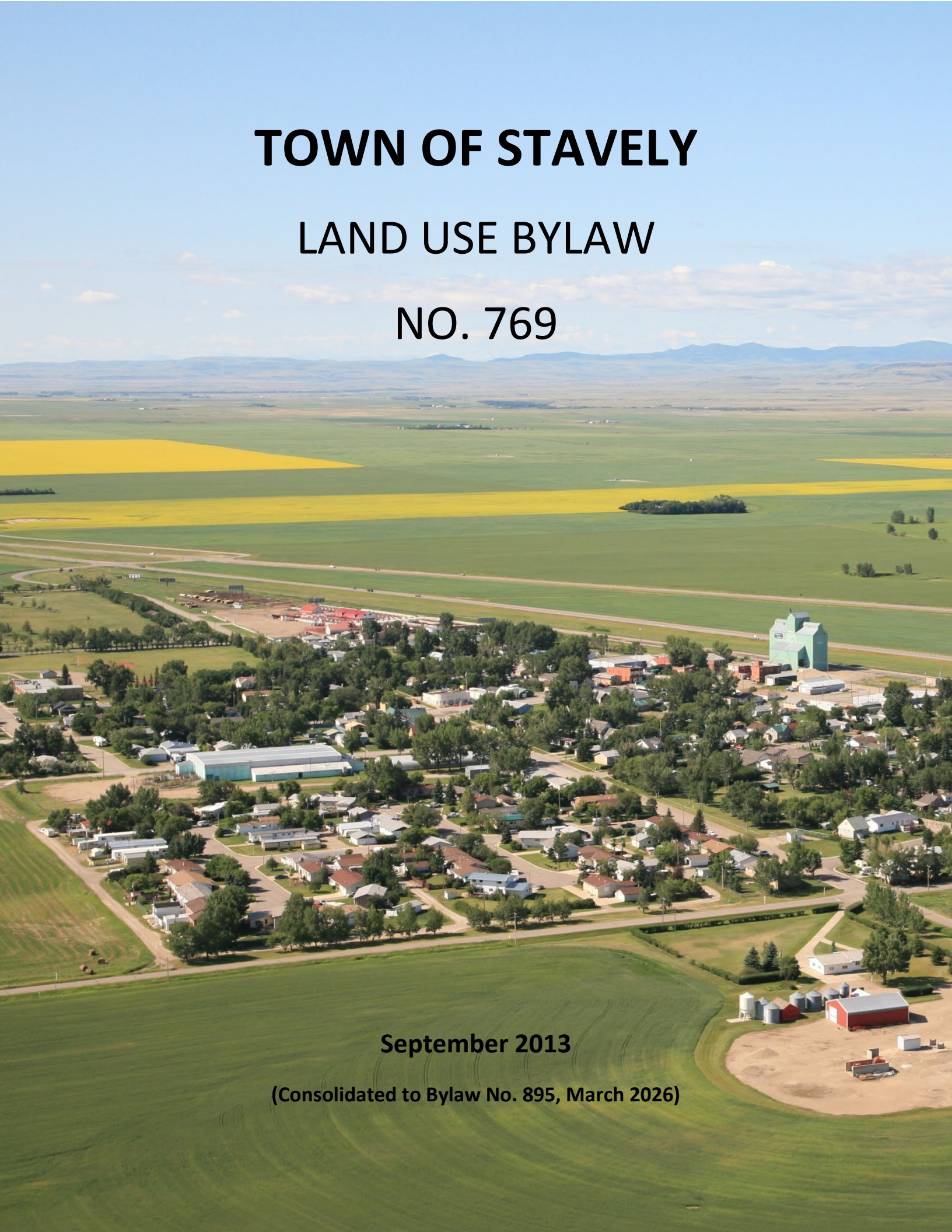
TOWN OF STAVELY

LAND USE BYLAW

NO. 769



September 2013

(Consolidated to Bylaw No. 895, March 2026)

TOWN OF STAVELY

Since 1912

Prepared by

OLDMAN RIVER REGIONAL SERVICES COMMISSION

TOWN OF STAVELY

BYLAW NO. 769

BEING A BYLAW OF THE TOWN OF STAVELY IN THE PROVINCE OF ALBERTA TO ADOPT A LAND USE BYLAW.

WHEREAS Section 639 of the Municipal Government Act, Revised Statutes of Alberta, 2000, Chapter M-26, as amended, provides that a municipality must pass a Land Use Bylaw; and

WHEREAS The Town of Stavely has conducted a significant review of the previous Land Use Bylaw; and

WHEREAS The number of changes will better reflect the land use requirements of the town; and

WHEREAS The purpose of the proposed Bylaw No. 769 is to prohibit or regulate and control the use of land and development of land and buildings in the municipality pursuant to sections 639 and 640 of the Municipal Government Act, 2000.

NOW THEREFORE Under the authority of the Municipal Government Act, sections 639 and 692, the Council of the Town of Stavely, in the Province of Alberta, duly assembled enacts the following:

1. Bylaw No. 654 being the former land use bylaw and any amendments thereto are hereby repealed.
2. Land Use Bylaw No. 769 shall come into affect upon third and final reading thereof.
3. Bylaw No. 769 is hereby adopted.

READ a **first** time this 12th day of August, 2013.

Barry Johnson
Mayor – Barry Johnson

C. Gillespie
Municipal Administrator – Clayton Gillespie

READ a **second** time this 9th day of September, 2013.

Barry Johnson
Mayor – Barry Johnson

C. Gillespie
Municipal Administrator – Clayton Gillespie

READ a **third** time and finally passed this 24th day of September, 2013.

Barry Johnson
Mayor – Barry Johnson

C. Gillespie
Municipal Administrator – Clayton Gillespie

Town of Stavely Land Use Bylaw No. 769 – Amendments

Bylaw	Amendment Description	Legal Description	Passed
770	Revised "Residential Architectural Control – RAC" to allow for moved-in dwellings		14-Nov-2013
775	Added Medical marihuana production facility use		14-Apr-2014
782	"Urban Reserve – UR" to "Residential – R1"	Lot 22, Block 10, Plan 1412389	9-Feb-2015
786	Added definition for "Dwelling Group" added to "Residential Multi-unit – R2" as Discretionary Use		13-Oct-2015
787	"Industrial – IN" to "Residential Multi-unit – R2"	Lot 10, Block 10, Plan 0410161	13-Oct-2015
790	Revised the criteria for "Moved-in Dwellings"		25-Jan-2015
799	"Urban Reserve – UR" to "Industrial – IN" and "Public Institutional – PI"	Lot 1, Block 5, Plan 1711676	14-Nov-2017
805	Various text amendments to accommodate cannabis related uses in accordance with Federal and Provincial legislation		22-Oct-2018
806	Various text amendments to incorporate changes related to the Modernized Municipal Government Act		22-Oct-2018
827	Create a new land use district "Residential Architectural Control 2 – RAC2" "Residential Architectural Control – RAC" to "Residential Architectural Control 2 – RAC2"	 Lots 48-61 & 63-80, Block 1, Plan 0813629 Lots 5-14, Block 3, Plan 0813629 Lots 1-5, Block 5, Plan 0813629	14-Sep-2020
828	"Commercial – CO" to "Industrial – IN"	Lot 16 and westerly 25 feet of Lot 17, Block 4, Plan 1223J	14-Sep-2020
835	Various text amendments to "undertake a series of text amendments accommodating the desire of council.", including the addition of Coffee house, the deletion of Cannabis Production Facility, as well as other minor amendments.		23-Nov-2020
845	"Industrial - IN" to "Commercial - CO"	Lot 16 and westerly 25 feet of Lot 17, Block 4, Plan 1223J	8-Mar-2021
846	"Urban Reserve - UR" to "Public Institutional - PI"	Ptn. Lot 1, Block 19, Plan 0815102 within NW 9-14-27 W4M	12-Apr-2021
863	"Commercial – CO" to "Industrial – IN"	Lot 16 and Lot 17, Block 4, Plan 1223J	12-Jun-2023
866	"Residential – R1" to "Residential Multi-Unit R2"	Lot 13, Block 2, Plan 7411106	**DEFEATED** 2ND Reading
Appendix A: Forms, Fees, and Notices Updated December 15, 2023			
868	"Residential – R1" to "Public Institutional – PI"	Lots 1-10, Block 6, Plan 5744J	22-Jan-2024
869	"Urban Reserve – UR" to "Public Institutional – PI"	A portion of Lot 2, Block 19, Plan 0815102	22-Jan-2024
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895	"Industrial - IN" to "Public Institutional – PI"	A portion of PLAN RY8 within NE 8-14-27-W4M	23-Mar-2026

