcoholic beverages for consumption on the premises, and any preparation or serving of food is ancillary to such use. Typical uses include neighbourhood pubs, bars, taverns and licensed lounges that are accessory to a restaurant. This use does not include Entertainment Facilities, Restaurants or Adult Entertainment Establishments, which are separate uses in this bylaw.

Basement means the portion of a building or structure which is partially or wholly below grade and having its floor below grade by a distance greater than one-half the distance from floor to ceiling.

Bay means a self-contained unit or part of a building that can be sold or leased for individual occupancy.

Bay window means a window or series of windows projecting from the outer wall of a building and forming a recess within.

Bed and Breakfast means an accessory use carried out in an owner-occupied dwelling where temporary accommodation is provided to non-residents of the dwelling for remuneration, and where meals, if provided for guests, are prepared in the common kitchen of the principal residence.

Block Scale means elements of an urban block such as but not limited to the shape, orientation, number of points of access for vehicles and active modes of transportation, length of streets as measured from one intersection to the next, and the overall perimeter measurement of a block, as measured from one intersection to any other number of intersections as may be required to be measured from and depending on the shape of the block being measured.

Brewery, Winery, and Distillery means a facility where small-scale production and packaging of alcoholic and non-alcoholic beverages takes place. Such facilities may or may not include a tasting room, retail sales space, wholesale sales or a restaurant as an accessory use.

Building means anything constructed or placed on, in, over or under land but does not include a highway or road or a bridge that forms part of a highway or road.

Building Design means the development of a building's massing, shape, orientation, size, height, interior, exterior, structural, electrical, plumbing and other systems, overall style and any other elements as required to adequately provide the desired intent of the building to its users.

Building Height means the vertical distance between average grade and the highest point of the building, excluding a roof stairway entrance, elevator shaft, a ventilating fan, a skylight, a steeple, a chimney, a smoke stack, a fire wall, a parapet wall, a flagpole or similar devices not structurally essential to the building.

Building Massing means the volume, height, location and orientation of a building.

Building Scale means building elements and details as they proportionally relate to each other and to humans.

Buffer means a row of trees, hedges, shrubs, a fence, or a berm planted or constructed to provide visual screening and separation between uses, buildings, sites or districts.

Build Within Area means the designated area, typically within the front yard, that is required for the front of a building to be constructed within, and is different from a setback in that a setback dictates only that a building face cannot be built any closer than a certain prescribed distance to a lot line in the given yard, whereas the build within area designates a minimum **and** maximum distance from the lot line within which the associated building face must be constructed.

Building and Trade Contractor means a development for the provision of electrical, plumbing, heating, painting and similar contractor services primarily to individual households and the accessory sale of goods normally associated with such contractor services where all materials are kept within an enclosed building, and where there are no associated manufacturing activities. This use does not include Light or Heavy Manufacturing or Minor or Major Retail Establishments, which are separate uses in this bylaw.

Bulk Fuel Station means a use of land or buildings for storing and distributing petroleum products in bulk quantities. This use includes supplementary tanker vehicle storage and card lock or key lock fuel distribution facilities. This use does not include Service Station, which is a separate use in this bylaw.

Bus Depot means development for the transient housing or parking of motor-driven buses and the loading and unloading of passengers and accessory uses. The transportation and storage of freight incidental to this use is considered part of this use.

Business and Professional Office means development used to offer professional, trading or occupational services including accountants, engineers and architects, real estate, insurance, clerical, secretarial, employment, telephone answering and other similar uses. This use does not include Financial Institutions and Medical Offices, which are separate uses in this bylaw.

Business Frontage means – see Frontage, Business

C

Café means a retail sales establishment engaged in the selling of light meals and nonalcoholic drinks where commercial kitchens and ventilation systems are not permitted. This use may include the retail sale of related goods on a small scale. This use does not include Restaurants, Bars/Lounges, or Minor or Major Retail Establishments, which are separate uses in this bylaw.

Campgrounds means development of land which has been planned and improved for the seasonal short-term use of holiday trailers, motor homes, tents, campers and similar recreational vehicles and may include full time on site management accommodation accessory to the principal use. It is not used as year round storage or accommodation for residential use. Typical uses include tourist trailer parks, campsites and tenting grounds.

Cannabis means any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not.

Cannabis Accessories means accessories that promote the responsible and legal consumption and storage of cannabis.

Cannabis Product means a product that contains Cannabis.

Cannabis Production Facility means a use where Cannabis is grown, processed, packaged, tested, destroyed, stored or loaded for shipping, and that meets all Federal requirements as well as all requirements of this bylaw, as amended from time to time.

Cannabis Representative means a corporation or individual registered with the AGLC who is in the business of representing a Cannabis supplier in the sale of the supplier's Cannabis.

Cannabis Store means a use where recreational Cannabis can be legally sold, and has been licensed by the AGLC. All Cannabis that is offered for sale or sold must be from a federally approved and licensed producer. No consumption shall be on premises. This may include ancillary retail sale or rental of Cannabis Accessories, and where counselling on Cannabis may be provided.

Cannabis Supplier means a person who holds a Federal licence that authorizes the person to produce Cannabis for commercial purposes or to sell Cannabis to the AGLC.

Canopy means a non-retractable solid projection extending from the wall of a building, or freestanding, which is intended to be used as protection against weather, other than normal architectural features such as lintels, sills, mouldings, architraves and pediments and includes the structure known as a theatre marquee.

Carnival means a temporary development that provides a variety of shows, games and amusement rides, for a period less than thirty (30) days, in which patrons take part.

Cemetery means development of a parcel of land primarily as landscaped open space for the entombment of the deceased and may include the following accessory developments: crematoriums, cinerariums, columbariums, and mausoleums. Typical uses include memorial parks, burial grounds and gardens of remembrance.

Certificate of Compliance means a document signed by the Development Authority, certifying that a development complies with this bylaw with respect to yard requirements and insofar as represented on an Alberta Land Surveyors' Real Property Report.

Change of Use means the conversion of land or building, or portion thereof from one land use activity to another in accordance with the Permitted or Discretionary Uses as listed in each land use district.

Character means the special physical characteristics of a building, structure or area that sets it apart from its surroundings and contributes to its individuality, either in the present tense through the creation of character based on the historic and recent development activities within and around the given building, structure or area, or in the future tense if the desire for a certain character for a given building, structure or area is identified in a plan approved by Council.

Choke Points means a point of congestion or blockage within transportation r-o-w.

Civic Space means a building, structure or area developed with the intention of providing access to all members of the public, including but not limited to public buildings, libraries, playgrounds, parks, assembly halls, green spaces, trails and active modes pathways, squares, festival facilities, amphitheaters, and community gardens.

Clear Vision Zone means a triangular area formed on the corner of a site by measuring back from the corner of the property line adjacent to the public right-of-way, and joining these two points across the property, as shown in Section 3, sub-section 3.3 of Schedule 3 (General Standards of Development).

Combined or Shared Parking means an arrangement where two or more uses share a common parking area. This definition includes an arrangement where one use requires the common parking area during different hours than the other use that shares the same common parking area.

Commercial School means development used for training and instruction in a specific trade, skill or service. Typical uses may include, but are not limited to, secretarial, business, hairdressing, beauty culture, dancing or music schools. Administrative offices and the retail sale of related goods may be accessory uses. This use does not include Education Facility, which is a separate use in this bylaw.

Conceptual Design Scheme means a detailed site layout plan for a parcel of land which typically addresses the same requirements of an Area Structure Plan but which is not adopted by bylaw which:

(a) shows the location of any existing or proposed buildings; and

(b) describes the potential effect and/or relationship of the proposed development on the surrounding area and the municipality as a whole; and

(c) provides for access roads, water, sewer, power and other services to the satisfaction of the Subdivision Authority or Council.

Condominium means:

(a) in the case of a building, a space that is situated within a building and described as a unit in a condominium plan by reference to floors, walls, and ceilings within the building; and

(b) in the case other than a building, land that is situated within a lot and described as a unit in a condominium plan by reference to boundaries governed by monuments placed pursuant to the provisions of the *Surveys Act* respecting subdivision surveys.

Connectivity means a measure of the efficiency of the physical layout of the block structure as made up by the transportation network, including but not limited to average block dimensions, the number of intersections, the percentage of three and four way intersections, and route choice throughout a given transportation network. High connectivity means that a given network has many direct route choices, while low connectivity means a given network has few direct route choices.

Corner lot means – see Lot, Corner

Council means the duly elected Council of the City of Brooks.

Coverage means – see Lot, Coverage or Site Coverage

Cultural Facility means the provision of cultural services to the public by a public or private, non-profit facility. This use includes, but is not limited to, museums, art galleries, libraries and assemblies of non-profit clubs or organizations, including charitable, social service, ethnic, athletic, business, or fraternal organizations. This use may include eating, drinking, entertainment, sports, recreation, and amusement facilities as accessory uses. This use does not include Entertainment Facilities, or Public or Private Recreation Facilities, which are separate uses in this bylaw.

D

Day Care means the use of a building, or portion of a building, for the provision of care, instruction, maintenance, or supervision of children between the ages of 0 and 12. Day cares are facilities that provide services to care for seven (7) or more children between the ages of 0 and 12 at any one time, for periods of time not to exceed 24 hours, and that shall meet the licensing requirements of the Province.

Day Home means the use of a building, or portion of a building, for the provision of care, instruction, maintenance, or supervision of children between the ages of 0 and 12. Day homes operate out of a residence that provides services to care for no more than six (6) children between the ages of 0 and 12 at any one time, for periods of time not to exceed 24 hours, not including those children who reside in the home on a permanent basis, and that may be unlicensed but shall be approved by the Province.

Deck means an uncovered horizontal structure, with a surface height greater than 0.6 m (2 ft) above grade at any point, but no higher than the first story floor level, and intended for use as a private outdoor amenity space.

Deflection means the placement of object(s) in the way of a straight line of sight, thereby shifting the visual focus from the linear path to the change in direction that is forced by the object. Objects may consist of but not be limited to hard and soft landscaping, structures, and buildings.

Demolition means the pulling down, tearing down or razing of a building or structure.

Density means the number of dwelling units on a site expressed in dwelling units per hectare or acre, and may be calculated using only developable area, generally expressed as *Net Density*, or using all of the subject site area, generally expressed as *Gross Density*.

Designated Officer means a person authorized by Council to act as a Development Authority pursuant to Section 624(2)(a) of the Act and in accordance with the City's associated enabling bylaw.

Detached Garage means an accessory building designed and use primarily for the storage of motor vehicles that is not attached or is separate from the principal building.

Developer means a person or an owner of land in accordance with the Statutes of the Province of Alberta who wishes to alter the title to the property and who may also wish to change the use of the property from its existing use.

Development means, as per the Act:

(a) an excavation or stockpile and the creation of either of them;

(b) a building or an addition to, or replacement or repair of a building and the construction or placing of any of them in, on, over or under land;

(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 contractual agreement completed between the municipality and an applicant for a Development Permit which specifies the public roadways, utilities and other services to be provided by the Permit holder as a condition of Development approval or subdivision approval, provided the agreement is in accordance with sections 648, 650, 654 and 655 of the *Municipal Government Act*, as amended.

Development Application means an application made to the Development Authority in accordance with the Land Use Bylaw for the purpose of obtaining a development permit.

Development Area means the area to be occupied by a building plus the reasonable area required for excavation and construction.

Development Authority means the body established by bylaw to act as the Development Authority in accordance with Sections 623(b) or (c) and 624 of the Act and may include the Development Officer or other Designated Officer, the Municipal Planning Commission or the Council of the City of Brooks.

Development Officer means a person appointed as the Development Officer pursuant to the Development Authority Bylaw and this Land Use Bylaw.

Development Permit means a document issued pursuant to this bylaw by the City of Brooks authorizing a Development that has been approved by the Development Authority or Subdivision and Development Appeal Board.

Discretionary Use means one or more uses of land or buildings in a land use district for which a development permit may be issued at the discretion of the Development Authority or the Subdivision and Development Appeal Board, with or without conditions.

District means – see Land Use District

Drive-Through means a restaurant or other business where services are provided to customers who remain in their vehicles. A drive-through may be an accessory use to a Café, Restaurant, Truck and Car Wash or other similar uses.

Driveway means a paved or unpaved strip of land located on private property that is used exclusively as a connector between public right-of-way and private land, for the purposes of accessing and providing parking space on private land, or for the purposes of accessing a garage structure or other enclosure located on private land, that is intended primarily for the parking of motorized or non-motorized vehicles.

Dwelling means any building or portion thereof designed for human habitation and which is intended to be used as a residence for one or more individuals but does not include travel trailers, motor homes, recreational vehicles, or other mobile living units, hotel, motel, dormitory, boarding house, or similar accommodation. For the purposes of this bylaw, dwellings include Apartments, Duplexes, Manufactured Homes, Modular Homes, Moved-in Dwellings, Single Detached Dwellings, Semi-detached Dwellings, Secondary Suites and Townhouses.

Dwelling Unit means a self-contained living premises with cooking, eating, living, sleeping and sanitary facilities for domestic use of one or more individuals.

Dwelling Unit Above Non-Residential Use means a dwelling unit as defined by this bylaw that is located above non-residential uses that are located in the same building, and that meets all other requirements of this bylaw.

Dwelling Unit in Rear of Non-Residential use means a dwelling unit as defined by this bylaw that is located in the rear of a building that contains a non-residential use in the front portion of the same building, and that meets all other requirements of this bylaw.

Duplex means a residential building containing two dwelling units located either one above the other or one behind the other with separate, direct access to each dwelling. Each dwelling unit is joined to the other unit by either a common floor/ceiling, or by a rear common wall, but is not legally subdivided by a property line.

E

Easement is the right to use the property owned by another for a specific purpose.

Eave Line means the outermost extent of the extension or overhang of a roof line beyond the vertical wall of a building.

Eaves means the extension or overhang of a roof line beyond the vertical wall of a building.

Education facility means a place of instruction offering courses of study operated with public or private funds. Included in this use are public, private, and separate schools. This use includes grade schools and post-secondary institutions that offer courses, certificates and degrees. This use does not include Commercial Schools, which is a separate use in this bylaw.

Entertainment Facility means a development providing leisure and entertainment activities within an enclosed environment where alcohol and food may be consumed on the site as an accessory use. Typical uses include movie theaters, drama or dinner theaters, nightclubs, concert halls, video arcades, bingo halls, bowling alleys and similar uses. This use does not include Bar/Lounges, Restaurants or Adult Entertainment Establishments, which are separate uses in this bylaw.

Established Areas means areas of the City where urban forms of development have already occurred on the majority of lots, including but not limited to site improvements such as landscaping and principal and secondary buildings serviced by utilities and infrastructure such as water, wastewater, power, gas, and electrical, roads and garbage collection services.

Existing means in place as of the date of adoption of this bylaw or any amendments to this bylaw.

F

Façade means the entire area and all elements (including but not limited to windows, recesses, projections, fascia, soffit, doors and canopies) of an exterior building wall for the entire width and from grade to the top of the building, not including any structural or non-structural elements extending beyond the highest point of the roof, eaves or parapet, whichever is applicable based on the design of the building.

Farm means an agricultural parcel that may be developed with a dwelling, structures, shelter belts, dugouts, storage areas for farm equipment, produce, fertilizer and other materials necessary to the extensive cultivation of the major portion of land associated with such development.

Fence means a structure which is used to prevent or redirect passage, to provide visual screening, sound attenuation, protection from dust or the elements or to mark a boundary.

Financial Institution means a development providing financial and banking services. Typical uses include banks, credit unions, trust companies or any other company providing loans or mortgages.

Flankage applies to corner lots and means the longer of the two lot lines facing the streets unless both lot lines facing the streets are of equal length, at which point either lot line, but not both, could be considered the flankage.

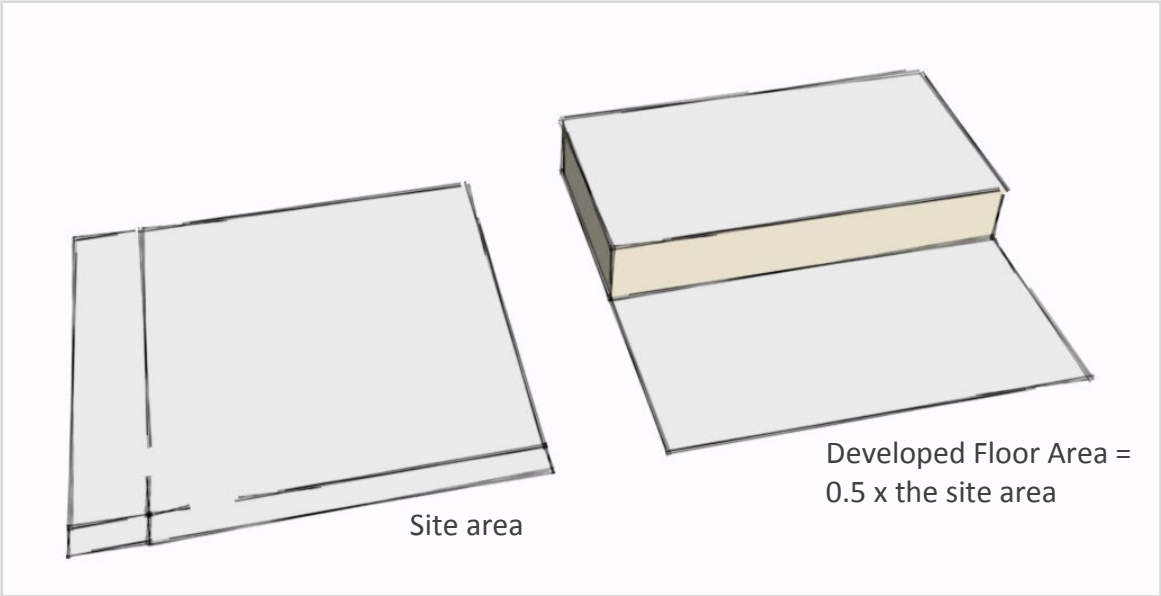
Flankage Setback applies to corner lots and means the minimum setback required along the lot line that is determined to be the flankage.

Floor Area means the sum of the gross horizontal area of the several floors and passageways of a building, but not including basements, attached garages, and open porches. All dimensions shall be external dimensions.

Floor Area, Gross means the total floor area of each floor of a building measured from the outside surface of the exterior walls, and includes all floors totally or partially above grade level except parking levels.

Floor Area, Net means the gross floor area defined by the inside dimensions for each floor minus the horizontal floor area on each floor used for corridors, elevators, stairways, mechanical rooms, workrooms, washrooms, lobbies, and other non-rentable areas.

Floor Area Ratio (FAR) means the ratio derived by dividing the gross floor area of all buildings on a lot by the total area of the lot, not including parking below grade.



Foundation means the supporting base structure of a building.

Front Yard means – see Yard, Front

Frontage means the linear distance measured along the front property line parallel to and along a street, but does not include a lane.

Frontage, Business means the length of the property line of any one business use, parallel to and along each legally accessible public street, excluding a lame that it borders.

Funeral Service means a development used for the arrangement of funerals, the preparation of the dead for burial or cremation, the holding of funeral services and the carrying out of cremations, where not more than one cremation chamber is provided.

G

Garage means an accessory building or part of a principal building designed and used for the shelter or storage of vehicles and includes a carport.

Golf Course means an outdoor use/establishment of varying size where the land is developed primarily to accommodate the game of golf. Accessory uses may include a pro shop, driving range and/or proactive facility, food service, and other commercial uses typically associated with a golf course clubhouse facility but subordinate to the actual area where the game of golf is played.

Government and Public Services means a development for the provision of public goods or services. The building, facility or installation is owned or operated by a municipal, provincial, or federal authority. Typical uses include but are not limited to City hall, post office, fire and police stations, and related public essential service buildings.

Grade means the average level of finished ground adjoining the main front wall of a building (not including an attached garage), except that localized depressions such as for vehicle or pedestrian entrances need not be considered in the determination of average levels of finished ground.

Gross Floor Area means – see Floor Area, Gross

Group Care Facility means a development that provides residential accommodation and rehabilitative services to persons who are handicapped, disabled, or undergoing rehabilitation and are provided care to meet their needs. Group care facilities are supervised residential dwelling units that are licensed and persons are typically referred to a group care facility by hospitals, courts, government agencies or recognized social service agencies or health professionals but may also voluntarily request care. This use includes supervised uses such as group homes, half-way houses, and convalescent homes. This use does not include Day Homes, Day Cares, Seniors Housing, or Hospitals, which are separate uses in this bylaw.

H

Heavy Manufacturing means a development for manufacturing, processing, assembling, fabricating or compounding activities typically involving raw materials, but may include processed materials, that may be highly flammable and/or combustible and where there may be external effects from the activity such as smoke, noise, odour, vibration, dust and other types of nuisances that shall be contained on-site in accordance with this bylaw. Administrative offices, and outdoor storage may be accessory uses.

Home Occupation means the secondary and subordinate use of a dwelling unit by the owner or occupant for the purpose of operating a business, trade, profession or craft that, based on the measurable impact of factors such as the number of non-resident employees, commercial vehicles, commercial trailers, outside storage, additional off-street parking, client visits, signage, on-site sales associated with the use, and other applicable factors, that may be categorized as either a level 1, 2 or 3 Home Occupation as determined by the application of the requirements of this bylaw.

Hotel means a development used for the provision of rooms or suites for temporary sleeping accommodation for the travelling public, where the rooms have access from a common interior or exterior corridor. Hotels may include accessory uses that are considered to complement the hotel such as but not limited to restaurants, cafes, private recreational facilities, convention facilities, minor retail establishments and personal services.

Hospital means a facility providing room, board, and surgical or other medical treatment for the sick, injured or infirm including outpatient services and accessory staff residences. Typical uses include hospitals, sanatoria, nursing homes, convalescent homes, isolation facilities, psychiatric hospitals, auxiliary hospitals, and detoxification centres.

I

Intensity of Use means the extent to which land or a building is used as measured by area, floor space, seating capacity or other similar characteristics.

L

Laboratory means a development used for the purpose of scientific or technical research, investigation or experimentation. This use does not include Light or Major Manufacturing or Education Facilities, which are separate uses in this bylaw.

Land Use District means a district established under Schedule 2 of this bylaw.

Landing means an uncovered platform extending horizontal from a building adjacent to an entry door and providing direct access to grade or stairs.

Landowner means:

(a) in the case of land owned by the Crown in right of Alberta or the Crown in right of Canada, the Minister of the Crown having the administration of the land; or

(b) in the case of any other land:

(i) the purchase of the fee simple estate in the land under an agreement for sale that is the subject of a caveat registered against the certificate of title in the land, and any assignee of the purchaser's interest that is the subject of a caveat registered against the certificate of title; or

(ii) in the absence of a person described in paragraph (i), the person registered under the *Land Titles Act* as the owner of the fee simple estate in the land.

Landscaped Area means that portion of a site which is required to be landscaped and may not be used for parking, storage, or display of items for sale.

Landscaping means to preserve, enhance or incorporate vegetation or other materials in a development and includes combining new or existing vegetative materials with architectural elements, existing site features or other development features including fences, walls or decorative walks.

Lane means a public through fare designed to serve as a secondary access and providing for utility services to adjacent properties.

Light Manufacturing means a development for the manufacturing predominately of previously prepared materials, of finished products or parts that are not flammable or combustible, including processing, fabrication, assembly, treatment and packaging, that do not generate any detrimental impact, potential health or safety hazard or any nuisance beyond the boundaries of the site or lot upon which it is situated, in accordance with this bylaw. This use may include incidental storage, sales and distribution of products and administrative and sales offices as accessory uses.

Liquor Store means an establishment, licensed by the *Alberta Gaming and Liquor Commission*, in which alcoholic beverages are sold to the public and intended to be consumed off the premises. Retail liquor stores may include the sale of ancillary complementary products, such as soft drinks and juices (mixes), pre-packaged snack foods (potato chips, pretzels), bar utensils (corkscrews, glasses) and nonalcoholic beer and wine.

Livestock means all domestic animals kept for use on a farm or raised for sale or profit and includes horses, cattle, sheep, swine, fur-bearing animals raised in captivity as well as game production animals within the meaning of the *Livestock Industry Diversification Act*, live poultry and bees or other animals as determined by the municipality.

Loading Area means a space designated for parking a commercial vehicle while being loaded or unloaded.

Lot in accordance with the *Municipal Government Act*, means:

(a) a quarter section;

(b) a river lot shown on an official plan, as defined in the Surveys Act, that is filed or lodged in a Land Titles Office;

(c) a settlement lot shown on an official plan as defined in the Surveys Act, that is filed or lodged in a Land Titles Office;

(d) a part of a parcel where the boundaries of the parcel are separately described in the certificate of title other than by reference to a legal subdivision; or

(e) a part of a parcel of land described in a certificate of title if the boundaries of the part are described in a certificate of title by reference to a plan of subdivision.

(f) Where a certificate of title contains one or more lots described in a plan of subdivision that was registered in a land titles office before July 1, 1950, lot means parcel.

Lot Area means the area contained within the boundaries of a lot as shown on a plan of subdivision or described in a certificate of title that may be specified further as:

(a) *Gross Lot Area (GLA)* which includes all of the area of a lot.

(b) *Net Lot Area (NLA)* which includes only those parts of the lot on which improvements have been placed, including but not limited to parking areas, buildings, landscaping, and any other site feature that has been introduced to the lot beyond the natural state of the lot in its pre-development form.

Lot, Corner means a lot located at the intersection of two or more streets.

Lot Coverage means the combined area of all buildings or structures on a site including but not limited to the principal structure, accessory structures, decks, verandas, porches, and balconies but excluding eaves, cornices, and other similar projections.

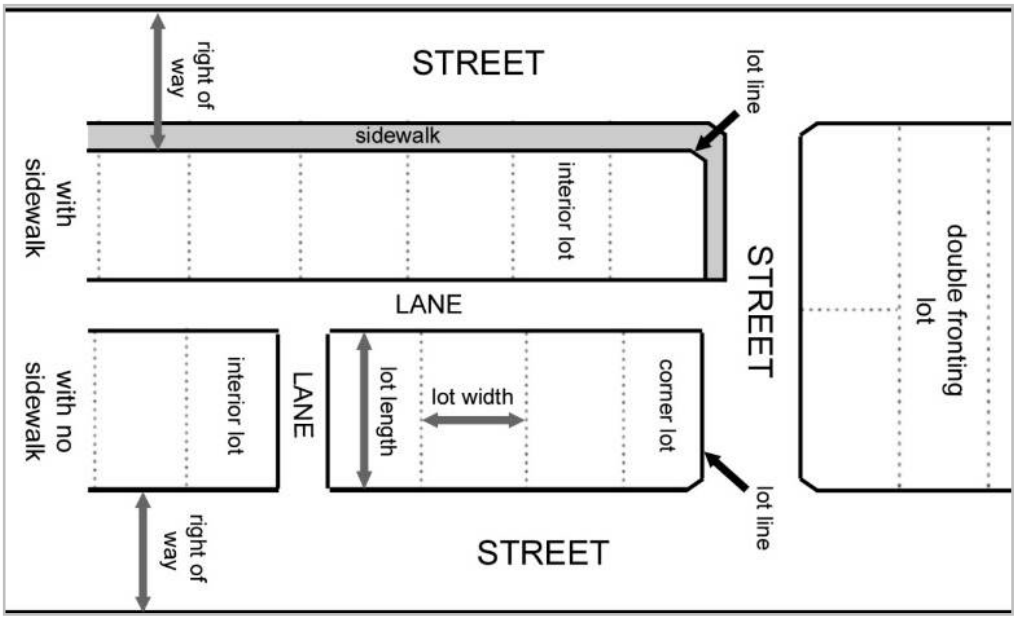
Lot, Double Fronting means a lot which abuts two parallel or approximately parallel streets.

Lot Frontage means the front lot line or that side of a lot abutting a public roadway, but does not include any side abutting a lane, unless said lane is the only means of physical access to a lot.

Lot, Interior means a lot situated between two lots or another lot and a lane and having access to not more than one street.

Lot Length, also referred to as site depth, means the horizontal distance between the front and the rear lot lines measured along the median between the side lot lines.

Lot Line means a legally defined boundary of any lot. The term property line and boundary line have the corresponding meaning.



Lot, Pie-shaped means a lot that is typically found fronting a cul-de-sac and that is narrower at the frontage of the lot than it is at the rear of the lot.

Lot Scale means the elements of the lot as they relate to one another and to the building and street scales, as defined by this bylaw. Lot scale elements include but are not limited to the boundaries of a lot, the relationship of one lot to adjacent and other lots in close proximity, and the ability of a lot to meet the needs of the uses that may be developed within it.

Lot, Vacant means a lot with no existing development.

Lot Width means the horizontal distance between the side lot lines measured at the front setback line (e.g. 7.6 m (25 ft.) from the front property line for residential lots).

M

Major Retail Establishment means a development where goods, merchandise, substances, articles, and other materials are offered for retail or wholesale. Major retail establishments typically exceed 2,000 m² (21,529 ft²) in size and/or sell bulky goods and may include the sale of goods predominantly outside. Typical uses include, but are not limited to, supermarkets, department stores, warehouse stores, or stores for the sale of business and office supplies, craft and hobby supplies, sporting goods, furniture, hardware, garden supplies, or building and lumber supplies. This use may include a café, administrative offices, outdoor storage, or light manufacturing with no nuisance outside of an enclosed building as accessory uses. This use does not include Minor Retail Establishment, Cannabis Store, Liquor Store or Auto and Equipment Rental and Sales, which are separate uses in this bylaw.

Manufactured Home means a dwelling unit built at an off-site manufacturing facility in conformance with CSA standards and Alberta Building Code. The unit is constructed with an integrated frame for placement on a surface mount foundation and designed in one or two sections for transport, whether on its own wheels or a transport trailer. The unit arrives at the site where it is to be occupied complete and ready for occupancy, except for incidental operations such as placement on an acceptable foundation and removal of any hitch and/or wheels. This use does not include Modular Homes, Moved-in Dwellings or Single Detached Dwellings, which are separate uses in this bylaw.

Manufactured Home Park means a parcel of land under one title or condominium plan, which provides spaces for the long term placement and occupancy of manufactured homes that are either for purchase or lease.

May means within the context of policy, that a discretionary action is permitted.

Measurable Impact means the outcome of a development relating to the amount of vehicle and/or pedestrian trips to and from the development in a given time period, the amount of noise, dust or other audible, visual, or odorous outcomes of activity relating to the development or any other impact as determined by the Development Authority.

Measurable Standard means a minimum or maximum standard stipulated in this bylaw that can be expressed as a unit of measurement in terms of length, width, height, area, volume, capacity, specified numbers of (for instance parking stalls), angle, and any other unit as determined by the Development Authority.

Media Production Facility means a development associated with the manufacturing, distribution, transmission, marketing or consulting of products related but not exclusive to print, radio, television, wire, satellite and cable. Typical uses include, but are not limited to radio stations, television stations, recording studios, newspaper publishers and printing businesses.

Medical Cannabis means a substance used for medical purposes authorized by a licence issued under the Federal Government's Access to Cannabis for Medical Purposes Regulations (ACMPR) or any subsequent legislation which may be enacted in substitution.

Medical Office means a facility for the provision of human health services without overnight accommodation for patients and may include associated office space. Typical uses include physiotherapy, registered massage therapy, doctor, dentist, optometrist, and chiropractic offices. This use does not include Hospitals or Group Care Services, which are separate uses in this bylaw.

Minor Retail Establishment means a development where goods, merchandise, substances, articles, and other materials that can typically be stored and sold within a building are offered for sale to the general public. Minor retail establishments may include only very limited on-site outdoor storage and limited seasonal outdoor sales to support the store's operations. Typical uses include, but are not limited to, convenience, grocery, hardware, pharmaceutical, appliance, clothing, and sporting goods stores. This use may include a café, administrative offices, minor government and public services, such as postal services, or light manufacturing with no nuisance outside of an enclosed building as accessory uses. This use does not include Auto and Equipment Rental and Sales, Major Retail Establishments, Cannabis Stores, or Liquor Stores, which are separate uses in this bylaw, or retail that involves the sale of gasoline, alcoholic beverages, large scale equipment or materials, or extensive outdoor storage.

Modular Home means a previously unoccupied dwelling unit built at an off-site manufacturing facility or location other than the lot intended for occupancy. Modular homes are built in conformance with CSA standards and Alberta Building Codes. Modular homes do not have an integrated frame, hitch, wheels, chassis or other device allowing for the transport of the unit. The dwelling is delivered to the site by transport trailer where it is assembled over a conventional, permanent concrete foundation (a basement foundation, slab-on-grade or crawl space). Modular includes the following two subtypes: Panelized and Ready-to-Move (RTM). This use does not include a Manufactured Home, Moved-in Dwelling, or Single Detached Dwelling, which are separate uses in this bylaw.

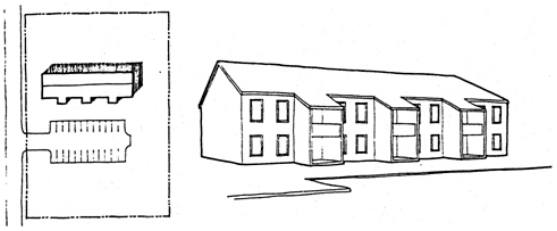
(i) Panelized means a dwelling unit constructed at the site intended for occupancy using pre-built exterior/interior wall panels and building components that are delivered to the site as a package ready for assembly over a conventional, permanent concrete foundation (basement foundation, slab-on-grade, or crawl space).

(ii) Ready-to-Move (RTM) means a dwelling unit built to the current Alberta Building Code that would normally be constructed on the site intended for occupancy, but for various reasons, is constructed at an off-site manufacturing facility, construction site, plant site or building yard. It is then loaded and transported as one unit onto the proper moving equipment and delivered to the site intended for occupancy and placed on a conventional, permanent concrete foundation (either a basement, slab-on-grade or crawl space).

Moved-in Building means a conventional, pre-constructed, previously utilized, non-residential building which is physically removed from one site, transported and re-established on another site and does not include single-detached manufactured homes or other residential structures.

Moved-in Dwelling means a conventional, previously occupied building which is physically removed from one site, transported and re-established on another site with a different legal description for use as a residence. This use does not include Manufactured Home or Modular Home, which are separate uses in this bylaw.

Multi-unit Dwelling means a building that contains 2 or more dwelling units.



DWELLING, MULTI-UNIT

Municipality means the City of Brooks.

Municipal Development Plan means a Statutory Plan, formerly known as a General Municipal Plan, adopted by bylaw in accordance with Section 632 of the *MGA*.

Municipal Planning Commission means the Municipal Planning Commission established pursuant to the City of Brooks Municipal Planning Commission Bylaw. The Municipal Planning Commission may also be known as the Development Authority where stipulated in this bylaw and the Development Authority Bylaw.

Municipal Reserve means the land specified to be municipal reserve by a subdivision approving authority pursuant to Section 666 of the Act.

Municipal/School Reserve means the land specified to be municipal and school reserve by a subdivision approving authority pursuant to Section 666 of the *MGA*.

N

Non-Compliance means a development constructed, or use undertaken after the adoption of the current Land Use Bylaw and does not comply with the current Land Use Bylaw.

Non-Conforming Building in accordance to the Act means a building:

(a) that is lawfully constructed or lawfully under construction on 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, or when constructed will not, comply with the land use bylaw.

Non-Conforming Use in accordance to the Act means a lawful specific use being made of land or a building or intended to be made of a building lawfully under construction at the date a land use bylaw affecting the land or building becomes effective, and 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.

Nuisance means any use, prevailing condition or activity which has a negative measurable impact on living or working conditions.

O

Occupancy Permit means a permit issued by the municipality that authorizes the right to occupy or use a building or structure for its intended use.

Off-Street Parking means the area of a lot designated for the parking of one or more motor vehicles.

Oilfield Services means a use of land or buildings for the sale, rental, parts, supplies and service of equipment used in the operation, construction or maintenance of oilfield businesses and operations. This use may include an administrative office, accessory structures, outdoor work areas, parking and outdoor storage areas as accessory uses. This use does not include Light or Heavy Manufacturing or Building and Trade Contractors, which are separate uses in this bylaw.

Orientation means the arranging or facing of a building or other structure with respect to the points of the compass.

Outdoor Display means the open outdoor display of goods that shall be limited to examples of product, merchandise, equipment, and/or items sold by the business or industry on the lot(s) or development site.

Outdoor Storage means the use of land with or without attendant buildings for the open, outdoor storage of equipment, materials or vehicles, or processed or unprocessed resources or materials. For the purposes of this bylaw, this definition is limited to those uses that require minimal on-site improvements, service and public amenities or facilities and does not include those goods or materials which are hazardous.

Outermost Extent means the eaves of a building or if a building does not have eaves, whichever portion of the building extends outward the furthest, and in the case of a structure, the portion of the structure that extends outward the furthest.

P

Parcel means the aggregate of one or more areas of land described in a Certificate of Title or described in a Certificate of Title by reference to a plan filed or registered in a Land Titles Office.

Parking Facility means a structure designed for the parking of motor vehicles either outdoors or in a structure.

Parking Stall means a clearly marked and identifiable stall which is accessible on a continuous basis for the parking of one motor vehicle, either by the general public or employees, and shall not be used for storage or any other purpose which detracts from the intended use or the accessibility of the stall.

Parks and Playground means land specifically designed or reserved for the general public for active or passive recreational use that do not require major buildings. Typical uses include, but are not limited to, natural and manmade landscaping, playing fields, tot lots, amphitheaters, picnic grounds, bike and walking paths, playgrounds, water features and structures that are consistent with the general purposes of public parkland.

Patio means an uncovered horizontal structure, with a surface height, at any point, no greater than 0.60 metres above grade, adjacent to a residential dwelling and intended for use as a private outdoor amenity space.

Permeability means – see Connectivity.

Permitted Use means a use of land or buildings in a land use district designated as a permitted use in this bylaw for which a development permit shall be issued by the Development Authority, with or without conditions, if the development application otherwise conforms with this bylaw.

Personal Cannabis Cultivation means Cannabis plants being cultivated for personal use to a maximum of four (4) plants per principal dwelling in accordance with the Government of Alberta's requirements of the *Gaming, Liquor, and Cannabis Act* and the Government of Canada's *Cannabis Act*.

Personal Services means a development that provides services to an individual that are related to the care and appearance of the body or the cleaning and repair of personal effects and may include the retail sale of related goods as an accessory use. Typical uses include, but are not limited to, beauty salons, barber shops, tattoo shops, tailors and dressmakers, dry cleaners, and laundromats. This use does not include Medical Offices, which are a separate use in this bylaw.

Pet Grooming Establishment means a development providing onsite and offsite washing and grooming of small domestic animals within an enclosed building.

Plan of Subdivision means a plan of survey prepared in accordance with the relevant provisions of the *Land Titles Act* for the purpose of effecting subdivision.

Porch means a flat floored, generally enclosed, roofed structure adjoining a principal building or built as a structural part of it.