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Municipal Subdivision and Development Appeal Board Bylaw No. 637

TOWN OF STAVELY
LAND USE BYLAW NO. 769

ADMINISTRATION

GENERAL

SECTION 1 TITLE

1.1 This bylaw may be cited as the "Town of Stavely 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;

(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 notice of the issuance of a development permit is to be given; and

(e) implement statutory plans of the municipality, as 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 Town of Stavely Land Use Bylaw No. 654 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 COMPLIANCE WITH THE LAND USE BYLAW

6.1 No development, other than those designated in Schedule 4 of this bylaw (Development Not Requiring a Development Permit), shall be undertaken within the Town unless a development application has been approved and a development permit has been issued.

6.2 Notwithstanding subsection 6.1, while a development permit may not be required pursuant to Schedule 4, development shall comply with all regulations of 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 *Interpretation Act, Chapter I-8, RSA 2000 as amended,* shall be used in the interpretation of this bylaw. Words have the same meaning whether they are capitalized or not.

8.2 The written regulations of this bylaw take precedence over any graphic or diagram if there is a perceived conflict.

8.3 The Land Use Districts Map takes precedence over any graphic or diagram in the district regulations if there is a perceived conflict.

8.4 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 metric (SI) standards. Imperial measurements and conversions are provided for information only.

SECTION 10 FORMS, FEES AND NOTICES

10.1 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.

10.2 Application forms, fees and notices are included in Appendix A.

10.3 Refund of application fees requires approval of the Town Council.

10.4 In any case, where the required fee is not listed in the fee schedule, such fee shall be determined by the Development Officer or Municipal Planning Commission and shall be consistent with those fees listed in the schedule for similar developments.

10.5 If development is commenced without a valid development permit an additional fee, in the amount prescribed under the fee schedule, shall be payable upon application for the development permit.

SECTION 11 APPENDICES

11.1 Appendix A and B attached hereto are for information purposes only and may be amended from time to time as they do not form part of the Town of Stavely Land Use Bylaw.

APPROVING AUTHORITIES

SECTION 12 DEVELOPMENT AUTHORITY

12.1 The Development Authority is established in accordance with Town of Stavely Bylaw No. 636.

12.2 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 *Municipal Government Act (Act)*.

12.3 The Development Officer is an authorized person in accordance with Section 624 of the *Act*.

12.4 The Development Authority shall perform such powers and duties as are specified:

(a) in the Town of Stavely Municipal Subdivision and Development Authority Bylaw;

(b) in this bylaw;

(c) in the *Act*;

(d) where applicable, by resolution of Council.

SECTION 13 DEVELOPMENT OFFICER – POWERS AND DUTIES

13.1 The office of the Development Officer is hereby established and such office shall be filled by one or more persons as appointed by resolution of Council.

13.2 The Development Officer:

(a) shall receive and process all applications for development permits and determine whether a development permit application is complete in accordance with Section 27;

(b) shall maintain for the inspection of the public during office hours, a copy of this bylaw and all amendments thereto and ensure that copies of the same are available for public purchase;

(c) shall also establish and maintain a register in which shall be recorded the application made for a development permit and the decision made on the application, and contain any such other information as the Municipal Planning Commission considers necessary;

(d) shall consider and decide on applications for a development permit for:

(i) permitted uses that comply with this Land Use Bylaw;

(ii) permitted uses that request one variance of a measurable standard not to exceed 10 percent;

(iii) permitted uses on existing registered lots where the Municipal Planning Commission granted a variance(s) to the minimum lot width, length and/or area requirements as part of a subdivision approval;

(iv) landscaping;

(v) fences, walls or other types of enclosures; and

(vi) demolition;

(e) shall refer to the Municipal Planning Commission all development permit applications for which decision making authority has not been assigned to the Development Officer;

(f) may refer any development application to the Municipal Planning Commission for a decision and may refer any other planning or development matter to the Municipal Planning Commission for its review, comment or advice;

(g) shall notify adjacent landowners and any persons who are likely to be affected by a proposed development in accordance with Section 35 of this bylaw;

(h) shall receive, review, and refer any applications to amend this bylaw to Council;

(i) shall issue the written notice of decision and/or development permit on all development permit applications and any other notices, decisions or orders in accordance with this bylaw;

(j) may receive and consider and decide on requests for time extensions for Development Permits which the Development Officer has approved and shall refer to the Municipal Planning Commission those requests which the Municipal Planning Commission has approved;

(k) shall provide a regular report to the Municipal Planning Commission summarizing the applications made for a development permit and the decision made on the applications, and any other information as the Municipal Planning Commission considers necessary; and

(l) shall perform any other powers and duties as are specified in this bylaw, the Municipal Planning Commission Bylaw, the *Act* or by resolution of Council.

SECTION 14 MUNICIPAL PLANNING COMMISSION

14.1 The Municipal Planning Commission may exercise only such powers and duties as are specified in the *Act*, the Municipal Planning Commission Bylaw, this bylaw, or by resolution of Council.

14.2 The Municipal Planning Commission shall be responsible for:

(a) considering and deciding upon development permit applications referred to it by the Development Officer;

(b) providing recommendations on planning and development matters referred to it by the Development Officer or Council;

(c) considering and deciding upon requests for time extensions on development permit applications referred to it by the Development Officer;

(d) considering and deciding upon applications for subdivision approval;

(e) processing condominium certificates; and

(f) any other powers and duties as are specified in this bylaw, the Municipal Planning Commission Bylaw, the *Act* or by resolution of Council.

SECTION 15 COUNCIL

15.1 Council shall be responsible for considering and deciding upon requests for time extensions on subdivision approvals in accordance with Section 657 of the *Act*.

15.2 Council shall be responsible for considering all proposed amendments to this bylaw as outlined in Sections 48 and 50.

SECTION 16 SUBDIVISION AND DEVELOPMENT APPEAL BOARD (SDAB)

16.1 The Subdivision and Development Appeal Board is established by separate bylaw pursuant to the *Act*, and may exercise such powers and duties as are specified in this bylaw, the *Act* and the Subdivision and Development Appeal Board Bylaw.

SECTION 17 SUBDIVISION AUTHORITY

17.1 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.

17.2 The Subdivision Authority may delegate, through any of the methods described in subsection 17.1 above, 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.

DEVELOPMENT IN GENERAL

SECTION 18 LAND USE DISTRICTS

18.1 The Town of Stavely is divided into those land use districts shown in Schedule 1 on the Land Use Districts Map.

18.2 The one or more uses of land or buildings that are:

(a) permitted uses in each district; or

(b) discretionary uses in each district;

are described in Schedule 2 – Use Table 2.2.1.

18.3 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 31 Similar Use.

18.4 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.