Portable Shelter means any temporary structure with or without side panels, the covering of which is made of pliable materials such as but not limited to plastics, fabrics or any other materials with similar structural properties, that is supported by an external or internal frame made of materials such as but not limited to plastic, metal or wood which the pliable material is stretched over or hung from and which may be fastened to the ground using eyelets and stakes or other non-permanent fastening devices and/or methods.

Principal Building means a building which, in the opinion of the Designated Officer:

(a) occupies the major or central portion of a site;

(b) is the chief or main building among one or more buildings for which the site is used; or

(c) constitutes, by reason of its use, the primary purpose for which the site is used.

Principal Entrance means the main point of access into and out of a building or structure.

Principal Use means the main purpose for which a lot, parcel, or building is used or intended to be used.

Privacy wall means a structure that:

(a) is accessory to an approved principal use;

(b) provides visual screening;

(c) is located on a balcony, deck or patio;

(d) is no greater than 2 m above the grade of a balcony, deck or patio; and

(e) does not include a railing.

Private Recreation Facility means a development for recreational activities that is not operated by a public body. This use may include cafes and eating areas, and associated retail areas as accessory uses. Typical uses include, but are not limited to, fitness facilities, gymnasiums, athletic/sport fields, paint-ball, go-cart tracks, outdoor mini-golf, and country clubs. This use does not include Entertainment Facilities, Public Recreation Facilities or Parks and Playgrounds, which are separate uses in this bylaw.

Private Swimming Pool means a structure located above or at grade and designed for recreational swimming. They are an accessory use associated with a private residence and do not include public swimming pools.

Prohibited Use means a development that is not listed as permitted or discretionary, or is not considered similar within a land use district.

Public Recreation Facility means a development for recreation activities, for public use which are publicly owned or operated. This use may include cafes and eating areas, and associated retail areas as accessory uses. Typical uses include, but are not limited to, gymnasiums, recreation centres, athletic/sports fields, tennis courts, and indoor/outdoor ice rinks, boating facilities, Scouts/Guide camps, retreat camps, indoor/outdoor swimming pools, bowling greens, and riding stables. This use does not include Entertainment Facilities, Public Recreation Facilities or Parks and Playgrounds, which are separate uses in this bylaw.

Public Right-of-Way means a right-of-way maintained by the City and is open to the public for the purpose of vehicular and pedestrian traffic in the case of roads, sidewalks and trails, and for the purposes of public enjoyment in the case of civic spaces as defined in this bylaw.

Public Roadway means a right-of-way maintained by the City and is open to the public for the purpose of vehicular traffic.

Public Utilities means a system or works used to provide water or steam, sewage disposal, public transportation operated by or on behalf of the municipality, irrigation, drainage, fuel, electric power, heat, waste management and telecommunications for public consumption, benefit, convenience or use.

R

Ready-to-Move Dwelling means – see Dwelling, Ready-to-Move

Real Property Report (RPR) means a legal document that illustrates in detail the location of all relevant, visible public and private improvements relative to property boundaries.

Rear Yard means – see Yard, Rear

Recycling Facility means a development for the purchasing, collecting or receiving of goods that are intended to be re-used or recycled. Typical uses include bottle, can and paper recycling depots. This use does not include Salvage Yards, which is a separate use in this bylaw.

Religious Assembly means a development for religious worship and related religious, charitable, educational or social activities. Typical uses include chapels, churches, convents, monasteries, mosques, parish halls, rectories, synagogues and temples.

Renewable Energies means a development for the advancement, manufacture, wholesale, resale and repair of renewable energies such as but not limited to Wind Energy Conversion Systems (WECS) as defined in this bylaw, solar collector arrays as defined by this bylaw, and other forms of solar collection systems.

Repair Shop means a development used for the servicing and mechanical repair of automobiles, motorcycles, snowmobiles, and similar vehicles, or for the servicing and repair of equipment, machines or components. Repair shop may include the sale, installation or servicing of related accessories and parts as accessory uses. Typical uses include, but are not limited to, car-detailing, transmission shops, muffler shops, tire shops, automotive glass shops, upholstery shops, and farm or other equipment maintenance shops. This use does not include Service Stations, Auto and Equipment Paint Shop, or Auto and Equipment Rental and Sales, which are separate uses in this land use bylaw.

Residential Sales Center means a permanent or temporary building or structure used for a limited period of time for the purpose of marketing residential lands or buildings.

Restaurant means a development primarily used for the preparation and sale of food for consumption on the premises. Accessory uses may include the sale of alcoholic or non-alcoholic beverages incidental to the meal, take-out services, catering, or the retail sale of related goods. A restaurant may hold a “Class A” liquor license and minors may, or may not, be prohibited. This use does not include Cafés, Bars/Lounges, or Minor or Major Retail Establishments, which are separate uses in this bylaw.

Retail Cannabis Licence means a licence under the *Gaming, Liquor and Cannabis Act* that authorizes the purchase, sale, transport, possession, and storage of Cannabis.

Right-of-Way (r-o-w) means an area of land not on a lot that is dedicated for public or private use to accommodate a transportation system and necessary public utility infrastructure (including but not limited to water lines, sewer lines, power lines, and gas lines).

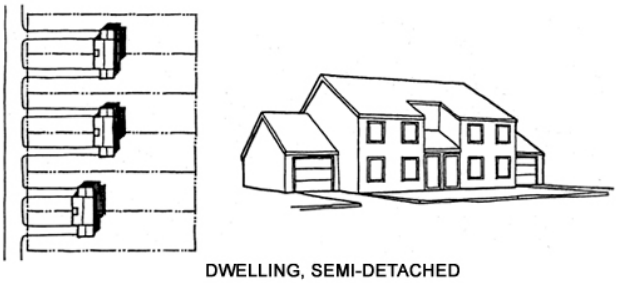
S

Safety Codes means a code, regulations, standard, or body of rules regulating things such as building, electrical systems, elevating devices, gas systems, plumbing or private sewage disposal systems, pressure equipment, fire protection systems and equipment, barrier free design and access in accordance with the *Safety Codes Act, RSA 2000, Chapter S-1*, as amended.

Salvage Yard means use of land or buildings for the receiving, dismantling, resale or transportation of inoperable motor vehicles, machinery, equipment, parts, metals, construction materials or other similar materials. Salvage yards include, but are not limited to, junkyards, auto wreckers and scrap yards. This use does not include Recycling Facilities or Light or Heavy Manufacturing, which are separate uses in this bylaw.

Secondary Suite means a dwelling unit containing cooking facilities, a food preparation area, and sleeping and sanitary facilities, which is physically separate from and subordinate to those of the principal dwelling within the structure or on the same lot and that has a separate entrance. A secondary suite does NOT include a Bed and Breakfast, Duplex, Semi-detached Dwelling, Multi-unit Dwelling, Townhouse, or Apartment, which are separate uses in this bylaw.

Semi-detached Dwelling means a residential building containing two dwelling units located side by side with separate, direct access to each dwelling unit. Each dwelling unit is joined to the other unit by at least one common wall which extends from the foundation to at least the top of the first storey of both dwelling units, allowing the two units to be subdivided by a property line.



DWELLING, SEMI-DETACHED

Seniors Housing means development, including lodges, which is used as a residence for elderly individuals not requiring constant or intensive medical care and complies with the Alberta Housing Act, as amended. This use is sponsored and administered by any public agency or non-profit organization, which obtains its financial assistance from Federal, Provincial, or Municipal Governments or public subscriptions or donations. Senior citizen accommodation may include lounge, dining, health care, and recreation facilities as accessory uses.

Service Station means an establishment for the retail sale of motor vehicle fuels, lubricants, parts and accessories. Minor retail in the form of a convenience store may be incorporated as an accessory use. This use does not include Truck and Car Wash, Repair Shop, Auto and Equipment Rental and Sales or Auto and Equipment Paint Shop, which are separate uses in this bylaw.

Setback means the distance which must be maintained between a development or a specific portion of the development and a property line as specified in this bylaw or on a development permit. For the purposes of this bylaw, setbacks shall be measured to the foundation of the building or the closest point of the development to the property line or to another development, depending on whether the setback requirement pertains to the property line or to another development. For cut-off corner lots, the setback distance is to be measured from where the two property lines would intersect.

Shall means within the context of a policy, that the action is mandatory.

Shipping Container means any container that is or was used for transport of goods by means of rail, truck or by sea. These are generally referred to as a C-Container, sea cargo container, sea can or cargo container. Such containers are typically rectangular in shape and are generally made of metal. For the purposes of this bylaw, when such a container is used for any purpose other than transporting freight, it will be considered as a structure, must conform to these regulations and may require a permit.

Shopping Mall means a unified group of buildings with more than one commercial use being primarily retail and personal services and on a site comprehensively planned, developed and managed as a single commercial operating unit with shared on-site parking where the intended uses comply with the subject district.

Should means that the action, requirement or regulation is recommended but is not mandatory, unless the Development Authority determines that the action is to be mandatory as a condition of a Development Permit.

Shrub means a single or multi-stemmed woody plant generally less than 5 m (16 ft) in height.

Side Yard means – see Yard, Side

Sign means – see Schedule 5 (Signage Standards)

Similar Use means where a use is applied for which is not specifically considered in any land use district or defined elsewhere in the bylaw, but is similar in character and purpose to another use that is permitted or discretionary in the land use district in which such use is proposed, whereby the following process shall apply:

(a) the matter shall be referred by the Development Officer to the Municipal Planning Commission;

(b) the Municipal Planning Commission shall determine and make a ruling on the proposed use as to its similarity to a permitted or discretionary use in the district;

(c) if the use is deemed similar, the proposed use shall be reviewed by the Development Officer as a discretionary use for the land use district; and

(d) given the above, if the application is approved by the Municipal Planning Commission, the permit shall be issued in accordance with this bylaw.

Single Detached Dwelling means a building on a lot containing one dwelling unit only, which is not attached to any other building and which is not a Manufactured or Modular Home.

Site Coverage means the combined area of all buildings or structures on a site expressed as a percentage of the total area of the lot. It includes accessory buildings, decks and balconies and other structures that have a height of 0.6 metres or more above the grade but excludes eaves, cornices and other similar projections that have a clearance greater than 2.4 metres above grade.

Site Depth means the mean horizontal distance between the front and rear boundaries of the site as measured from property line to property line.

Site Plan means a plan drawn to scale showing the boundaries of the site, the location of all existing and proposed buildings upon that site, and the use or the intended use of the portions of the site on which no buildings are situated, and showing fencing, screening, grassed areas, and the location, species and size of all existing and proposed shrubs and trees on site.

Site Servicing Plan means a plan showing the legal description and dimensions of the site, the utilities, site drainage, existing and proposed site grades, the grades of streets and sewer servicing the property, elevations of top of curb or sidewalk and lot corners approved by the City's Engineer.

Site Width means the average horizontal distance between the side boundaries of a site measured at 8 m (26.2 ft.) from the front property line.

Solar Collector Array means a device or combination of devices, structures or parts of a device or structure that transforms direct solar energy into thermal, chemical or electrical energy.

Statutory Plans means an intermunicipal development plan, Municipal Development Plan, Area Structure Plan, or Area Redevelopment Plan adopted pursuant to the *Municipal Government Act*.

Stop Order means an order issued by the Development Authority pursuant to Section 645 of the Act.

Storey means that portion of a building which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it.

Storey, First means the storey with its floor closest to grade.

Storey, Half means the storey immediately under a pitched roof, the top wall plates of which, on at least two possible walls, are less than 1.4 metres above its floor.

Street means a public thoroughfare affording the principal means of access to abutting parcels and includes the sidewalks and the land on each side of and contiguous to the prepared surface of the thoroughfare and owned by the municipality.

Street Furniture means those features associated with a street that are intended to enhance the aesthetic and function of the street such as but not limited to benches and other forms of seating, trash and recycling receptacles, kiosks, lighting, bicycle racks and storage facilities, planters, and other hard and soft landscaping.

Street Scale means elements of a street such as but not limited to the sidewalks and other pedestrian spaces, the thoroughfare including driving and, if present, parking lanes, boulevards, and other features including landscaping, foliage, active modes infrastructure including benches and seating, bicycle parking and storage racks, and any other objects present in the area defined as street.

Subdivision means the division of a parcel by an instrument, and "subdivide" has a corresponding meaning.

Subdivision and Development Appeal Board means the Subdivision and Development Appeal Board established pursuant to the City of Brooks Subdivision and Development Appeal Board Bylaw.

Subdivision and Development Regulations means regulations established by order of the Lieutenant Governor in Council pursuant to Section 694 of the Act.

Subdivision Approval means the approval of a subdivision by a subdivision approving authority.

Subdivision Authority means the body established by bylaw to act as the subdivision authority in accordance with section 623 of the *Municipal Government Act*.

T

Temporary means a restricted period of time and in some cases as defined by this bylaw, such a period of time as determined by the Development Authority.

Temporary Accessory Building means an accessory building constructed or located on a property, without any foundation below grade, for a period of time of no more than six (6) consecutive months annually.

Temporary Building means any building, other than a manufactured home constructed or placed on a property without any foundation below grade, or any other building determined by the Development Authority to be temporary as a condition to the issuance of a development permit.

Temporary Structure means a structure without any foundation or footings and which is removed when the designated time period, activity or use for which the temporary structure was erected and ceased.

Temporary Use means a use intended for limited duration in a land use zone.

Townhouse means a single building comprised of three or more dwelling units separated one from another by common party walls extending from foundation to roof, with each dwelling unit having a separate, direct entrance from grade and includes all row, stacked row, linked, patio, garden court or other housing which meet such criteria.



DWELLING, TOWNHOUSE

Transparency means the number and/or size and placement of windows and doors facing private and public outdoor spaces such as but not limited to parking lots, patios, pedestrian and cyclist linkages, and streets.

Truck and Car Wash means a facility for the washing, cleaning, or polishing of vehicles including both passenger automobiles and commercial vehicles on a fee basis. This use does not include Service Stations, Bulk Fuel Stations, Auto and Equipment Paint Shop or Auto and Equipment Rental and Sales, or Repair Shop which are separate uses in this bylaw.

U

Use means the purposes for which land or a building is arranged or intended, or for which either land, a building or a structure is, or may be, occupied and maintained.

Utility means any one or more of the following:

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

(b) waterworks systems (facilities for the storage, transmission, treatment, distribution or supply of water);

(c) sewage systems (facilities for the collection, treatment, movement or disposal of sanitary sewage);

(d) storm sewage drainage facilities;

(e) telecommunications systems;

(f) systems for the distribution of artificial light or electric power;

(g) facilities used for the storage of telephone, cable, remote weather stations or internet infrastructure; and

(h) anything else prescribed by the Lieutenant Governor in Council by regulation;

but does not include those systems or facilities referred to in subclause (a) through (g) that are exempted by the Lieutenant Governor in Council by regulation.

V

Vacant Lot means – see Lot, Vacant

Variance means the relaxation of a measurable standard of this bylaw.

Veterinary Clinic means a facility for the medical treatment of small or large animals and includes provision for their overnight accommodation within the building only and may include associated office space as an accessory use.

W

Waiver means – see Variance

Warehouse means a building used for the storage of materials, goods, equipment, or merchandise. The building may include administrative offices, loading areas, parking areas, and storage rooms, but does not include a building or area where the principal use is the sale of goods. This use may include outdoor storage as an accessory use. This use does not include Salvage Yards, Freight and Cartage Services or Light or Heavy Manufacturing, which are separate uses in this bylaw.

Wind Energy Conversion System (WECS) means a development that generates electricity from a wind turbine, either building or tower mounted, including associated control and conversion electronics and tower guy wires, some of which may have a limited generation capacity to be used primarily for the applicants own use, and some of which may have significant generation capacity and may be associated with commercial power generation. See Renewable Energies.

X

Xeriscaping means landscaping and gardening in ways that reduce or eliminate the need for supplemental water from irrigation and includes plants whose natural requirements are appropriate to the local climate.

Y

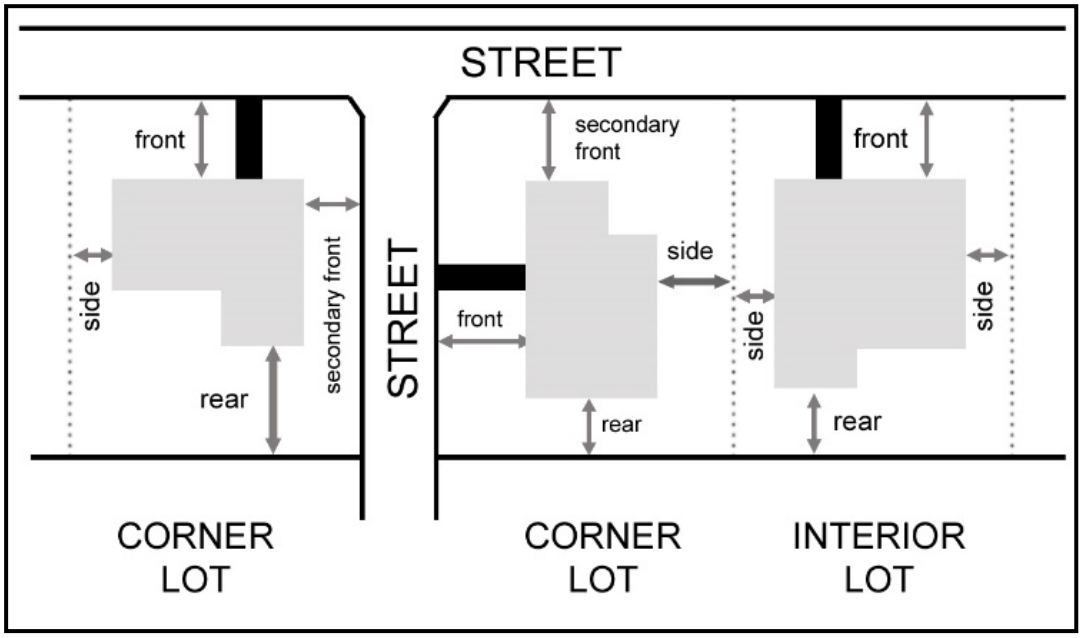
Yard means the area between a lot line and the nearest part of any building, structure, development, excavation or use on the lot. *May be referred to as 'setback'.*

Yard, Flankage means the side yard of a corner lot which side yard extends from the front yard to the rear yard between the flankage lot line and the nearest main wall of the main building or structure.

Yard, Front means a yard extending across the full width of a lot and situated between the front lot line and the nearest portion of the principal buildings.

Yard, Rear means a yard extending across the full width of a lot and situated between the rear lot lines and the nearest portion of the principal building.

Yard, Side means a yard extending from the front yard to the rear yard and situated between the side lot lines and the nearest portion of the principal building.



CITY OF BROOKS

BYLAW NO. 21/13

A BYLAW OF THE CITY OF BROOKS IN THE PROVINCE OF ALBERTA TO AMEND BYLAW NO. 14/12 BEING THE LAND USE BYLAW.

WHEREAS it is desirable to amend Bylaw No. 14/12 being the Land Use Bylaw for the City of Brooks;

AND WHEREAS the purpose of the proposed amendment is to redesignate land legally described as:

Block 3, Plan 8411174

from "Future Urban Development – FUD" to "Direct Control – DC" as shown on the map in Schedule 'A' attached hereto to accommodate the development of townhouses and a community hall;

AND WHEREAS a Public Hearing, as required by Section 692 of the Municipal Government Act, will be held prior to second reading of this Bylaw;

NOW THEREFORE, the Council of the City of Brooks in the Province of Alberta hereby enacts as follows:

1. The land described as Block 3, Plan 8411174 as shown on the attached Schedule 'A' be designated Direct Control - DC.

2. That Section 8: Site Specific Direct Control Standards of Land Use Bylaw 14/12 is amended by adding text as per "Schedule B" attached.

3. That the amendments to Bylaw No. 14/12, being the Land Use Bylaw, make use of formatting that maintains the consistency of the portions of the Bylaw being amended.

4. That the Land use Districts map of the City of Brooks Land Use Bylaw 14/12 be amended to reflect this designation.

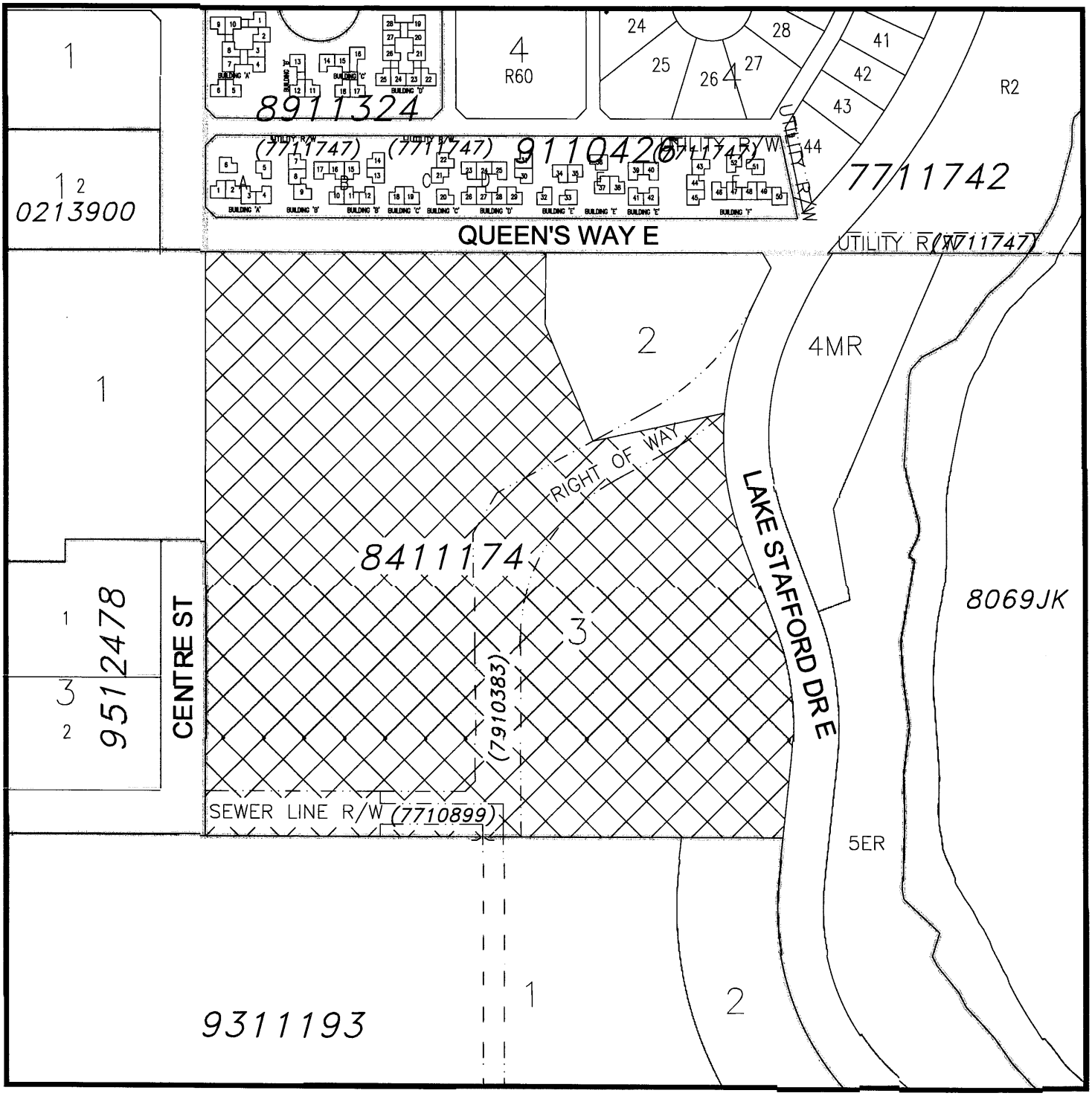
5. Bylaw 14/12, being the Land Use Bylaw, is hereby amended and a consolidated version of the Land Use Bylaw reflecting the amendment is authorized to be prepared.

4. That this Bylaw shall take effect upon final passing thereof.

Read a first time this 17th day of May, 2021.
Read a second time this 7th day of June, 2021.
Read a third time and finally passed this 7th day of June, 2021.

Mayor

Chief Administrative Officer



LAND USE DISTRICT REDESIGNATION
SCHEDULE 'A'

FROM: Future Urban Development FUD
TO: Direct Control DC

BLOCK 3, PLAN 8411174 WITHIN
NW 1/4 SEC 4, TWP 19, RGE 14, W 4 M
MUNICIPALITY: CITY OF BROOKS
DATE: APRIL 27, 2021

Bylaw #: 21/13

Date: June 7, 2021

OLDMAN RIVER REGIONAL SERVICES COMMISSION

0 Metres 50 100 150 200

April 27, 2021 N:\Newell-County\Brooks\Brooks LUD & Land Use Redesignations\City of Brooks - Block 3 - Plan 8411174.dwg

MAP PREPARED BY:
OLDMAN RIVER REGIONAL SERVICES COMMISSION
3105 16th AVENUE NORTH, LETHBRIDGE, ALBERTA T1H 5E8
TEL. 403-329-1344

"NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"

CITY OF BROOKS

BYLAW NO. 21/13

SCHEDULE B

SECTION 8: SITE SPECIFIC DIRECT CONTROL STANDARDS

8.2 THE PORTION OF PLAN 8411174, BLOCK 3, AS DESCRIBED IN BYLAW 21/13

(1) Area A Permitted Uses:

- Townhouses
- Public Utilities

Area B Permitted Uses:

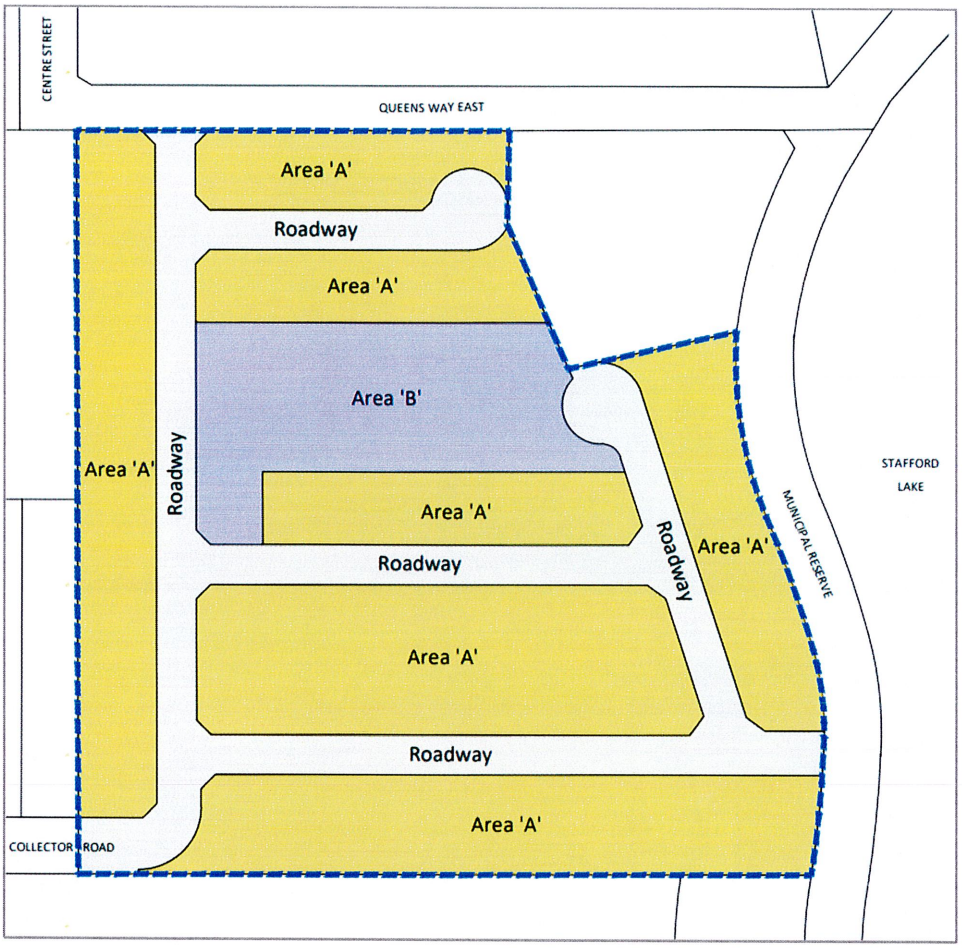
- Accessory buildings and structures
- Community Hall
- Public Utilities

(2) The following definitions shall apply to the uses listed in 8.2(1):

a) **Community Hall** shall mean a facility or building whose primary purpose is to accommodate temporary uses by community members. Temporary uses may include, but are not limited to, medical clinics, exercise classes, markets/fairs, meetings of clubs, parties, and events. The structure may include such features as meeting rooms, kitchen, stage and open floor area, bar/liquor area, multi-purpose rooms, washrooms, storage rooms and administrative offices. Exterior uses may include, among other things, parking areas, playground areas, outdoor shelters, community gardens and sitting areas.

b) Schedule 3 shall be used to define all other uses.

(3) Development shall generally be in accordance with the following site plan:



(4) Minimum setback requirements shall be as follows:

Front	6.0 m (19.7 ft)
Rear (from building to road right of way or property line)	7.5 m (24.6 ft)
Rear (between buildings)	12.0 m (39.4 ft)
Side (between buildings)	3.0 m (9.8 ft)
Flankage (secondary front)	3.0 m (9.8 ft)
Setbacks are measured to the closest point of the building, allowing for projections as per Section 75 of Schedule 3.	

(5) Maximum site coverage shall be 40% inclusive of all buildings.

(6) Maximum building height shall be as follows:

Townhouses	11.0 m (36.1 ft)
Community hall	6.1 m (20.0 ft)
Accessory buildings and structures	4.5 m (14.8 ft)

(7) Minimum floor area per dwelling unit is 57 m^2 (613.5 ft^2) and shall be subject to the following:

a) Minimum floor areas are calculated for that part of a building that is no more than 1.0 m (3.3 ft) below finished grade, which does not include finished basements or attached garages;

b) all minimum floor areas are for the main floor of the dwelling unless otherwise stated; and

c) for townhouse dwellings of more than 1 storey, each additional half storey shall increase the minimum required floor area by 25 percent.

(8) Minimum off-street parking requirements shall be provided as follows:

Townhouse with 1 bedroom	1 stall/dwelling
Townhouse with 2 or more bedrooms	2 stalls/dwelling
Community Hall	As required by the Development Authority

(9) The decision-making authority for uses has been delegated to the Development Officer.

(10) Application procedures, appeals, additional requirements, and applicable schedules shall apply as per Sections 1 to 56.

(11) The following sections shall apply where relevant as determined by the Development Authority:

- Section 57: Accessory Buildings and Structures
- Section 58: Access Requirements
- Section 59: Corner Lots
- Section 60: Design Standards
- Section 62: Fences, Privacy Walls, and Gates
- Section 64: Grading, Excavating, Stripping and Stockpiling
- Section 67: Landscaping
- Section 73: Parking and Loading
- Section 75: Projections into Setbacks
- Section 76: Quality of Development
- Section 78: Site Drainage and Storm Water Management
- Schedule 5: Signage Standards

CITY OF BROOKS

BYLAW NO. 21/17

A BYLAW OF THE CITY OF BROOKS IN THE PROVINCE OF ALBERTA TO AMEND BYLAW NO. 14/12 BEING THE LAND USE BYLAW.

WHEREAS it is desirable to amend Bylaw No. 14/12 being the Land Use Bylaw for the City of Brooks;

AND WHEREAS the purpose of the proposed amendment is to redesignate land legally described as a portion of:

Lot 1, Block 6, Plan 8530FL

from "Residential Single Detached – R-SD" to "Residential Small Lot – R-SL", as shown on the map in Schedule 'A' attached hereto to accommodate the development of a smaller residential lot;

AND WHEREAS a Public Hearing, as required by Section 692 of the Municipal Government Act, will be held prior to second reading of this Bylaw;

NOW THEREFORE, the Council of the City of Brooks in the Province of Alberta hereby enacts as follows:

1. The land described as Lot 1, Block 6, Plan 8530FL as shown on the attached Schedule 'A' be designated Residential Small Lot – R-SL.

2. That the Land Use Districts map of the City of Brooks Land Use Bylaw 14/12 be amended to reflect this designation.

3. Bylaw 14/12, being the Land Use Bylaw, is hereby amended and a consolidated version of the Land Use Bylaw reflecting the amendment is authorized to be prepared.

4. That this Bylaw shall take effect upon final passing thereof.

Read a first time this 16th day of August, 2021.
Read a second time this 7th day of September, 2021.
Read a third time and finally passed this 7th day of September, 2021.

Mayor

Chief Administrative Officer



LAND USE DISTRICT REDESIGNATION
SCHEDULE 'A'

FROM: SINGLE DETACHED RESIDENTIAL - R-SD
TO: SMALL LOT RESIDENTIAL - R-SL

PORTION OF LOT 1; BLOCK 6; PLAN 8530FL
WITHIN SE 1/4 SEC 31, TWP 18, RGE 14, W 4 M
MUNICIPALITY: CITY OF BROOKS
DATE: AUGUST 9, 2021

Bylaw #: Bylaw 21/17
Date: September 7, 2021

OLDMAN RIVER REGIONAL SERVICES COMMISSION

0 Metres 50 100 150 200

August 09, 2021 N:\Newell-County\Brooks\Brooks LUD & Land Use Redesignations\City of Brooks – Lot 1 – Block 6 – Plan 8530FL.dwg

MAP PREPARED BY:
OLDMAN RIVER REGIONAL SERVICES COMMISSION
3105 16th AVENUE NORTH, LETHBRIDGE, ALBERTA T1H 5E8
TEL. 403-329-1344

"NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"

CITY OF BROOKS

BYLAW NO. 22/03

A BYLAW OF THE CITY OF BROOKS IN THE PROVINCE OF ALBERTA TO AMEND BYLAW NO. 14/12 BEING THE LAND USE BYLAW.

WHEREAS it is desirable to amend Bylaw No. 14/12 being the Land Use Bylaw for the City of Brooks;

AND WHEREAS the purpose of the proposed amendment is to update the signage standards to be more rationale, consistent and easy to understand, to clarify when and where electronic display and off-premises advertising can be used, and to refine existing regulations in other sections of the LUB to align with industry practice, provide clarity and streamline the development permit process;

AND WHEREAS a Public Hearing, as required by Section 692 of the Municipal Government Act, will be held prior to second reading of this Bylaw;

NOW THEREFORE, the Council of the City of Brooks in the Province of Alberta hereby enacts as follows:

1. That Schedule 2: Land Use Districts, Residential Single Detached (R-SD), Residential Small Lot (R-SL), be amended by deleting crossed out text and adding the following underlined text to the table in subsection 3, Minimum Lot Dimensions, as shown in the following example:

Dwelling Type	Lot Size	Lot Depth	Lot Width
Single detached, <u>Duplex</u>	503 m^2 (5414.3 ft^2)	33.5 m (109.9 ft)	Mid block: 15 m (49.2 ft) Corner lot: 18 m (59 ft) Pie-shaped lot: 15 m (49.2 ft) measured 5 m (16.4 ft) from front property line
Semi-detached <u>(each unit),</u> ~~Duplex~~	<u>335 m^2 (3605.9 ft^2)</u> ~~Mid block: 503 m2 (5414.3 ft2)~~ ~~Corner lot: 503 m2 (5414.3 ft2)~~	33.5 m (109.9 ft)	~~Mid block: 15 m (49.2 ft)~~ <u>10 m (32.8 ft)</u> ~~Corner lot: 18 m (59 ft)~~ Pie-shaped lot: <u>10 m (32.8 ft) measured 5 m (16.4 ft) from front property line</u>

2. That Schedule 2: Land Use Districts, Residential Low Density (R-LD), and Residential High Density (R-HD), be amended by deleting crossed out text and adding the following underlined text to the table in subsection 3, Minimum Lot Dimensions, as shown in the following example:

Dwelling Type	Lot Size	Lot Depth	Lot Width
Single detached, Duplex	402 m^2 (4327.1 ft^2)	33.5 m (109.9 ft)	Mid block: 12 m (39.4 ft) Corner lot: 15 m (49.2 ft) Pie-shaped lot: 15 m (49.2 ft) measured 5 m (16.4 ft) from front property line
~~**Semi-detached, Duplex, Townhouse**~~	~~Mid block: 503 m^2 (5414.3 ft^2)~~ ~~Corner lot: 603 m^2 (6490.6 ft^2)~~	~~33.5 m (109.9 ft)~~	~~Mid block: 15 m (49.2 ft)~~ ~~Corner lot: 15 m (49.2 ft)~~ ~~Pie-shaped lot: 15 m (49.2 ft) measured 5 m (16.4 ft) from front property line~~
Semi-detached (each unit)	335 m^2 (3605.9 ft^2)	33.5 m (109.9 ft)	10 m (32.8 ft)
Townhouse (each unit)	End dwelling: 335 m2 (3605.9 ft2) Interior dwelling: 218 m2 (2346.5 ft2)	33.5 m (109.9 ft)	End dwelling unit: 10 m (32.8 ft) Interior dwelling unit: 6.5 m (21.3 ft)
All others	To the discretion of the Development Authority.		
~~*Notes*~~	~~*Semi-detached/Duplex/Townhouse lot size minimums are predevelopment.*~~		

3. That Schedule 2: Land Use Districts, Residential Single Detached (R-SD), Residential Small Lot (R-SL), Residential Low Density (R-LD), Residential High Density (R-HD), and Commercial Neighbourhood (C-N) be amended by deleting subsection 4.2, Build Within Area in its entirety and renumbering subsequent sections accordingly;

4. That Schedule 2: Land Use Districts, Residential Single Detached (R-SD), Residential Small Lot (R-SL), Residential Low Density (R-LD), Residential High Density (R-HD), Residential Manufactured Home (R-MH), and Commercial Neighbourhood (C-N), Subsection 4.3, Setback Requirements, be amended by deleting all references to build within area and maximum front setbacks, as shown in the following example:

Principal Building		
Mid-block	Front ~~(build within area)~~	Minimum: 5 m (16.4 ft)
		~~Maximum 7.5 m (24.6 ft)~~
	~~Attached garage oriented to the front of the principal building~~	~~Minimum: 6 m (19.7 ft)~~
		~~Maximum 7.5 m (24.6 ft)~~
	Rear	7.6 m (24.9 ft)
	Side	1.5 m (4.9 ft)

5. That Schedule 2: Land Use Districts, Residential Manufactured Home (R-MH), be amended by deleting subsection 5.2, Build Within Area in its entirety and renumbering subsequent sections accordingly;

6. That Schedule 2: Land Use Districts, Residential High Density (R-HD), Section 5: Maximum Site Coverage, be deleted in its entirety, and be replaced with the following text:

   SECTION 5: MAXIMUM SITE COVERAGE

   (1) Total allowable coverage: 50% inclusive of all buildings

   (2) Principal building: 35 – 50% depending on accessory building(s)

   Note: attached garages are considered part of the principal building for the purposes of site coverage calculations.