SECTION 19 SUITABILITY OF SITES

19.1 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, as applicable, may refuse to approve a subdivision or issue a development permit if the Development Authority is made aware of or if in their opinion, the site of the proposed building or use is not safe or suitable based on the following:

(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 300.0 m (984 ft) of a provincial highway or 800.0 m (2,625 ft) from the centre point of an intersection of a controlled highway and a public road;

(b) has a high water table or soil conditions which make the site unsuitable for foundations and/or sewage disposal systems in accordance with the provincial regulations;

(c) is situated on an unstable slope;

(d) consists of unconsolidated material unsuitable for building;

(e) does not comply with the requirements of the Provincial Land Use Policies, Regional Plan, Subdivision and Development Regulation or any other applicable Statutory Plans;

(f) is situated over an active or abandoned coal mine or oil or gas well or pipeline;

(g) is unsafe due to contamination by previous land uses;

(h) does not meet the minimum setback requirements from a sour gas well or bulk ammonia storage facility;

(i) does not have adequate water and sewer provisions;

(j) does not meet the lot size and/or setback requirements or any other applicable standards or requirements of the Town of Stavely Land Use Bylaw;

(k) is subject to any easement, caveat, restrictive covenant or other registered encumbrance which makes it impossible to build on the site.

19.2 Nothing in this section shall prevent the Development Officer or Municipal Planning Commission, as applicable, from issuing a development permit 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 20 NUMBER OF DWELLING UNITS ON A PARCEL

20.1 No more than one dwelling unit shall be constructed or located or caused to be constructed or located on a parcel except as provided for in the land use district for which the application is made (e.g. accessory dwelling, duplex dwellings, multi-unit dwellings, manufactured home park, secondary suite, as permitted in the applicable land use district).

SECTION 21 NON-CONFORMING BUILDINGS AND USES

21.1 A non-conforming building or use may only be continued in accordance with the conditions detailed in Section 643 of the *Act*.

SECTION 22 DEVELOPMENT ON NON-CONFORMING SIZED LOTS

22.1 Development on an existing registered non-conforming sized lot that does not meet the minimum requirements for lot length, width or area specified in the applicable land use district in Schedule 2 may be permitted at the discretion of the Municipal Planning Commission.

22.2 The Development Officer is authorized to permit development on existing registered non-conforming sized lots for permitted uses where the Municipal Planning Commission issued a variance(s) to the minimum requirements for lot length, width and/or area as part of a subdivision approval.

SECTION 23 NON-CONFORMING VARIANCES

23.1 The Municipal Planning Commission is authorized to exercise minor variance powers with respect to non-conforming buildings pursuant to Section 643(5)(c) of the *Act*.

SECTION 24 DEVELOPMENT AGREEMENTS

24.1 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 *Act*, 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.

24.2 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 *Act*.

24.3 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 *Act*.

24.4 A municipality may register a caveat under the *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.

24.5 If a municipality registers a caveat under this section, the municipality must discharge the caveat when the agreement has been complied with.

24.6 As a condition of subdivision approval, all development agreements may be registered concurrently by caveat onto individual lots being created.

24.7 The Developer shall be responsible for and within 30 days of the presentation of an invoice, pay to the Town all legal and engineering costs, fees, expenses and disbursements incurred by the Town through its solicitors and engineers for all services rendered in connection with the preparation, fulfillment, execution and enforcement of the development agreement.

DEVELOPMENT PERMIT RULES AND PROCEDURES

SECTION 25 DEVELOPMENT PERMIT – WHEN REQUIRED

25.1 Except as otherwise provided for in Schedule 4 (Development Not Requiring a Development Permit), all development shall be required to obtain a development permit.

25.2 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. It is further required that copies of all other approvals and licenses be submitted to the Development Authority.

SECTION 26 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

26.1 This subsection does not negate the requirement of obtaining all required permits, as applicable, under the *Safety Codes Act* and any other Provincial or Federal statute.

26.2 This subsection does not negate the requirement of obtaining a business license where required.

26.3 Developments not requiring a municipal development permit are listed in Schedule 4.

26.4 Signs not requiring a municipal development permit are listed in Schedule 8 Section 4.

26.5 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.

SECTION 27 DEVELOPMENT PERMIT APPLICATION

27.1 An application for a development permit shall be made to the Development Officer by submitting:

(a) a completed development permit application, signed by the registered owner(s) or authorized by the owner pursuant to subsection 27.2;

(b) the prescribed fee, as set by Council;

(c) a description of the existing and proposed use of the land, building(s) and/or structures and whether it is a new development, an alteration/addition, relocation or change of use and whether the use is temporary in nature;

(d) a site plan acceptable to the Development Officer indicating:

(i) the location of all existing and proposed buildings and structures and registered easements or rights-of-way, dimensioned to property lines and drawn to a satisfactory scale;

(ii) existing and proposed parking and loading areas, driveways, abutting streets, avenues and lanes, and surface drainage patterns;

(iii) where applicable, the location of existing and proposed wells, septic tanks, disposal fields, culverts and crossings;

(iv) any additional information as may be stipulated in the standards of development;

(v) any such other information as may be required by the Development Officer or Municipal Planning Commission to evaluate an application including but not limited to: conceptual design schemes, landscaping plans, building plans, drainage plans, servicing and infrastructure plans, soil analysis, geotechnical reports and/or other reports regarding site suitability; Real Property Report; or a surveyors sketch;

(e) documentation from the Alberta Energy Regulator (AER) identifying the presence or absence of abandoned oil and gas wells as required by the Subdivision and Development Regulation.

27.2 An application for a development permit must be made by the registered owner(s) 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 owner(s). The Development Officer may request a current title documenting ownership and copies of any registered encumbrance, lien or interest registered on title.

SECTION 28 DETERMINATION OF COMPLETE DEVELOPMENT PERMIT APPLICATION

28.1 A Development Officer shall, within 20 days after the receipt of an application in accordance with Section 27 for a development permit, determine whether the application is complete.

28.2 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.

28.3 The time period referred to in subsection 28.1 may be extended by an agreement in writing between the applicant and the Development Officer.

28.4 If the Development Officer does not make a determination referred to in subsection 28.1 within the time required under subsection 28.1 or 28.3, the application is deemed to be complete.

28.5 If a Development Officer determines that the application is complete, the Development Officer shall issue to the applicant a written Notice of Completeness acknowledging that the application is complete, delivered by hand, mail or electronic means.

28.6 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 and specifying the outstanding documents and information to be provided, including but not limited to those required by Section 27. A submittal deadline for the outstanding documents and information shall be set out in the notice. A later date may be agreed on between the applicant and the Development Officer in writing to extend the deadline.

28.7 When the Development Officer determines that the information and documents required to be submitted under subsection 28.6 are complete, the Development Officer shall issue to the applicant a written Notice of Completeness acknowledging that the application is complete, delivered by hand, mail or electronic means.

28.8 If the required documents and information under subsection 28.6 have not been submitted to the Development Officer within the timeframe prescribed in the notice issued under subsection 28.6, 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.

28.9 Despite issuance of a Notice of Completeness under subsection 28.5 or 28.7, the Development Authority in the course of reviewing the application may request additional information or documentation from the applicant that the Development Authority considers necessary to review the application.

SECTION 29 PERMITTED USE APPLICATIONS

29.1 Upon receipt of a completed 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; or

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

29.2 Upon receipt of a completed application for a permitted use that requests a limited variance not to exceed 10 percent of one measurable standard of this bylaw, the Development Officer:

(a) may grant the limited variance not to exceed 10 percent of one measurable standard of this bylaw 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 refer the development application involving a request for a limited variance not to exceed 10 percent of one measurable standard of this bylaw to the Municipal Planning Commission for a decision;

(c) 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 limited variance under this section.

29.3 Upon receipt of a completed application for a permitted use that requests more than one limited variance, a variance(s) exceeding 10 percent of any measurable standard of this bylaw, or a variance of any other bylaw provision the Development Officer shall refer the application to the Municipal Planning Commission for a decision pursuant to Section 33 (Applications Requesting Variance of Bylaw Provisions).

29.4 The Development Officer or the Municipal Planning Commission may place any of the following conditions on a development permit for a permitted use:

(a) requirement for applicant to enter into a development agreement;

(b) payment of any applicable off-site levy or redevelopment levy;

(c) geotechnical investigation to ensure that the site is suitable in terms of topography, soil characteristics, flooding, subsidence, mass wasting and erosion;

(d) alteration of a structure or building size or location to ensure any setback requirements of this Land Use Bylaw or the Subdivision and Development Regulation can be met;

(e) any measures to ensure compliance with the requirements of this Land Use Bylaw or any other statutory plan adopted by the Town of Stavely;

(f) easements and/or encroachment agreements;

(g) provision of public utilities, other than telecommunications systems or works, and vehicular and pedestrian access;

(h) repairs or reinstatement of original condition of any street furniture, curbing, sidewalk, boulevard landscaping and tree planting which may be damaged or destroyed or otherwise altered by development or building operations upon the site, to the satisfaction of the Development Officer or the Municipal Planning Commission;

(i) to give security to ensure the terms of the permit approval under this section are carried out;

(j) time periods stipulating completion of development;

(k) requirement for a lot and/or construction stakeout conducted by an approved surveyor or agent;

(l) any measures to ensure compliance with applicable federal, provincial and/or other municipal legislation and approvals;

(m) the submission of an Environmental Impact Assessment;

(n) obtain any other approval, permit, authorization, consent or license that may be required to develop and/or service the affected land.

SECTION 30 DISCRETIONARY USE APPLICATIONS

30.1 Upon receipt of a completed application for a development permit for a discretionary use or a permitted use that requests more than one variance, a variance(s) exceeding 10 percent of any measurable standard of this bylaw, or a variance of any other bylaw provision, the Development Officer shall:

(a) refer the application to the Municipal Planning Commission for a decision pursuant to Section 33 (Applications Requesting Variance of Bylaw Provisions);

(b) notify adjacent landowners and other persons likely to be affected in accordance with Section 34 (Notification of Adjacent Landowners and Persons Likely Affected).

30.2 After consideration of any response to the notifications of adjacent landowners and other persons likely to be affected, including the Municipal District of Willow Creek, government departments and referral agencies as applicable, compatibility and suitability of the proposed use, and any other matters, the Municipal Planning Commission may:

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

(b) refuse to approve the development permit, stating reasons.

30.3 The Municipal Planning Commission may place any of the conditions stipulated in subsection 29.4 (Permitted Use Applications) on a development permit for a discretionary use in any land use district, in addition to any other conditions necessary to ensure the quality, suitability and compatibility of a development with other existing and approved uses in the area.

SECTION 31 SIMILAR USE

31.1 Upon receipt of an application for a development permit for a use that is not specifically listed in any land use district, but which may be similar in character and purpose to other uses of land and structures in the land use district in which such use is proposed, the Development Officer may classify the use as either similar to a permitted use or similar to a discretionary use.

31.2 Where a use has been classified similar to a permitted use, the Development Officer may process the application accordingly as a permitted use or refer the application to the Municipal Planning Commission for a decision. The notice of the decision shall be subject to subsection 35.2.

31.3 Where a use has been classified similar to a permitted use and requests more than one limited variance, a variance(s) exceeding 10 percent of any measurable standard of this bylaw, or a variance of any other bylaw provision, the Development Officer shall:

(a) refer the application to the Municipal Planning Commission for a decision; and

(b) notify adjacent landowners and other persons likely to be affected in accordance with Section 34 (Notification of Adjacent Landowners and Persons Likely Affected).

31.4 Where a use has been classified similar to a discretionary use the Development Officer shall:

(a) refer the application to the Municipal Planning Commission for a decision; and

(b) notify adjacent landowners and other persons likely to be affected in accordance with Section 34 (Notification of Adjacent Landowners and Persons Likely Affected).

31.5 Upon referral of an application by the Development Officer for a use that may be similar in character and purpose to a permitted or discretionary use, the Municipal Planning Commission:

(a) shall rule whether or not the proposed use is similar to a use in the land use district in which it is proposed;

(b) if the proposed use is deemed similar to a use in the land use district in which it is proposed, the application shall be reviewed as a discretionary use application;

(c) if the proposed use is not deemed similar to a use in the land use district in which it is proposed, the development permit shall be refused.

SECTION 32 TEMPORARY USE

32.1 Where in the opinion of the Development Authority, a proposed use is of a temporary nature, it may approve a temporary development permit valid for a period of up to one year for a use, provided the use is listed as a permitted use, discretionary use or deemed similar to a permitted or discretionary use in the applicable land use district.

32.2 Temporary use applications shall be subject to the following conditions:

(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 Municipal Planning Commission may require the applicant to submit an irrevocable letter of credit, performance bond or other acceptable form of security guaranteeing the cessation or removal of the temporary use; and

(c) any other conditions as deemed necessary.

32.3 A use deemed temporary in nature shall be processed in accordance with the corresponding Sections 30-33 of this bylaw. Notification of adjacent landowners and other persons likely to be affected, including the Municipal District of Willow Creek, government departments and referral agencies shall be in accordance with Section 34 of this bylaw.

SECTION 33 APPLICATIONS REQUESTING VARIANCE OF BYLAW PROVISIONS

33.1 Upon receipt of an application for a development permit that does not comply with this bylaw but in respect of which the Municipal Planning Commission is requested to exercise discretion under subsection 33.3, the Development Officer shall:

(a) refer the application to the Municipal Planning Commission for a decision; and

(b) notify adjacent landowners and other persons likely to be affected, including the Municipal District of Willow Creek, government departments and any other referral agency in accordance with Section 34.

33.2 The Development Officer is authorized to exercise discretion for a permitted use where a limited variance to one applicable measurable standard not to exceed 10 percent is requested, in accordance with subsection 29.2.

33.3 The Municipal Planning Commission is authorized to decide upon an application for a development permit notwithstanding that the proposed development does not comply with this bylaw, if in the opinion of the Municipal Planning Commission, the proposed development would not:

(a) unduly interfere with the amenities of the neighbourhood; or

(b) materially interfere with or affect the use, enjoyment or value of neighbouring properties;

(c) and the proposed development conforms with the use prescribed for that land or building within Schedule 2 – Use Regulation.

SECTION 34 NOTIFICATION OF ADJACENT LANDOWNERS AND PERSONS LIKELY AFFECTED

34.1 Where notification of adjacent landowners and other persons likely to be affected is required under Sections 29 to 32, the Development Officer shall:

(a) mail (postal service or electronic) written notice of the application at least 15 days before the meeting of the Municipal Planning Commission to:

(i) adjacent landowners and other persons likely to be affected by the issuance of a development permit;

(ii) the Municipal District of Willow Creek if in the opinion of the Development Officer or the Municipal Planning Commission, the proposed development could have an impact upon land uses in the Municipal District or is adjacent to the Municipal District boundary; and

(iii) any other persons, government departments or referral agency that is deemed to be affected; or

(b) hand deliver written notice of the application at least five days before the meeting of the Municipal Planning Commission to the persons and agencies specified in subsection 34.1(a); or

(c) publish a notice of the application in a newspaper circulating in the municipality or the Town newsletter at least 10 days before the meeting of the Municipal Planning Commission; or

(d) post a notice of the application in a conspicuous place on the property at least five days before the meeting of the Municipal Planning Commission; or

any combination of the above.

34.2 In all cases, notification shall:

(a) describe the nature and location of the proposed use or development;

(b) state the place and time where the Municipal Planning Commission will meet to consider the application, and state how and when written or oral submissions on the application will be received and considered;

(c) specify the location at which the application can be inspected.

SECTION 35 NOTICE OF DECISION

35.1 Upon the decision on a development application for a permitted use that complies with the Land Use Bylaw, the Development Officer shall:

(a) mail (postal service or electronic mail) or hand deliver a written notice of decision to the applicant; and

(b) post a copy of the decision in a prominent place in the Town Office for at least 21 days.