   (3) Accessory building(s): 0 – 15% depending on principal building

7. That Schedule 3: General Standards of Development, Section 57: Accessory Buildings and Structures, subsection 57.3, Residential Land Use Districts, subsection (2), be amended by rewording the following underlined text:

   (2) the wall height of a detached garage in a residential district shall not exceed <u>2.8 m (9.2 ft)</u> above grade unless approved by the Development Authority;

8. That Schedule 3: General Standards of Development, Section 57: Accessory Buildings and Structures, subsection 57.3, Residential Land Use Districts, subsection (5), be amended by deleting the following crossed out text:

   (5) accessory buildings shall be no closer than 1.5 m (4.92 ft) to the principal building~~, excluding detached garages, which shall be no closer than 2.4 m (7.87 ft) to the principal building~~.

9. That the table in Schedule 3: General Standards of Development, Section 73: Parking and Loading, subsection 73.2, General Requirements, subsection (2), be amended by rewording the following underlined text:

MINIMUM OFF-STREET PARKING REQUIREMENTS: Non-residential Uses	
Uses	**Parking requirements**
Entertainment facilities	3 stalls/100 m^2 (1076.39 ft^2) GFA
Restaurants	5 stalls/100 m^2 (1076.39 ft^2) GFA

10. That the table in Schedule 3: General Standards of Development, Section 73: Parking and Loading, subsection 73.2, General Requirements, subsection (22), be deleted in its entirety, and be replaced with the following table:

Stalls required for a use	Barrier free stalls required
0 – 10	1
11-25	2
26-50	3
51-100	4
For each additional increment of 100 or part thereof	One additional stall

11. That Schedule 3: General Standards of Development, Section 73: Parking and Loading, subsection 73.2, General Requirements, subsection (23), be amended by rewording and adding the following underlined text, and renumbering subsequent sections accordingly:

(23) each barrier-free parking stall shall be designed in accordance with the Alberta Building Code and specifically the Barrier Free Design Guide (2019) and any amendments thereto;

(24) each barrier-free parking space for persons with disabilities shall be:
- a) at least 3.7 m (12 ft) wide or designed in accordance with the Safety Codes Act;
- b) have a firm, slip-resistant and level surface;
- c) be clearly marked as being for the use of persons with disabilities only;

(25) Where there are two or more adjacent barrier-free parking stalls, a 1.5 m (5 ft) wide access aisle shall be provided between the stalls;

(26) Barrier-free parking stalls shall be clearly identifiable in accordance with the Safety Codes Act;

(27) There must be a well-lit, discernible, barrier-free path of travel leading to the building entrance;

12. That Schedule 3: General Standards of Development, Section 75: Projections into Setbacks, subsection 75.2, Permitted Projections, subsection (3), be amended by adding the following underlined text:

(a) unenclosed steps providing entry to the basement or first floor of a principal building except into a 3.0 metre side yard required in a laneless subdivision where no provision is made for a garage or carport on the front or side of a dwelling, to a maximum of:

(i) side yards: 1.5 m (4.92 ft); or
the minimum setback width between the property line and principal building, whichever is the lesser of the two.

(ii) front, flankage and rear yards: 50% of the minimum set back.

(g) architectural and/or structural features such as but not limited to window sills, cornices, eaves, gutters, chimneys, pilasters, canopies, and window bays, to the discretion of the Development Authority and to a maximum of:

(i) side yards: 0.6 m (1.97 ft)
(ii) front, flankage and rear yards: 1.2 m (3.94 ft)

(k) patios to a maximum of:

(i) side and/or rear yards: 100%
(ii) front and/or flankage yards: 50%

13. That Schedule 5: Signage Standards of the Land Use Bylaw be deleted in its entirety and replaced with the Signage section attached as Schedule A.

14. That Schedule 6: Definitions, be amended by adding or rewording the following underlined text:

Auto and Equipment Rental and Sales means a development for the sale or rental of new and used vehicles, recreational vehicles (campers, trailers etc.), manufactured homes, farm equipment, construction equipment and other similar large scale objects that cannot be readily stored in a building. This use must include a permanent building for sales and may include associated outdoor storage, mechanical repairs and administrative and sales offices as accessory uses. This use does not include Repair Shop, Auto and Equipment Paint Shop or Minor or Major Retail Establishments, which are separate uses in this bylaw.

~~**Build Within Area** means the designated area, typically within the front yard, that is required for the front of a building to be constructed within, and is different from~~

~~a setback in that a setback dictates only that a building face cannot be built any closer than a certain prescribed distance to a lot line in the given yard, whereas the build within area designates a minimum and maximum distance from the lot line within which the associated building face must be constructed.~~

Building and Trade Contractor means a development for the provision of electrical, plumbing, heating, painting and similar contractor services primarily to individual households and the accessory sale of goods normally associated with such contractor services where all materials are kept within an enclosed building, and where there are no associated manufacturing activities. This use may include an administrative office as an accessory use. This use does not include Light or Heavy Manufacturing or Minor or Major Retail Establishments, which are separate uses in this bylaw.

Repair Shop means a development used for the servicing and mechanical repair of automobiles, motorcycles, snowmobiles, and similar vehicles, or for the servicing and repair of equipment, machines or components. Repair shop may include the sale, installation or servicing of related accessories and parts, outdoor storage, and administrative offices as accessory uses. Typical uses include, but are not limited to, car detailing, transmission shops, muffler shops, tire shops, automotive glass shops, upholstery shops, and farm or other equipment maintenance shops. This use does not include Service Stations, Auto and Equipment Paint Shop, or Auto and Equipment Rental and Sales, which are separate uses in this land use bylaw.

15. That amendments to definitions and regulations as shown in Schedule A are reflected throughout the Land Use Bylaw through the deletion, rewording and renumbering of terms where necessary.

16. That the amendments to Bylaw No. 14/12, being the Land Use Bylaw, make use of formatting that maintains the consistency of the portions of the Bylaw being amended.

17. That this Bylaw shall take effect upon final passing thereof.

Read a first time this 17th day of January, 2022.

Read a second time this 7th day of February, 2022.

Read a third time and finally passed this 7th day of February, 2022.

Mayor

Chief Administrative Officer

CITY OF BROOKS

BYLAW NO. 22/03

SCHEDULE A

SCHEDULE 5: SIGNAGE STANDARDS

SECTION 97: PROHIBITED SIGNS

The following types of signage or individual elements of signage systems are prohibited:

(1) signs which employ revolving, flashing or intermittent lights, or lights resembling emergency services, traffic signals, railway crossing signals, hazard warning devices or other similar lighting but does not include changeable content, illumination, or animation;

(2) signs that emit amplified sounds or music;

(3) in any residential district, signs that employ animation or changeable content as the projection style;

(4) in any non-residential district, signs that employ changeable content or animation at a brightness, intensity and/or interval that may create a public hazard or nuisance;

(5) signs that, in the opinion of the Development Authority:

  (a) block the natural light or view of adjacent buildings;

  (b) obstruct free and clear vision of vehicular traffic or may be confused with any authorized traffic sign, signal or device; and/or

  (c) contain vulgar, obscene, or generally offensive content;

(6) any signs located within the public right-of-way or on public property, except for signs *approved* by the City that may include canopy signs, projecting signs and temporary signs or signs approved by the provincial or federal authorities;

(7) signs that are attached to or appearing on any vehicle or trailer which is parked on a public right of way or any other public lands or on private land that is located adjacent to a public right of way with the primary intent of displaying the sign to motorists and the public for any period of time, excepting thereout signs for special events organized by a non-profit association, group or organization for a display time period not to exceed 24 hours;

(8) signs that are attached to or appearing on semi-trailers, shipping containers or fences except on a temporary basis only, as per Section 99(1); and

(9) any sign that has not obtained a development permit or any sign that has not been deemed exempt from the requirement of obtaining a development permit as per this Schedule.

SECTION 98: GENERAL STANDARDS FOR ALL SIGNS

(1) Unless otherwise specified, a development permit application is required for all signs.

(2) The Development Officer may refer any development permit application for a sign to the Municipal Planning Commission for a decision.

(3) All signs shall be compatible with the general character of the surrounding streetscape and the architecture of nearby buildings. The size, location, illumination and materials of all signs and outdoor advertising structures and features shall not detract from the design of existing and proposed buildings and structures and the surrounding properties.

(4) All signs shall be of quality construction and of a design suitable for public display.

(5) All signs shall be maintained in good repair and a safe and tidy manner including but not limited to the paint, integrity of the mounting and supporting structure, any illumination, and any other element affecting the overall appearance, as determined by the Development Authority.

(6) No sign shall be placed in a public road or laneway or sited in such a manner that the sign causes confusion with or obstructs the vision of any information sign or a traffic control sign, signal, light or other traffic device.

(7) No sign shall be located or placed in such a manner that it will create a potential hazard or conflict with rights-of-way, easements or the routing of any public utility, or create a traffic hazard or obstruct the public's view of any other signage.

(8) A sign shall be located entirely within the subject lot unless prior written approval granting permission for the sign to overhang another property is submitted to the City by the affected property owner.

(9) A sign shall not be erected on any property unless permission is granted in writing from the registered property owner.

(10) Any signs, except window signs that comply with this bylaw, that employ electronic display or changeable content require approval of the Development Authority.

(11) In all cases, the required distance from overhead power and service lines, as set forth in the *Alberta Electrical Utility Code*, shall be maintained.

(12) The source of light for all sign illumination shall be steady and suitably oriented and shielded so as to minimize the potential for light pollution, in accordance with Section 71 (Outdoor Lighting) of Schedule 3 (General Standards of Development).

(13) Subsequent to approval from the Development Authority, signs may be located within the setback requirement of a land use district if it does not interfere with visibility at an intersection and complies with other requirements of this sign Schedule.

(14) The following rules apply to all types of signs on municipal property:

(a) no signs shall be located on, erected on, or attached to municipal property, building or structure, including public benches, light standards, and utility poles, without prior written authorization from the City; and

(b) if permission is granted for a sign to be located on, erected on, or attached to municipal property, buildings or structures, the sign type shall comply with all applicable sign regulations contained within this bylaw; and

(c) any sign located on, erected on, or attached to municipal property without authorization from the City, may be removed without notice.

(15) Any sign overhanging public or City-owned property shall be required to provide proof of liability insurance and the applicant shall enter into an indemnification agreement with the City for any injury or damage resulting from said sign.

(16) The City shall not be held liable for any injury, loss or damage suffered by any person or corporate body which is caused by any sign located in the City whether or not the sign is in accordance with the requirements of this bylaw.

98.1 GENERAL REGULATIONS FOR SIGNS WITH ELECTRONIC COPY

(1) Signs with electronic display must be a minimum distance of 15.24 m (50 ft) from a signalized intersection.

(2) Signs with electronic display, except electronic display signs for schools, shall not be located within 15.24 m (50 ft) of a residential land use district measured from the edge of the sign to the property line of a residential parcel.

(3) If the rear of a sign with one-sided electronic display is visible to the public, it shall be finished with a material suitable to the Development Authority.

(4) A sign featuring electronic display must be equipped with a functioning ambient light sensor and must be set to operate so as not to exceed the following limits at all times when the electronic display feature is functioning, as measured from the sign face at its maximum brightness:

(a) a maximum of 7,500 nits from sunrise to sunset, based on the times established by the sunrise/sunset calculator of the National Research Council of Canada; and

(b) a maximum of 500 nits from sunset to sunrise, based on the times established by the sunrise/sunset calculator of the National Research Council of Canada; and

(c) the light levels around the Electronic Display must not at any time exceed the ambient light level by more than 5.0 LUX.

(5) If a Development Authority determines that the brightness or light level of an electronic display exceeds the limits set out in subsection 98.1(4), or impairs the vision of motorists, the Development Authority may direct the Development Permit holder to change the settings in order to bring the electronic display into compliance with this bylaw with 24 hours notice.

(6) If any component of electronic display fails or malfunctions such that the electronic display is no longer operating in compliance with this bylaw or with the conditions of a Development Permit, the Development Permit holder must ensure that the electronic display is turned off until all components are fixed and operating in compliance.

(7) The Development Permit holder for a sign with electronic display must ensure that a Development Authority is at all times in possession of the name and telephone contact information of a person(s) having access to the technology controls for the sign, who can be contacted 24 hours a day if the sign malfunctions.

(8) All electronic signs adjacent to a designated Alberta Highway shall during the application process be circulated to Alberta Transportation for comment and may be subject to an Alberta Transportation road side development permit.

SECTION 99: SIGNS NOT REQUIRING A DEVELOPMENT PERMIT

The signage specified in this section is deemed permitted and may be displayed without application being made for a Development Permit, provided that the signage specified in this section meets all other requirements of this and any other applicable bylaws and regulations that may pertain to it.

(1) Temporary signs provided all such signage complies with the following requirements:

(a) a temporary sign will be valid for a period of no longer than 30 days;

(b) once the 30 days has expired for a temporary sign at a location address, another temporary sign on the same site shall not occur until 30 days has elapsed from the end of the previous 30-day period that the temporary sign was erected for;

(c) no temporary signs shall be suspended on or between support columns of any permanent sign such as a freestanding sign, notwithstanding any other sign that may be considered as permanent by the Development Authority; and

(d) the maximum sign area of a temporary sign shall be no greater than 20 m^2 (215.3 ft^2).

(2) Construction signs that do not exceed 6 m^2 (64.58 ft^2) in area provided such signs are removed within 14 days of the completion of construction.

(3) Fascia signs on a shipping container that are placed temporarily on a construction site in compliance with this Schedule.

(4) Banner signs which are displayed for a period of time not exceeding 30 days.

(5) Inflatable signs.

(6) Signs, notices, placards, or bulletins required to be displayed:

(a) in accordance with the provisions of federal, provincial, or municipal legislation;

(b) by or on behalf of the federal, provincial, or municipal government; and/or

(c) on behalf of a department, a commission, a board, a committee, or an official of the federal, provincial, or municipal government.

(7) Signs located on public transportation vehicles or taxi-cabs.

(8) Signs located inside a building that are not intended to be viewed from the outside.

(9) The name and address of a building when it forms an integral part of the architectural finish of that building.

(10) Street numbers or letters displayed on a premises where together the total sign content area is less than 1 m^2 (10.76 ft^2).

(11) Residency identification signs which state no more than the name and/or address of the person(s) occupying the lot, provided the sign is no greater than 0.4 m^2 (4.3 ft^2) in area.

(12) Signs placed on premises for the guidance, warning, or restraint of persons and/or vehicles.

(13) Municipal road signs used for street name identification or traffic direction and control.

(14) Vehicle signs except as prohibited by Bylaw No. 12/28 and any amendments thereto.

(15) Any and all signs where all relevant details of the subject sign(s) have been submitted, evaluated and approved as part of a separate development permit application.

(16) The alteration of a lawful sign which only includes routine maintenance, painting or change in face, content or lettering and does not include modification to the sign structure, location, dimensions or sign type.

(17) Freestanding signs for community/neighbourhood/subdivision identification purposes where all relevant details and design drawings have been submitted, evaluated and approved as part of a subdivision application process.

(18) All signs for public buildings, except freestanding signs, signs that employ electronic display, animation or changeable content, which shall require the approval of the Development Authority.

(19) Real estate signs provided all such signage is removed within 30 days after the sale or lease of the premises upon which the sign is located and these signs shall not be placed in a road.

(20) Garage sale signs which do not exceed 1 m^2 (10.76 ft) in area, provided the owner of the property upon which the sign is located has approved its placement and the sign is removed immediately upon the conclusion of the sale.

(21) On-premise directional and informational signage and incidental signs 1 m^2 (10.76 ft^2) or less in area and with a maximum mounting height of 3 m (9.84 ft) above grade.

(22) Any traffic or directional and informational signage erected by the City, Province of Alberta or Federal government;

(23) Any community service bulletin board erected by the City and any notices posted on the bulletin board.

(24) Any sign appearing on street furniture, such as benches or garbage containers, that are located on private property.

(25) Any sign appearing on street furniture, such as benches or garbage containers, that are located on public land if an agreement to locate the street furniture has been reached with Council.

(26) Any window sign in a residential land use district, associated with a home occupation use that is 0.37 m2 (4 ft2) or less in sign area.

(27) Any window sign in a non-residential land use district.

(28) Signs displayed in or on an operational motor vehicle that are not for the primary purpose of acting as advertising signage.

(29) Signs located on door plates, door bars and/or door kick plates.

(30) Political poster signs provided all such signage is removed within 5 days after the closing of the polling stations for the relevant election or plebiscite and comply with the following requirements:

(a) signs cannot emit sound, use video features or be illuminated;

(b) signs shall be maintained in a condition that is neat and shall not be unsightly or dangerous;

(c) signs shall not interfere with or be confused with a traffic control device;

(d) signs shall not interfere with the safe and orderly movement of pedestrians or vehicles, or restrict the sight lines for pedestrians or motorists;

(e) signs shall not exceed 1.1 m^2 (11.84 ft^2) in area, 1.2 m (3.93 ft) in height, and be self-supporting;

(f) signs shall not be posted prior to 60 days before the election, by-election or plebiscite;

(g) signs shall not be posted within the property boundaries of any existing City owned land or facility or any sidewalks or road right of way adjacent to City owned land or facilities but may be posted on boulevards and road rights of way adjoining parks and playing fields;

(h) signs shall be a minimum of 3 m (9.84 ft) from any road access and a minimum of 5 m (16.4 ft) from any intersection; and

(i) political poster signs that do not comply with Section 99(29) shall be categorized as one of the sign types as defined in this bylaw, at the discretion of the Development Authority, and shall meet all applicable regulations.

SECTION 100: SIGN DEVELOPMENT PERMIT REQUIREMENTS

(1) Except as stated in Section 99 (Signs Not Requiring a Permit), no sign shall be erected on land or affixed to any exterior surface of a building or structure unless a Development Permit for this purpose has been issued by the Development Authority.

(2) A development permit application to erect, place, alter or relocate a sign shall be made to the Development Authority by an applicant, a landowner, or someone that has been authorized by the landowner to act on their behalf and shall include the name and address of:

(a) the sign manufacturer or company;

(b) the lawful sign owner; and

(c) a letter of authorization from the affected registered property and/or building owner if the applicant is not the landowner.

(3) The Development Authority may refuse to accept a development permit application for a sign where the information provided by subsection 4 of this section has not been supplied or where, in the opinion of the Development Authority, the quality of the material supplied is inadequate to properly evaluate the application.

(4) A development application for a sign shall include where applicable:

(a) the location of all existing and proposed sign(s);

(b) for signs with electronic display, the setback distance(s) from the proposed sign(s) to the nearest intersection and/or to residential land use districts;

(c) the size, height, and area of the proposed sign(s), including any supporting structures;

(d) details with respect to the sign content such as but not limited to wording, lettering, text, message content and graphics;

(e) the colour and design scheme;

(f) materials specifications;

(g) location of the property boundaries of the parcel upon which the proposed sign(s) is to be located;

(h) utility rights-of-way, access easements and any other related encumbrances;

(i) location of existing building(s) on the site;

(j) the type of electronic display, illumination, and/or changeable content, if any, and details with respect to the proposed luminosity, intensity and/or interval;

(k) specifications regarding the mounting of the signage;

(l) if a sign is to be attached to a building, the details regarding the extent of the projection; and

(m) any other information the Development Authority deems necessary to evaluate an application for a sign.

SECTION 101: ALLOWABLE SIGN TYPES IN LAND USE DISTRICTS

Signs shall only be allowed in land use districts where listed as a permitted or discretionary use in the following table, and are limited to the following sign types:

- "P" indicates that the sign type is classified as a permitted use within the respective land use district.
- "D" indicates that the use is classified as a discretionary use within the respective land use district.
- A blank cell indicates that the sign type is prohibited within the respective land use district.

Sign Type[1]	Land Use District					Use Specific Standards
	R-SD, R-SL, R-LD, R-MH, R-MP, FUD	R-HD, C-N	C-C	C-G, I-L, I-G, I-H	P-PS, P-OS	

Canopy		P	P	P	P	103.1
Fascia		P	P	P	P	103.2
Fascia with electronic display			P	P	D	103.2 98.1
Freestanding		P	P	P	P	103.3
Freestanding sign adjacent to the Trans-Canada Highway (may have off-premises sign content)	P[2]			P	P	
Freestanding with electronic display (may include off-premises sign content)			P	P	D3	103.3 98.1
Projecting		P	P	P	P	103.4
Roof				P		103.5
Blade		P	P	P	P	103.6
Sign types with illumination		D	P	P	D	98

Note 1	*Signs not requiring a permit, as per Section 99, are not included in this table, but are allowed in all land use districts subject to compliance with this bylaw.*
Note 2	*Freestanding signs adjacent to the Trans Canada Highway are prohibited in all residential land use districts except FUD.*
Note 3	*Freestanding signs with electronic display in P-PS and P-OS are only allowed to display recreation, school, community and/or not-for-profit information and events.*

SECTION 102: GENERAL SIGN DEFINITIONS

General sign definitions are found in this section as well as sign types that do not have any specific regulations. Sign types that have specific associated regulations are listed in Section 103 of this Schedule.

Abandoned Sign means a sign which advertises or identifies an activity, business, owner, product, lessee or service which no longer exists or a sign for which no legal owner can be found.

Advertisement means any method, device or representation, whether illuminated or not, used to call attention to or identify any matter, object, event or person.

Animation means a style of electronic display where action or motion is used to project sign content, including special effects or pictures similar to moving images on a television.

Awning means an adjustable or temporary roof-like covering fitted over windows and doors and used for either shelter, advertising or decoration.

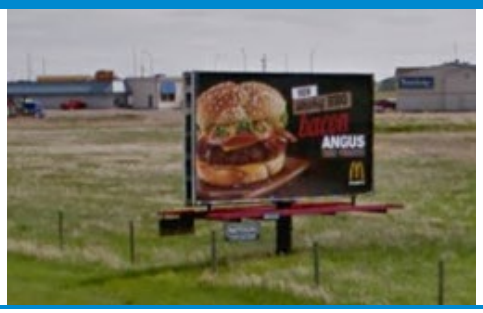
Banner Sign means a temporary sign that is made of lightweight material intended to be secured to the flat surface of a building or structure, at the top and the bottom on all corners, excluding official flags and emblems.

Bench Sign means a sign that is painted on or affixed flat to a bench.

Billboard Sign means a freestanding structure constructed to provide a medium for advertising where the sign typically consists of off-premises content and where the copy can be periodically replaced. For the purposes of this bylaw, billboard signs are regulated as freestanding signs.

BILLBOARD SIGN EXAMPLES





Canopy means a permanent fixture fitted over windows and doors and used for either shelter, advertising or decoration.

Changeable Content means sign content which can be changed manually, not through digital means. Changeable content includes mechanically controlled time and temperature displays.

Construction Sign means a temporary sign which is placed on a site to advertise items such as the provision of labour, services, materials or financing on a construction project.

Directional and Information Sign means a sign where the message of which is limited to providing direction guidance, distance, facility or similar information and which may contain a name or logo.

Electronic Display means sign copy that makes use of technologies that allow sign copy to be changed without manually or mechanically replacing the sign face or components. Electronic display includes technologies such as but not limited to electronic screens, televisions, computer video monitors, liquid crystal displays and light emitting diode displays. Electronic display copy can include animation or motion. Signs that are externally illuminated with LED light bulbs do not constitute electronic display.

Home Occupation Sign means a sign advertising a home occupation approved under the provisions of the Land Use Bylaw.

Identification Sign means a sign which is limited to the name, address, and number of a building, institution or person, and to the activity carried on in the building or institution, or the occupation of the person.

Inflatable Sign means any inflatable device, which is expanded by air or other gas to create a three dimensional feature, employed as a sign that is anchored to the ground or to a building or structure.

Luminosity means the measurement of brightness.

LUX means a metric for measuring the amount of light received by a surface (illuminance). The LUX measurement will decrease the farther away someone is from the subject light source. For the purposes of this bylaw, LUX is measured with a light meter sensor to determine the brightness of a sign with electronic display.

Multi-tenant Sign means any type of sign that may contain sign content that advertises more than one tenant and/or business. Multi-tenant signs may include freestanding signs.

Mural means any picture, scene, graphic or diagram displayed on the exterior wall of a building for the primary purpose of decoration or artistic expression and not created to solely display a commercial message or depiction. Murals do not require a development permit, but are subject to the requirements and procedure of the City of Brooks Mural Approval Policy.

NIT means a metric for measuring how much light an object emits (luminance). For the purposes of this bylaw, NIT is measured with a light meter sensor to determine the amount of light emitted from a sign with electronic display.

Non-conforming Sign means a sign that was installed prior to the passing of this bylaw and does not meet the regulations as stated in this bylaw.

Off-premises Sign Content means sign content which advertises or otherwise identifies a service, product or activity conducted, sold or offered at a location other than the premises on which the sign is located.

On-premises Sign Content means sign content which advertises a service, product or activity conducted, sold or offered on the property that the sign is located.

Overhanging means that which projects over any part of any street, lane or other municipally owned property.

Parapet means the extension of a false front wall above a roof line.

Political Poster Sign means a temporary sign announcing or supporting candidates or issues in any election or plebiscite.

Portable Sign means, in accordance with the Portable Signs Bylaw No. 12/28 and any amendments thereto, any sign which is mounted on a stand or other support structure which is designed in such a manner that the sign can be readily relocated but does not include A-frame signs.

Public Transportation Vehicle means publicly owned, operated and/or funded transit and transportation facilities

Real Estate Sign means a sign advertising real estate (i.e. property) that is for sale, for lease, or for rent or for real estate that has been sold.

Residency Identification Sign means a sign located on a lot in a residential district that provides for the name and/or address of the owner or occupant of a dwelling.

Rotating Sign means a sign or portion of a sign which moves in a revolving manner.

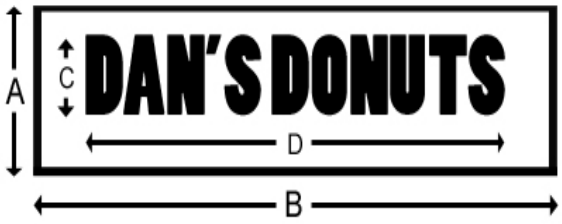
Sign means a lettered board and/or other public display intended for the advertising or calling attention to any person, business, matter, message, object or event.

Sign Alteration means the structural and/or projection style modification of a sign but does not include the routine maintenance, painting or change in face, content, copy or lettering.

Sign Area means the total area within the outer edge of the frame or border of a sign or in the case where there is no frame or border, the area contained within the shortest line surrounding the whole group of letters, figures, or symbols of the sign.

Sign Content means the wording/lettering, message, graphics or content displayed on a sign.

Sign area = A x B



Sign content area = C x D

Sign Content Area means the entire area within a single straight line geometric figure or a combination of squares or rectangles that will enclose the extreme limits of the advertising message or announcement including decorations related to the specific nature of the advertising message or announcement.

Sign Height means the vertical distance measured from the highest point of the sign or sign structure to the finished grade.

Sign Illumination means the lighting or exposure of a sign to artificial lighting either by lights on or in the sign or directed toward the sign.

Sign Projection Style means the method by which the sign content is conveyed to the viewer (e.g. lettering/logo, animation, changeable content, and movement/motion).

Sign Type means the type of structure of a sign (e.g. fascia, freestanding etc.) used to convey sign content.

Temporary Sign means any sign permitted, designed or intended to be displayed for a short period of time (not to exceed 30 days), not including portable signs, however including, developer marketing signs, land use classification signs, construction signs, or any other sign that is not permanently attached to a building, structure or the ground.

Vehicle Sign means a sign attached to, painted on or installed on a vehicle other than a public transportation vehicle, handi-bus, taxi cab or school bus.

Warning Sign means a sign displayed to warn the general public of possible danger in an area or location, which sometimes includes the context of the danger being referenced.

Window Sign means a sign painted on, attached to, or installed on a window intended to be viewed from outside the premises.

WINDOW SIGN EXAMPLES



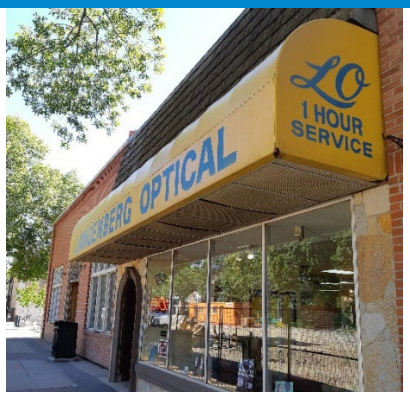


SECTION 103: SPECIFIC SIGN TYPE REGULATIONS

103.1 CANOPY SIGNS

Canopy Sign means a sign that is mounted, painted or otherwise attached to an awning, canopy or marquee.

CANOPY SIGN EXAMPLES





(1) A maximum of one canopy sign may be allowed per business frontage.

(2) No part of a canopy sign shall project more than 1.5 m (5 ft) over any public place or extend within 0.9 m (3ft) of the edge of a curb or roadway.

(3) Canopy signs shall have a minimum vertical clearance of 2.4 m (7.9 ft.) measured between the bottom of the canopy and grade.

(4) a canopy sign or any physical supports for the sign shall not extend beyond the lateral or vertical dimensions of the canopy or its apron.

103.2 FASCIA SIGNS

Fascia Sign means a sign attached across the face of the building, located approximately parallel thereto, in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign, which does not project more than 0.3 m (1 ft) from the building.

FASCIA SIGN EXAMPLES





(1) A maximum of six (6) fascia signs may be permitted for each business frontage.

(2) The total maximum sign area permitted for fascia signs is 20 percent of the area formed by each building face or business bay/frontage.

(3) Fascia signs shall not be located above any portion of a street, or project over public property, unless the fascia sign maintains a minimum clearance from grade of 2.4 m (7.9 ft), measured between the bottom of the canopy and grade.

(4) Fascia signs proposed to be located on a non-frontage wall may be considered by the Development Authority if it is deemed that the proposed signage and location of the signage on the building is suitable for the building that is the subject of the application and would not unduly and/or materially negatively impact adjacent buildings or public right-of-way.

103.3 FREESTANDING SIGNS

Freestanding Sign means a sign supported independently of a building, wall, or other structure by way of columns, uprights, braces, masts or poles mounted in or upon grade.

FREESTANDING SIGN EXAMPLES





(1) A maximum of one freestanding sign may be permitted for each parcel.

(2) The maximum area and height of a freestanding sign shall meet the following requirements:

	LAND USE DISTRICT			
	R-HD, C-N	**C-C**	**C-G, I-L, I-G, I-H**	**P-PS, P-OS**
Maximum freestanding sign height	3 m (9.8 ft)	6 m (19.7 ft)	10 m (32.8 ft)	6 m (19.7 ft)
Maximum Freestanding Sign Area[1]				
Business/building frontage 10 m or less in length	2 m^2 (21.5 ft^2)	5 m^2 (53.8 ft^2)	7.5 m^2 (80.7 ft^2)	5 m^2 (53.8 ft^2)
Business/building frontage over 10 m in length	3 m^2 (32.3 ft^2)	6 m^2 (64.6 ft^2)	12.5 m^2 (134.5 ft^2)	6 m^2 (64.6 ft^2)
NOTE[1]	Business or building frontages over 10 m (32.8 ft) in length are allowed an additional 0.2 m^2 (2.15 ft^2) of sign area per additional metre of frontage, to a maximum total freestanding sign area as identified .			

(3) If a freestanding sign projects over a transportation r-o-w including but not limited to roadways, driveways, parking stalls and sidewalks, a minimum of 4 m (13.12 ft) of clearance measured from the lower sign edge to grade shall be provided, unless it can be proven by the applicant that any potential for damage or danger to users of the transportation r-o-w has been minimized to a level acceptable to the Development Authority.

(4) Any electrical power supply to a freestanding sign shall be located underground.

(5) Freestanding signs proposed within the clear vision zone of a corner lot shall meet the requirements of Schedule 3 (General Standards of Development), Section 59 (Corner Lots).

(6) Freestanding signs may include multi-tenant signs where one freestanding sign advertises multiple businesses located in the same building or on the same parcel, to the discretion of the Development Authority, as long as the freestanding sign meets all other regulations of this bylaw.

(7) Freestanding signs that front onto the TransCanada highway (also called billboards) must adhere to the following regulations:

(a) sign area shall be a maximum of 50 m^2 (538.2 ft^2);

(b) maximum height shall be 4.5 m (14.8 ft) above grade; and

(c) where applicable, a record of approval from Alberta Transportation shall be provided as part of the sign application prior to the City issuing a development permit.

103.4 PROJECTING SIGNS

Projecting Sign means a sign other than a canopy sign, blade sign, or fascia sign which is attached to and projects, more than 0.3 m (1 ft.) horizontally from a structure or building face.

PROJECTING SIGN EXAMPLES





(1) A maximum of one projecting sign per business frontage may be allowed.

(2) No part of a projecting sign shall project more than 0.9 m (2.95 ft) above the top of the vertical face of the wall to which it is attached.

(3) The maximum area of a projecting sign is 6 m^2 (64.6 ft^2) for a business frontage that is 10 m (32.8 ft) or less in length. Business frontages over 10 m (32.8 ft) in length are

allowed an additional 0.1 m^2 (1.08 ft^2) of sign area per additional metre of frontage, to a maximum total projecting sign area of 10 m^2 (107.6 ft^2).

(4) Projecting signs shall have a minimum vertical clearance of 2.4 m (7.9 ft) measured between the lower sign edge and grade.

(5) The space between a projecting sign and the wall on which it is mounted shall not exceed 0.6 m (1.97 ft).

(6) A projecting sign shall not extend horizontally more than 2.5 m (8.2 ft) from a structure or building face.

(7) No part of a projecting sign shall project or extend within 0.8 m (2.6 ft) of the edge of a curb or roadway.

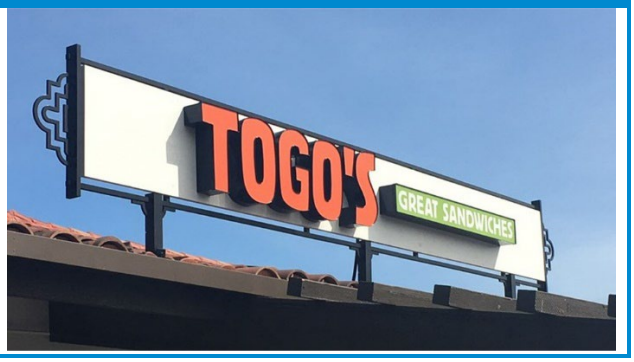
(8) Supporting structures of projecting signs, when visible, shall be integrated into the overall design of the sign, to the satisfaction of the Development Authority.

103.5 ROOF SIGNS

Roof Sign means any sign erected upon, against, or directly above a roof or on top of or above the parapet of a building.

ROOF SIGN EXAMPLES





(1) A maximum of one roof sign per building may be allowed.

(2) Roof signs shall not project more than 3 m (9.84 ft) above the highest point of the roof.

(3) The maximum area of a roof sign shall be 10 m^2 (107.6 ft^2).

(4) Roof signs shall be erected in such a manner that the support structure, guy wires, braces, and all other secondary supports are not visible, so that the roof sign appears to be an architectural component of the building.

(5) A roof sign shall not extend beyond the ends or sides of the building on which it is mounted.

103.6 BLADE SIGNS

Blade Sign means a small sign which is suspended from a mounting attached directly to the building wall or a sign that is suspended from or below the ceiling or roof of an awning, canopy or marquee. Blade signs are generally placed perpendicular to the face of a building and are typically found in pedestrian oriented environments such as a downtown and/or historic districts.

BLADE SIGN EXAMPLES







(1) A maximum of one blade sign per business frontage may be allowed.

(2) Blade signs shall not project more than 0.91 m (3 ft) from the surface of the building to which it is attached. If a Blade sign is attached to an awning, canopy or marquee, it shall not project more than 1.2 m (4 ft).

(3) Blade signs shall not be higher than the eave line of the building surface to which it is attached or 3.35 m (11 ft) above grade, whichever is lower.

(4) Blade signs shall have a minimum vertical clearance of 2.4 m (7.9 ft) measured between the lower sign edge and grade.

(5) Blade signs shall have a maximum sign size of 0.46 m^2 (5 ft^2), excluding the supporting structure.

(6) Blade signs shall have a minimum thickness of 1.27 cm (0.5 inches) and a maximum thickness of 10.16 cm (4 inches), except as reasonably required in connection with some graphic element of the sign.

103.7 OTHER SIGNS

(1) When a sign cannot be clearly categorized as one of the sign types as defined in this bylaw, the Development Authority shall determine the sign type and all applicable regulations associated with it.

SECTION 104: ABANDONED SIGNS AND ENFORCEMENT

104.1 ABANDONED SIGNS

(1) Any abandoned sign shall be removed at the property owner's expense. If abandoned signs are not removed, the City may remove the sign.

(2) Non-compliance with any regulation of this bylaw may result in the City removing a sign subsequent to a 30 day period of notice and any cost associated with its removal may be charged to the sign owner, excepting out signs advertising garage sales, which do not require notice to be removed. A sign recovery charge of $200 will be required prior to the return of the sign to the owner.

(3) Any signs removed by the City may be held for 30 days after removal at the owner's risk. Should the signs not be claimed by the owner after 30 days from the date of removal, the signs will be disposed of at the discretion of the City.

104.2 ENFORCEMENT

If a sign is erected without a permit, has fallen into a state of disrepair beyond what is deemed acceptable by the Development Authority, or is in violation of any requirement of this bylaw or any other applicable regulation, the owner of the sign shall:

(1) be notified of the violation and any corrective measures required, as per Section 52, sub-section 52.2 of the Administrative Schedule of this bylaw;

(2) be subject to all other actions the Development Authority is permitted to undertake as per the Act, and as outlined in Part 6, Enforcement and Appeals, of the Administrative Schedule of this bylaw, including but not limited to:

(a) subject to obtaining consent from the owner or occupier of the lands, entering onto the lands on which the signage is located to undertake works required to correct the violation, and the recovery of any costs associated with the same;

(b) the charging of a fine of not less than $200.00 and of not more than $2500.00, in addition to the recovery of costs associated with the correction of the violation; and

(c) the obtaining of a court order, should the owner or occupier of the land on which the violation has taken place refuse to provide consent to enter onto the lands or refuses any other action permitted to be requested by the Development Authority, as per the Act.

CITY OF BROOKS

BYLAW NO. 22/05

A BYLAW OF THE CITY OF BROOKS IN THE PROVINCE OF ALBERTA TO AMEND BYLAW NO. 14/12 BEING THE LAND USE BYLAW.

WHEREAS it is desirable to amend Bylaw No. 14/12 being the Land Use Bylaw for the City of Brooks;

AND WHEREAS the purpose of the proposed amendment is to define Kenneling and add it as a discretionary industrial use with associated development criteria;

AND WHEREAS a Public Hearing, as required by Section 692 of the Municipal Government Act, will be held prior to second reading of this Bylaw;

NOW THEREFORE, the Council of the City of Brooks in the Province of Alberta hereby enacts as follows:

1. That Schedule 6: Definitions of the Land Use Bylaw, be amended by adding the following:

   Kenneling means a development for the purpose of boarding small animals normally considered as household pets and includes indoor or outdoor enclosures, pens, runs or exercise areas. This land use may also include training, grooming, impounding/quarantining facilities, animal shelters, and retail sales of associated products. This land use shall not be closer than 150 meters (492.12 ft) from any residential dwelling unit, or existing or future residential land use.

2. That Schedule 2: Land Use Districts Industrial Light (I-L), Industrial General (I-G), and Industrial Heavy (I-H) subsection 2.2 Discretionary, be amended by adding the following:

   Kenneling

3. That Schedule 2: Land Use Districts Industrial Light (I-L), Industrial General (I-G), and Industrial Heavy (I-H) subsection 9(1)(b) Use-specific Standards of Development: Schedule 4, be amended by adding the following:

   Section 97: Kenneling

4. That Schedule 3: General Standards of Development subsection 73.2(2) Minimum Off-Street Parking Requirements: Non-residential Uses be amended by adding the following:

Kenneling	2 stalls/100 m^2 (1076.39 ft^2) GFA

5. That Schedule 4: Use Specific Standards of Development be amended by adding the following:

Section 97: Kenneling

97.1 APPLICABILITY

The requirements of this section apply to all kenneling businesses where animals are kept on premises for short or long term stays. Animals kept at such facilities must be acceptable under the Animal Control Bylaw.

97.2 GENERAL REQUIREMENTS

(1) Signage and advertising may only be permitted in compliance with Schedule 5: Signage Standards;

(2) Parking and Loading is required in accordance with Schedule 3, Section 73;

(3) As provided in the definition, Kenneling shall be located not closer than 150 meters (492.12 ft) from any residential dwelling unit, or existing or future residential land use. The measurements shall be taken from the residential property boundary to the kennel property boundary;

(4) Kenneling shall only be a Discretionary Use within the Industrial Light (I-L), Industrial General (I-G), and Industrial Heavy (I-H) Land Use Districts; and

(5) Kennelling shall be operated in accordance with provincial health regulations. All excrement and similar waste shall be disposed of in a manner acceptable to Alberta Health Services.

97.3 DEVELOPMENT REQUIREMENTS

(1) Operations of the kennel shall be:

(a) adequately designed and maintained to suppress emissions and further that pens, rooms and runs shall be adequately soundproofed;

(b) designed with washable surfaces and cleaned regularly;

(c) equipped with an indoor exercise area;

(d) equipped with a separate air exchange system in the animal holding area where heating and air conditioning is shared with other businesses;

(e) outdoor use shall be limited to the hours of 7 a.m. - 10 p.m. Monday to Friday and 7 a.m. - 10 p.m. weekends;

(f) cleaned regularly; and

(g) adequately fenced to the satisfaction of the Development Authority.

6. That the amendments to Bylaw No. 14/12, being the Land Use Bylaw, make use of formatting that maintains the consistency of the portions of the Bylaw being amended.

7. That this Bylaw shall take effect upon final passing thereof.

Read a first time this 6th day of September, 2022.

Read a second time this 19th day of September, 2022.

Read a third time and finally passed this 19th day of September, 2022.

Mayor

Chief Administrative Officer

CITY OF BROOKS
BYLAW NO. 22/14

A BYLAW OF THE CITY OF BROOKS IN THE PROVINCE OF ALBERTA TO AMEND BYLAW 14/12 BEING THE LAND USE BYLAW.

WHEREAS, it is desirable to amend Bylaw No. 14/12 being the Land Use Bylaw for the City of Brooks;

AND WHEREAS the purpose of the proposed amendment is to define Kenneling with an ability for MPC to vary the distance from residential;

AND WHEREAS a Public Hearing, as required by Section 692 of the Municipal Government Act, will be held prior to second reading of this Bylaw;

NOW, THEREFORE the Council of the City of Brooks in the Province of Alberta hereby enacts as follows:

1. That Schedule 6: Definitions of the Land Use Bylaw, be amended by deleting the strikethrough portion of the following:

   Kenneling means a development for the purpose of boarding small animals normally considered as household pets and includes indoor or outdoor enclosures, pens, runs or exercise areas. This land use may also include training, grooming, impounding/quarantining facilities, animal shelters, and retail sales of associated products. ~~This land use shall not be closer than 150 meters (492.12 ft) from any residential dwelling unit, or existing or future residential land use.~~

2. That Schedule 4: Use Specific Standards of Development be amended by deleting the strikethrough portions and adding the bolded words of the following:

   97.2 GENERAL REQUIREMENTS

   (3) ~~As provided in the definition,~~ **That** kenneling ~~shall~~ be located not closer than 150 meters (492.12 ft) from any residential dwelling unit, or existing or future residential land use. The measurements shall be taken from the residential property boundary to the kennel property boundary;

   97.3 DEVELOPMENT REQUIREMENTS

   (1) **That** operations of the kennel ~~shall~~ be:
   (e) ~~outdoor use shall be~~ limited to the hours of 7 a.m. - 10 p.m. Monday to Friday and ~~7~~ **9** a.m. - 10 p.m. weekends **for any outdoor use**;

3. That this Bylaw take effect upon final passing thereof.

Read a first time this 7th day of November, 2022.

Read a second time this 5th day of December, 2022.

Read a third time and finally passed this 5th day of December, 2022.

Mayor

Chief Administrative Officer

CITY OF BROOKS
BYLAW NO. 22/17

A BYLAW OF THE CITY OF BROOKS IN THE PROVINCE OF ALBERTA TO AMEND BYLAW NO. 14/12 BEING THE LAND USE BYLAW.

WHEREAS it is desirable to amend Bylaw No. 14/12 being the Land Use Bylaw for the City of Brooks;

AND WHEREAS the purpose of the proposed amendment is to redesignate land legally described as:

That Portion Of Centre Street Within Plan 9512478
Lying North Of The Easterly Projection Of The
Southern Boundary Of Lot 2, Block 3, Plan 9512478

from no landuse designation to "General Commercial (C-G)" as shown on the map in Schedule 'A' attached hereto to establish development rights for a portion of closed road;

AND WHEREAS a Public Hearing, as required by Section 692 of the Municipal Government Act, will be held prior to second reading of this Bylaw;

NOW THEREFORE, the Council of the City of Brooks in the Province of Alberta hereby enacts as follows:

1. The land described as "That Portion Of Centre Street Within Plan 9512478 Lying North Of The Easterly Projection Of The Southern Boundary Of Lot 2, Block 3, Plan 9512478" as shown on the attached Schedule 'A' be designated General Commercial (C-G).

2. That the Land use Districts map of the City of Brooks Land Use Bylaw 14/12 be amended to reflect this designation.

3. Bylaw 14/12, being the Land Use Bylaw, is hereby amended and a consolidated version of the Land Use Bylaw reflecting the amendment is authorized to be prepared.

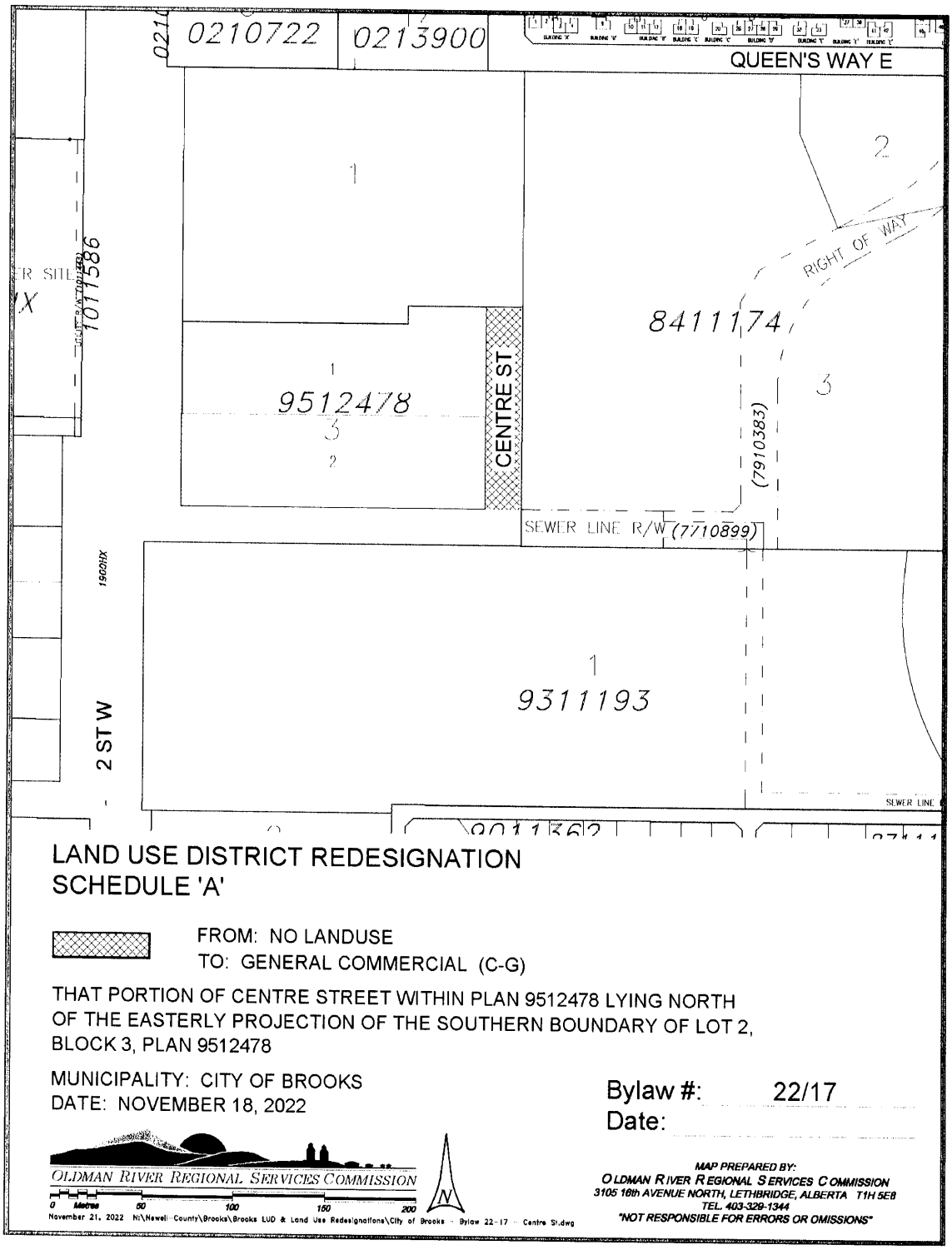
4. That this Bylaw shall take effect upon final passing thereof.

Read a first time this 19th day of December, 2022.
Read a second time this 16th day of January, 2023.
Read a third time and finally passed this 16th day of January, 2023.

Mayor

Chief Administrative Officer

CITY OF BROOKS
BYLAW NO. 22/17
SCHEDULE "A"



CITY OF BROOKS
BYLAW NO. 23/13

A BYLAW OF THE CITY OF BROOKS IN THE PROVINCE OF ALBERTA TO AMEND BYLAW 14/12 BEING THE LAND USE BYLAW.

WHEREAS, it is desirable to amend Bylaw No. 14/12 being the Land Use Bylaw for the City of Brooks;

AND WHEREAS the purpose of the proposed amendment is to redesignate land legally described as:

Block 2, Plan 8411174

from "Residential Single-Detached (R-SD)" to "Direct Control (DC)" as shown on the map in Schedule 'A' attached hereto to accommodate the development of townhouses;

AND WHEREAS a Public Hearing, as required by Section 692 of the Municipal Government Act, will be held prior to second reading of this Bylaw;

NOW, THEREFORE the Council of the City of Brooks in the Province of Alberta hereby enacts as follows:

1. The land described as Block 2, Plan 8411174 as shown on the attached Schedule 'A' be designated Direct Control (DC).

2. That Direct Control district Section 8: Site Specific Direct Control Standards of Land Use Bylaw 14/12 is amended by revising the heading of 8.2 to include Block 2, replacing the site plan in 8.2(3), and Section (10) by adding the word, Administration, as per Schedule 'B' attached.

3. That the amendments to Bylaw No. 14/12, being the Land Use Bylaw, make use of formatting that maintains the consistency of the portions of the Bylaw being amended.

4. That the Land use Districts map of the City of Brooks Land Use Bylaw 14/12 be amended to reflect this designation.

5. Bylaw 14/12, being the Land Use Bylaw, is hereby amended and a consolidated version of the Land Use Bylaw reflecting the amendment is authorized to be prepared.

6. That this Bylaw shall take effect upon final passing thereof.

Read a first time this 19th day of June, 2023.

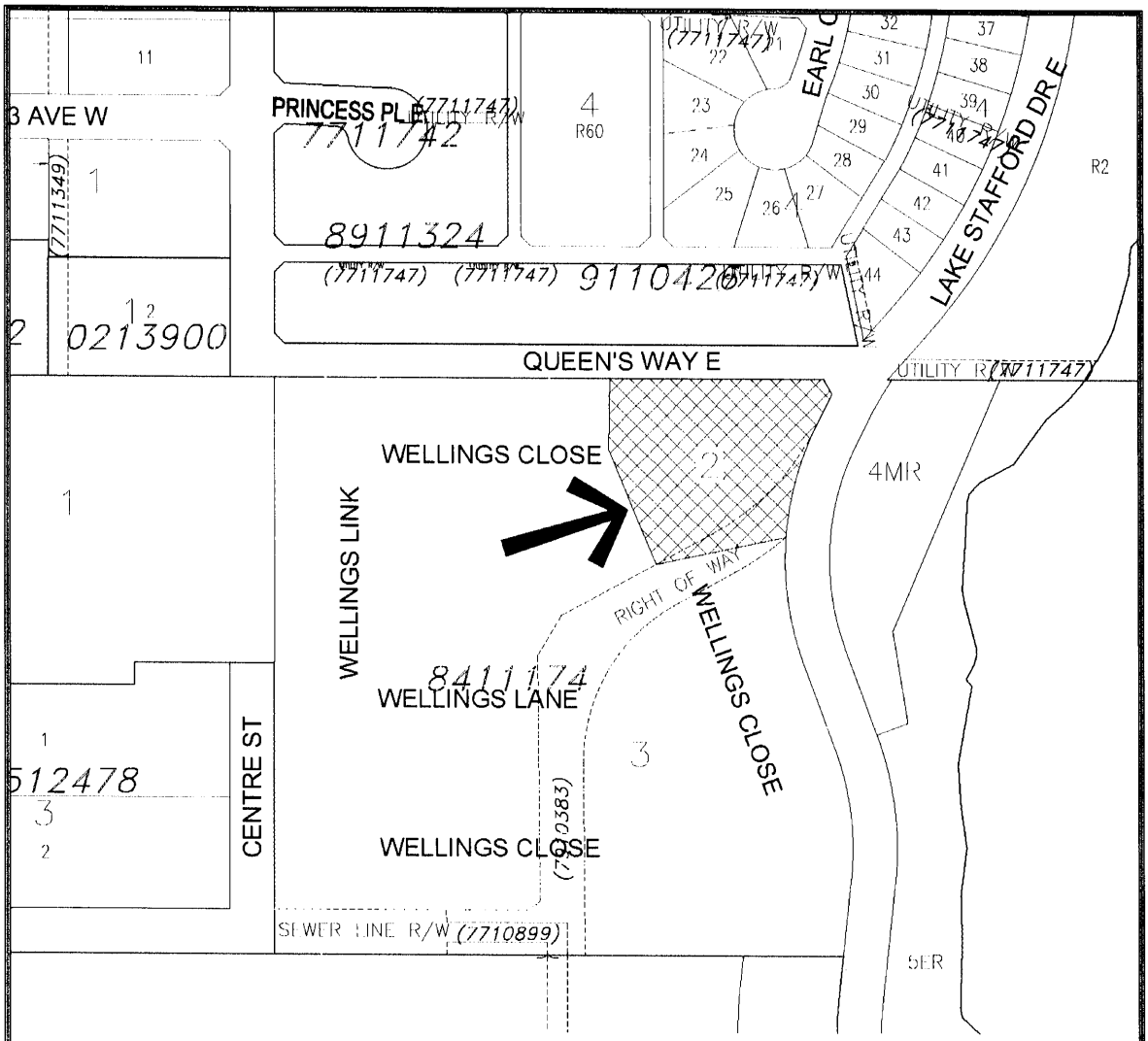
Read a second time this 4th day of July, 2023.

Read a third time and finally passed this 4th day of July, 2023.

Mayor

Chief Administrative Officer

SCHEDULE 'A'



LAND USE DISTRICT REDESIGNATION
SCHEDULE 'A'

FROM: RESIDENTIAL SINGLE-DETACHED (R-SD)
TO: DIRECT CONTROL (DC)

PLAN 8411174, BLOCK 2
WITHIN NW 1/4 SEC 4, TWP 19, RGE 14, W 4 M
MUNICIPALITY: CITY OF BROOKS
DATE: JUNE 5, 2023

Bylaw #: 23-13
Date:

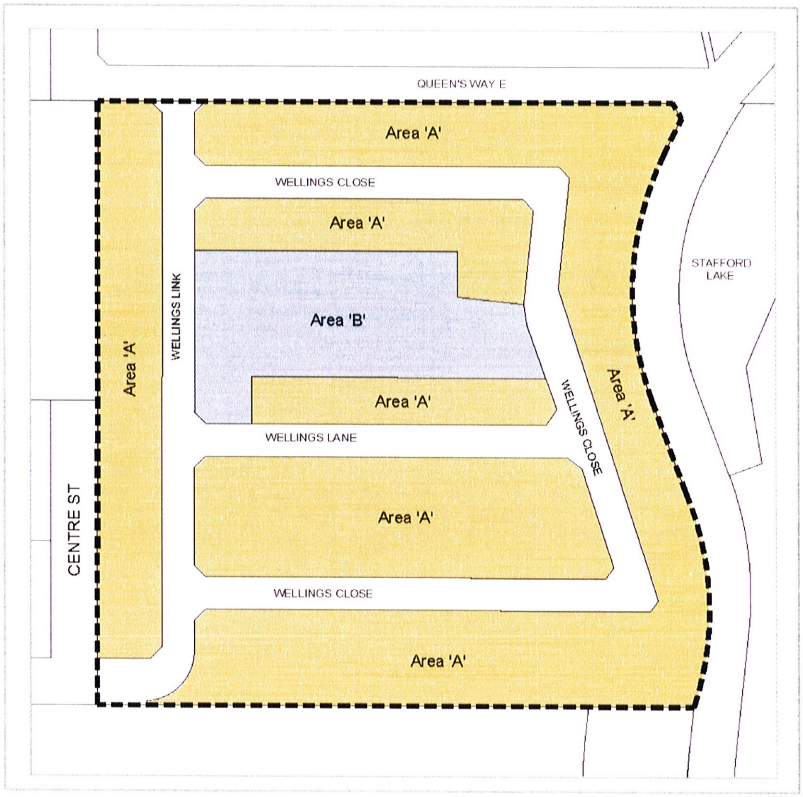
OLDMAN RIVER REGIONAL SERVICES COMMISSION
0 Metres 50 100 150 200
June 08, 2023 N:\Newell-County\Brooks\Brooks LUD & Land Use Redesignations\City of Brooks - Bylaw 23 13 - Block 2 - Plan 8411174.dwg

MAP PREPARED BY:
OLDMAN RIVER REGIONAL SERVICES COMMISSION
3105 16th AVENUE NORTH, LETHBRIDGE, ALBERTA T1H 5E8
TEL. 403-329-1344
"NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"

SCHEDULE 'B'

SECTION 8: SITE SPECIFIC DIRECT CONTROL STANDARDS8.2 THE PORTION OF PLAN 8411174, BLOCK 2 and 3, AS DESCRIBED IN BYLAW 21/13 and BYLAW 23/13

(3) Development shall generally be in accordance with the following site plan:



(10) Application procedures, appeals, additional requirements, and applicable schedules shall apply as per Administration Sections 1 to 56.

CITY OF BROOKS
BYLAW NO. 23/15

A BYLAW OF THE CITY OF BROOKS IN THE PROVINCE OF ALBERTA TO AMEND BYLAW 14/12 BEING THE LAND USE BYLAW.

WHEREAS, it is desirable to amend Bylaw No. 14/12 being the Land Use Bylaw for the City of Brooks;

AND WHEREAS the purpose of the proposed amendment is to redesignate land legally described as:

Lot 4 Block 4, and Lot 4 Block 1, Plan 1711387

from "COMMERCIAL GENERAL (C-G)" to "RESIDENTIAL HIGH DENSITY (R-HD)"

as shown on the map in Schedule 'A' attached hereto to accommodate multi-unit development as described in the Northwest Sector Area Structure Plan Bylaw 21/19;

AND WHEREAS a Public Hearing, as required by Section 692 of the Municipal Government Act, will be held prior to second reading of this Bylaw;

NOW, THEREFORE the Council of the City of Brooks in the Province of Alberta hereby enacts as follows:

1. The land described as Lot 4 Block 4, and Lot 4 Block 1, Plan 1711387 as shown on the attached Schedule 'A' be designated RESIDENTIAL HIGH DENSITY (R-HD).
2. That the amendments to Bylaw No. 14/12, being the Land Use Bylaw, make use of formatting that maintains the consistency of the portions of the Bylaw being amended.
3. That the Land use Districts map of the City of Brooks Land Use Bylaw 14/12 be amended to reflect this designation.
4. Bylaw 14/12, being the Land Use Bylaw, is hereby amended and a consolidated version of the Land Use Bylaw reflecting the amendment is authorized to be prepared.
5. That this Bylaw shall take effect upon final passing thereof.

Read a first time this 6th day of November, 2023.

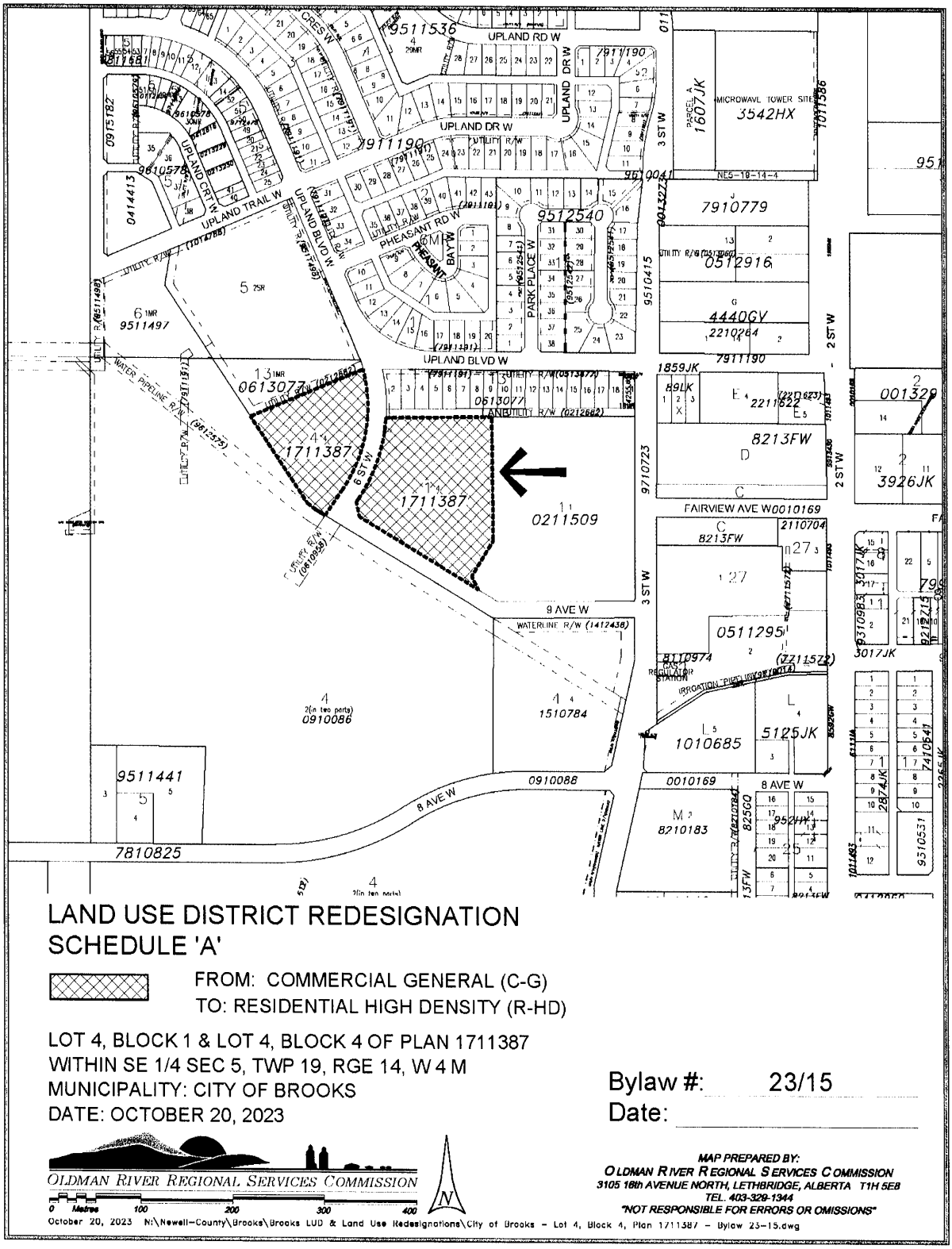
Read a second time this 4th day of December, 2023.

Read a third time and finally passed this 4th day of December, 2023.

Mayor

Chief Administrative Officer

SCHEDULE "A"


UPLAND RD W
UPLAND DR W
UPLAND BLVD W
UPLAND TRAIL W
PHEASANT RD W
PARK PLACE W
9 AVE W
8 AVE W
6 ST W
3 ST W
2 ST W
FAIRVIEW AVE W
MICROWAVE TOWER SITE
3542HX
1607JK
7910779
0512916
4440GV
2210264
7911190
8213FW
0211509
1711387
0613077
0511295
1010685
5125JK
1510784
0910086
9511441
7810825
9512540
9511497
9511536
0910088
0010169
8210183
LAND USE DISTRICT REDESIGNATION
SCHEDULE 'A'
FROM: COMMERCIAL GENERAL (C-G)
TO: RESIDENTIAL HIGH DENSITY (R-HD)
LOT 4, BLOCK 1 & LOT 4, BLOCK 4 OF PLAN 1711387
WITHIN SE 1/4 SEC 5, TWP 19, RGE 14, W 4 M
MUNICIPALITY: CITY OF BROOKS
DATE: OCTOBER 20, 2023
Bylaw #: 23/15
Date:
OLDMAN RIVER REGIONAL SERVICES COMMISSION
0 Metres 100 200 300 400
MAP PREPARED BY:
OLDMAN RIVER REGIONAL SERVICES COMMISSION
3105 16th AVENUE NORTH, LETHBRIDGE, ALBERTA T1H 5E8
TEL. 403-329-1344
"NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"
October 20, 2023 N:\Newell-County\Brooks\Brooks LUD & Land Use Redesignations\City of Brooks - Lot 4, Block 4, Plan 1711387 - Bylaw 23-15.dwg

CITY OF BROOKS
BYLAW NO. 23/17

A BYLAW OF THE CITY OF BROOKS IN THE PROVINCE OF ALBERTA TO AMEND BYLAW 14/12 BEING THE LAND USE BYLAW.

WHEREAS, it is desirable to amend Bylaw No. 14/12 being the Land Use Bylaw for the City of Brooks;

AND WHEREAS the purpose of the proposed amendment is to redesignate land legally described as:

A portion of SW1/4 3-19-14-W4M

from "DIRECT CONTROL (DC)" to "COMMERCIAL GENERAL (C-G)"

as shown on the map in Schedule 'A' attached hereto to accommodate commercial development as described in the Northeast Sector Area Structure Plan Bylaw 21/19;

AND WHEREAS a Public Hearing, as required by Section 692 of the Municipal Government Act, will be held prior to second reading of this Bylaw;

NOW, THEREFORE the Council of the City of Brooks in the Province of Alberta hereby enacts as follows:

1. The land described as a portion of SW1/4 3-19-14-W4M as shown on the attached Schedule 'A' be designated COMMERCIAL GENERAL (C-G).
2. That the amendments to Bylaw No. 14/12, being the Land Use Bylaw, make use of formatting that maintains the consistency of the portions of the Bylaw being amended.
3. That the Land use Districts map of the City of Brooks Land Use Bylaw 14/12 be amended to reflect this designation.
4. Bylaw 14/12, being the Land Use Bylaw, is hereby amended and a consolidated version of the Land Use Bylaw reflecting the amendment is authorized to be prepared.
5. That this Bylaw shall take effect upon final passing thereof.

Read a first time this 4th day of December, 2023.

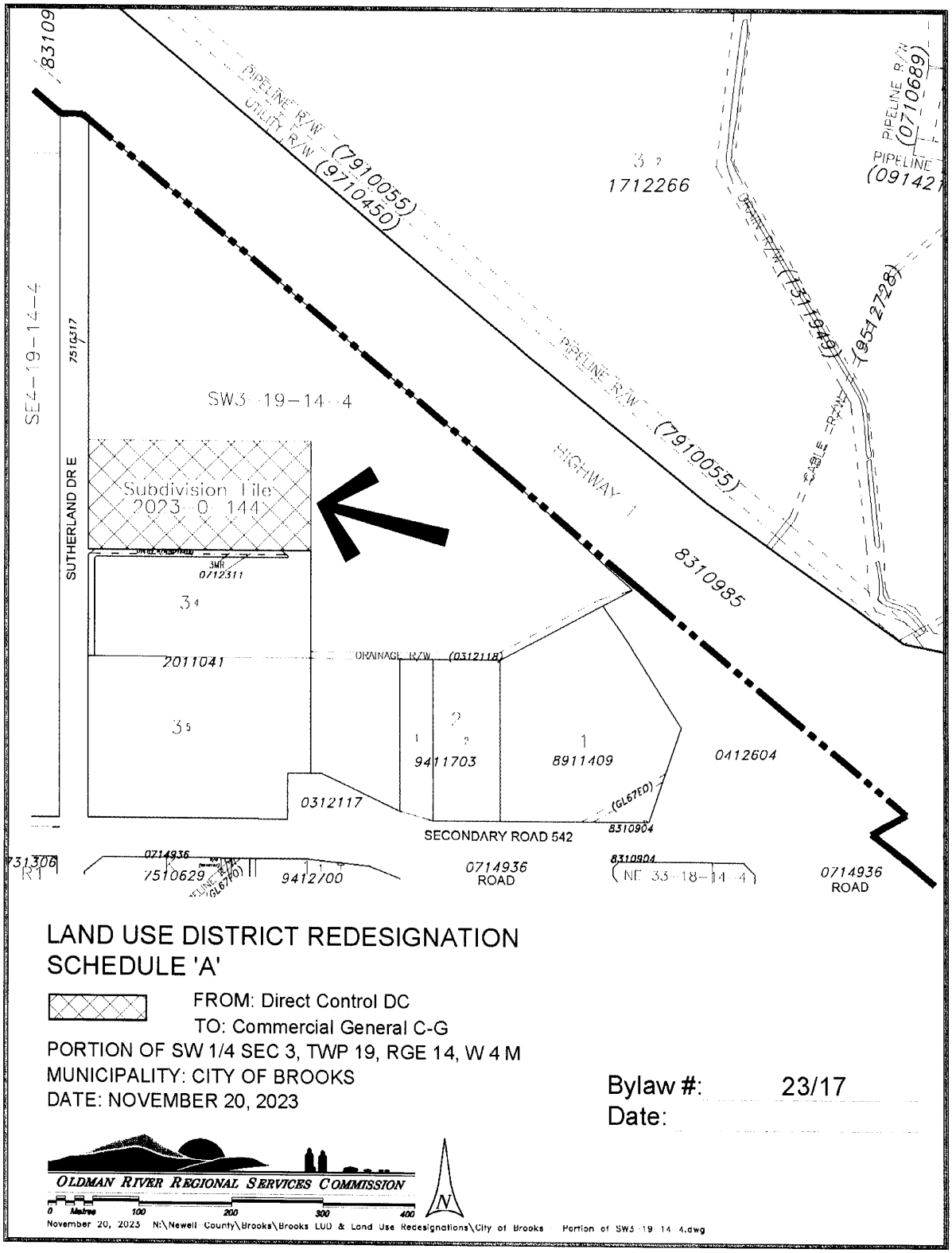
Read a second time this 5th day of February, 2024.

Read a third time and finally passed this 5th day of February, 2024.

Mayor

Chief Administrative Officer

SCHEDULE "A"



LAND USE DISTRICT REDESIGNATION
SCHEDULE 'A'

FROM: Direct Control DC
TO: Commercial General C-G

PORTION OF SW 1/4 SEC 3, TWP 19, RGE 14, W 4 M
MUNICIPALITY: CITY OF BROOKS
DATE: NOVEMBER 20, 2023

Bylaw #: 23/17
Date:

OLDMAN RIVER REGIONAL SERVICES COMMISSION

0 Metres 100 200 300 400

November 20, 2023 N:\Newell County\Brooks\Brooks LUD & Land Use Redesignations\City of Brooks Portion of SW3-19-14-4.dwg

CITY OF BROOKS
BYLAW NO. 24/12

A BYLAW OF THE CITY OF BROOKS IN THE PROVINCE OF ALBERTA TO AMEND BYLAW 14/12 BEING THE LAND USE BYLAW.

WHEREAS, it is desirable to amend Bylaw No. 14/12 being the Land Use Bylaw for the City of Brooks;

AND WHEREAS the purpose of the proposed amendment is to redesignate land legally described as:

LOTS 18-23, BLOCK 4, PLAN 0712061

WITHIN SE 1/4 SEC 33, TWP 18, RGE 14, W 4 M

from "RESIDENTIAL SINGLE DETACHED (R-SD)" to "RESIDENTIAL HIGH DENSITY (R-HD)"

as shown on the map in Schedule 'A' attached hereto to accommodate multi-unit development;

AND WHEREAS a Public Hearing, as required by Section 692 of the *Municipal Government Act*, will be held prior to second reading of this Bylaw;

NOW, THEREFORE the Council of the City of Brooks in the Province of Alberta hereby enacts as follows:

1. The land described as LOTS 18-23, BLOCK 4, PLAN 0712061 as shown on the attached Schedule 'A' be designated RESIDENTIAL HIGH DENSITY (R-HD).
2. That the amendments to Bylaw No. 14/12, being the Land Use Bylaw, make use of formatting that maintains the consistency of the portions of the Bylaw being amended.
3. That the Land use Districts map of the City of Brooks Land Use Bylaw 14/12 be amended to reflect this designation.
4. Bylaw 14/12, being the Land Use Bylaw, is hereby amended and a consolidated version of the Land Use Bylaw reflecting the amendment is authorized to be prepared.
5. That this Bylaw shall take effect upon final passing thereof.

Read a first time this 1st day of April, 2024.

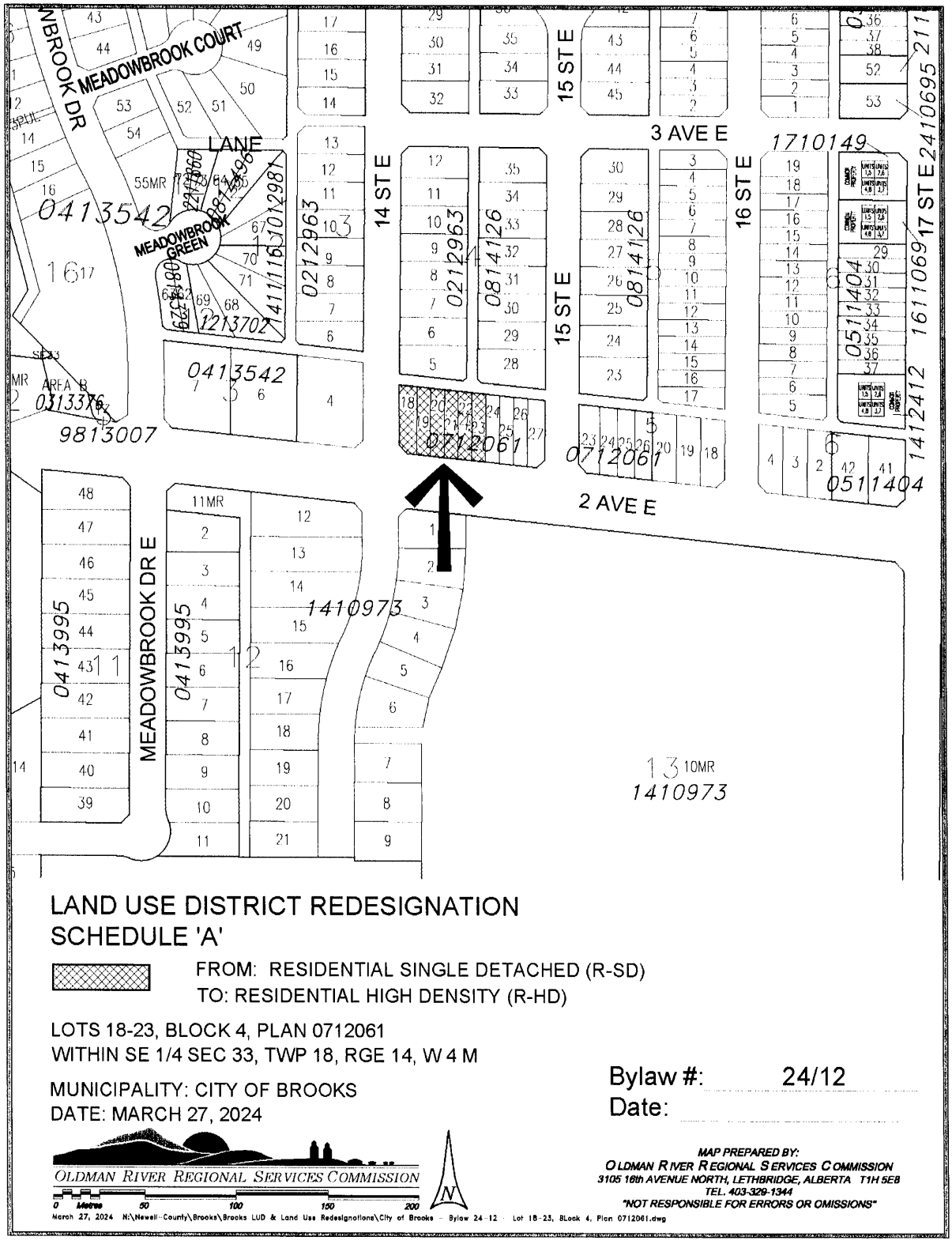
Read a second time this 6th day of May, 2024.

Read a third time and finally passed this 6th day of May, 2024.