35.2 Upon the decision on all other development permit applications, the Development Officer shall:

(a) mail (postal service or electronic mail) or hand deliver a written notice of decision to the applicant; and

(b) mail a copy of the decision to those originally notified of the development permit application, those that made written submissions, and any other person, government department or agency that may, in the opinion of the Development Officer, likely be affected; or

(c) publish a notice of the decision in a newspaper or the municipal newsletter circulated within the municipality.

SECTION 36 COMMENCEMENT OF DEVELOPMENT

36.1 Despite the issuance of a development permit, no development is authorized to commence until the appeal period has expired in compliance with the following:

Permitted Uses:

(a) where the notice of decision is posted in the Town Office, development shall not commence until 21 days after the notice was posted;

(b) where the notice of decision is published in the newspaper, development shall not commence until at least 21 days from the date of publication;

Discretionary Uses or Applications for Variances:

(c) where the notice of decision is mailed to adjacent landowners and other persons likely to be affected, development shall not commence until at least 21 days from the date the decision was mailed;

(d) where the notice of decision is published in the newspaper, development shall not commence until at least 21 days from the date of publication.

36.2 If an appeal is made, no development is authorized pending the outcome of the appeal.

36.3 Any development occurring prior to the dates determined under subsection 36.1 and 36.2 is at the risk of the applicant.

SECTION 37 DEVELOPMENT PERMIT VALIDITY

37.1 Unless a development permit is suspended or cancelled, the development must be commenced and carried out with reasonable diligence in the opinion of the Development Officer or the Municipal Planning Commission within 12 months from the date of issuance of the permit, otherwise the permit is no longer valid.

37.2 An application to extend the validity of a development permit may be made at any time prior to the expiration of the approved permit in accordance with subsection 37.3, except for a permit for a temporary use which shall not be extended.

37.3 Upon receipt of a request to extend the validity of a development permit, the validity of a development permit may be extended for up to a period of one year by:

(a) the Development Officer or the Municipal Planning Commission if the permit was issued by the Development Officer;

(b) the Municipal Planning Commission if the permit was issued by the Municipal Planning Commission or approved on appeal by the Subdivision and Development Appeal Board.

37.4 When any use has been discontinued for a period of six months or more, any development permit that may have been issued is no longer valid and said use may not be recommenced until a new application for a development permit has been made and a new development permit issued. This section does not apply to non-conforming uses which are regulated under Section 643 of the *Act*.

SECTION 38 TRANSFERABILITY OF DEVELOPMENT PERMIT

38.1 A home occupation permit is non-transferable.

38.2 Any other valid development permit is transferable where the use remains unchanged and the development is affected only by a change of ownership, tenancy, or occupancy. This provision does not apply to a home occupation permit, which is non-transferable.

SECTION 39 OCCUPANCY PERMITS

39.1 The Development Officer or the Municipal Planning Commission may require that the holder of a development permit obtain an occupancy permit before a building or use that was the subject of a development permit is occupied and/or the approved use initiated.

SECTION 40 FAILURE TO MAKE A DECISION – DEEMED REFUSAL

40.1 In accordance with Section 684 of the *Act*, an application for a development permit shall, at the option of the applicant, be deemed to be refused when the decision of the Development Officer or the Municipal Planning Commission, as the case may be, is not made within forty (40) days of an application being deemed complete under Section 28.5 or 28.7 unless the applicant has entered into an agreement with the Development Officer or the Municipal Planning Commission to extend the 40-day decision period.

SECTION 41 REAPPLICATION FOR A DEVELOPMENT PERMIT

41.1 If an application for a development permit is refused by the Development Officer, the Municipal Planning Commission or, on appeal 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 months after the date of refusal.

41.2 If an application was refused solely because it did not comply with the standards of this bylaw, 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 subsection 41.1 has lapsed, provided the application has been modified to comply with this bylaw.

SECTION 42 SUSPENSION OR CANCELLATION OF A PERMIT

42.1 If after a development permit has been issued, the Development Officer or the Municipal Planning Commission determines that:

(a) the application contained a misrepresentation;

(b) facts were not disclosed which should have been at the time of consideration of the application for the development permit;

(c) the development permit was issued in error; or

(d) the applicant withdrew the application by way of written notice;

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.

42.2 Upon receipt of the written notification of suspension or cancellation, the applicant must cease all development and activities to which the development permit relates.

42.3 A person whose development permit is suspended or cancelled under this section may appeal within 21 days of the date the notice of cancellation or suspension is received to the Subdivision and Development Appeal Board.

42.4 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 may impose such other conditions as are considered necessary to ensure that this bylaw or any statutory plan is complied with.

SECTION 43 DEVELOPMENT APPEALS

43.1 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 *Act*.

43.2 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.

ENFORCEMENT

SECTION 44 NOTICE OF VIOLATION

44.1 Where the Development Officer or Municipal Planning Commission finds that a development or use of land or buildings is not in accordance with the *Act*, the Subdivision and Development Regulation, a development permit or subdivision approval, or this bylaw, the Development 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.

44.2 Such notice shall state the following:

(a) nature of the violation;

(b) corrective measures required to comply; and

(c) time period within which such corrective measures must be performed.

SECTION 45 STOP ORDERS

45.1 As set forth in the *Act*, the Development Authority is authorized to issue an Order under Section 645 of the *Act* if a development, land use or use of a building is not in accordance with the *Act*, the Subdivision and Development Regulation, a development permit or subdivision approval, or this bylaw.

45.2 A person who receives a written Order under subsection 45.1 may, by written notice within 21 days from when the written Order is made, appeal the order to the Subdivision and Development Appeal Board in accordance with the *Act*.

SECTION 46 ENFORCEMENT OF STOP ORDERS

46.1 Pursuant to Section 646 of the *Act*, 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 designated officer may, in accordance with Section 542, enter on the land or building and take any action necessary to carry out the order.

46.2 The Town may register a caveat under the *Land Titles Act* in respect of an order referred to in subsection 45.1 against the certificate of title for the land that is the subject of an order.

46.3 If a caveat is registered under subsection 46.2, the Town must discharge the caveat when the order has been complied with.

46.4 If compliance with a stop order is not voluntarily effected, the Town 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 *Act*. In accordance with Section 553 of the *Act*, the expenses and costs of carrying out an order under Section 646 of the *Act* may be added to the tax roll of the parcel of land.

SECTION 47 PENALTIES AND RIGHT OF ENTRY

47.1 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 *Act* 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.

47.2 In accordance with Section 542 of the *Act*, a designated officer may, after giving reasonable notice to and obtaining consent from the owner or occupier of land upon which this bylaw or *Act* authorizes anything to be inspected, remedied or enforced or done by a municipality:

(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 to assist in the inspection, remedy, enforcement or action; and

(c) make copies of anything related to the inspection, remedy, enforcement or action.

47.3 If a person refuses to grant consent or refuses to produce anything to assist in the inspection, remedy, enforcement or action referred to in Section 542 of the *Act*, the municipality under the authority of Section 543 of the *Act* may obtain a court order.

AMENDMENTS

SECTION 48 AMENDMENTS TO THE LAND USE BYLAW

48.1 Any person or the Town may initiate amendments to the Town of Stavely Land Use Bylaw by submitting an application to the Development Officer.

48.2 All applications for amendment shall be submitted using the applicable form in Appendix A, and be accompanied by any additional information, as deemed necessary by the Development Officer to process the application.

48.3 The Development Officer may refuse to accept an application if, in his/her opinion, the information supplied is not sufficient to make a proper evaluation of the proposed amendment.

48.4 Council or the Development Officer may refer the application to the Municipal Planning Commission for their recommendation.

48.5 The Development Officer shall forward an application to Council for consideration when satisfied that sufficient information has been provided with the application.

48.6 Public hearing and notification requirements shall be in accordance with Section 692 of the *Act*.

48.7 Where an application for an amendment to the Town of Stavely Land Use Bylaw has been refused by Council, another application that is the same or similar in nature shall not be accepted until at least 12 months after the date of refusal.

48.8 Where an application has been significantly changed, Town Council may accept an application prior to the end of the 12-month period specified in subsection 48.7.