Mayor

ACTING Chief Administrative Officer

SCHEDULE "A"



LAND USE DISTRICT REDESIGNATION
SCHEDULE 'A'

FROM: RESIDENTIAL SINGLE DETACHED (R-SD)
TO: RESIDENTIAL HIGH DENSITY (R-HD)

LOTS 18-23, BLOCK 4, PLAN 0712061
WITHIN SE 1/4 SEC 33, TWP 18, RGE 14, W 4 M

MUNICIPALITY: CITY OF BROOKS
DATE: MARCH 27, 2024

Bylaw #: 24/12
Date:

OLDMAN RIVER REGIONAL SERVICES COMMISSION

0 Metres 50 100 150 200

March 27, 2024 N:\Newell-County\Brooks\Brooks LUD & Land Use Redesignations\City of Brooks - Bylaw 24-12 - Lot 18-23, Block 4, Plan 0712061.dwg

MAP PREPARED BY:
OLDMAN RIVER REGIONAL SERVICES COMMISSION
3105 16th AVENUE NORTH, LETHBRIDGE, ALBERTA T1H 5E8
TEL. 403-329-1344
"NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"

CITY OF BROOKS
BYLAW NO. 24/16

A BYLAW OF THE CITY OF BROOKS IN THE PROVINCE OF ALBERTA TO AMEND BYLAW 14/12 BEING THE LAND USE BYLAW.

WHEREAS, it is desirable to amend Bylaw No. 14/12 being the Land Use Bylaw for the City of Brooks;

AND WHEREAS the purpose of the proposed amendment is to implement an update to multi-unit residential development including expanding the development options for secondary suites, clarifying terms and definitions related to the residential districts and use specific criteria, introducing a new residential district for medium density development and introducing additional definitions including Cluster Housing and Multiple Unit Residential Development; as provided in Schedule 'A' attached hereto by deleting the strikethrough portions and adding the text displayed in red;

AND WHEREAS a Public Hearing, as required by Section 692 of the Municipal Government Act, will be held prior to second reading of this Bylaw;

NOW, THEREFORE the Council of the City of Brooks in the Province of Alberta hereby enacts as follows:

1. The edits as shown in the attached Schedule 'A'.
2. That the amendments to Bylaw No. 14/12, being the Land Use Bylaw, make use of formatting that maintains the consistency of the portions of the Bylaw being amended including the capitalization of each defined use.
3. Bylaw 14/12, being the Land Use Bylaw, is hereby amended and a consolidated version of the Land Use Bylaw reflecting the amendment is authorized to be prepared.
4. That this Bylaw shall take effect upon final passing thereof.

Read a first time this 3rd day of June, 2024.

Read a second time this 17th day of June, 2024.

Read a third time and finally passed this 17th day of June, 2024.

Mayor

ACTING Chief Administrative Officer

SCHEDULE 'A'

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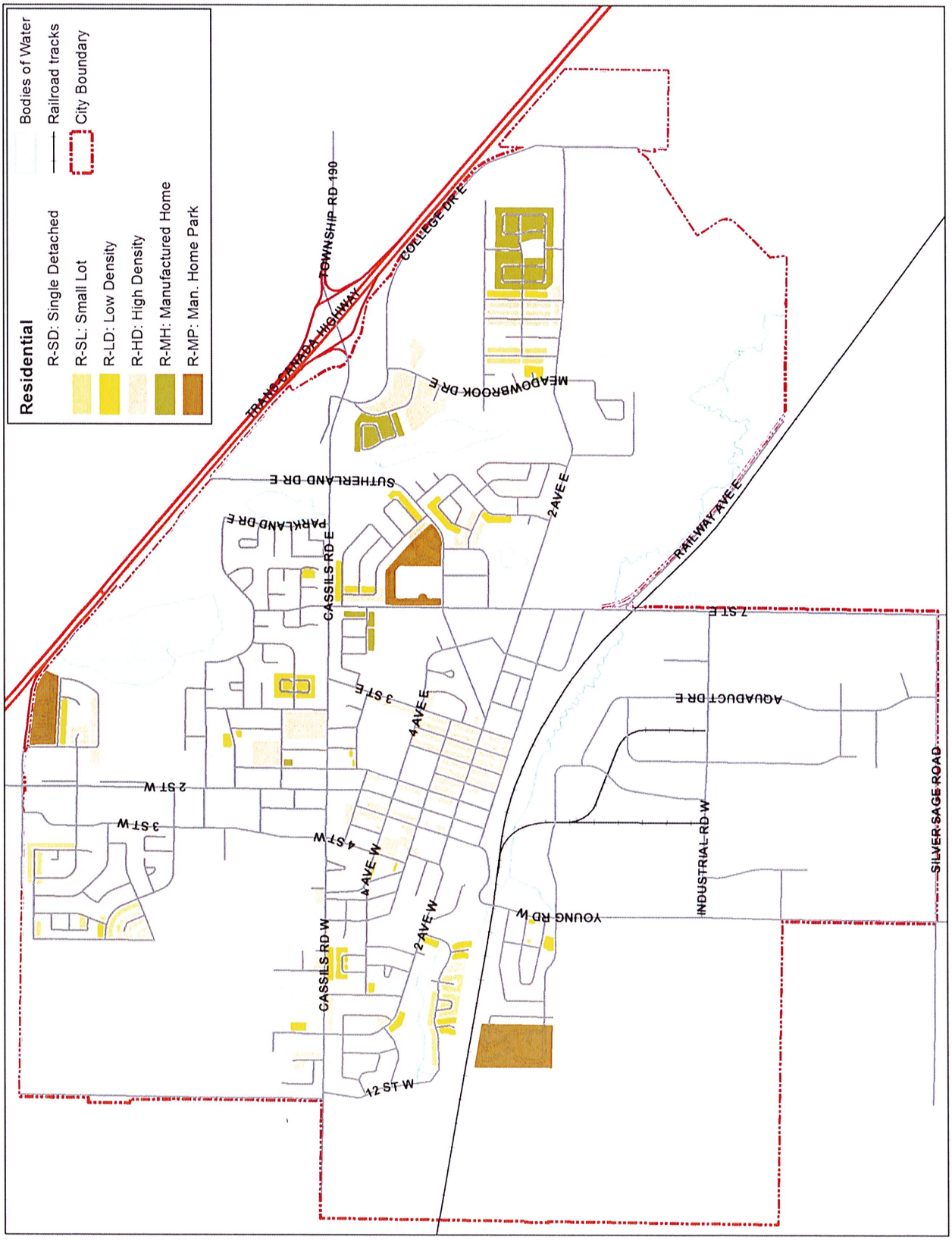
SCHEDULE 2: LAND USE DISTRICTS

SECTION 1: PREAMBLE

(1) Each district shown on the Land Use Districts Map shall be known by the following identifying names and abbreviations:

Land Use District Category/Title	Abbreviation
Residential Districts	
Residential Single-Detached	R-SD
Residential Small Lot	R-SL
Residential Low Density	R-LD
Residential Medium Density	R-MD
Residential High Density	R-HD
Residential Manufactured Home	R-MH
Residential Manufactured Home Park	R-MP

DELETE MAP


Residential
R-SD: Single Detached
R-SL: Small Lot
R-LD: Low Density
R-HD: High Density
R-MH: Manufactured Home
R-MP: Man. Home Park
Bodies of Water
Railroad tracks
City Boundary
TOWNSHIP RD 190
COLLEGE DR E
TRANS-CANADA HIGHWAY
MEADOWBROOK DR E
SUTHERLAND DR E
PARKLAND DR E
CASSILS RD E
2 AVE E
RAILWAY AVE E
7 ST E
3 ST E
4 AVE E
AQUADUCT DR E
SILVER SAGE ROAD
INDUSTRIAL RD W
2 ST W
3 ST W
4 ST W
4 AVE W
2 AVE W
CASSILS RD W
YOUNG RD W
12 ST W

RESIDENTIAL SINGLE-DETACHED (R-SD)

SECTION 1: PURPOSE

The purpose of this district is to provide for the development of predominately Single-detached dwellings, with opportunity for Duplex and Attached Housing ~~some types of multi-unit dwellings~~ when integrated into the dominant built form appropriately.

SECTION 2: USES

2.1 PERMITTED

- Accessory Buildings and Structures
- Day Homes
- Home Occupations – 1, 2
- Public Utilityies
- Secondary Suites
- Single-Detached Dwellings

2.2 DISCRETIONARY

- Bed and Breakfasts
- Day Cares
- Duplexes
- Government and Public Services
- Group Care Facilityies (≤ 5 residents)
- Home Occupations – 3
- Modular Homes
- Moved-in Dwellings
- Religious Assemblyies
- ~~Semi-detached dwellings~~
- Attached Housing ~~Townhouses~~ (~~3~~2 units maximum)

SECTION 3: MINIMUM LOT DIMENSIONS

Dwelling Type	Lot Size	Lot Depth	Lot Width
Single-Detached Dwelling, Duplex	503 m^2 (5414.3 ft^2)	33.5 m (109.9 ft)	Mid block: 15 m (49.2 ft) Corner lot: 18 m (59 ft) Pie-shaped lot: 15 m (49.2 ft) measured 5 m (16.4 ft) from front property line
~~Semi-detached~~, Attached Housing (each unit)	335 m^2 (3605.9 ft^2)	33.5 m (109.9 ft)	10 m (32.8 ft) Pie-shaped lot: 10 m (32.8 ft) measured 5 m (16.4 ft) from front property line
All others	To the discretion of the Development Authority.		
Notes	*Attached Housing ~~Semi-detached~~/duplex lot size minimums are pre-development.*		

SECTION 6: MAXIMUM BUILDING HEIGHT

(1) Single-Detached Dwelling and ~~multi-unit~~ other dwellings up to ~~3~~ 2 units: 11.0 m (36 ft)

SECTION 7: MINIMUM FLOOR AREA

7.1 APPLICABILITY

(3) For Single-Detached Dwelling, ~~semi-detached,~~ Duplex, and Attached Housing ~~dwellings~~ of more than 1 storey, each additional half storey shall increase the minimum required floor area by 25 percent.

7.2 MINIMUM FLOOR AREAS

Dwelling Type	Minimum Floor Area
Single-detached Dwelling	90 m^2 (968.8 ft^2)
Duplex and Attached Housing ~~Multi-unit dwellings~~ (per dwelling unit)	60 m^2 (645.8 ft^2)

SECTION 8: APPLICABLE SCHEDULES

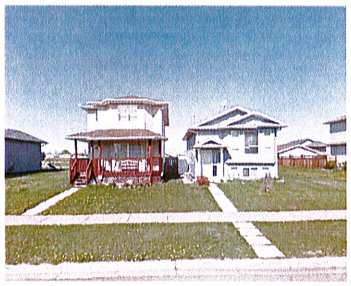
(1) The following schedules and sections of this bylaw that apply to the R-SD land use district include but are not limited to:

(b) Use-specific Standards of Development: Schedule 4

Section 84: Bed and Breakfasts
Section 85: Child Care Facilities
Section 86: Group Care Facilities
Section 87: Home Occupations
Section 91: Modular Homes
~~Section 92: Multi-unit Dwellings~~
Section 94: Secondary Suites

RESIDENTIAL SMALL LOT (R-SL)

SECTION 1: PURPOSE



The purpose of this district is to provide for the development of predominately Single-Detached Dwellings on smaller residential lots in new and established residential neighbourhoods.

SECTION 2: USES

2.1 PERMITTED

- Accessory Buildings and Structures
- Day Homes
- Home Occupations – 1, 2
- Public Utilities
- Secondary Suites
- Single-Detached Dwellings

2.2 DISCRETIONARY

- Attached Housing (2 units maximum)
- Bed and Breakfasts
- Duplexes
- Government and Public Services
- Home Occupations – 3
- Moved-in Dwellings
- Modular Homes
- ~~Semi-detached dwellings~~

SECTION 3: MINIMUM LOT DIMENSIONS

Dwelling Type	Lot Size	Lot Depth	Lot Width
Single-Detached Dwelling, Duplex	~~503 m² (5414.3 ft²)~~ 278.6 m² (3000 ft²)	~~33.5 m (109.9 ft)~~ 30.5 m (100.0 ft)	Mid block: ~~15~~ m (~~49.2~~ ft) 9.14m (30.0 ft) Corner lot: ~~18~~ m (~~59~~ ft) 12.19m(40.0 ft) Pie-shaped lot: ~~15~~ 9.14m (~~49.2~~ ft) (30.0 ft) measured 5 m (16.4 ft) from front property line
Attached Housing **~~Semi-detached~~, (each unit)**	335 m² (3605.9 ft²)	33.5 m (109.9 ft)	10 m (32.8 ft) Pie-shaped lot: 10 m (32.8 ft) measured 5 m (16.4 ft) from front property line
All others	To the discretion of the Development Authority.		
Notes	*Attached Housing ~~Semi-detached/Duplex~~ lot size minimums are pre-development.*		

SECTION 6: MAXIMUM BUILDING HEIGHT

(1) Single-Detached Dwelling, and Attached Housing or Duplex ~~multi-unit~~ dwellings up to 2 ~~3~~ units: 11.0 m (36 ft)

SECTION 7: MINIMUM FLOOR AREA

7.1 APPLICABILITY

(3) For Single-Detached Dwelling ,~~semi-detached~~ Attached Housing and Duplex dwellings of more than 1 storey, each additional half storey shall increase the minimum required floor area by 25 percent.

7.2 MINIMUM FLOOR AREAS

Dwelling Type	Minimum Floor Area
Single-Detached Dwelling	90 m^2 (968.8 ft^2)
~~Multi-unit dwellings~~ Attached Housing and Duplex(per dwelling unit)	60 m^2 (645.8 ft^2)

SECTION 8: APPLICABLE SCHEDULES

(1) The following schedules and sections of this bylaw that apply to the R-SL land use district include but are not limited to:

(b) Use-specific Standards of Development: Schedule 4

Section 84: Bed and Breakfasts
Section 85: Child Care Facilities
Section 87: Home Occupations
Section 91: Modular Homes
~~Section 92: Multi-unit Dwellings~~
Section 94: Secondary Suites

RESIDENTIAL LOW DENSITY (R-LD)

SECTION 1: PURPOSE

The purpose of this district is to provide for low density residential development in the form of single-detached and two and three unit ~~multi-unit~~ dwellings, with consideration for other forms ~~of attached dwellings~~ such as ~~townhouses~~ Apartments, where appropriately integrated into the dominate built form.



SECTION 2: USES

2.1 PERMITTED

- Accessory Buildings and Structures
- Day Homes
- Duplexes
- Home Occupations – 1, 2
- Public Utilities
- Secondary Suites
- ~~Semi-detached dwellings~~
- Single-Detached Dwellings
- Attached Housing ~~townhouses~~ (3 unit maximum)

2.2 DISCRETIONARY

- Apartments (~~8~~ 4 unit maximum)
- Attached Housing ~~townhouses~~ (~~8~~ 4 unit maximum)
- Bed and Breakfasts
- Cluster Housing
- Day Cares
- Government and Public Services
- Group Care Facilities (≤ 5 residents)
- Home Occupations – 3
- Moved-in Dwellings
- Modular Homes
- Multi-unit Dwelling (4 unit maximum)

SECTION 3: MINIMUM LOT DIMENSIONS

Dwelling Type	Lot Size	Lot Width	Lot Depth
Single-Detached Dwelling, Duplex	402 m^2 (4327.1 ft^2)	33.5 m (109.9 ft)	Mid block: 12 m (39.4 ft) Corner lot: 15 m (49.2 ft) Pie-shaped lot: 15 m (49.2 ft) measured 5 m (16.4 ft) from front property line
Attached Housing 2 unit ~~Semi-detached~~ (each unit)	335 m^2 (3605.9 ft^2)	33.5 m (109.9 ft)	10 m (32.8 ft)

Attached Housing >2 unit ~~townhouses~~ (each unit)	End dwelling: 335 m^2 (3605.9 ft^2) Interior dwelling: 218 m^2 (2346.5 ft^2)	33.5 m (109.9 ft)	End dwelling unit: 10 m (32.8 ft) Interior dwelling unit: 6.5 m (21.3 ft)
All others	To the discretion of the Development Authority.		

SECTION 6: MAXIMUM BUILDING HEIGHT

(1) Single-Detached Dwelling and ~~multi-unit~~ dwellings up to 3 units: 11.0 m (36 ft)

(2) ~~Multi-unit~~ Dwellings ~~of~~ greater than 3 ~~4 or more~~ units: 12 m (39.4 ft)

SECTION 7: MINIMUM FLOOR AREA

7.1 APPLICABILITY

(3) For Single-Detached Dwelling, ~~semi-detached,~~ Duplex, and Attached Housing ~~townhouses~~ ~~dwellings~~ of more than 1 storey, each additional half storey shall increase the minimum required floor area by 25 percent.

7.2 MINIMUM FLOOR AREAS

Dwelling Type	Minimum Floor Area
Single-Detached Dwelling	90 m^2 (968.8 ft^2)
Apartments, Attached Housing and Multi-unit Dwellings (per dwelling unit)	60 m^2 (645.8 ft^2)

SECTION 8: APPLICABLE SCHEDULES

(1) The following schedules and sections of this bylaw that apply to the R-LD land use district include but are not limited to:

(b) Use-specific Standards of Development: Schedule 4

Section 84: Bed and Breakfasts
Section 85: Child Care Facilities
Section 86: Group Care Facilities
Section 87: Home Occupations
Section 91: Modular Homes
Section 92: Multi-unit Residential Development ~~Dwellings~~
Section 94: Secondary Suites
Section 98: Cluster Housing

RESIDENTIAL MEDIUM DENSITY (R-MD)

SECTION 1: PURPOSE

The purpose of this district is to provide for low density residential development in the form of single-detached and two and three unit dwellings, with consideration for other forms such as apartments up to 8 units, where appropriately integrated into the dominate built form.



SECTION 2: USES

2.1 PERMITTED

- Accessory Building and Structure
- Apartment (4 unit maximum)
- Attached Housing (4 unit maximum)
- Day Home
- Duplex
- Home Occupation – 1, 2
- Public Utility
- Secondary Suite
- Single-Detached Dwelling

2.2 DISCRETIONARY

- Apartment (8 unit maximum)
- Attached Housing (8 unit maximum)
- Bed and Breakfast
- Cluster Housing
- Day Care
- Government and Public Service
- Group Care Facility (≤ 5 residents)
- Home Occupation – 3
- Moved-in Dwelling
- Modular Home
- Multiple Unit Residential Development (8 unit maximum)
- Multi-unit Dwelling (8 unit maximum)

SECTION 3: MINIMUM LOT DIMENSIONS

Dwelling Type	Lot Size	Lot Depth	Lot Width
Single-Detached, Duplex	402 m^2 (4327.1 ft^2)	33.5 m (109.9 ft)	Mid block: 12 m (39.4 ft) Corner lot: 15 m (49.2 ft) Pie-shaped lot: 15 m (49.2 ft) measured 5 m (16.4 ft) from front property line

Attached Housing 2 unit (each unit)	335 m^2 (3605.9 ft^2)	33.5 m (109.9 ft)	10 m (32.8 ft)
Attached Housing >2 unit (each unit)	End dwelling: 335 m^2 (3605.9 ft^2) Interior dwelling: 218 m^2 (2346.5 ft^2)	33.5 m (109.9 ft)	End dwelling unit: 10 m (32.8 ft) Interior dwelling unit: 6.5 m (21.3 ft)
All others	To the discretion of the Development Authority.		

SECTION 4: SETBACKS

4.1 APPLICABILITY

(1) Minimum setbacks for those discretionary uses that do not take place within a single-detached dwelling shall be determined by the Development Authority;

(2) Notwithstanding the setbacks provided in sub-section 4.2 of this section, setbacks in established areas shall be determined by application of sub-section 7.6 of the first part of this bylaw (Administration); and

(3) Where the shape of a lot or other circumstances is such that the setbacks prescribed in sub-section 4.2 of this section cannot be reasonably applied, the Development Authority shall determine the setbacks.

4.2 SETBACK REQUIREMENTS

Principal Building		
Mid-block	Front	Minimum: 5 m (16.4 ft)
	Rear	7.6 m (24.9 ft)
	Side	1.5 m (4.9 ft)
Corner lot	Front: same as mid-block	
	Rear	5.0 m (16.4 ft)
	Side	1.5 m (4.9 ft)
	Flankage (secondary front)	3.0 m (9.8 ft)
Notes	*Setbacks are measured to the closest point of the building, allowing for projections as per Section 75 of Schedule 3.* *Where a site requires vehicular access that is not available from the rear of the lot and there is no attached garage or carport, the side setback on one side shall be 3.0 metres.*	

Accessory Building(s) Larger than 10 m^2 (107.6 ft^2)		
Mid-block	Front	N/A (prohibited in front yards)
	Rear	1.0 m (3.3 ft)
	Side	1.0 m (3.3 ft)

Corner lot	Front: same as mid-block	
	Rear	1.0 m (3.3 ft)
	Side	1.0 m (3.3 ft)
	Flankage (secondary front)	N/A (prohibited in flankage)
Internal	From principal building	1.5 m (4.9 ft)
	From other accessory buildings	1.0 m (3.3 ft)
Notes	*Setbacks are measured to the closest point of the building, allowing for projections as per Section 75 of Schedule 3.*	
	Internal setbacks include setbacks from accessory to accessory and accessory to principal buildings on adjacent lots.	
	No accessory buildings shall be located adjacent to the principal building on the same side of the yard as the one-side 3.0 metre principal building setback, if applicable.	

Accessory Building(s) 10 m^2 (107.6 ft^2) and Smaller

Mid-block	Front	N/A (prohibited in front yards)
	Rear	0 m (ft) if internal setbacks are met
	Side	0 m (ft) if internal setbacks are met
Corner lot	Front: same as mid-block	
	Rear	0 m (ft) if internal setbacks are met
	Side	0 m (ft) if internal setbacks are met
	Flankage (secondary front)	N/A (prohibited in flankage)
Internal	From principal building	1.5 m (4.9 ft)
	From other accessory buildings	1.0 m (3.3 ft)
Notes	*Setbacks are measured to the closest point of the building, allowing for projections as per Section 75 of Schedule 3.*	
	Internal setbacks include setbacks from accessory to accessory and accessory to principal buildings on adjacent lots.	
	No accessory buildings shall be located adjacent to the principal building on the same side of the yard as the one-side 3.0 metre principal building setback, if applicable.	

SECTION 5: MAXIMUM SITE COVERAGE

(1) Total allowable coverage: 45% inclusive of all buildings

(2) Principal building: 30 – 45% depending on accessory building(s)

Note: attached garages are considered part of the principal building for the purposes of site coverage calculations.

(3) Accessory building(s): 0 – 15% depending on principal building

SECTION 6: MAXIMUM BUILDING HEIGHT

(1) Single-Detached Dwelling and dwellings up to 4 units: 11.0 m (36 ft)

(2) Dwellings up to 8 units: 12 m (39.4 ft)

(3) Accessory building(s): 4.5 m (14.8 ft)

SECTION 7: MINIMUM FLOOR AREA

7.1 APPLICABILITY

(1) Minimum floor areas are calculated for that part of a building that is no more than 1.0 m (3.3 ft) below finished grade, which does not include finished basements or attached garages;

(2) All minimum floor areas are for the main floor of the dwelling unless otherwise stated; and

(3) For Single-Detached Dwelling, Duplex, and Attached Housing of more than 1 storey, each additional half storey shall increase the minimum required floor area by 25 percent.

7.2 MINIMUM FLOOR AREAS

Dwelling Type	Minimum Floor Area
Single-Detached Dwelling	90 m^2 (968.8 ft^2)
Apartments, Attached Housing and Multi-unit Dwellings (per dwelling unit)	60 m^2 (645.8 ft^2)

SECTION 8: APPLICABLE SCHEDULES

(1) The following schedules and sections of this bylaw that apply to the R-MD land use district include but are not limited to:

(a) General Standards of Development: Schedule 3

Section 57: Accessory Buildings and Structures
Section 58: Access Requirements
Section 59: Corner Lots
Section 60: Design Standards
Section 62: Fences, Privacy Walls, and Gates
Section 64: Grading, Excavating, Stripping and Stockpiling
Section 67: Landscaping
Section 69: Moved-in Buildings
Section 73: Parking and Loading

Section 75: Projections into Setbacks
Section 76: Quality of Development
Section 78: Site Drainage and Storm Water Management

(b) Use-specific Standards of Development: Schedule 4

Section 84: Bed and Breakfasts
Section 85: Child Care Facilities
Section 86: Group Care Facilities
Section 87: Home Occupations
Section 91: Modular Homes
Section 92: Multi-unit Residential Development
Section 94: Secondary Suites
Section 98: Cluster Housing

RESIDENTIAL HIGH DENSITY (R-HD)

SECTION 2: USES

2.1 PERMITTED

- Accessory Buildings and Structures
- Apartments
- Day Cares
- Day Homes
- Duplexes
- Home Occupations – 1, 2
- Multi-unit Dwelling
- Public Utilityies
- Secondary Suites
- ~~Semi-detached dwellings~~
- Single-Detached Dwellings
- Attached Housing ~~townhouses~~

2.2 DISCRETIONARY

- Bed and Breakfasts
- Commercial uses on the main floor of multi-storey buildings:
  - Business and Professional Offices
  - Cafes
  - Medical Offices
  - Minor Retail Establishments
  - Personal Services
- Cluster Housing
- Government and Public Services
- Group Care Facilityies (≤ 5 residents)
- Home Occupations – 3
- Modular Homes
- Moved-in Dwellings
- Multiple Unit Residential Development
- Religious Assemblyies

SECTION 3: MINIMUM LOT DIMENSIONS

Dwelling Type	Lot Size	Lot Depth	Lot Width
Single-Detached Dwelling, Duplex	402 m^2 (4327.1 ft^2)	33.5 m (109.9 ft)	Mid block: 12 m (39.4 ft) Corner lot: 15 m (49.2 ft) Pie-shaped lot: 15 m (49.2 ft) measured 5 m (16.4 ft) from front property line
Attached Housing 2 unit ~~Semi-detached~~ (each unit)	335 m^2 (3605.9 ft^2)	33.5 m (109.9 ft)	10 m (32.8 ft)
Attached Housing >2 units ~~townhouses~~	End dwelling: 335 m^2 (3605.9 ft^2) Interior dwelling:	33.5 m (109.9 ft)	End dwelling unit: 10 m (32.8 ft) Interior dwelling unit:

(each unit)	218 m^2 (2346.5 ft^2)	6.5 m (21.3 ft)
All others	To the discretion of the Development Authority.	

SECTION 4: SETBACKS

4.2 SETBACK REQUIREMENTS

Mid-block	Front	Minimum: 5 m (16.4 ft)
	Rear: Single-Detached Dwelling, ~~semi-detached~~, Duplex, Attached Housing ~~townhouses~~	5 m (16.4 ft)
	Rear: Multi-unit Dwelling of 4 or more units	6 m (19.7 ft)
	Side	~~1.2 m (3.9 ft)~~ 1.5 m (4.9 ft)
Corner lot	Front: same as mid-block	
	Rear	5.0 m (16.4 ft)
	Side	1.5 m (4.9 ft)
	Flankage (secondary front)	3.0 m (9.8 ft)
Notes	*Setbacks are measured to the closest point of the building, allowing for projections as per Section 75 of Schedule 3.*	
	Where a site requires vehicular access that is not available from the rear of the lot and there is no attached garage or carport, the side setback on one side shall be 3.0 metres.	

SECTION 6: MAXIMUM BUILDING HEIGHT

(1) Single-Detached Dwelling and ~~multi-unit~~ dwellings up to 3 units: 11.0 m (36 ft)

(2) ~~Multi-unit~~ Dwellings of 4 or more units: 12 m (39.4 ft)

SECTION 7: MINIMUM FLOOR AREA

7.1 APPLICABILITY

(3) For Single-Detached Dwelling, ~~semi-detached,~~ Duplex, and Attached Housing ~~townhouses~~ ~~dwellings~~ of more than 1 storey, each additional half storey shall increase the minimum required floor area by 25 percent.

7.2 MINIMUM FLOOR AREAS

Single-Detached Dwelling	90 m^2 (968.8 ft^2)

Attached Housing and Multi-unit Dwellings (per dwelling unit)	60 m^2 (645.8 ft^2)

SECTION 8: APPLICABLE SCHEDULES

(1) The following schedules and sections of this bylaw that apply to the R-HD land use district include but are not limited to:

(b) Use-specific Standards of Development: Schedule 4

Section 84: Bed and Breakfasts
Section 85: Child Care Facilities
Section 86: Group Care Facilities
Section 87: Home Occupations
Section 91: Modular Homes
Section 92: Multi-unit Residential Development ~~Dwellings~~
Section 94: Secondary Suites
Section 98: Cluster Housing

SCHEDULE 3: GENERAL STANDARDS OF DEVELOPMENT

SECTION 60: DESIGN STANDARDS

60.3.1 OVERVIEW

(2) Residential land use districts:

(a) residential lots shall be longer than they are wide, except in instances where:

(i) corner lot orientation makes this unachievable;
(ii) the lot is intended for multiple residential dwelling development and makes use of the consolidation of a number of residential lots that would have previously been suitable only for lower density dwelling types such as Single-Detached Dwelling ~~family~~, Duplex, and Attached Housing (2 unit) ~~townhouse dwellings~~.

SECTION 73: PARKING AND LOADING

73.2 GENERAL REQUIREMENTS

(1) Any parking provision for development after the adoption of this bylaw shall be in accordance with the minimum prescribed specifications;

(2) Notwithstanding any additional requirements as may be specified any other portion of this bylaw, the following minimum parking standards shall apply:

MINIMUM OFF-STREET PARKING REQUIREMENTS: Residential Uses

Uses	Parking requirements
All Attached Housing, Cluster Housing, Duplexes, Apartments, Secondary Suites, Or Multi-Unit Dwellings < 2 bedrooms/unit	1 stall/bedroom
All Attached Housing, Cluster Housing, Duplexes, Apartments, Secondary Suites, Or Multi-Unit Dwellings ≥ 2 bedrooms/unit	2 stalls/dwelling unit
All Single-Detached Dwelling, Modular Home, Manufactured Home And Moved-In Dwellings	

SCHEDULE 4: USE SPECIFIC STANDARDS OF DEVELOPMENT

SECTION 89: MANUFACTURED HOMES & MANUFACTURED HOME PARKS

89.4 MANUFACTURED HOME PARKS

(2) The park design and subsequent placement of ~~single-detached~~ manufactured home ~~dwellings~~ on lots shall integrate well with adjoining residential development so as not to be obtrusive;

(12) Drawings to be submitted by Applicants

(a) Site Plan

(i) a scaled site plan shall be submitted showing the manufactured home park and its immediate surroundings; and

(ii) the site plan shall indicate, among other things, the mix of single-wide and double-wide Manufactured Home ~~dwelling~~ lots, the lot size dimensions, street and pavement widths, parking stalls, location of service buildings, storage compound, playground and walkway system;

(c) Layout Plan Showing Typical Manufactured Home Lots

(i) the layout plan shall indicate typical arrangement of ~~single-detached~~ Manufactured Home ~~dwellings~~; and

(ii) the layout plan shall also indicate parking areas and landscaping of the lot.

(d) Landscaping Plan

A detailed landscaping plan shall illustrate the types of tree planting and ground occupy for internal buffer strips, open space and playground areas, irrigation layout, all ~~single-detached~~ Manufactured Home ~~dwelling~~ lots, and entrances to the park;

SECTION 91: MODULAR HOMES

91.2 GENERAL REQUIREMENTS

(1) The Designated Officer or Municipal Planning Commission shall issue a development permit for a modular home provided that:

(f) the design, character, and appearance (including roof lines/material and exterior finish) of a Modular Home ~~dwellings~~ shall be consistent with the purpose of the district in which the building is located and shall take into account any other buildings existing in the vicinity;

SECTION 92: MULTI-UNIT RESIDENTIAL DEVELOPMENT ~~DWELLINGS~~

92.1 APPLICABILITY

~~This~~ The requirements of this section apply to all multiple unit residential development, ~~consisting of multiple dwelling units in the same building~~ Multi-unit Dwellings and Attached Housing, excluding single unit dwelling types, Attached Housing (2 unit), Duplexes and mixed-use development containing dwelling units, and are in addition to all other applicable sections of this bylaw, including but not limited to Section 60 (Design Standards) of Schedule 3 (General Standards of Development).

92.2 GENERAL REQUIREMENTS

In addition to all other requirements of this bylaw, all applications for multi-unit residential developments shall provide the following:

(1) Design plans including:

(a) elevations of all sides of the proposed ~~multi-unit~~ residential building ~~structure~~;

(b) the location, orientation and massing of all buildings and structures on the lot;

(2) The design, orientation and massing of the building in which the dwelling units are located shall:

(c) if located adjacent to or on the same street as residential dwellings of a lower density, such as single-detached and duplex dwellings, blend in with the lower density residential dwellings, to the satisfaction of the Development Authority;

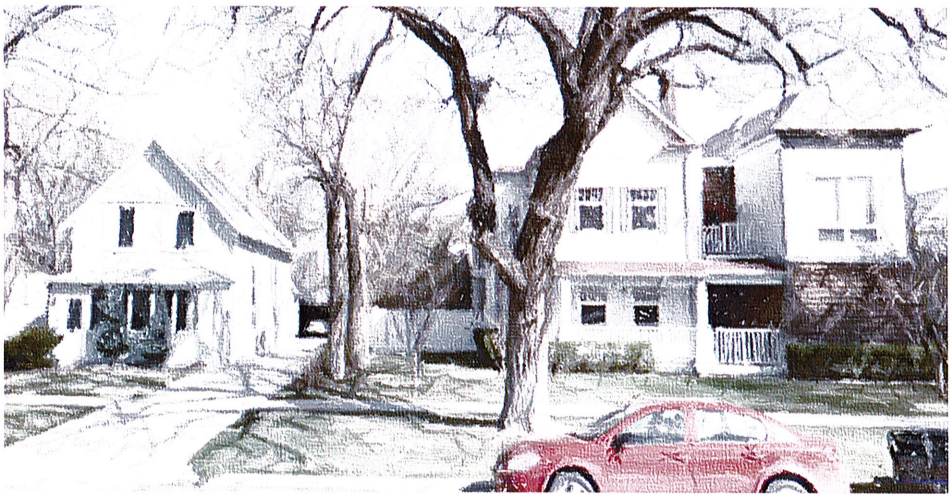


Figure 92.2.1: an example of multi-unit ~~family~~ (right) blending in with single unit ~~family~~ (left) development.

(3) The principal entry for each dwelling unit, with the exception of condominiums and apartments shall be separate and directly accessible from ground level, including through the use of steps in the case of dwelling units with basements;

92.3 DENSITY

The number of units in a ~~multi-unit residential~~ development shall not be prescribed but instead be based on:

(1) The requirements contained in this bylaw, including but not limited to the measurable standards of maximum permitted site coverage, building height, minimum unit sizes, parking, loading and access requirements, and the Floor Area Ratio as outlined in the land use districts that list a Multi-unit Dwellings~~,~~ Multiple Unit Residential Development or Attached Housing ~~townhouses~~ as permitted or discretionary uses;

(2) Notwithstanding 92.3(1) of this section, the Development Authority may reduce the maximum density of units that may be permitted within a ~~multi-unit residential~~ development as determined by 92.3(1), based on consideration of the:

92.4 AMENITY SPACE

Amenity space may be categorized as private, common (accessible to all dwelling units in the ~~a multi-unit residential~~ development) and public, on-site and off-site and can be indoors, partly or entirely outdoors, or any combination thereof depending on the development.

(2) Common amenity space shall be:

(a) to the discretion of the Development Authority for ~~multi-unit residential~~ developments with ten or fewer dwelling units;

(b) required for ~~multi-unit residential~~ developments with more than ten dwelling units other than Attached Housing ~~townhouses~~;

(c) provided for in the form of indoor and/or outdoor space;

92.5 MULTIPLE BUILDINGS ON THE SAME LOT

The location of multi-unit residential development consisting of more than one building on a single lot, in addition to all other requirements of this bylaw, shall provide the following minimum separation distances between such buildings oriented to face one another:

(3) 3 m (9.8 ft) for non-habitable rooms such as entryways, bathrooms and areas of the exterior of a ~~multi-unit residential~~ development with blank walls.

92.6 PARKING AND LOADING

(3) Notwithstanding 92.6(1) and (2) of this section, parking for Attached Housing ~~townhouses~~ may, at the discretion of the Development Authority, be located in the front yard in the form of driveways and or attached garages oriented to the front of the dwelling unit.

92.7 LANDSCAPING

In addition to Section 67 of Schedule 3 (General Standards of Development), multi-unit residential development shall meet the following landscaping requirements:

(1) Twenty five (25) percent of the total lot area shall be provided as landscaped area, the majority of which shall be focused along yards adjacent to public right-of-way other than laneways, and accompanied by an approved landscaping plan, to the discretion of the Development Authority, excepting out ~~multi-unit~~ residential development that makes use of zero setback allowances if provided for in the associated land use district;

SECTION 94: SECONDARY SUITES

94.2 GENERAL REQUIREMENTS

All secondary suites shall meet the following requirements:

~~(7) A secondary suite shall be restricted to a lot occupied by a single dwelling unit either a *Dwelling, Single-detached, Dwelling, Modular home or Dwelling, Moved-in,* but, not including a *Dwelling, Manufactured* as defined by this bylaw;~~

(8) A secondary suite shall not be permitted in a Duplex, Cluster Housing, Manufactured Home ~~townhouses~~, Attached Housing (unsubdivided), Multiple Unit Residential Development, or any ~~other variation of~~ multi-unit dwelling;

~~(12) A secondary suite does not include a bed and breakfast, duplex dwelling, semi-detached dwelling, multi-unit dwelling, townhouses, or apartment;~~

94.3 EXISTING SECONDARY SUITES

Existing secondary suites include any suite that existed prior to the passing of this bylaw. In addition to the requirements of ~~14.2 of~~ this section, excepting thereout the building code requirement of 94.2(6) if it can be proven that the suite was developed prior to December 31, 2006, existing secondary suites shall meet the following requirements:

~~(1) An existing secondary suite developed prior to December 31, 2006 shall meet all applicable requirements of the Alberta Fire Code as a condition of approval;~~

(1) ~~(2)~~ An existing secondary suite developed after December 31, 2006, shall comply with all Alberta Building Code and Alberta Fire Code requirements, including separate heating and ventilation systems for the principal dwelling unit and secondary suite, as a condition of approval;

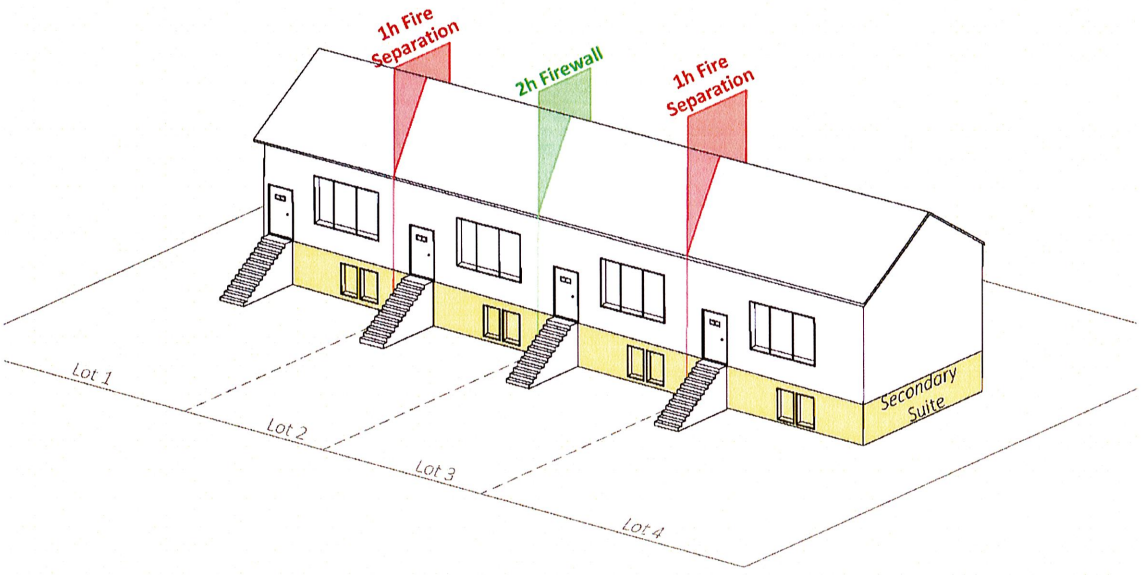
(2)~~(3)~~ An existing secondary suite shall meet all other requirements of this section and any other applicable section of this bylaw; and

~~(4) Should an existing secondary suite be unable to reasonably meet the requirements of this bylaw, to the discretion of the Development Authority, the use of the suite for rental purposes shall not be permitted.~~

94.4 BASEMENT SUITES

Basement suites are located below grade, in the basement of a single-detached dwelling, Moved-In Dwelling, Modular Home, or Attached Housing. In addition to the requirements of 94.2 of this section, the following requirements apply to basement suites:

(2) A basement suite shall be developed in such a way that the exterior of the principal dwelling shall appear as a single-detached dwelling, Moved-In Dwelling, Modular Home, or Attached Housing; and



(4) Should the entrance be directly from the exterior of the dwelling, it shall be on the side or rear of the structure for a Single-Detached Dwelling, Moved-In Dwelling, Modular Home, and may be developed on the front, side or rear for an attached housing development.

SECTION 98: CLUSTER HOUSING

98.1 APPLICABILITY

The requirements of this section are categorized based on the context of the cluster housing and how it may be incorporated into a neighbourhood design. Unlike Multiple Unit Residential Development, these units tend to be smaller in floor area and are a low density development.

98.2 GENERAL STANDARDS:

(1) Cluster housing is subject to the following additional standards:

(a) Design of Cluster Housing shall consider the height, building design and nature of surrounding residential development.

(b) The arrangement of the structures in a cluster housing is subject to the approval of the Development Authority and the requirements of the Alberta Building Code.

(c) A landscaping plan shall be submitted with the development permit application. The Development Authority may require that a landscape plan be prepared by a professional. An irrigation plan may also be required.

(d) A minimum of 10% of the lot area is to be provided for common open space and onsite amenities such as playground equipment, barbeque areas, recreation areas or other similar features. The minimum open space requirement may be increased as required by the Development Authority depending upon the density of the proposed development.

(e) A minimum 1.5 m (4.9 ft) wide landscaped buffer strip is required between the parking lot and an adjacent residential lot. The Development Authority, depending on the intensity of the development, may increase the minimum required width of the landscaped buffer strip.

(f) Minimum floor area: The minimum size of each dwelling unit shall be 47 m^2 (505.9 sq ft) in size.

(g) The Development Authority may regulate the maximum density of Cluster Housing within a block or subdivision based on the policies of the Municipal Development Plan and consideration of:

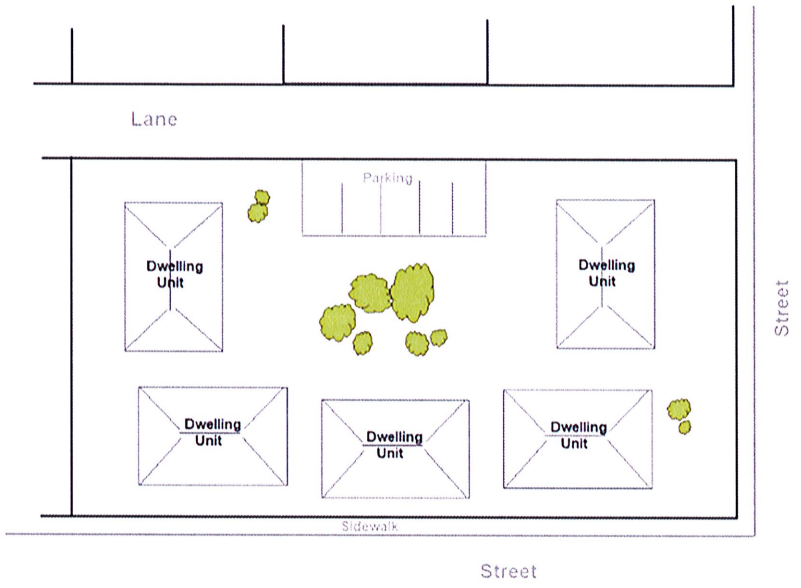
(i) density of existing development within the block;

(ii) adequacy and proximity of community facilities such as schools, shopping, recreational facilities and open space;

(iii) adequacy of utilities to accommodate the proposed use;

(iv) impacts on future land uses and the street system;

(v) any other matters deemed pertinent by the Development Authority.



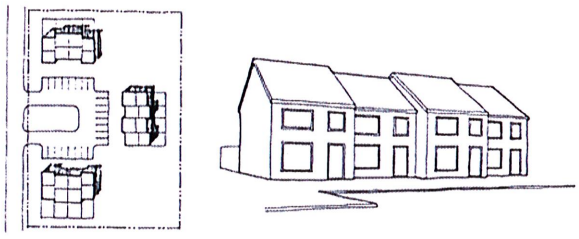
SCHEDULE 6: DEFINITIONS

A

Alberta Building Code and Alberta Fire Code means the latest version of the National Building Code – Alberta Edition and National Fire Code – Alberta Edition as adopted by Alberta Safety Codes Council.

Apartment means a building containing three or more dwelling units with shared services, facilities and outside entrances. This use does not include Attached Housing or a Multi-unit Dwelling ~~townhouse~~, which ~~is a~~ are separate uses in this bylaw.

Attached Housing ~~Townhouse~~ means a single building comprised of ~~three~~ two or more dwelling units separated one from another by common party walls extending from foundation to roof, with each dwelling unit having a separate, direct entrance from grade and includes all row, stacked row, linked, patio, garden court, semi-detached or other housing which meet such criteria. This use does not include a Duplex or Multi-unit Dwelling which are separate uses in this bylaw.



C

Cluster Housing means a development of compact single unit housing consisting of multiple detached principal dwellings on the single lot spatially articulated around a centralized amenity space. This use does not include a Multi-unit Dwelling which is separate use in this bylaw.

D

Designated Officer means a person authorized by Council to act as a Development Authority pursuant to Section 623 ~~624(2)(a)~~ of the Act and in accordance with the City's associated enabling bylaw.

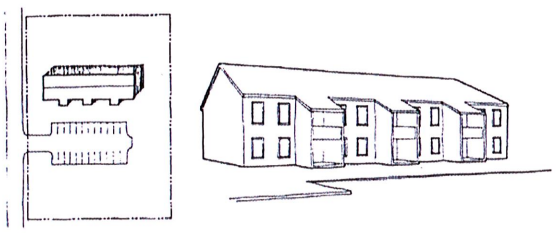
Development Authority means the body established by bylaw to act as the Development Authority in accordance with Sections 623(b) ~~or (c) and 624~~ of the Act and may include the Development Officer or other Designated Officer, the Municipal Planning Commission or the Council of the City of Brooks.

Dwelling means any building or portion thereof designed for human habitation and which is intended to be used as a residence for one or more individuals but does not include travel trailers, motor homes, recreational vehicles, or other mobile living units, hotel, motel, dormitory, boarding house, or similar accommodation. For the purposes of this bylaw, dwellings include an Apartments~~s~~, Duplexes~~s~~, Manufactured Homes~~s~~, Modular Homes~~s~~, Moved-in Dwellings~~s~~, Single-Detached Dwellings~~s~~, ~~semi-detached dwellings~~, ~~secondary suites~~ and Attached Housing ~~townhouses~~.

M

Matters Related to Subdivision and Development Regulation means regulations established by order of the Lieutenant Governor in Council pursuant to Section 694 of the Act.

Multi-unit Dwelling means a development ~~building~~ that contains ~~2~~ 3 or more dwelling units. This use does not include an Apartment, Duplex, Secondary Suite or Attached Housing, which are separate uses in this bylaw.



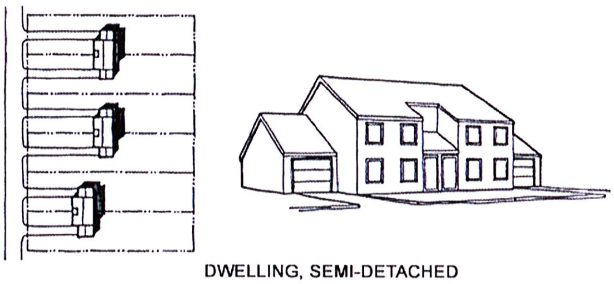
DWELLING, MULTI-UNIT

Multiple Unit Residential Development means a development where the principal use consists of dwelling units with three or more residential units and where the site has two or more principal residential buildings. This use is subject to Schedule 4 Use Specific Standards Section 92 (Multi-unit Residential Development). Dwelling types include an Apartment, Attached Housing, and Multi-unit Dwelling. This use does not contain a Single-Detached Dwelling, Cluster Housing, Manufactured Home, Manufactured Home Park, or Modular Home.

S

Secondary Suite means an accessory dwelling unit containing cooking facilities, a food preparation area, and sleeping and sanitary facilities, which is physically separate from and subordinate to those of the principal dwelling within the structure or on the same lot and that has a separate entrance. A secondary suite does NOT include a Bed and Breakfast, Duplex, ~~Semi-detached Dwelling~~, Multi-unit Dwelling, ~~townhouses~~, Apartment or, Attached Housing (unsubdivided) which are separate uses in this bylaw.

Semi-Detached Dwelling See Attached Housing. ~~means a residential building containing two dwelling units located side by side with separate, direct access to each dwelling unit. Each dwelling unit is joined to the other unit by at least one common wall which extends from the foundation to at least the top of the first storey of both dwelling units, allowing the two units to be subdivided by a property line.~~



DWELLING, SEMI-DETACHED

Shall means within the context of this document ~~a policy~~, that the action is mandatory excepting where Administration Section 36.1 in invoked by the Development Authority.

CITY OF BROOKS
BYLAW NO. 24/19

A BYLAW OF THE CITY OF BROOKS IN THE PROVINCE OF ALBERTA TO AMEND BYLAW 14/12 BEING THE LAND USE BYLAW.

WHEREAS it is desirable to amend Bylaw No. 14/12 being the Land Use Bylaw for the City of Brooks;

AND WHEREAS the purpose of the proposed amendment is to redesignate land legally described as:

LOT 4, BLOCK 2, PLAN 731352

from "INDUSTRIAL LIGHT (I-L)" to "COMMERCIAL GENERAL (C-G)"

as shown on the map in Schedule "A" attached hereto to accommodate commercial development;

AND WHEREAS a Public Hearing, as required by Section 692 of the *Municipal Government Act*, will be held prior to second reading of this Bylaw;

NOW, THEREFORE the Council of the City of Brooks in the Province of Alberta hereby enacts as follows:

1. The land described as Lot 4 Block 2 Plan 731352 as shown on the attached Schedule "A" be designated COMMERCIAL GENERAL (C-G).
2. That the amendments to Bylaw No. 14/12, being the Land Use Bylaw, make use of formatting that maintains the consistency of the portions of the Bylaw being amended.
3. That the Land use Districts map of the City of Brooks Land Use Bylaw 14/12 be amended to reflect this designation.
4. Bylaw 14/12, being the Land Use Bylaw, is hereby amended and a consolidated version of the Land Use Bylaw reflecting the amendment is authorized to be prepared.
5. That this Bylaw shall take effect upon final passing thereof.

Read a first time this 2nd day of July, 2024.

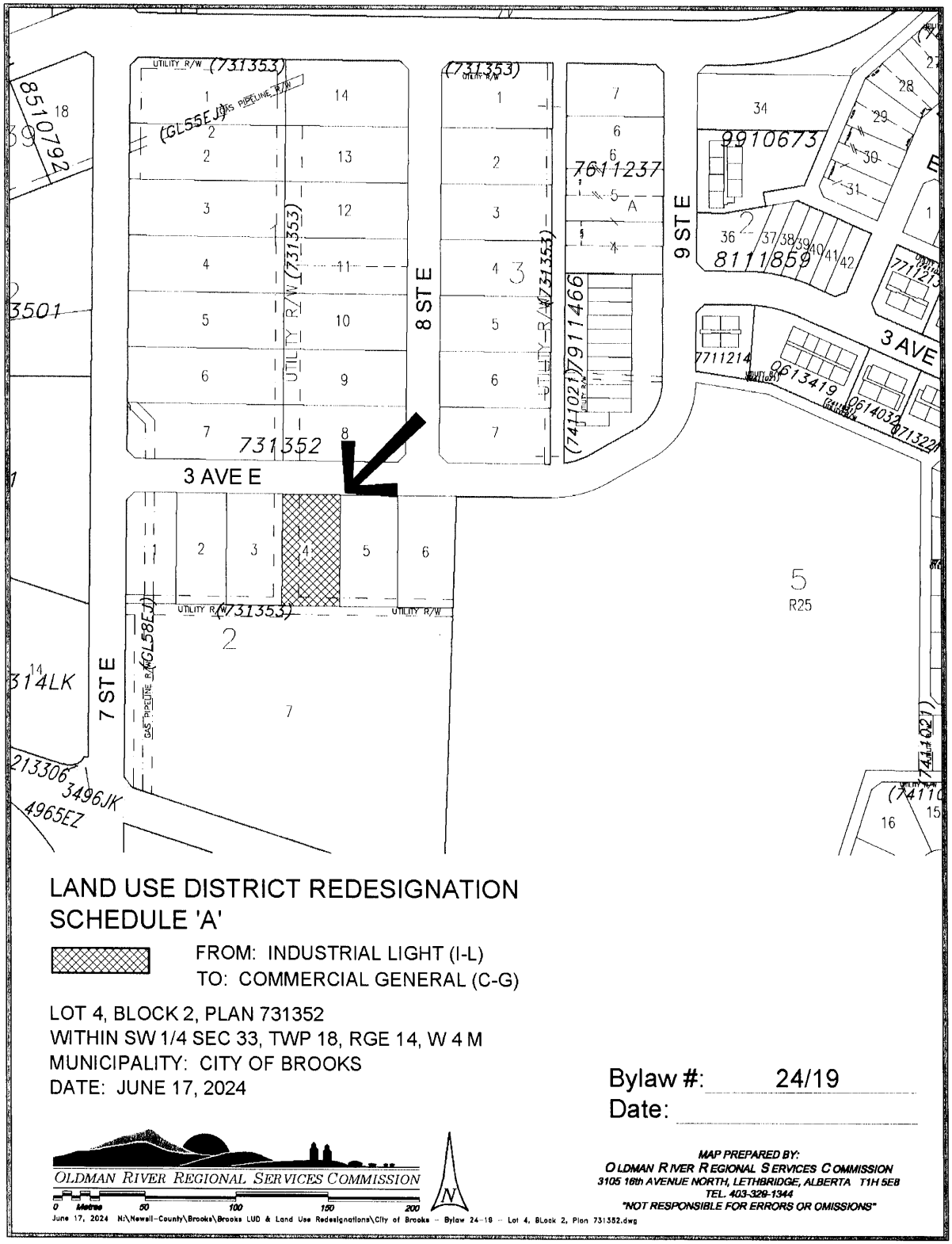
Read a second time this 15th day of July, 2024.

Read a third time and finally passed this 15th day of July, 2024.

Mayor

Acting Chief Administrative Officer

SCHEDULE "A"



LAND USE DISTRICT REDESIGNATION
SCHEDULE 'A'

FROM: INDUSTRIAL LIGHT (I-L)
TO: COMMERCIAL GENERAL (C-G)

LOT 4, BLOCK 2, PLAN 731352
WITHIN SW 1/4 SEC 33, TWP 18, RGE 14, W 4 M
MUNICIPALITY: CITY OF BROOKS
DATE: JUNE 17, 2024

Bylaw #: 24/19
Date: _____

OLDMAN RIVER REGIONAL SERVICES COMMISSION

0 Metres 50 100 150 200

June 17, 2024 N:\Newell-County\Brooks\Brooks LUD & Land Use Redesignations\City of Brooks - Bylaw 24-19 - Lot 4, Block 2, Plan 731352.dwg

MAP PREPARED BY:
OLDMAN RIVER REGIONAL SERVICES COMMISSION
3105 16th AVENUE NORTH, LETHBRIDGE, ALBERTA T1H 5E8
TEL 403-329-1344
"NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"

CITY OF BROOKS
BYLAW NO. 24/20

A BYLAW OF THE CITY OF BROOKS IN THE PROVINCE OF ALBERTA TO AMEND BYLAW 14/12 BEING THE LAND USE BYLAW.

WHEREAS it is desirable to amend Bylaw No. 14/12 being the Land Use Bylaw for the City of Brooks;

AND WHEREAS the purpose of the proposed amendment is to redesignate land legally described as:

LOTS 11-28 BLOCK 7 PLAN 0511404 (216-250 17 ST E)

LOTS 2-28 BLOCK 8 PLAN 0511404 (304-356 17 ST E)

LOTS 12-17 BLOCK 2 PLAN 9610719 (11-21 GARROW CRES E)

LOTS 21-25 BLOCK 2 PLAN 9610719 (27-35 GARROW CRES E)

LOTS 6-7 BLOCK 4 PLAN 7386JK (31 OAK AVE W)

from "RESIDENTIAL LOW DENSITY (R-LD)" to "RESIDENTIAL MEDIUM DENSITY (R-MD)"

as shown on the maps in Schedule "A" – "C" attached hereto to accommodate existing multi-unit development into the Residential – Medium Density district for conformity with the Bylaw;

AND WHEREAS a Public Hearing, as required by Section 692 of the Municipal Government Act, will be held prior to second reading of this Bylaw;

NOW, THEREFORE the Council of the City of Brooks in the Province of Alberta hereby enacts as follows:

1. The land described as LOTS 11-28 BLOCK 7 PLAN 0511404 (216-250 17 ST E), LOTS 2-28 BLOCK 8 PLAN 0511404 (304-356 17 ST E), LOTS 12-17 BLOCK 2 PLAN 9610719 (11-21 GARROW CRES E), LOTS 21-25 BLOCK 2 PLAN 9610719 (27-35 GARROW CRES E), and LOTS 6-7 BLOCK 4 PLAN 7386JK (31 OAK AVE W) as shown on the attached Schedule "A", "B" and "C" be designated RESIDENTIAL MEDIUM DENSITY (R-MD).

2. That the amendments to Bylaw No. 14/12, being the Land Use Bylaw, make use of formatting that maintains the consistency of the portions of the Bylaw being amended.

3. That the Land Use Districts map of the City of Brooks Land Use Bylaw 14/12 be amended to reflect this designation.
4. Bylaw 14/12, being the Land Use Bylaw, is hereby amended and a consolidated version of the Land Use Bylaw reflecting the amendment is authorized to be prepared.
5. That this Bylaw shall take effect upon final passing thereof.

Read a first time this 2nd day of July, 2024.

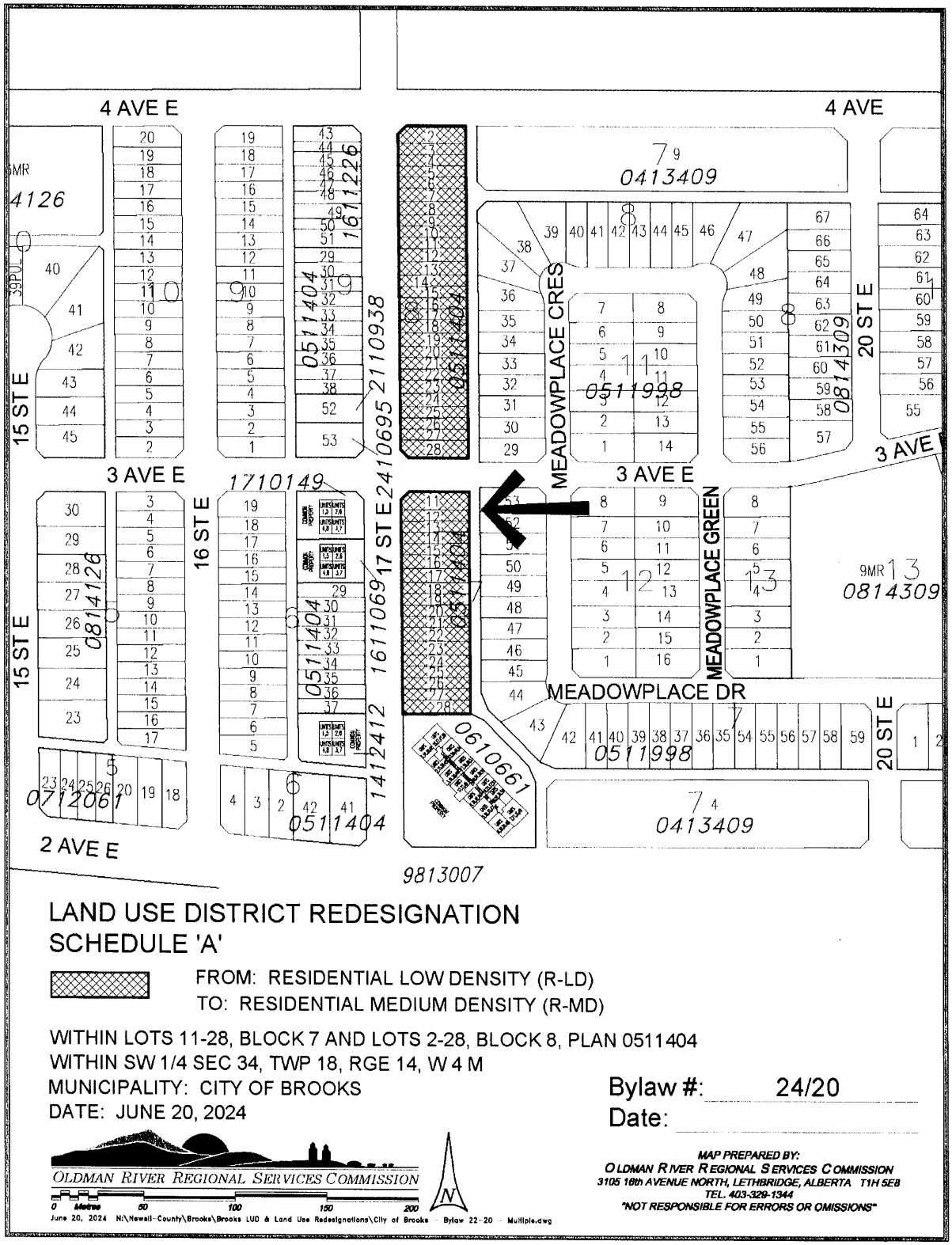
Read a second time this 15th day of July, 2024.

Read a third time and finally passed this 15th day of July, 2024.

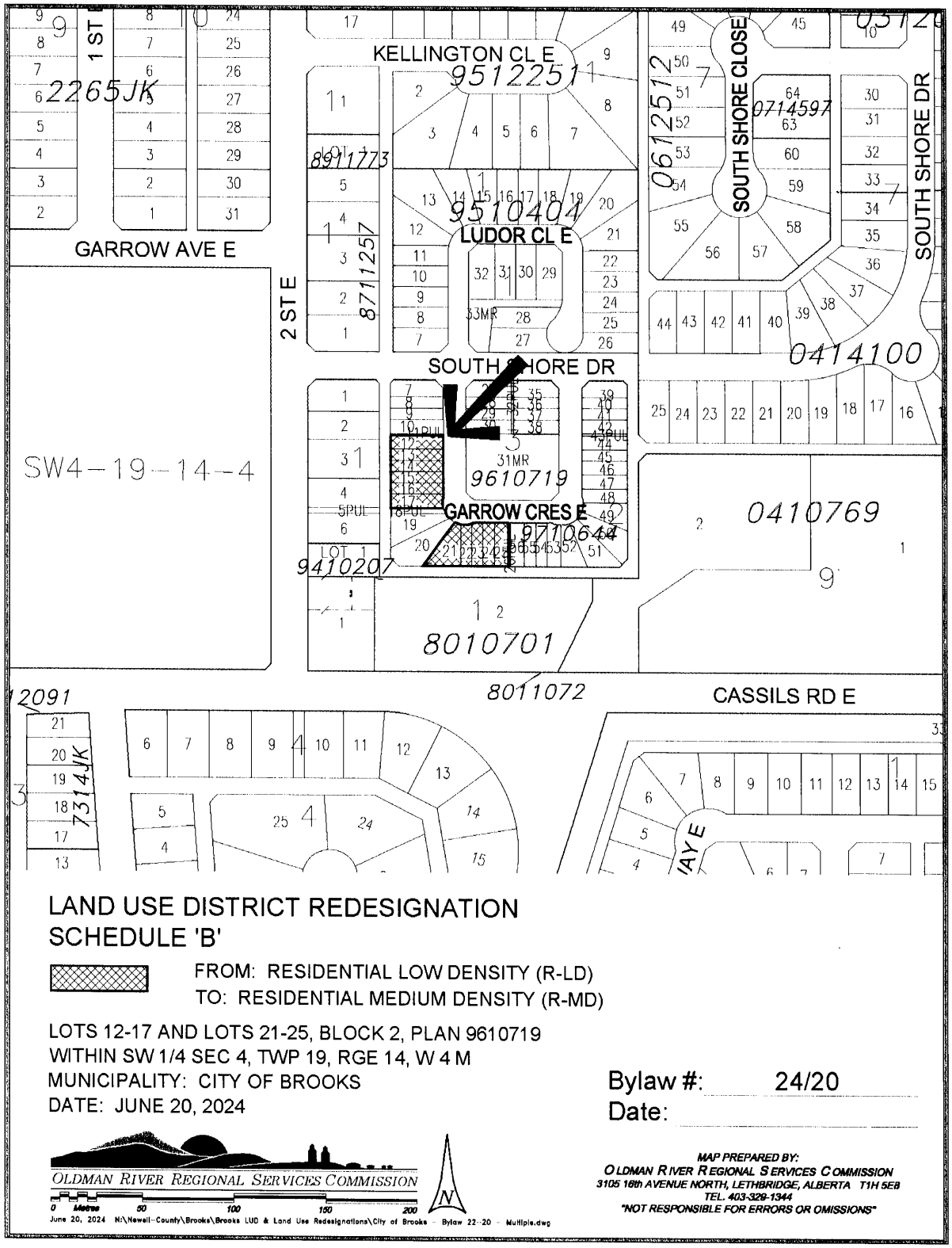
Mayor

Acting Chief Administrative Officer

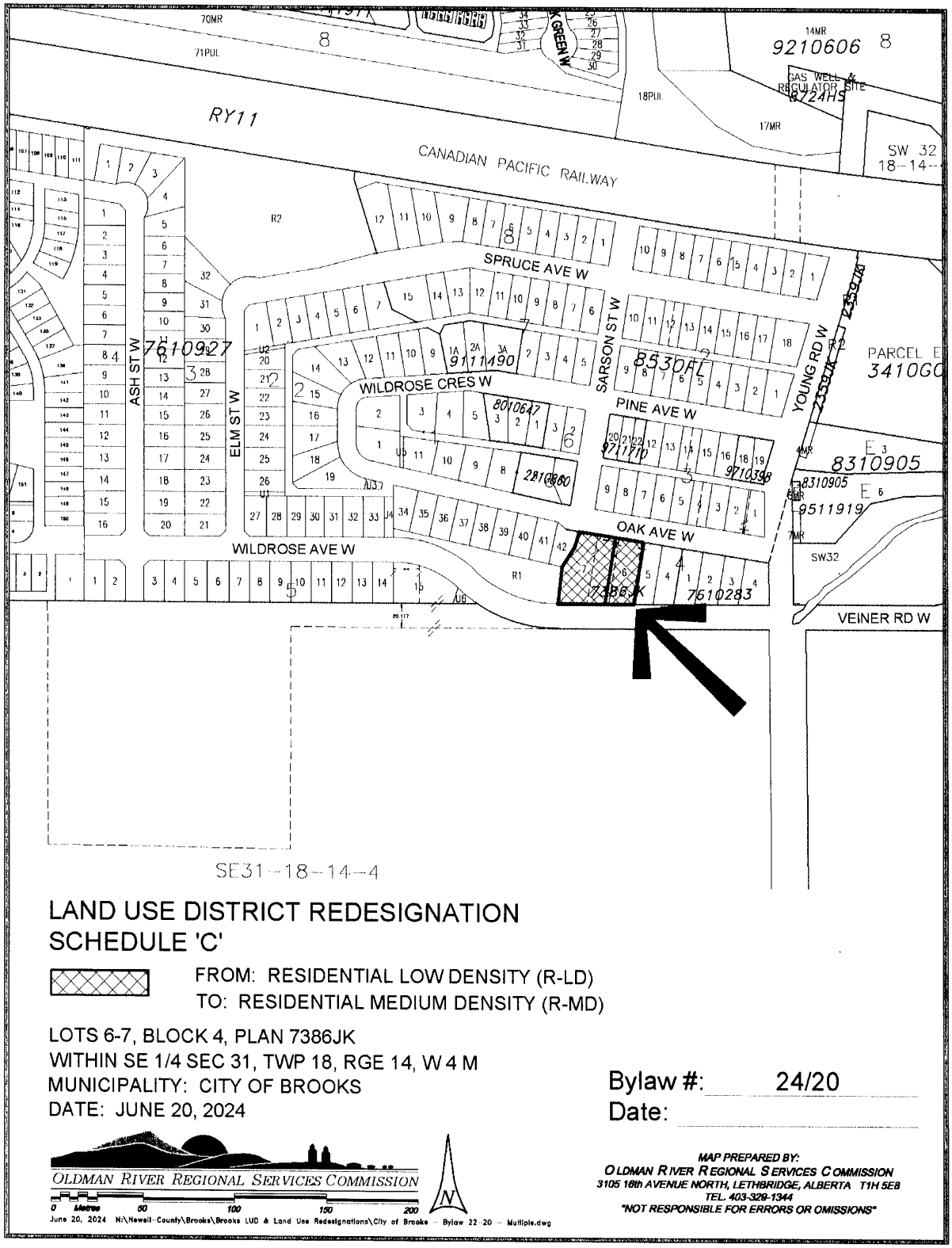
SCHEDULE "A"


4 AVE E
4 AVE
3 AVE E
2 AVE E
15 ST E
16 ST E
17 ST E
20 ST E
MEADOWPLACE CRES
MEADOWPLACE GREEN
MEADOWPLACE DR
3 AVE
0413409
0511404
0511998
0814309
0814126
0712061
0610661
1611226
2110938
2410695
1710149
1611069
1412412
9813007
LAND USE DISTRICT REDESIGNATION
SCHEDULE 'A'
FROM: RESIDENTIAL LOW DENSITY (R-LD)
TO: RESIDENTIAL MEDIUM DENSITY (R-MD)
WITHIN LOTS 11-28, BLOCK 7 AND LOTS 2-28, BLOCK 8, PLAN 0511404
WITHIN SW 1/4 SEC 34, TWP 18, RGE 14, W 4 M
MUNICIPALITY: CITY OF BROOKS
DATE: JUNE 20, 2024
Bylaw #: 24/20
Date:
OLDMAN RIVER REGIONAL SERVICES COMMISSION
0 Metres 50 100 150 200
June 20, 2024 N:\Newell-County\Brooks\Brooks LUD & Land Use Redesignations\City of Brooks - Bylaw 22-20 - Multiple.dwg
MAP PREPARED BY:
OLDMAN RIVER REGIONAL SERVICES COMMISSION
3105 16th AVENUE NORTH, LETHBRIDGE, ALBERTA T1H 5E8
TEL. 403-329-1344
"NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"

SCHEDULE "B"


KELLINGTON CL E
9512251
SOUTH SHORE CLOSE
SOUTH SHORE DR
0714597
0414100
LUDOR CL E
9510404
8911773
8711257
2265JK
GARROW AVE E
2 ST E
1 ST
SOUTH SHORE DR
31MR
9610719
GARROW CRES E
9710644
9410207
0410769
SW4-19-14-4
8010701
8011072
CASSILS RD E
7314JK
LAND USE DISTRICT REDESIGNATION
SCHEDULE 'B'
FROM: RESIDENTIAL LOW DENSITY (R-LD)
TO: RESIDENTIAL MEDIUM DENSITY (R-MD)
LOTS 12-17 AND LOTS 21-25, BLOCK 2, PLAN 9610719
WITHIN SW 1/4 SEC 4, TWP 19, RGE 14, W 4 M
MUNICIPALITY: CITY OF BROOKS
DATE: JUNE 20, 2024
Bylaw #: 24/20
Date:
OLDMAN RIVER REGIONAL SERVICES COMMISSION
0 Metres 50 100 150 200
June 20, 2024 N:\Newell-County\Brooks\Brooks LUD & Land Use Redesignations\City of Brooks - Bylaw 22-20 - Multiple.dwg
MAP PREPARED BY:
OLDMAN RIVER REGIONAL SERVICES COMMISSION
3105 16th AVENUE NORTH, LETHBRIDGE, ALBERTA T1H 5E8
TEL. 403-329-1344
"NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"

SCHEDULE "C"



LAND USE DISTRICT REDESIGNATION
SCHEDULE 'C'

FROM: RESIDENTIAL LOW DENSITY (R-LD)
TO: RESIDENTIAL MEDIUM DENSITY (R-MD)

LOTS 6-7, BLOCK 4, PLAN 7386JK
WITHIN SE 1/4 SEC 31, TWP 18, RGE 14, W 4 M
MUNICIPALITY: CITY OF BROOKS
DATE: JUNE 20, 2024

Bylaw #: 24/20
Date:

OLDMAN RIVER REGIONAL SERVICES COMMISSION
0 Metres 50 100 150 200
June 20, 2024 N:\Newell-County\Brooks\Brooks LUD & Land Use Redesignations\City of Brooks - Bylaw 22-20 - Multiple.dwg

MAP PREPARED BY:
OLDMAN RIVER REGIONAL SERVICES COMMISSION
3105 16th AVENUE NORTH, LETHBRIDGE, ALBERTA T1H 5E8
TEL. 403-329-1344
"NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"

CITY OF BROOKS
BYLAW NO. 24/32

A BYLAW OF THE CITY OF BROOKS IN THE PROVINCE OF ALBERTA TO AMEND BYLAW 14/12 BEING THE LAND USE BYLAW.

WHEREAS, it is desirable to amend Bylaw No. 14/12 being the Land Use Bylaw for the City of Brooks;

AND WHEREAS the purpose of the proposed amendment is to redesignate land legally described as:

PLAN 0512323 BLOCK 6 LOT 1

from "RESIDENTIAL HIGH DENSITY (R-HD)"

to "COMMERCIAL GENERAL (C-G)"

as shown on the map in Schedule 'A' attached hereto to accommodate a mixed-use development;

AND WHEREAS a Public Hearing, as required by Section 692 of the Municipal Government Act, will be held prior to second reading of this Bylaw;

NOW, THEREFORE the Council of the City of Brooks in the Province of Alberta hereby enacts as follows:

1. The land described as PLAN 0512323 BLOCK 6 LOT 1 as shown on the attached Schedule 'A' be designated COMMERCIAL GENERAL (C-G).
2. That the amendments to Bylaw No. 14/12, being the Land Use Bylaw, make use of formatting that maintains the consistency of the portions of the Bylaw being amended.
3. That the Land use Districts map of the City of Brooks Land Use Bylaw 14/12 be amended to reflect this designation.
4. Bylaw 14/12, being the Land Use Bylaw, is hereby amended and a consolidated version of the Land Use Bylaw reflecting the amendment is authorized to be prepared.
5. That this Bylaw shall take effect upon final passing thereof.

Read a first time this 18th day of November, 2024.

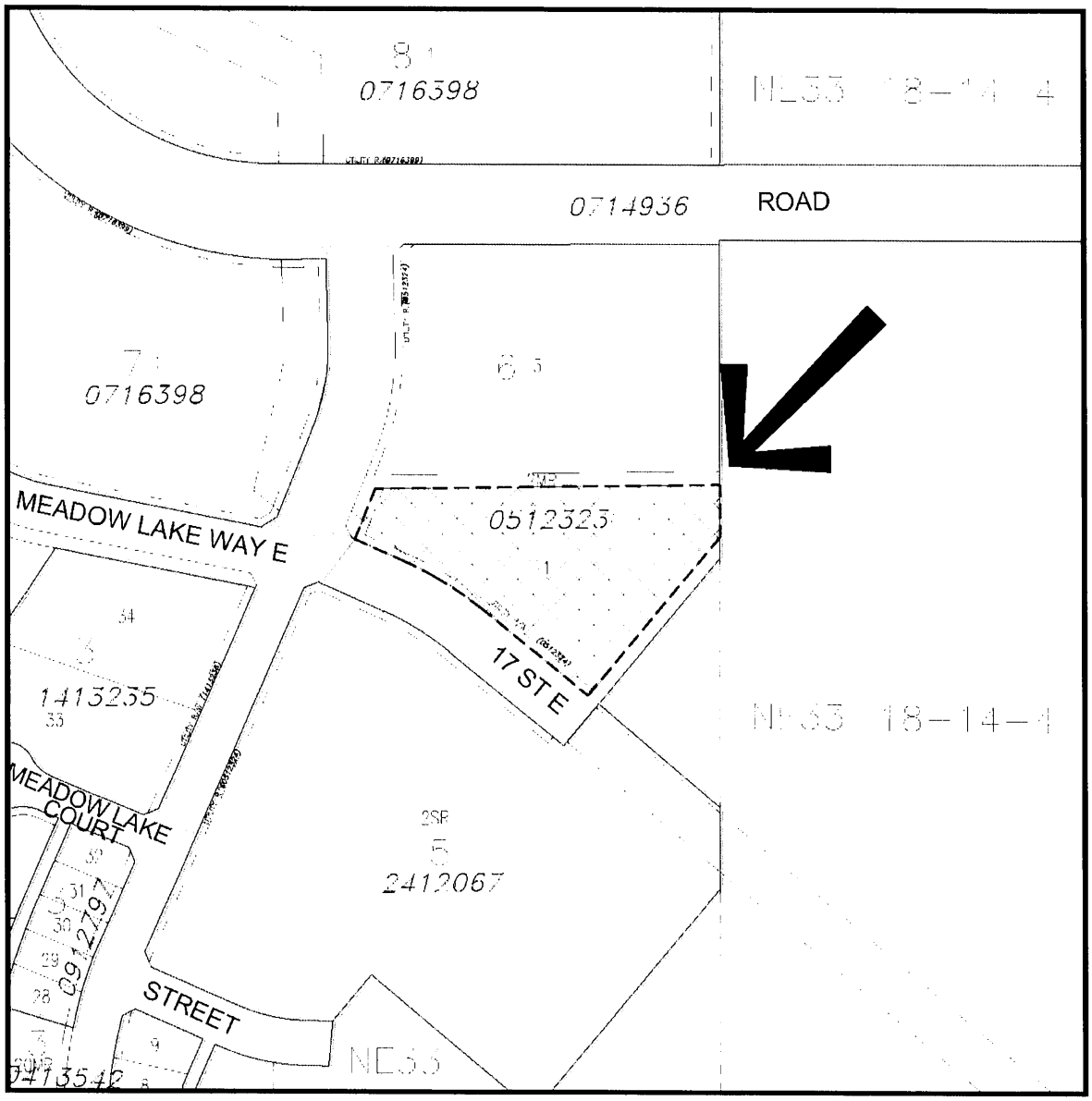
Read a second time this 2nd day of December, 2024.