SECTION 49 LAND USE REDESIGNATION APPLICATION REQUIREMENTS

49.1 A request for redesignation from one land use district to another shall be accompanied by:

(a) a completed application form and the applicable fee;

(b) a copy of the certificate of title for the lands, dated not more than 60 days prior to the date on which the application was made;

(c) a narrative describing the:

(i) proposed designation and future uses(s);

(ii) consistency with the applicable statutory plans;

(iii) compatibility of the proposal with surrounding uses and zoning;

(iv) development potential/suitability of the site, including identification of any constraints and/or hazard areas (e.g. easements, soil conditions, topography, drainage, floodplain, steep slopes, etc.);

(v) availability of facilities and services (sewage disposal, domestic water, gas, electricity, fire and police protection, schools, etc.) to serve the subject property while maintaining adequate levels of service to existing development;

(vi) any potential impacts on public roads; and

(vii) any other information deemed necessary by the Development Officer or Council to properly evaluate the proposal;

(d) conceptual lot design, if applicable;

(e) a geotechnical report addressing the following but not limited to:

(i) slope stability,

(ii) groundwater,

(iii) sewage,

(iv) water table, and

(v) flood plain analysis,

if deemed necessary by the Development Officer, or Council;

(f) an evaluation of surface drainage which may include adjacent properties if deemed necessary by the Development Officer, or Council; and

(g) any other information deemed necessary by the Development Officer, or Council to properly evaluate the application.

49.2 An Area Structure Plan or Conceptual Design Scheme shall be required in conjunction with a redesignation application when:

(a) redesignating land from Urban Reserve – UR to another district;

(b) redesignating annexed land to a district other than Urban Reserve – UR, except where an approved Area Structure Plan or Conceptual Design Scheme defines land use designation(s) for the proposed development area, or unless determined otherwise by Council.

49.3 An Area Structure Plan or Conceptual Design Scheme may be required in conjunction with a redesignation application involving:

(a) industrial development;

(b) large-scale commercial development;

(c) manufactured home park;

(d) multi-lot residential development resulting in the creation of more than five lots or which has the potential to trigger capacity upgrades or expansion of infrastructure; or

(e) as required by Council.

SECTION 50 REDESIGNATION CRITERIA

50.1 When redesignating land from one land use district to another, Council considerations shall include the following:

(a) compliance with applicable standards and provisions of the Town of Stavely Land Use Bylaw;

(b) consistency with the Municipal Development Plan and any other adopted statutory plans;

(c) compatibility with adjacent uses;

(d) development potential/suitability of the site;

(e) availability of facilities and services (sewage disposal, domestic water, gas, electricity, police and fire protection, schools, etc.) to serve the subject property and any potential impacts to levels of service to existing and future developments;

(f) cumulative impact to the Town;

(g) potential impacts on public roads;

(h) setback distances contained in the Subdivision and Development Regulation;

(i) supply of suitably-designated land;

(j) public comment and any applicable review agency comments; and

(k) any other matters deemed pertinent.

SUBDIVISION RULES AND PROCEDURES

SECTION 51 SUBDIVISION APPLICATIONS

51.1 An applicant applying for subdivision shall provide the required material and information as requested by the Subdivision Authority or its designate. A completed 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 surveyor's 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) for vacant parcels, a soils analysis which indicates the ability of the proposed parcel to be privately serviced; and

(g) 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 may be required from the applicant prior to a decision being rendered on a subdivision application to determine the suitability of the land for the proposed use; and

(h) 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 *Act* must also be provided on the submitted application form unless determined not to be needed by the Subdivision Authority.

51.2 In accordance with the *Act*, 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 Incomplete Subdivision Application what the outstanding or required information items are that must be submitted by the time specified in the notice.

51.3 Notwithstanding subsection 51.2, the applicant and Subdivision Authority may agree and sign a time extension agreement in writing in accordance with Section 653.1(3) of the *Act* to extend the 20-day decision time period to determine whether the subdivision application and support information submitted is complete.

51.4 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 52 INCOMPLETE SUBDIVISION APPLICATIONS

52.1 The Subdivision Authority may refuse to accept and process a subdivision application where the information required under Section 51 and/or as described in a Notice of Incomplete Subdivision Application 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.

52.2 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 subsection 51.2.

52.3 The notification provided for in subsection 51.2(b) 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 *Act*.

SECTION 53 SUBDIVISION DECISION

53.1 All applications for subdivision approval shall be evaluated by the Town in accordance with the following criteria:

(a) compliance with statutory plans, bylaws, and regulations;

(b) adequacy of road access;

(c) provision of municipal services and utilities, including a storm water drainage plan;

(d) compatibility with adjacent land uses;

(e) accessibility to emergency services;

(f) site suitability in terms of minimum dimensional standards for lots and all other criterion in this bylaw as specified in the applicable land use district in Schedule 2.

(g) any other matters the Town may consider necessary.

53.2 For the purpose of infill development, an application which proposes to subdivide an accessory structure onto a separate lot may be considered by the Subdivision Authority where:

(a) the proposed lots meet the provisions of Schedule 3 (Dimensional Standards and Setbacks);

(b) the existing and proposed buildings meet the provisions of Schedule 3 (Dimensional Standards and Setbacks) based on the lot proposed layout;

(c) the access of each lot is provided from a public roadway, not a lane or laneway;

(d) all lots are serviceable to the satisfaction of the municipality.

53.3 At the time of subdivision and as a condition of approval, 10 percent of the lands to be subdivided shall be dedicated as municipal and/or school reserve in accordance with the provisions of the *Act*. The Town may take municipal and/or school reserve in one or a combination of the following methods:

(a) land,

(b) land similar in quality to the land being proposed to be subdivided,

(c) money in lieu, or

(d) deferral to the balance of the subject property.

53.4 Money-in-lieu of municipal reserve shall be placed in a special reserve fund, administered by the Town, to be used for recreation area and facility construction and improvement.

53.5 The Town will coordinate the location of new schools and the allocation of school reserves in the municipality with the local school divisions.

53.6 In residential areas, the Town may allocate municipal and/or school reserve for the purpose of developing parks, playgrounds, trail systems, recreation facilities, schools and similar uses.

53.7 In commercial or industrial areas, the Town may allocate municipal reserve for the purpose of providing a buffer between incompatible land uses or to augment the parks and trails system.

53.8 In addition to Municipal Reserve, land that is deemed to be protected may be left in its natural state and allocated as environmental reserve or environmental reserve easement in accordance with the provisions of the *Act*.

SECTION 54 LOT DESIGN

54.1 Through lots or double frontage lots shall be avoided except where essential to separate residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. In such cases, access will be allowed only on the lower classification street.

54.2 Flag lots are prohibited in the single-family and multi-family development categories. Flag lots or parcels may be permitted in lots exceeding 0.2 ha (0.5 acre) under the following conditions:

(a) the flag lot directly accesses a local or residential street;

(b) the aggregate width of the pole, or poles for two adjacent flag lots, is a minimum of 12.1 m (40 ft) in width with minimum pole width 6.1 m (20 ft).

54.3 All rectangular lots and, so far as practical, all other lots shall have side lot lines at right angles to straight street lines or radial side lot lines to curved street lines. Unusual or odd-shaped lots having boundary lines that intersect at extreme angles shall be avoided.

54.4 The lot line common to the street right-of-way line shall be the front line. All lots shall face the front line and a similar lot across the street. Wherever feasible, lots shall be arranged so that the rear line does not abut the side line of an adjacent lot.