Read a third time and finally passed this 2nd day of December , 2024.

Mayor

Chief Administrative Officer

SCHEDULE "A"



LAND USE DISTRICT REDESIGNATION
SCHEDULE 'A'

FROM: Residential High Density R-HD
TO: Commercial General C-G

LOT 1, BLOCK 6, PLAN 0512323 WITHIN
NE 1/4 SEC 33, TWP 18, RGE 14, W 4 M
MUNICIPALITY: CITY OF BROOKS
DATE: OCTOBER 29, 2024

Bylaw #: 24/32
Date:

OLDMAN RIVER REGIONAL SERVICES COMMISSION
0 Metres 50 100 150 200
October 25, 2024 N:\Newell-County\Brooks\Brooks LUD & Land Use Redesignations\City of Brooks - Lot 1 - Block 6 - Plan 0512323.dwg

MAP PREPARED BY:
OLDMAN RIVER REGIONAL SERVICES COMMISSION
3105 16th AVENUE NORTH, LETHBRIDGE, ALBERTA T1H 5E8
TEL. 403-329-1344
"NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"

CITY OF BROOKS
BYLAW NO. 24/32

A BYLAW OF THE CITY OF BROOKS IN THE PROVINCE OF ALBERTA TO AMEND BYLAW 14/12 BEING THE LAND USE BYLAW.

WHEREAS, it is desirable to amend Bylaw No. 14/12 being the Land Use Bylaw for the City of Brooks;

AND WHEREAS the purpose of the proposed amendment is to redesignate land legally described as:

PLAN 0512323 BLOCK 6 LOT 1

from "RESIDENTIAL HIGH DENSITY (R-HD)"

to "COMMERCIAL GENERAL (C-G)"

as shown on the map in Schedule 'A' attached hereto to accommodate a mixed-use development;

AND WHEREAS a Public Hearing, as required by Section 692 of the Municipal Government Act, will be held prior to second reading of this Bylaw;

NOW, THEREFORE the Council of the City of Brooks in the Province of Alberta hereby enacts as follows:

1. The land described as PLAN 0512323 BLOCK 6 LOT 1 as shown on the attached Schedule 'A' be designated COMMERCIAL GENERAL (C-G).
2. That the amendments to Bylaw No. 14/12, being the Land Use Bylaw, make use of formatting that maintains the consistency of the portions of the Bylaw being amended.
3. That the Land use Districts map of the City of Brooks Land Use Bylaw 14/12 be amended to reflect this designation.
4. Bylaw 14/12, being the Land Use Bylaw, is hereby amended and a consolidated version of the Land Use Bylaw reflecting the amendment is authorized to be prepared.
5. That this Bylaw shall take effect upon final passing thereof.

Read a first time this 18th day of November, 2024.

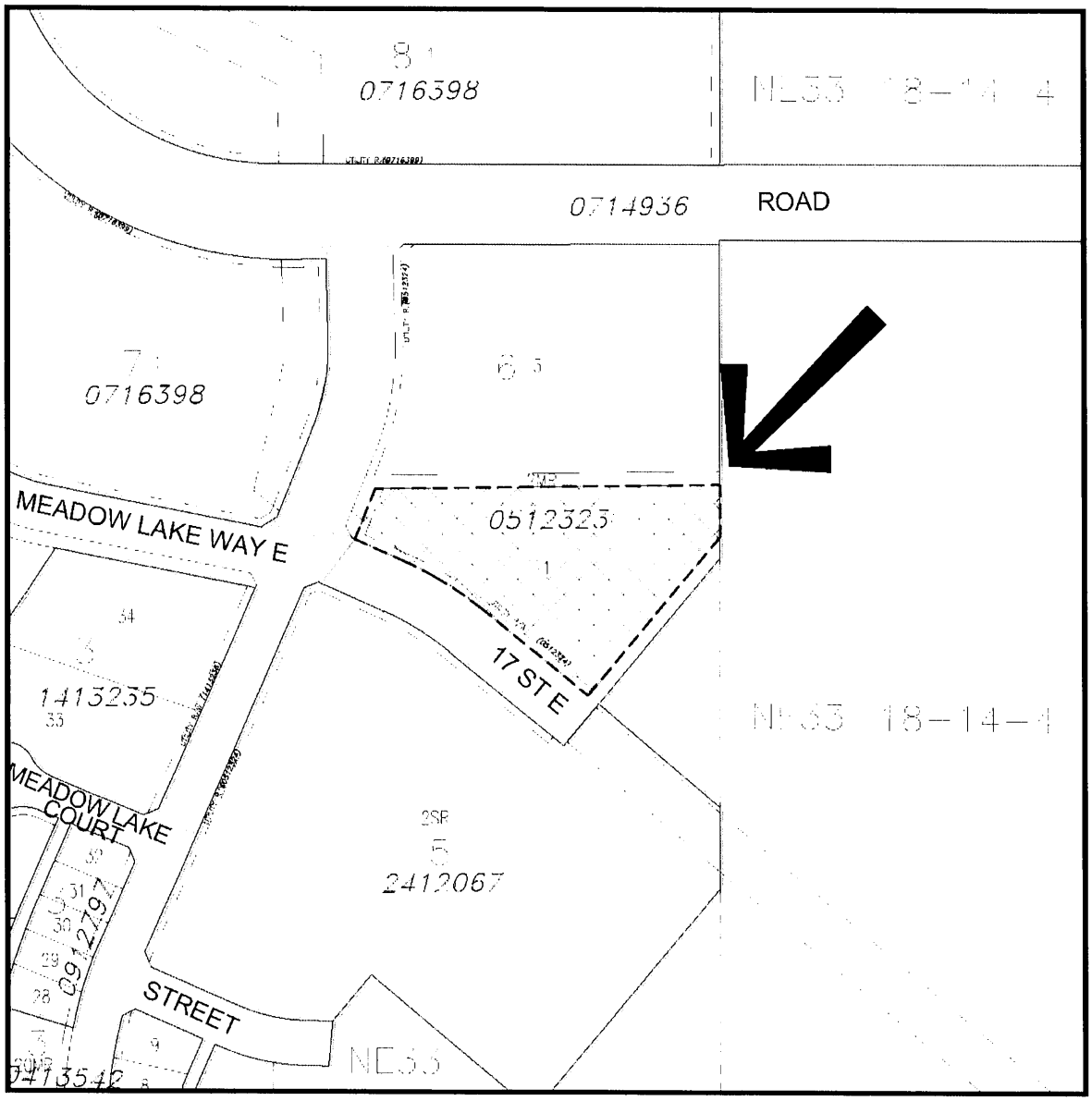
Read a second time this 2nd day of December, 2024.

Read a third time and finally passed this 2nd day of December , 2024.

Mayor

Chief Administrative Officer

SCHEDULE "A"



LAND USE DISTRICT REDESIGNATION
SCHEDULE 'A'

FROM: Residential High Density R-HD
TO: Commercial General C-G

LOT 1, BLOCK 6, PLAN 0512323 WITHIN
NE 1/4 SEC 33, TWP 18, RGE 14, W 4 M
MUNICIPALITY: CITY OF BROOKS
DATE: OCTOBER 29, 2024

Bylaw #: 24/32
Date:

OLDMAN RIVER REGIONAL SERVICES COMMISSION
0 Metres 50 100 150 200
October 25, 2024 N:\Newell-County\Brooks\Brooks LUD & Land Use Redesignations\City of Brooks - Lot 1 - Block 6 - Plan 0512323.dwg

MAP PREPARED BY:
OLDMAN RIVER REGIONAL SERVICES COMMISSION
3105 16th AVENUE NORTH, LETHBRIDGE, ALBERTA T1H 5E8
TEL. 403-329-1344
"NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"

CITY OF BROOKS
BYLAW NO. 25/08

A BYLAW OF THE CITY OF BROOKS IN THE PROVINCE OF ALBERTA TO AMEND BYLAW 14/12 BEING THE LAND USE BYLAW.

WHEREAS, it is desirable to amend Bylaw No. 14/12 being the Land Use Bylaw for the City of Brooks;

AND WHEREAS the purpose of the proposed amendment is to redesignate land legally described as:

Lot 1, Block 1, Plan 9512251

from "RESIDENTIAL SINGLE DETACHED (R-SD)"

to "RESIDENTIAL MEDIUM DENSITY (R-MD)"

as shown on the map in Schedule "A" attached hereto to accommodate a mixed-use development;

AND WHEREAS a Public Hearing, as required by Section 692 of the Municipal Government Act, will be held prior to second reading of this Bylaw;

NOW, THEREFORE the Council of the City of Brooks in the Province of Alberta hereby enacts as follows:

1. The land described as Lot 1, Block 1, Plan 9512251 as shown on the attached Schedule "A" be designated RESIDENTIAL MEDIUM DENSITY (R-MD).
2. That the amendments to Bylaw No. 14/12, being the Land Use Bylaw, make use of formatting that maintains the consistency of the portions of the Bylaw being amended.
3. That the Land use Districts map of the City of Brooks Land Use Bylaw 14/12 be amended to reflect this designation.
4. Bylaw 14/12, being the Land Use Bylaw, is hereby amended and a consolidated version of the Land Use Bylaw reflecting the amendment is authorized to be prepared.
5. That this Bylaw shall take effect upon final passing thereof.

Read a first time this 3rd day of February, 2025.

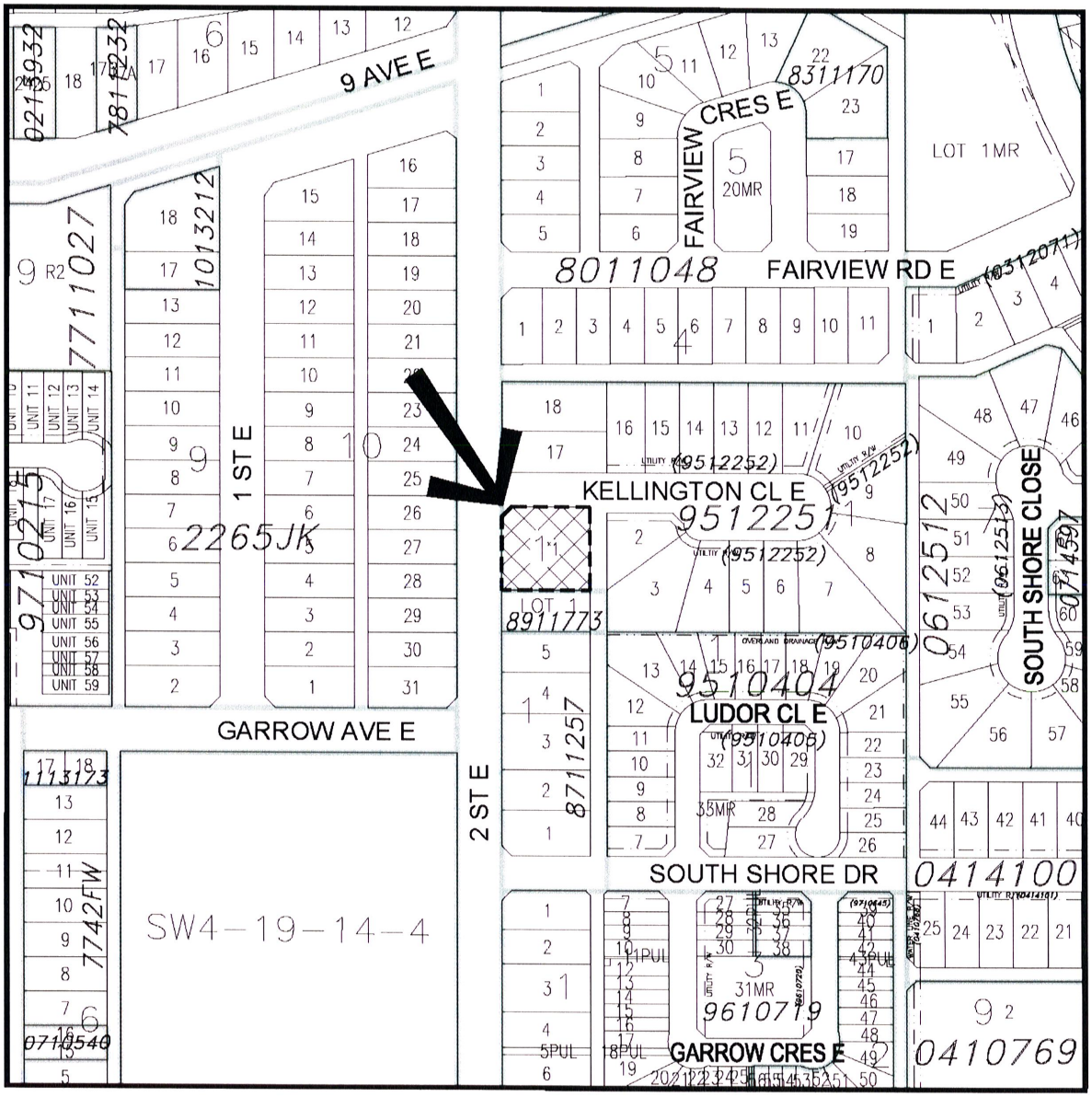
Read a second time this 18th day of February, 2025.

Read a third time and finally passed this 18th day of February, 2025.

Mayor

Chief Administrative Officer

SCHEDULE "A"



LAND USE DISTRICT REDESIGNATION
SCHEDULE 'A'

FROM: Residential Single Detached R-SD
TO: Residential Medium Density R-MD

LOT 1, BLOCK 1, PLAN 9512251 WITHIN
SW 1/4 SEC 4, TWP 19, RGE 14, W 4 M
MUNICIPALITY: CITY OF BROOKS
DATE: JANUARY 22, 2025

Bylaw #: 25/08
Date:

OLDMAN RIVER REGIONAL SERVICES COMMISSION

0 Metres 50 100 150 200

January 22, 2025 N:\Newell-County\Brooks\Brooks LUD & Land Use Redesignations\City of Brooks - Bylaw 25-08 - Lot 1, Block 1, Plan 9512251.dwg

MAP PREPARED BY:
OLDMAN RIVER REGIONAL SERVICES COMMISSION
3105 16th AVENUE NORTH, LETHBRIDGE, ALBERTA T1H 5E8
TEL. 403-329-1344
"NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"

CITY OF BROOKS
BYLAW NO. 25/11

A BYLAW OF THE CITY OF BROOKS IN THE PROVINCE OF ALBERTA TO AMEND BYLAW 14/12 BEING THE LAND USE BYLAW.

WHEREAS, it is desirable to amend Bylaw No. 14/12 being the Land Use Bylaw for the City of Brooks;

AND WHEREAS the purpose of the proposed amendment is to redesignate land legally described as:

PORTION OF NE 1/4 SEC 33, TWP 18, RGE 14, W 4 M

from "PUBLIC RECREATION AND OPEN SPACE (P-OS)"

to "COMMERCIAL GENERAL (C-G)"

as shown on the map in Schedule 'A' attached hereto to accommodate commercial development;

AND WHEREAS a Public Hearing, as required by Section 692 of the Municipal Government Act, will be held prior to second reading of this Bylaw;

NOW, THEREFORE the Council of the City of Brooks in the Province of Alberta hereby enacts as follows:

1. The land described as PORTION OF NE 1/4 SEC 33, TWP 18, RGE 14, W 4 M as shown on the attached Schedule 'A' be designated COMMERCIAL GENERAL (C-G).
2. That the amendments to Bylaw No. 14/12, being the Land Use Bylaw, make use of formatting that maintains the consistency of the portions of the Bylaw being amended.
3. That the Land use Districts map of the City of Brooks Land Use Bylaw 14/12 be amended to reflect this designation.
4. Bylaw 14/12, being the Land Use Bylaw, is hereby amended and a consolidated version of the Land Use Bylaw reflecting the amendment is authorized to be prepared.
5. That this Bylaw shall take effect upon final passing thereof.

Read a first time this 7th day of April, 2025.

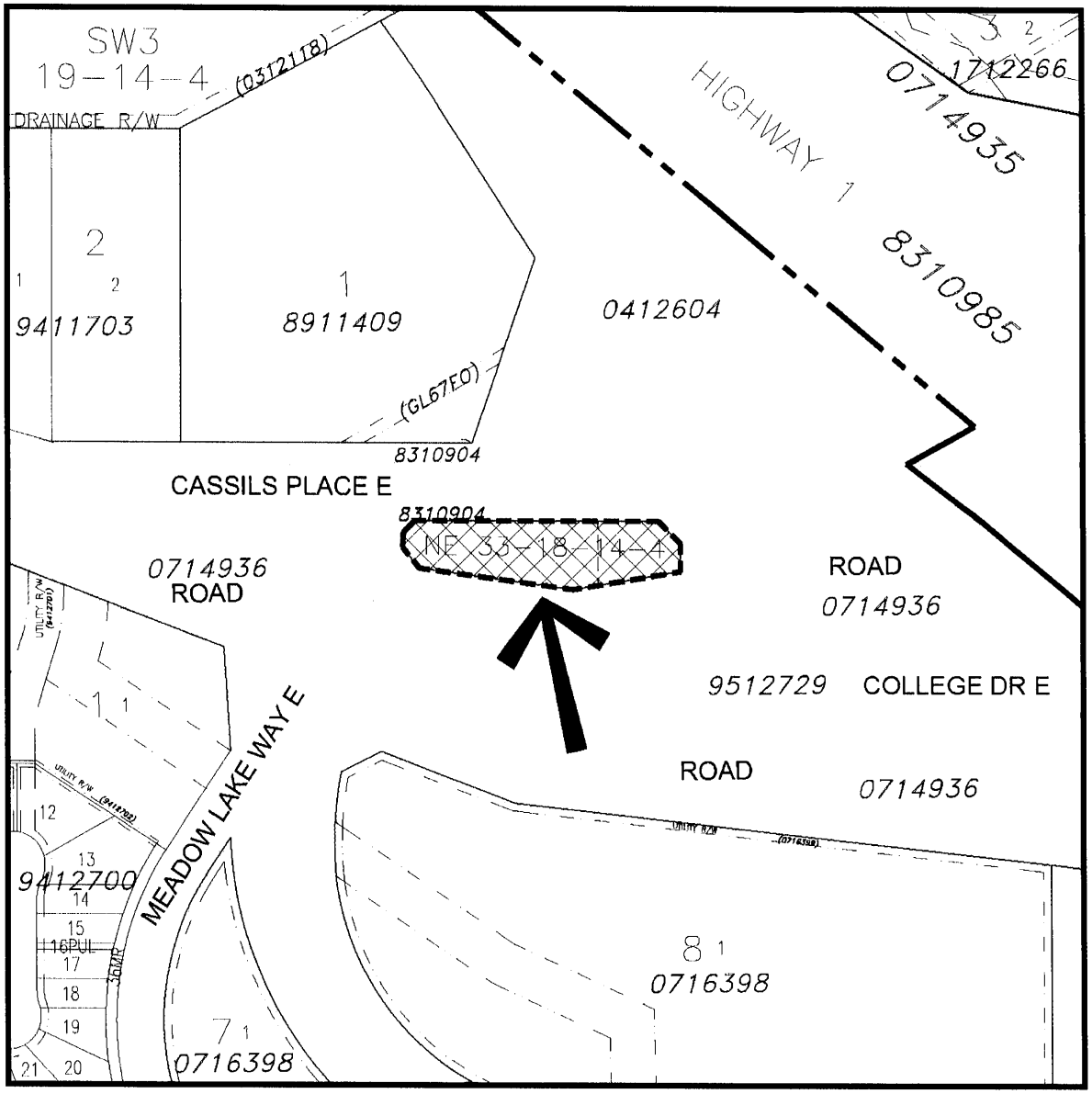
Read a second time this 5th day of May, 2025.

Read a third time and finally passed this 5th day of May, 2025.

Mayor

Interim Chief Administrative Officer

SCHEDULE "A"



LAND USE DISTRICT REDESIGNATION
SCHEDULE 'A'

FROM: Public Recreation and Open Space P-OS
TO: Commercial General C-G

PORTION OF NE 1/4 SEC 33, TWP 18, RGE 14, W 4 M
MUNICIPALITY: CITY OF BROOKS
DATE: MARCH 19, 2025

Bylaw #: 25/11
Date: _____

OLDMAN RIVER REGIONAL SERVICES COMMISSION

0 Metres 50 100 150 200

March 19, 2025 N:\Newell-County\Brooks\Brooks LUD & Land Use Redesignations\City of Brooks - Portion of NE33-18-14-4.dwg

MAP PREPARED BY:
OLDMAN RIVER REGIONAL SERVICES COMMISSION
3105 16th AVENUE NORTH, LETHBRIDGE, ALBERTA T1H 5E8
TEL. 403-329-1344
"NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"

CITY OF BROOKS
BYLAW NO. 25/19

A BYLAW OF THE CITY OF BROOKS IN THE PROVINCE OF ALBERTA TO AMEND BYLAW 14/12 BEING THE LAND USE BYLAW.

WHEREAS, it is desirable to amend Bylaw No. 14/12 being the Land Use Bylaw for the City of Brooks;

AND WHEREAS the purpose of the proposed amendment is to redesignate land legally described as:

PORTION OF SE 1/4 SEC 4, TWP 19, RGE 14, W 4 M

from "Direct Control (DC)"

to "COMMERCIAL GENERAL (C-G)" and "PUBLIC RECREATION AND OPEN SPACE (P-OS)"

as shown on the map in Schedule 'A' attached hereto to accommodate commercial development;

AND WHEREAS a Public Hearing, as required by Section 692 of the Municipal Government Act, will be held prior to second reading of this Bylaw;

NOW, THEREFORE the Council of the City of Brooks in the Province of Alberta hereby enacts as follows:

1. The land described as PORTION OF SE 1/4 SEC 4, TWP 19, RGE 14, W 4 M as shown on the attached Schedule 'A' be designated COMMERCIAL GENERAL (C-G) and PUBLIC RECREATION AND OPEN SPACE (P-OS).
2. That the amendments to Bylaw No. 14/12, being the Land Use Bylaw, make use of formatting that maintains the consistency of the portions of the Bylaw being amended.
3. That the Land use Districts map of the City of Brooks Land Use Bylaw 14/12 be amended to reflect this designation.
4. Bylaw 14/12, being the Land Use Bylaw, is hereby amended and a consolidated version of the Land Use Bylaw reflecting the amendment is authorized to be prepared.
5. That this Bylaw shall take effect upon final passing thereof.

Read a first time this 16th day of June, 2025.

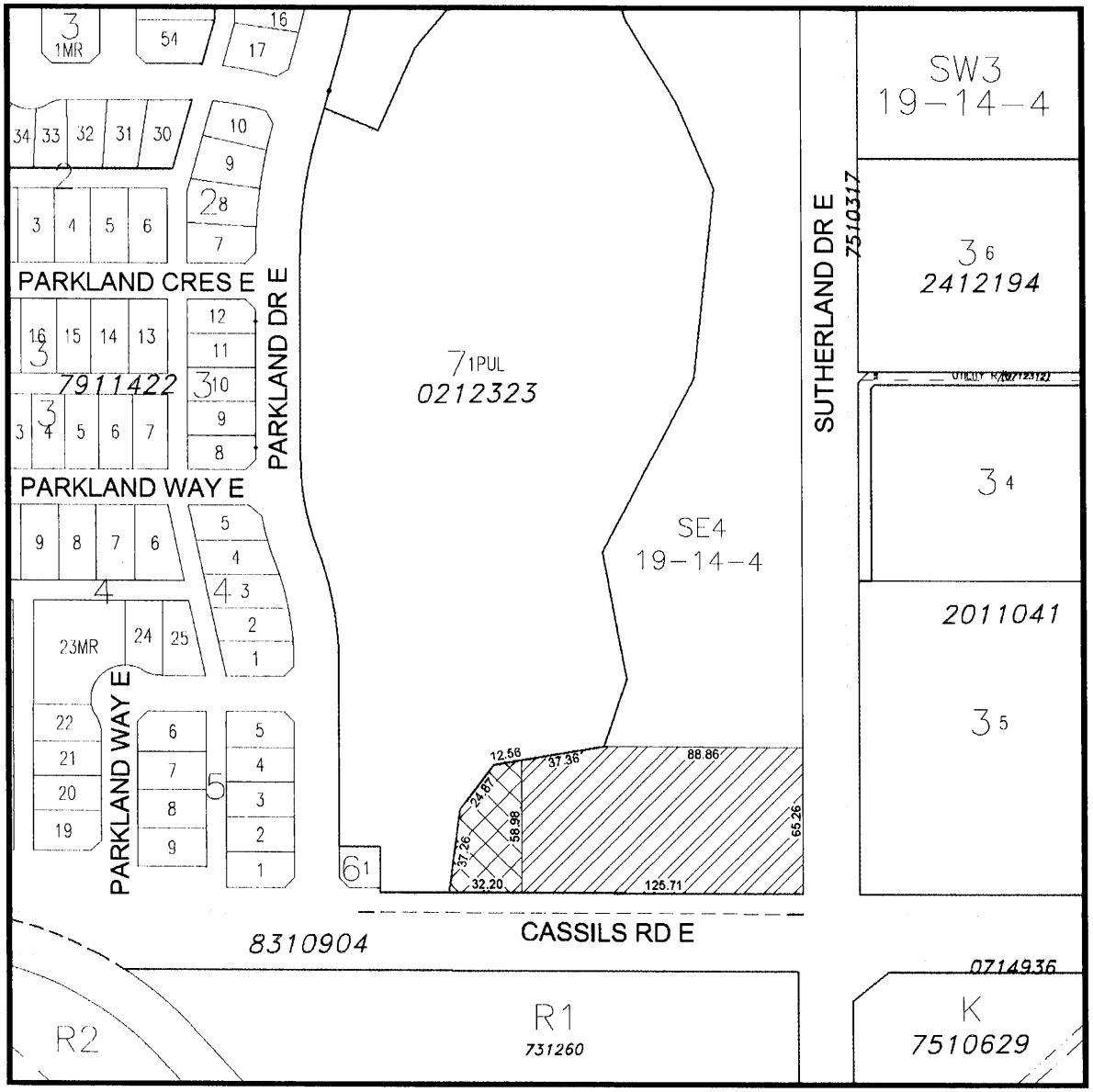
Read a second time this 7th day of July, 2025.

Read a third time and finally passed this 7th day of July, 2025.

Mayor

Interim Chief Administrative Officer

SCHEDULE "A"



LAND USE DISTRICT REDESIGNATION
SCHEDULE 'A'

Bylaw #: _____
Date: _____

FROM: Direct Control DC
TO: Public Recreation and Open Space P-OS

FROM:Direct Control DC
TO: Commercial General C-G

PORTION OF SE 1/4 SEC 4, TWP 19, RGE 14, W 4 M
SEE SUBDIVISION FILE NO. 2025-0-104
MUNICIPALITY: CITY OF BROOKS
DATE: JUNE 10, 2025

MAP PREPARED BY:
OLDMAN RIVER REGIONAL SERVICES COMMISSION
3105 16th AVENUE NORTH, LETHBRIDGE, ALBERTA T1H 5E8
TEL. 403-329-1344
"NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"

OLDMAN RIVER REGIONAL SERVICES COMMISSION

0 Metres 50 100 150 200

June 10, 2025 N:\Newell-County\Brooks\Brooks LUD & Land Use Redesignations\City of Brooks - Portions of SE4-19-14-4.dwg

CITY OF BROOKS
BYLAW NO. 25/21

A BYLAW OF THE CITY OF BROOKS IN THE PROVINCE OF ALBERTA TO AMEND BYLAW 14/12 BEING THE LAND USE BYLAW.

WHEREAS, it is desirable to amend Bylaw No. 14/12 being the Land Use Bylaw for the City of Brooks;

AND WHEREAS the purpose of the proposed amendment is to redesignate land legally described as:

Plan 4215JK Block 4 Lot 20

from "RESIDENTIAL SINGLE DETACHED (R-SD)"

to "RESIDENTIAL LOW DENSITY (R-LD)"

as shown on the map in Schedule 'A' attached hereto to accommodate commercial development;

AND WHEREAS a Public Hearing, as required by Section 692 of the Municipal Government Act, will be held prior to second reading of this Bylaw;

NOW, THEREFORE the Council of the City of Brooks in the Province of Alberta hereby enacts as follows:

1. The land described as Plan 4215JK Block 4 Lot 20 as shown on the attached Schedule 'A' be designated RESIDENTIAL LOW DENSITY (R-LD).
2. That the amendments to Bylaw No. 14/12, being the Land Use Bylaw, make use of formatting that maintains the consistency of the portions of the Bylaw being amended.
3. That the Land use Districts map of the City of Brooks Land Use Bylaw 14/12 be amended to reflect this designation.
4. Bylaw 14/12, being the Land Use Bylaw, is hereby amended and a consolidated version of the Land Use Bylaw reflecting the amendment is authorized to be prepared.
5. That this Bylaw shall take effect upon final passing thereof.

Read a first time this 2nd day of September, 2025.

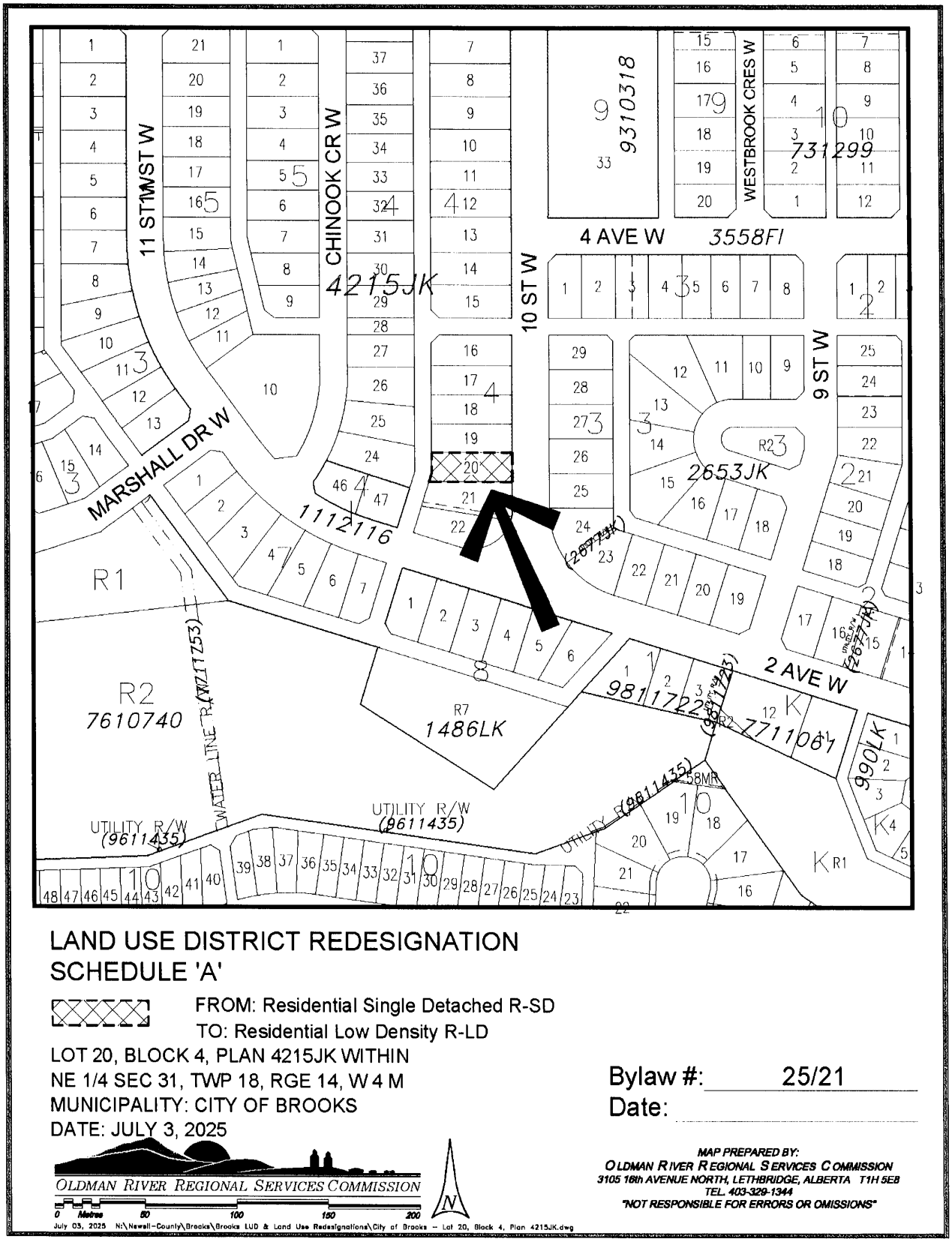
Read a second time this 6th day of October, 2025.

Read a third time and finally passed this 6th day of October, 2025.

Mayor

Chief Administrative Officer

SCHEDULE "A"



LAND USE DISTRICT REDESIGNATION
SCHEDULE 'A'

FROM: Residential Single Detached R-SD
TO: Residential Low Density R-LD

LOT 20, BLOCK 4, PLAN 4215JK WITHIN
NE 1/4 SEC 31, TWP 18, RGE 14, W 4 M
MUNICIPALITY: CITY OF BROOKS
DATE: JULY 3, 2025

Bylaw #: 25/21
Date:

OLDMAN RIVER REGIONAL SERVICES COMMISSION
0 Metres 50 100 150 200
July 03, 2025 N:\Newell-County\Brooks\Brooks LUD & Land Use Redesignations\City of Brooks – Lot 20, Block 4, Plan 4215JK.dwg

MAP PREPARED BY:
OLDMAN RIVER REGIONAL SERVICES COMMISSION
3105 16th AVENUE NORTH, LETHBRIDGE, ALBERTA T1H 5E8
TEL. 403-329-1344
"NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"

CITY OF BROOKS
BYLAW NO. 25/22

A BYLAW OF THE CITY OF BROOKS IN THE PROVINCE OF ALBERTA TO AMEND BYLAW 14/12 BEING THE LAND USE BYLAW.

WHEREAS, it is desirable to amend Bylaw No. 14/12 being the Land Use Bylaw for the City of Brooks;

AND WHEREAS the purpose of the proposed amendment is to redesignate land legally described as:

Plan 9311193 Block 2

from "PUBLIC RECREATION AND OPEN SPACE (P-OS)"

to "PUBLIC AND QUASI-PUBLIC SERVICE (P-PS)"

as shown on the map in Schedule 'A' attached hereto to accommodate commercial development;

AND WHEREAS a Public Hearing, as required by Section 692 of the Municipal Government Act, will be held prior to second reading of this Bylaw;

NOW, THEREFORE the Council of the City of Brooks in the Province of Alberta hereby enacts as follows:

1. The land described as Plan 9311193 Block 2 as shown on the attached Schedule 'A' be designated PUBLIC AND QUASI-PUBLIC SERVICE (P-PS).
2. That the amendments to Bylaw No. 14/12, being the Land Use Bylaw, make use of formatting that maintains the consistency of the portions of the Bylaw being amended.
3. That the Land use Districts map of the City of Brooks Land Use Bylaw 14/12 be amended to reflect this designation.
4. Bylaw 14/12, being the Land Use Bylaw, is hereby amended and a consolidated version of the Land Use Bylaw reflecting the amendment is authorized to be prepared.
5. That this Bylaw shall take effect upon final passing thereof.

Read a first time this 2nd day of September, 2025.

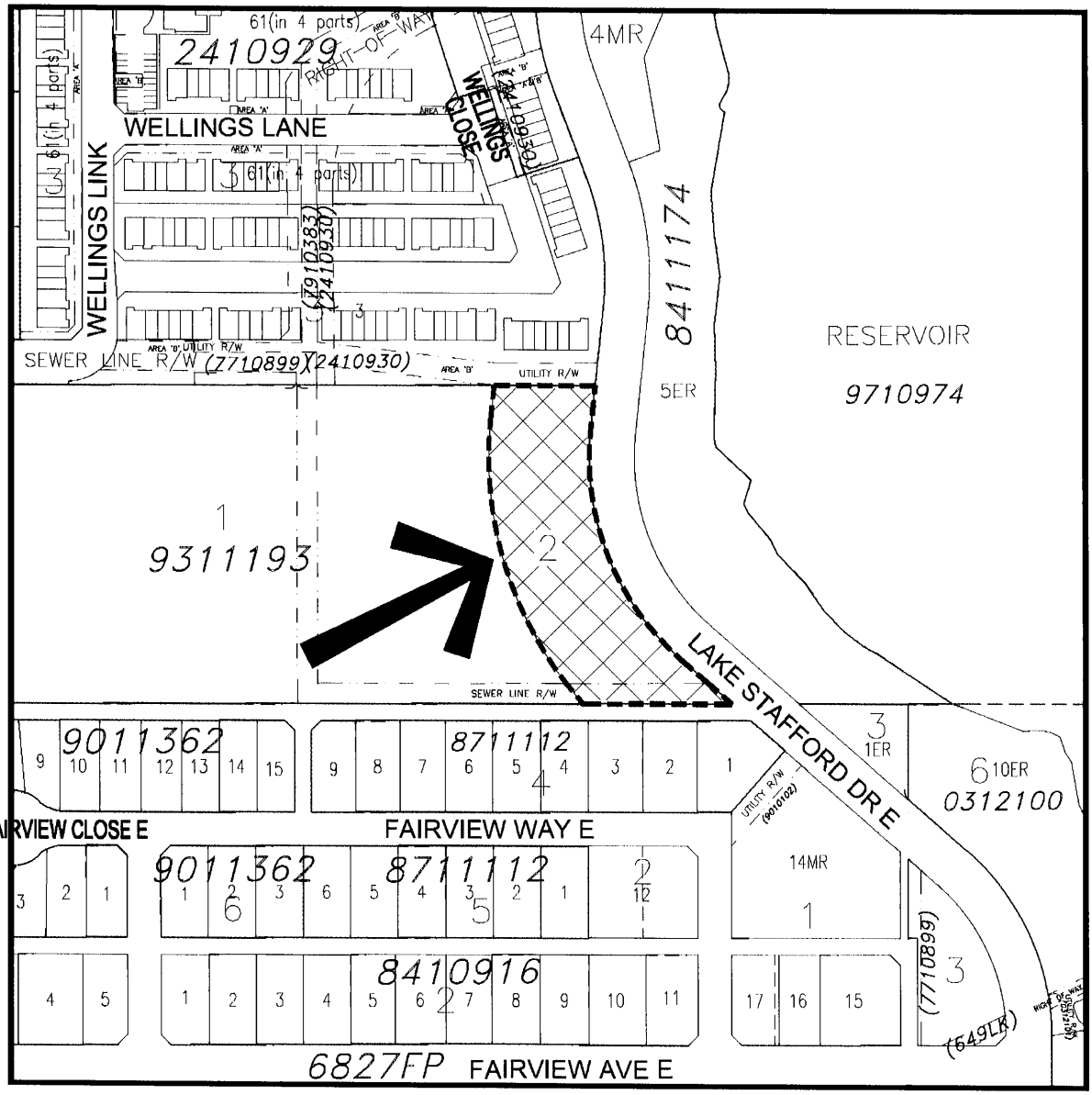
Read a second time this 6th day of October, 2025.