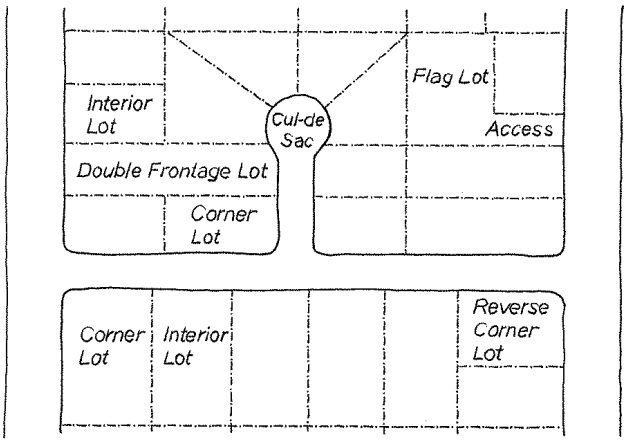

Figure 54.1

54.5 No lot or parcel shall be created which does not provide for a buildable area as defined by the applicable land use district, except pursuant to an area structure plan.

54.6 The length and width of blocks shall be sufficient to accommodate two tiers of lots with minimum standards specified by the applicable land use district and this section, except where a single row of lots back up to an arterial street. When reviewing proposed lot and block arrangements, the subdivision authority shall consider the following factors:

(a) Adequate Building Sites Required: adequate building sites suitable to the special needs of the type of land use (residential, commercial or other) proposed for development shall be provided, taking into consideration topographical and drainage features;

(b) Minimum Lot Sizes Established: minimum land use district and lot requirements defining lot sizes and dimensions shall be accommodated without creating unusable lot remnants;

(c) Safe Access Required: block layout shall enable development to meet all Town engineering requirements for convenient access, circulation, control and safety of street traffic.

54.7 At the time of subdivision, all corner lots and interior laneway corner lots shall dedicate clear vision triangles as right-of-way.

SECTION 55 SUBDIVISION APPEALS

55.1 In accordance with the *Act*, any land owner who applied for subdivision and was refused an approval or had conditions attached to the approval, may appeal the decision within 21 days from the decision date to the Subdivision and Development Appeal Board, or the Municipal Government Board (where the Subdivision and Development Regulation requires it). Adjacent or affected land owners have no right to appeal under the *Act*.

ADMINISTRATION DEFINITIONS

SECTION 56 ADMINISTRATION DEFINITIONS

The following definitions shall apply to the entire bylaw.

A

ACT means the *Municipal Government Act*, Revised Statutes of Alberta, 2000, Chapter M-26, as amended.

ADDITION means construction that increases the footprint of an existing building or structure on the parcel of land. Typically there will be a common connection from the existing building to the addition that includes a foundation of some type beneath the addition.

ADJACENT LAND OR ADJACENT means land that is contiguous to a parcel of land proposed for development, subdivision or redesignation and includes land that would be contiguous if not for a road, railway, walkway, watercourse, water body, utility lot, right-of-way, reserve land or other similar feature.

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.

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 public use.

APPROVED USE means a use of land and/or building for which a development permit has been issued by the Development Authority or the Subdivision and Development Appeal Board.

AREA REDEVELOPMENT PLAN means a statutory plan, prepared in accordance with Sections 634 and 635 of the *Municipal Government 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 (*Municipal Government Act*, Section 633) and that may be adopted by a Council by bylaw.

B

BALCONY means a platform, attached to and projecting from the face of a principal building with or without a supporting structure above the first storey, normally surrounded by a baluster railing and used as an outdoor porch or sundeck with access only from within the building.

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.

BERM means a barrier, typically constructed of mounded earth, used to separate incompatible areas, uses, or functions, or to protect a site or development from noise.

BUFFER means open spaces, landscaped areas, fences, walls, hedges, trees, shrubs, berms or other similar features used to physically and/or visually separate incompatible uses, areas, functions, sites, buildings, roadways, districts, etc.

BUILDING has the meaning defined in the *Act* and includes 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 ENVELOPE means the space created on a lot or parcel within which a building may be constructed once the setback requirements for a specific land use district have been considered.

BUILDING GRADE (as applied to the determination of building height) 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.

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

BUILDING INSPECTOR means the person or persons hired to be the chief building inspector or building inspectors in and for the Town of Stavely.

BUILDING PERMIT means a certificate or document issued by the Safety Codes Officer pursuant to provincial legislation authorizing commencement of construction.

BUILDING WIDTH, MINIMUM means the minimum horizontal distance of the building's living space measured parallel to the shortest exterior wall of the building and perpendicular to the longest exterior wall of the building and excludes porches, decks, patios, balconies, carports, garages, unheated storage space, porte-cochere and other similar architectural features.

BUSINESS means a commercial, merchandising, or industrial activity or undertaking, a profession, trade, occupation, calling or employment or an activity providing goods or services, whether or not for profit and however organized or formed, including a cooperative or association of persons.

BYLAW means the Land Use Bylaw of the Town of Stavely.

C

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.

COMMON WALL means a vertical separation completely dividing a portion of a building from the remainder of the building and creating in effect a building which, from its roof to its lowest level, is separate and complete unto itself for its intended purpose, such wall being owned by one party but jointly used by two parties, one or both of whom is entitled to such use by prior arrangement.

CONCEPTUAL DESIGN SCHEME means a detailed site layout plan for a parcel of land which typically addresses the same requirements as 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 building or structure where there exists a type of ownership of individual units, generally in a multi-unit development or project where the owner possesses an interest as a tenant in common with other owners in accordance with the provisions of the *Condominium Property Act*.

CONDOMINIUM PLAN means a plan of survey registered at a Land Titles Office prepared in accordance with the provisions of the *Condominium Property Act*, Revised Statutes of Alberta 2000, Chapter C-22, as amended.

CORNER VISIBILITY OR CLEAR VISION TRIANGLES means a triangular area on a corner lot that is comprised of two sides which are measured from the intersection corner for a distance specified in this bylaw. The third side of the triangle is a line joining the ends of the other two sides. Where the lot lines at intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection.

COUNCIL means Council of the Town of Stavely.

D

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

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 change the use of the property from its existing use.

DEVELOPMENT in accordance with the *Act* means:

(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 or subdivision approval which specifies the roadways, walkways, public utilities, and other services to be provided by the applicant as a condition of a development permit or subdivision approval, in accordance with the *Act*.

DEVELOPMENT AUTHORITY means the body established by bylaw to act as the Development Authority in accordance with Section 624 of the *Act*.

DEVELOPMENT OFFICER means a person(s) authorized by Council to act as a development authority pursuant to Section 624 of the *Municipal Government Act* and in accordance with the Municipal Planning Commission Bylaw.

DEVELOPMENT PERMIT means a permit issued with or without conditions pursuant to this bylaw authorizing a development. A development permit does not constitute a building permit.

DISCRETIONARY USE means the use of land or building(s) provided for in the Land Use Bylaw for which a development permit may be issued, following receipt by the Development Officer of a competed application with appropriate details and fees.

DISTRICT – see LAND USE DISTRICT

E

EASEMENT means a right held by one party in land owned by another, typically for access or to accommodate a public utility.

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

EXCAVATION means the process of altering the natural elevation of the ground by grading, cutting, stripping, filling or breaking of ground, but does not include common household gardening and ground care, excavation made for the building of basements, structures, landscaping, or parking for which a development permit has been issued, or extensive agriculture. Gravel pit, mineral extraction and any other similar extractive use are not classified as excavation and are a separate use.

F

FLOOD ELEVATION, 1:100 YEAR means the water level reached during a 1:100 year flood as determined in accordance with the technical criteria established by Alberta Environment.

FLOOD RISK AREA means the area of land bordering a water course or water body that would be inundated by 1:100 year flood (i.e. a flood that has a 1 percent chance of occurring every year) as determined by Alberta Environment in consultation with the Town and may include both flood fringe and floodway.

FLOOR AREA means the sum of the gross horizontal area of the several floors and passageways of a building, but not including cellars, attached garages and open porches. All dimensions shall be outside dimensions. Basement floor areas shall be included only where the building contains a basement suite.

FLOOR AREA RATIO means the net floor area divided by the gross lot area.

FOUNDATION means the supporting base structure of a building.