Read a third time and finally passed this 6th day of October, 2025.

Mayor

Chief Administrative Officer

SCHEDULE "A"



LAND USE DISTRICT REDESIGNATION
SCHEDULE 'A'

FROM: Public Recreation and Open Space P-OS
TO: Public and Quasi-Public Service P-PS

BLOCK 2, PLAN 9311193 WITHIN
NW 1/4 SEC 4, TWP 19, RGE 14, W 4 M
MUNICIPALITY: CITY OF BROOKS
DATE: JULY 25, 2025

Bylaw #: 25/22
Date: _____

MAP PREPARED BY:
OLDMAN RIVER REGIONAL SERVICES COMMISSION
3105 16th AVENUE NORTH, LETHBRIDGE, ALBERTA T1H 5E8
TEL. 403-329-1344
"NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"

OLDMAN RIVER REGIONAL SERVICES COMMISSION
0 Metres 50 100 150 200
July 25, 2025 N:\Newell-County\Brooks\Brooks LUD & Land Use Redesignations\
City of Brooks - Block 2, Plan 9311193.dwg

CITY OF BROOKS
BYLAW NO. 26/004

A BYLAW OF THE CITY OF BROOKS IN THE PROVINCE OF ALBERTA TO AMEND BYLAW 14/12 BEING THE LAND USE BYLAW.

WHEREAS, it is desirable to amend Bylaw No. 14/12 being the Land Use Bylaw for the City of Brooks;

AND WHEREAS the purpose of the proposed amendment is to define the Subdivision Authority and redefine the Development Authority and its role in decision making in the City of Brooks as shown in Schedule 'A' attached hereto;

AND WHEREAS a Public Hearing, as required by Section 692 of the *Municipal Government Act*, will be held prior to second reading of this Bylaw;

NOW, THEREFORE the Council of the City of Brooks in the Province of Alberta hereby enacts as follows:

1. The textual changes as shown in the attached Schedule 'A' be adopted.
2. That the amendments to Bylaw No. 14/12, being the Land Use Bylaw, make use of numbering and formatting that maintains the consistency of the portions of the Bylaw being amended.
3. Bylaw 14/12, being the Land Use Bylaw, is hereby amended and a consolidated version of the Land Use Bylaw reflecting the amendment is authorized to be prepared.
4. That this Bylaw shall take effect upon final passing thereof.

Read a first time this 26th day of January, 2026.

Read a second time this 23rd day of March, 2026.

Read a third time and finally passed this 23rd day of March, 2026.

Mayor

Chief Administrative Officer

SCHEDULE "A"

1. Revise the Table of Contents to match following amendments.

2. Revise the Administration Section as follows:

SECTION 13 DEVELOPMENT AUTHORITY

13.1 The Development Authority is established in accordance with the Development Authority Bylaw and amendments thereto and consists of:

(a) the Development Officer as a Designated Officer authorized by Council in accordance with sections 210 of the *Municipal Government Act (MGA)*, while carrying out municipal functions or duties under the Development Authority Bylaw where applicable by resolution of Council and the *MGA*; and

(b) Council in Direct Control Districts, unless authority has been specifically delegated by bylaw or resolution to a Designated Officer.

13.2 In the absence of the Development Officer, the following are authorized to act in the capacity of Development Officer:

(a) Chief Administrative Officer, or

(b) a designate(s) in accordance with the *MGA.*

SECTION 14 DEVELOPMENT OFFICER – POWERS AND DUTIES

14.1 The Development Officer is a Designated Officer and is an authorized person in accordance with sections 210 of the *MGA* and the Development Authority Bylaw included in Appendix C.

14.3 The Development Officer:

(a) shall receive all development applications and shall review each application to ensure that it is complete in accordance with the requirements of this bylaw and the MGA;

(b) shall collect the fees payable for each development permit application in accordance with Appendix B "Fees" which has been established by resolution of Council;

(c) may require a development permit applicant to supply information other than prescribed in this bylaw if such information is deemed to be necessary for consideration of the development application;

(d) shall not process a development application until it is deemed complete and the Development Officer is satisfied that all requirements have been met;

(e) may, as a condition of issuing a development permit, require the applicant to provide security in the form of a certified cheque, irrevocable Letter of Credit or other security acceptable to the Development Officer, to ensure the terms and conditions attached to the development permit are carried out;

(f) shall consider and decide upon applications for development permits as described in this bylaw and the MGA, except as provided in subsections (g);

(g) shall refer all development permit applications in a Direct Control district to Council for a decision, unless Council has specifically delegated approving authority to the Development Officer, or another Designated Officer;

(h) shall keep and maintain, for the inspection of the general public, a copy of this bylaw including all amendments, and shall ensure that copies of the same are available to the general public on the City of Brooks official website;

(i) shall keep on file and make available for inspection by the general public all completed applications for development permits, including the decisions thereon; and

(j) shall perform any other powers and duties as are specified in this bylaw, the Development Authority Bylaw, the MGA or by resolution of Council.

SECTION 18 COUNCIL

18.1 Council shall be responsible for considering and deciding upon development permit applications within any Direct Control district, except where the decision making authority has been delegated to the Development Officer.

18.2 Council shall be responsible for considering and deciding upon subdivision applications within any Direct Control district, except where the decision making authority has been delegated to the Development Officer.

18.3 Council shall be responsible for considering and deciding upon requests for time extensions on subdivision approvals in accordance with section 657 of the *MGA*.

SECTION 19 ESTABLISHMENT OF LAND USE DISTRICTS

19.4 A land use that is not listed as a permitted or discretionary use but which is reasonably similar in character and purpose to a permitted or discretionary use in that district may be deemed a similar use by the Development Authority in accordance with Section 35 (Similar and Prohibited Uses).

SECTION 21 SUITABILITY OF SITES

21.2 Nothing in this section shall prevent the Development Officer~~,~~ from issuing a development permit or the Subdivision Authority approving a subdivision if the Development Officer or Subdivision Authority is satisfied that there is no risk to persons or property or that these concerns will be met by appropriate engineering measures or other mitigating measures and approvals from provincial and/or federal agencies have been obtained, as applicable.

SECTION 24 NON-CONFORMING BUILDINGS AND USES

24.6 If a non-conforming building is damaged or destroyed by more than 75 percent of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with this bylaw.

24.7 The land use or the use of a building is not affected by a change of ownership or tenancy of the land or building.

SECTION 26 NON-CONFORMING LOT VARIANCES

26.1 Where a proposed lot contains different dimensions than those prescribed within the land use district in effect, or will result in an existing or future building not conforming with the height or setback requirements prescribed within the district in effect, a variance may be approved where, in the opinion of the Development Officer the noncompliance with the district regulations is:

(a) minor in nature;

(b) consistent with the general character of the area; and

(c) does not interfere with the use, enjoyment or value of the neighbouring properties.

SECTION 29 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

29.2 This section does not negate the requirement of obtaining all required permits, as applicable, under the Alberta Safety Codes Act and any other provincial or federal statute.

29.3 The following shall not require a development permit, provided that the proposed development complies with the applicable provisions of this bylaw:

(a) accessory buildings up to 10 m2 in residential districts, provided they meet all other requirements as set forth in this bylaw;

(b) accessory buildings up to 60 m2 in all other districts, provided they meet all other requirements as set forth in Schedules 2 to 4 of this bylaw;

(c) interior or exterior renovations to a building which do not:

- Create another dwelling unit;
- Increase parking requirements;
- Result in the change of use of a building; or
- Increase the square footage (increase density).

SECTION 32 PERMITTED USE APPLICATIONS

32.1 Upon receipt of a complete application for a development permit for a permitted use that conforms with this bylaw, the Development Officer shall approve a development permit with or without conditions, including the provision of a development agreement pursuant to the *MGA*.

32.2 Upon receipt of a complete application for a permitted use that requests a variance the Development Officer shall refer to Administration Section 36 (Variance to Bylaw Provisions).

SECTION 33 DISCRETIONARY USE APPLICATIONS

33.1 Upon receipt of a completed application under Section 31, the Development Authority shall as required in this bylaw, notify the owners of the land likely to be affected by the issue of a development permit in accordance with Section 38 (Notification of Adjacent Landowners and Persons Likely to be Affected).

33.2 The Development Authority may place any of the following conditions on a development permit for a discretionary use:

(a) require the applicant to enter into a development agreement pursuant to the *MGA*, as prescribed in this bylaw;

(b) the provision of security in the form of a certified cheque, irrevocable Letter of Credit or other security acceptable to the Development Authority;

(c) alteration of a structure or building size or location to ensure any setback requirements of this bylaw or the Subdivision and Development Regulation can be met;

(d) time periods stipulating completion of development;

(e) easements and/or encroachment agreements required as a result of the development;

(f) the application of an increased setback to any minimum required setback if determined to be necessary where an adjacent use may be considered to be otherwise negatively impacted, and the increased setback would serve to improve the suitability of the proposed use at the subject location, with consideration for the local context;

(g) the property owner/developer is to repair or reinstate or pay for the repair or reinstatement to original condition, of any City owned infrastructure, including but not limited to, street furniture, curbing, sidewalk, boulevard landscaping and tree planting that may be damaged or destroyed or otherwise harmed by development or/and building operations upon the site. All repair and reinstatement work must be completed by a City approved contractor. The property owner/developer must notify the City if they are going to have to destroy or replace any City owned infrastructure;

(h) provision of vehicular and pedestrian access and public utilities other than telecommunication systems or works;

(i) obtain any other approval, permit, authorization, consent or license that may be required to develop or service the affected land;

(j) requirement of a lot or construction stakeout conducted by approved surveyor or agent;

(k) any measure required to ensure compliance with applicable federal, provincial and/or municipal legislation and approvals; and

(l) any other conditions necessary to ensure compliance with this bylaw and any other statutory plans brought into force by the City of Brooks.

33.4 After considering any response to the notifications to owners likely to be affected by the development and, as applicable, any comment received at a development hearing, the Development Authority may issue a development permit with or without conditions or may refuse to issue a development permit stating the reasons.

SECTION 34 DIRECT CONTROL DISTRICT APPLICATIONS

34.1 Upon receipt of a complete application for a development permit in a Direct Control District, the Development Officer:

(a) shall refer the application to Council for a decision, except where the decision making authority has been delegated to the Development Authority; and

(b) may notify adjacent landowners and other persons likely to be affected in accordance with Section 38 (Notification of Adjacent Landowners and Persons Likely to be Affected) if directed by Council.

SECTION 35 SIMILAR AND PROHIBITED USES

35.1 Where a use is applied for which is not specifically considered in any land use district or defined elsewhere in the Land Use Bylaw, but is similar in character and purpose to another use that is permitted or discretionary in the land use district in which such use is proposed, the Development Authority shall determine and make a ruling on the proposed use as to its similarity to a permitted or discretionary use in the district.

35.2 If the use is not deemed similar to a permitted or discretionary use listed in the land use district in which it is proposed, the development permit shall be refused.

35.3 If the use is deemed similar, the proposed use shall be reviewed by the Development Authority who after notifying adjacent landowners and other persons likely to be affected in accordance with Section 38 (Notification of Adjacent Landowners and Persons Likely to be Affected) will render a decision on the application.

35.4 Given the above, if the application is approved by the Development Authority, a development permit shall be issued in accordance with Section 39 (Notice of Decision).

35.5 Where a use is not listed in a land use district as either discretionary or permitted and is not deemed similar in nature in accordance with Section 35.1, then that use is prohibited.

SECTION 36 VARIANCE TO BYLAW PROVISIONS

36.1 In accordance with section 640(6) of the *MGA*, the Development Officer may approve, with or without conditions, a development permit even though the proposed development 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; and

(b) the proposed development conforms with the use prescribed for that land or building in this bylaw.

36.2 Upon receipt of a completed application for a development permit for a permitted or a discretionary use that requests an unlimited variance to any measurable standards of this bylaw, the Development Officer may grant the variance and issue the development permit with or without conditions if, in the opinion of the Development Officer, the variance would meet the requirements of the *MGA* as outlined in Section 36.1(a) and (b).

36.3 Upon receipt of a completed application for a development permit for a permitted or a discretionary use that requests a variance to required number of parking stalls, the Development Officer may grant a variance no greater than 50% of the minimum required off-street parking and issue the development permit with or without conditions if, in the

opinion of the Development Officer, the variance would meet the requirements of the *MGA* as outlined in Section 36.1(a) and (b).

36.4 Upon receipt of a completed application for a permitted or a discretionary use that requests a variance, the Development Officer shall notify adjacent landowners and persons likely to be affected in accordance with Administration Section 38 (Notification of Adjacent Landowners and Persons Likely to be Affected) where:

(a) a requested variance for parking exceeds 25% of the minimum required off-street parking standard; or

(b) a requested variance exceeds 50% to any measurable standards for new development.

SECTION 37 LIMITATIONS ON VARIANCE PROVISIONS

37.1 In approving an application for a development permit, the Development Officer shall adhere to the general purpose and intent of the appropriate land use district, Administration Section 26, and to the following:

(a) a variance for the purposes of having existing buildings and structures comply with the requirements of this bylaw shall be considered in the context the neighbourhood, adjacent uses and the impacts to neighbouring properties;

(b) a variance of measurable standards of the bylaw shall be considered in cases of unnecessary hardship or practical difficulties to the use, character, or situation of land or buildings which are not generally common to other land or buildings in the same land use district;

(c) where a variance is considered that will reduce the setback from any road as defined in the *MGA*, the Development Authority shall consider all future road construction needs of the municipality as well as the transportation requirements of the parcel(s) or lot(s) affected.

37.2 Despite Section 36, the Development Officer shall not grant a variance for the following:

(a) density regulations;

(b) distances and requirements of the Subdivision and Development Regulations;

(c) any applicable standard of the land use bylaw, if a section or policy specifically states that the standard is not to be waived or varied; or

(d) requirements of any local, provincial or national building or construction standards.

SECTION 38 NOTIFICATION OF ADJACENT LANDOWNERS AND PERSONS LIKELY TO BE AFFECTED

38.1 Where notification of adjacent landowners and persons likely to be affected is required as set forth in sections 606, 606.1 and 640 of the *MGA* and have been determined to be required by the Development Authority or Council, the Development Officer shall, at least five (5) days, excluding weekends and holidays, preceding the date of consideration by the Development Authority or Council:

(a) provide notice of the complete application to the applicant in writing by mail or email;

(b) provide notice of the application to ~~adjacent~~ landowners within 100m (328.1 ft) of the subject parcel and persons likely to be affected by undertaking the preferred method of:

(i) mailing or hand delivering the notice;

or, if the preferred method is not practicable, as determined by the development officer, by undertaking any one or more of the following:

(ii) placing a notice on any other form of digital media that is accessible by adjacent landowners and persons likely to be affected; or

(iii) placing a notice on the property in a location where the notice is visible and readable from a public right-of-way; and, if deemed necessary; or

(iv) placing a notice on the City's website; and/or

(v) placing an advertisement in a newspaper circulating within the City.

SECTION 42 DEVELOPMENT PERMIT VALIDITY

42.4 The Development Officer may attach a condition to a permit approval to limit the time frame that any development permit is valid for. If a time limit is applied to a development permit, the following conditions may also be applied:

(a) the applicant or developer is liable for any costs involved in the cessation or removal of any development at the expiration of the permitted period;

(b) the applicant may be required to submit an irrevocable Letter of Credit, performance bond or other acceptable form of security guaranteeing the cessation or removal of the non-permanent use; and

(c) any other conditions as deemed necessary.

SECTION 44 REAPPLICATION FOR A DEVELOPMENT PERMIT

44.1 If an application for a development permit is refused by the Development Officer, or the Subdivision and Development Appeal Board, the submission of another application for a development permit on the same parcel of land for the same or for a similar use of the land may not be accepted by the Development Officer for at least six (6) months after the date of refusal.

SECTION 45 SUSPENSION OR CANCELLATION OF A PERMIT

45.1 If, after a development permit has been issued, the Development Officer determines that:

(a) the application for the development permit contained a misrepresentation, or

(b) facts were not disclosed which should have been at the time of consideration of the application for the development permit; or

(c) the development permit was issued in error; or

(d) the applicant withdrew the application by way of written notice; or

(e) the applicant's development has deviated from what was approved;

the Development Officer may suspend or cancel the development permit by notice in writing to the holder of it stating the reasons for any suspension or cancellation.

45.4 If a development permit is suspended or cancelled, the Subdivision and Development Appeal Board shall review the application if an appeal is filed by the applicant and either:

(a) reinstate the development permit; or

(b) cancel the development permit if the Development Officer would not have issued the development permit if the facts subsequently disclosed had been known during the consideration of the application; or

(c) reinstate the development permit and impose such other conditions as are considered necessary to ensure that this bylaw or any statutory plan is complied with.

SECTION 50 SUBDIVISION AND DEVELOPMENT APPEALS

50.1 Any person applying for a development permit or any other person affected by an order, decision or development permit made or issued by the Development Officer may appeal such an order or decision to the Subdivision and Development Appeal Board in accordance with the procedures described in the *MGA*.

50.3 Notwithstanding Section 50.1, there is no avenue for an appeal if the application was made on lands zoned as Direct Control, if the decision was made by Council. If the decision was made by the Development Officer as a delegated authority of Council, the appeal is limited to whether the Development Authority followed the directions of Council, as per section 641 of the *MGA*.

3. Revise Schedule 2 Direct Control District as follows:

SECTION 2: USES

All proposed uses are to the discretion of Council unless such authority has been delegated to the Development Authority as per Section 2, sub-section 2.1(3) of the Administrative section of this bylaw.

SECTION 5: APPEALS

As indicated in Section 3 (Development Permit Rules and Procedures), sub-section 3.21(2) of this bylaw, there is no avenue of appeal on decisions made by Council for lands districted as Direct Control. If Council has delegated authority to the Development Authority, the appeal is limited in scope to whether or not the delegated authority followed the directions of Council.

SECTION 7: APPLICABLE SCHEDULES

Any schedule or section of this bylaw may be applied to any development proposed on a Direct Control lot to the discretion of Council, or the Development Authority if such authority has been delegated as per this bylaw.

4. Revise Schedule 3 General Standards as follows:

SECTION 74: PROHIBITIONS

74.2 USES NOT LISTED

If a use is not listed in the permitted or discretionary uses list of a land use district, and a use that is not listed is not deemed a similar use by the Development Authority, the use is considered prohibited and shall not occur in the associated land use district.

5. Revise Schedule 4 Use Specific Standards as follows:

85.3 DAY CARES

All day care facilities may be approved subject to the following conditions and requirements:

(1) If determined by the Designated Officer, the applicant for a day care may be required to meet and consult with all adjacent land owners in the vicinity of where the use is proposed;

SECTION 88: INDUSTRIAL PERFORMANCE STANDARDS

88.2 GENERAL REQUIREMENTS

(2) No process involving the use of solid fuel is permitted, except the use of waste disposal incinerators of a design approved by the Development Authority;

89.4 MANUFACTURED HOME PARKS

Prior to the issuance of a Development Permit for a manufactured home park, the Development Authority shall receive and adopt by resolution a comprehensive plan for the park. A comprehensive plan shall be in accordance with, but not necessarily limited to, the following:

SECTION 91: MODULAR HOMES

91.2 GENERAL REQUIREMENTS

(1) The Designated Officer shall issue a development permit for a modular home provided that:

(2) As a condition of approval the Designated Officer, at their discretion, may place other conditions on a development permit, including the requirement that the developer provide landscaping, fencing, address drainage issues, or other such matters they consider necessary if, in their opinion, the conditions would serve to improve the quality or compatibility of a proposed development;

6. Revise Schedule 5 Signage Standards as follows:

SECTION 100: GENERAL STANDARDS FOR ALL SIGNS

7. Revise Schedule 6 Definitions as follows:

Development Authority means the body established by bylaw to act as the Development Authority in accordance with Sections 623(b) of the Act and may include the Development Officer or other Designated Officer, or the Council of the City of Brooks for Direct Control.

Measurable Standard means a minimum or maximum standard stipulated in this bylaw that can be expressed as a unit of measurement in terms of length, width, height, area, volume, capacity, specified numbers, angle, and any other unit as determined by the Development Authority. This definition does not include the minimum required off-street parking

Similar Use means the process where a use is applied for which is not specifically considered in any land use district or defined elsewhere in the bylaw, but is similar in character and purpose to another use that is permitted or discretionary in the land use district in which such use is proposed.

CITY OF BROOKS
BYLAW NO. 26/021

A BYLAW OF THE CITY OF BROOKS IN THE PROVINCE OF ALBERTA TO AMEND BYLAW 14/12 BEING THE LAND USE BYLAW.

WHEREAS, it is desirable to amend Bylaw No. 14/12 being the Land Use Bylaw for the City of Brooks;

AND WHEREAS the purpose of the proposed amendment is to redesignate land legally described as:

LOT 2, BLOCK K, PLAN 2511566

from "Residential Single Detached (R-SD)"

to "Residential Medium Density (R-MD)"

as shown on the map in Schedule 'A' attached hereto to accommodate residential development;

AND WHEREAS a Public Hearing, as required by Section 692 of the Municipal Government Act, will be held prior to second reading of this Bylaw;

NOW, THEREFORE the Council of the City of Brooks in the Province of Alberta hereby enacts as follows:

1. The land described as LOT 2, BLOCK K, PLAN 2511566 as shown on the attached Schedule 'A' be designated "Residential Medium Density (R-MD)".
2. That the amendments to Bylaw No. 14/12, being the Land Use Bylaw, make use of formatting that maintains the consistency of the portions of the Bylaw being amended.
3. That the Land use Districts map of the City of Brooks Land Use Bylaw 14/12 be amended to reflect this designation.
4. Bylaw 14/12, being the Land Use Bylaw, is hereby amended and a consolidated version of the Land Use Bylaw reflecting the amendment is authorized to be prepared.
5. That this Bylaw shall take effect upon final passing thereof.

Read a first time this 23rd day of March, 2026.

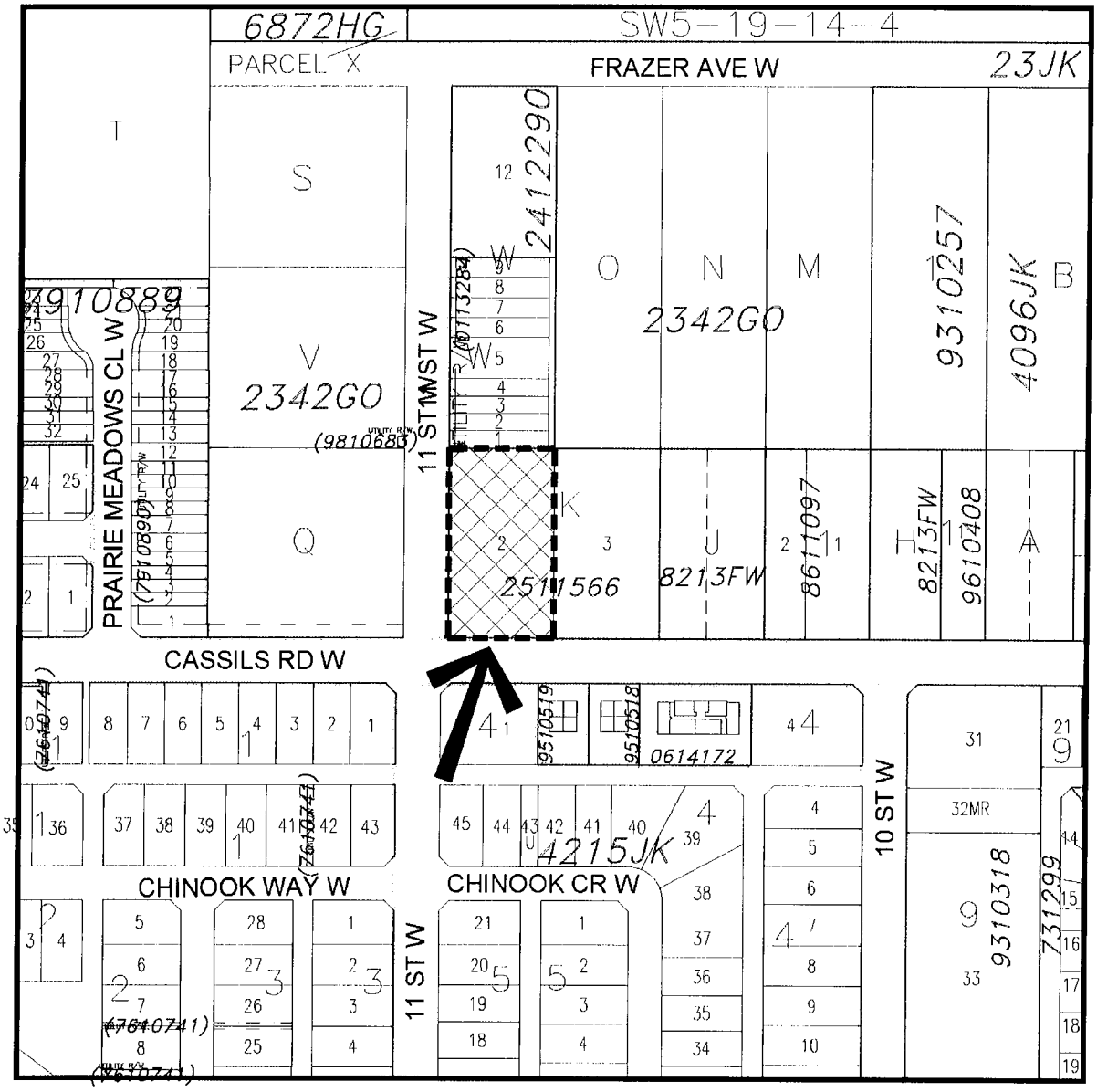
Read a second time this 13th day of April. 2026.

Read a third time and finally passed this 13th day of April, 2026.

Mayor

Chief Administrative Officer

SCHEDULE "A"



LAND USE DISTRICT REDESIGNATION
SCHEDULE 'A'

FROM: Residential Single Detached R-SD
TO: Residential Medium Density R-MD

LOT 2, BLOCK K, PLAN 2511566 WITHIN
SW 1/4 SEC 5, TWP 19, RGE 14, W 4 M
MUNICIPALITY: CITY OF BROOKS
DATE: MARCH 16, 2026

Bylaw #: 26/021
Date: _____

OLDMAN RIVER REGIONAL SERVICES COMMISSION

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March 16, 2026 N:\Newell-County\Brooks\Brooks LUD & Land Use Redesignations\City of Brooks - Lot 2 - Block K - Plan 2511566.dwg

MAP PREPARED BY:
OLDMAN RIVER REGIONAL SERVICES COMMISSION
3105 16th AVENUE NORTH, LETHBRIDGE, ALBERTA T1H 5E8
TEL 403-329-1344
"NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"

CITY OF BROOKS
BYLAW NO. 26/022

A BYLAW OF THE CITY OF BROOKS IN THE PROVINCE OF ALBERTA TO AMEND BYLAW 14/12 BEING THE LAND USE BYLAW.

WHEREAS, it is desirable to amend Bylaw No. 14/12 being the Land Use Bylaw for the City of Brooks;

AND WHEREAS the purpose of the proposed amendment is to redesignate land legally described as:

Block Q, Plan 2342GO

from "Future Urban Development (FUD)"

to "Residential High Density (R-HD)"

as shown on the map in Schedule 'A' attached hereto to accommodate residential development;

AND WHEREAS a Public Hearing, as required by Section 692 of the Municipal Government Act, will be held prior to second reading of this Bylaw;

NOW, THEREFORE the Council of the City of Brooks in the Province of Alberta hereby enacts as follows:

1. The land described as Block Q, Plan 2342GO as shown on the attached Schedule 'A' be designated Residential High Density (R-HD).
2. That the amendments to Bylaw No. 14/12, being the Land Use Bylaw, make use of formatting that maintains the consistency of the portions of the Bylaw being amended.
3. That the Land use Districts map of the City of Brooks Land Use Bylaw 14/12 be amended to reflect this designation.
4. Bylaw 14/12, being the Land Use Bylaw, is hereby amended and a consolidated version of the Land Use Bylaw reflecting the amendment is authorized to be prepared.
5. That this Bylaw shall take effect upon final passing thereof.

Read a first time this 23rd day of March, 2026.

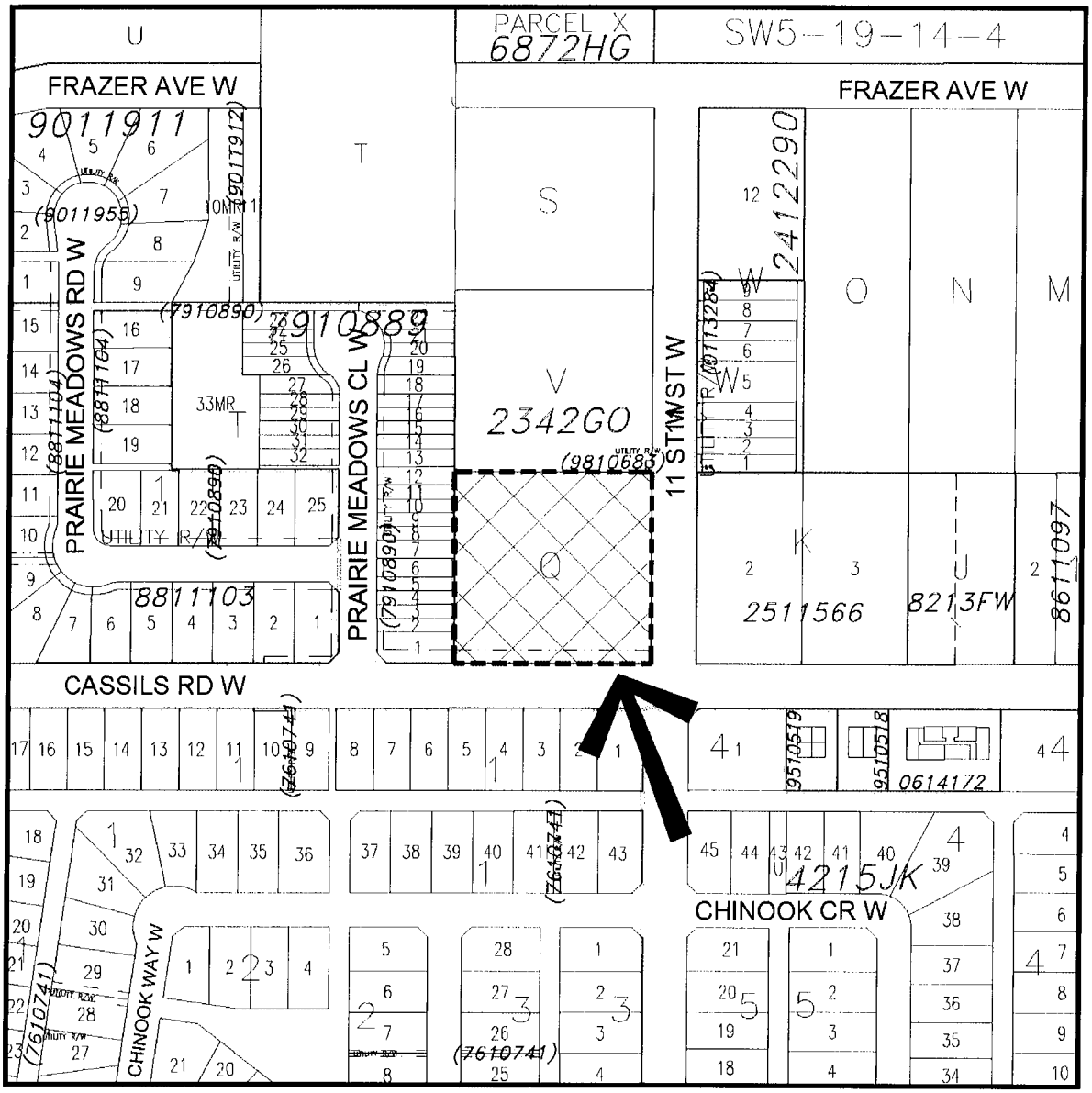
Read a second time this 13th day of April. 2026.

Read a third time and finally passed this 13th day of April, 2026.

Mayor

Chief Administrative Officer

SCHEDULE "A"



LAND USE DISTRICT REDESIGNATION
SCHEDULE 'A'

FROM: Future Urban Development FUD
TO: Residential High Density R-HD

BLOCK Q, PLAN 2342GO WITHIN
SW 1/4 SEC 5, TWP 19, RGE 14, W 4 M
MUNICIPALITY: CITY OF BROOKS
DATE: MARCH 16, 2026

Bylaw #: 26/022
Date:

OLDMAN RIVER REGIONAL SERVICES COMMISSION

0 Metres 50 100 150 200

March 16, 2026 N:\Newell-County\Brooks\Brooks LUD & Land Use Redesignations\City of Brooks - Block Q - Plan 2342GO.dwg

MAP PREPARED BY:
OLDMAN RIVER REGIONAL SERVICES COMMISSION
3105 16th AVENUE NORTH, LETHBRIDGE, ALBERTA T1H 5E8
TEL. 403-329-1344
NOT RESPONSIBLE FOR ERRORS OR OMISSIONS

CITY OF BROOKS
BYLAW NO. 26/027

A BYLAW OF THE CITY OF BROOKS IN THE PROVINCE OF ALBERTA TO AMEND BYLAW 14/12 BEING THE LAND USE BYLAW.

WHEREAS, it is desirable to amend Bylaw No. 14/12 being the Land Use Bylaw for the City of Brooks;

AND WHEREAS the purpose of the proposed amendment is to define Data Centre and the accompanying development criteria as shown in Schedule 'A' attached hereto;

AND WHEREAS a Public Hearing, as required by Section 692 of the Municipal Government Act, will be held prior to second reading of this Bylaw;

NOW, THEREFORE the Council of the City of Brooks in the Province of Alberta hereby enacts as follows:

1. The textual changes as shown in the attached Schedule 'A' be adopted.
2. That the amendments to Bylaw No. 14/12, being the Land Use Bylaw, make use of numbering and formatting that maintains the consistency of the portions of the Bylaw being amended.
3. Bylaw 14/12, being the Land Use Bylaw, is hereby amended and a consolidated version of the Land Use Bylaw reflecting the amendment is authorized to be prepared.
4. That this Bylaw shall take effect upon final passing thereof.

Read a first time this 27th day of April, 2026.

Read a second time this 25th day of May, 2026.

Read a third time and finally passed this 25th day of May, 2026.

Mayor

Chief Administrative Officer

SCHEDULE "A"

1. Revise Schedule 2 Land Use Districts as follows:

That the use 'Data Centre' is added to Section 2: Uses, subsection 2.2 Discretionary for the following land use districts: Industrial Light (I-L), Industrial General (I-G), and Industrial Heavy (I-H).

That the use 'Business Support Services' is added to Section 2: Uses, subsection 2.2 Discretionary for the following land use districts: Commercial Central (C-C), Commercial General (C-G), Industrial Light (I-L), and Industrial General (I-G),.

2. Add the following to Schedule 6 Definitions as follows:

Data Centre means a development that houses computer equipment as a principle use. The use includes the collection, storage, processing, management, and distribution of digital data. This use may include infrastructure such as administrative spaces, security facilities, commercial HVAC systems, backup power supply, water recovery systems, and fire suppression. This use does not include business support services.

Business Support Services means a development providing service to existing businesses and the public. This use includes photocopying and printing services, building security, cleaning or maintenance services, sign making, farm consulting services, IT services, catering service, parcel dispatch, and other similar uses. "Business and Professional Office" and "Data Centre" are separate uses.

3. Add the following to Schedule 3: General Standards of Development Section 73: Parking and Loading section 73.2 (2) Minimum off-street parking requirements: Non-residential uses:

Uses	Parking requirements
Data Centre	1 space per employee

4. Add to Schedule 4: Use Specific Standards of Development the following:

Section 99: Data Centre

99.1 Applicability

The requirements of this section are based on a Data Centre being located in areas that limit the impact of adjacent uses and where impacts are addressed through appropriate land planning of energy and water consumption and design standards are adopted to mitigate noise levels.

99.2 Development Permit Application Requirements:

(1) That the applicant meet all requirements of Part 4 of the Administration Section, Schedule 2 Industrial District requirements, Schedule 3 Section 73 Parking

requirements, and Schedule 4 Section 88 Industrial Performance Standards of this bylaw.

(2) Submittal of a copy of Fortis's agreement allowing connection to their system.

(3) Submittal of a water consumption and disposal plan, including anticipated water usage and wastewater produced, and steps to be taken to minimize water consumption.

(4) Where applicable, the submittal of any approvals, licenses, or permits from the Alberta Utilities Commission or Alberta Energy Regulator.

(5) Information about the size and location of any fuel storage tanks that will be located on site.

99.3 Additional Requirements

Sound Standards

(1) Excluding an emergency drill or equipment testing, noise levels emitted by any Data Centre and any coinciding development which supports the Data Centre, regardless of the noise source, may not exceed the following:

Existing Use or Future Use as Defined by an approved Area Structure Plan	Decibel Limit 7:01 am – 10:00 PM	Decibel Limit 10:01 PM – 7:00 AM
Residential	55	45
Commercial	60	50
Public	60	50
Industrial Uses	70	60

Noise will be measured at the property boundary of the locations listed above.

(2) All noise assessments must:

(a) be prepared by a qualified third-party professional;
(b) detail their methodology;
(c) detail what equipment and infrastructure are included in the sound study, including their manufacturer specifications regarding noise;
(d) provide predicted sound with all generators, mechanical and HVAC equipment, and electrical equipment running at maximum load during routine and peak operations, with consideration of the time periods provided in Section (1) above;
(e) account for the complete buildout of the Data Centre and any coinciding development which supports the Data Centre, whether or not they are on site; and
(f) account for cumulative effect created by an additional Data Centre located within 100m of the proposed Data Centre.

(3) Generators including backup generators for Data Centres shall be located within an enclosed building with necessary ventilation to reduce impacts on noise to surrounding areas or an enclosure acceptable to the development authority.

Safety

(4) Data Centres must have security measures in place, including perimeter fencing, surveillance systems, and controlled access points.

(5) Fire Safety Plan to be submitted to the satisfaction of the City's Fire Chief.

(6) A lighting design must be submitted for review to the satisfaction of the Development Authority.