G

GEOTECHNICAL REPORT means a comprehensive site analysis and report prepared by a qualified and registered professional with The Association of Professional Engineers and Geoscientists of Alberta (APEGA).

GRADE, LANDSCAPED (as applied to the determination of height of balconies, decks and architectural features and landscape structures) means the average level of finished landscaped ground under the four principal corners of the balcony, deck, architectural feature or landscape structure. For buildings see BUILDING GRADE.

L

LANDOWNER – see REGISTERED OWNER

LANDSCAPING means the modification, beautification and enhancement of a site or development through the use of the following elements:

(a) natural landscaping consisting of vegetation such as trees, shrubs, hedges, grass, flowers and other ground cover or materials;

(b) hard landscaping consisting of non-vegetative materials such as brick, stone, concrete, tile and wood, excluding monolithic concrete and asphalt; and

(c) excludes all areas utilized for driveways and parking.

LAND USE DISTRICT means a specifically delineated area or zone within which the development standards of this bylaw govern the use, placement, spacing, and size of land and buildings. All land use districts referred to in this bylaw are shown on the Land Use District Map found in Schedule 1 to this bylaw.

LANE or LANEWAY means a public thoroughfare, which provides a secondary means of access to a lot or lots.

LOT means a lot as defined in the *Act* and shall include a bare land condominium unit.

M

MAINTENANCE means the upkeep of a building or property that does not involve structural change, the change of use, or the change of intensity of use.

MASS WASTING means a general term describing a variety of processes, including but not limited to slumping, sloughing, fall and flow, by which earth materials are moved by gravity.

MUNICIPAL DEVELOPMENT PLAN means a Statutory Plan, formerly known as a General Municipal Plan, adopted by bylaw in accordance with Section 632 of the *Act*.

MUNICIPAL GOVERNMENT ACT means the *Municipal Government Act*, Revised Statutes of Alberta, 2000, Chapter M-26, as amended.

MUNICIPAL/SCHOOL RESERVE means the land specified to be municipal and school reserve by the Subdivision Authority pursuant to Section 666 of the *Act*.

MUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD (SDAB) means the committee established, by bylaw, to act as the municipal appeal body for subdivision and development applications.

MUNICIPAL PLANNING COMMISSION (MPC) means the committee authorized by Council to act as the Subdivision Authority pursuant to Section 623 of the *Act* and Development Authority pursuant to Section 624 of the *Act*, and in accordance with the Municipal Planning Commission Bylaw.

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 means a building:

(a) that is lawfully constructed or lawfully under construction at the date of a Land Use Bylaw or any amendment thereof affecting the building or land on which the building is situated becomes effective; and

(b) that on the date the Land Use Bylaw or any amendment thereof becomes effective does not, or when constructed will not, comply with the Land Use Bylaw.

NON-CONFORMING USE means a lawful specific use:

(a) being made of land or a building or intended to be made of a building lawfully under construction, at the date of a Land Use Bylaw or any amendment thereof affecting the land or building becomes effective; and

(b) that on the date the Land Use Bylaw or any amendment thereof becomes effective does not, or in the case of a building under construction, will not comply with the Land Use Bylaw.

NON-SERVICED means in respect to a lot or parcel that neither a municipal water system nor a municipal sewage system services it.

NOTICE OF COMPLETENESS means a letter written in accordance with Section 683.1 of the *Act*.

NUISANCE means any use, prevailing condition or activity which has a detrimental effect 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-SITE LEVY means the rate established by the municipal Council that will be imposed upon owners and/or developers who are increasing the use of utility services, traffic services, and other services directly attributable to the changes that are proposed to the personal property. The revenues from the off-site levies will be collected by the municipality and used to offset the future capital costs for expanding utility services, transportation network, and other services that have to be expanded in order to service the needs that are proposed for the change in use of the property.

OFF-STREET LOADING SPACE means an open area, not exceeding 9.1 m (30 ft) in width, located in the rear yard space, designed expressly for the parking of haulage vehicles while loading or unloading.

OFF-STREET PARKING means a lot or portion thereof, excluding a public roadway which is used or intended to be used as a parking area for motor vehicles.

OFF-STREET PARKING SPACE means an off-street area available for the parking of one motor vehicle. Every off-street parking space shall be accessible from a street, lane or other public roadway.

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

P

PARCEL means an area of land described in a certificate of title either directly or by reference to a plan and registered with the Alberta Land Titles Office.

PARTIALLY SERVICED LOT means a lot that is provided water or sewer serviced by either:

(a) a municipal water line or a municipal sewer line; or

(b) an incorporated organization or co-operative, recognized by the municipality, that is operating a provincially approved water or sewer system.

PERMITTED USE means the use of land or building(s) which is permitted in a district for which a development permit shall be issued, following receipt by the Development Officer of a completed application with appropriate details and fees.

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.

PRINCIPAL BUILDING means a building which:

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

(b) is the chief or main building on a lot; or

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

PRINCIPAL USE means the main purpose, in the opinion of the Development Officer or Municipal Planning Commission, for which a lot is used.

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

PROVINCIAL LAND USE POLICIES means policies established by order of the Lieutenant Governor pursuant to Section 622 of the *Act*.

PUBLIC ROADWAY means a right-of-way maintained by the Town and is open to the public for the purpose of vehicular traffic.

PUBLIC OPEN SPACE means land, which is not in private ownership and is open to use by the public.

R

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 prepared by a registered Alberta Land Surveyor.

REGISTERED OWNER 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.

RIGHT-OF-WAY 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).

ROAD – see PUBLIC ROADWAY

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.

SCREENING means a fence, wall, berm or hedge used to visually separate areas or functions that detract from the street or neighbouring land uses.

SETBACK means the minimum distance required between a property line and the foundation of the development. In the absence of a foundation, the setback shall be measured to the nearest part of any building, structure, development, excavation or use on the subject property and is measured at a right angle to the property line.

SIMILAR USE means a use of land or building(s) for a purpose that is not provided in any district designated in this bylaw, but is deemed by the Development Officer or Municipal Planning Commission to be similar in character and purpose to another use of land or buildings that is included within the list of uses prescribed for that district.

SITE means that part of a parcel or a group of parcels on which a development exists or which an application for a development permit is being made.

SITE PLAN means a plan drawn to scale illustrating the proposed and existing development prepared in accordance with the requirements of this bylaw.

STOP ORDER means an order issued by the Development Officer or Municipal Planning Commission pursuant to Section 645 of the *Act*.

STOREY means the space between the top of any floor and the top of the next floor above it and if there is no floor above it, the portion between the top of the floor and the ceiling above it, but does not include a basement.

STREET means a thoroughfare which is used or intended to be used for passage or travel of motor vehicles and includes the sidewalks and land on each side of and contiguous to the prepared surface of the thoroughfare. It does not include lanes.

STRUCTURE means anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include buildings, walls, fences, billboards and poster panels.

SUBDIVISION AND DEVELOPMENT REGULATION means regulations established by order of the Lieutenant Governor in Council pursuant to Section 694 of the *Act*.

SUBDIVISION AUTHORITY means the body established by bylaw to act as the subdivision authority in accordance with Section 623 of the *Act*.

SUBDIVISION OR SUBDIVIDE means the division of a parcel by an instrument.

SUBSIDENCE means a localized downward settling or sinking of a land surface.

SUCH AS means includes, but is not limited to the list of items provided.

T

TEMPORARY DEVELOPMENT means a development for which a development permit has been issued for a limited time period.

TOWN means the Town of Stavely.

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.

UTILITIES means any one or more of the following:

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

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

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

(d) storm water drainage facilities;

(e) any other things prescribed by the Lieutenant Governor in Council by regulation;

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

V

VARIANCE means a relaxation of measurable standards of the bylaw.

W

WAIVER means the relaxation of a development standard as established in this bylaw. For the purpose of this bylaw, only the Municipal Planning Commission or, on appeal, the Subdivision and Development Appeal Board can waive provisions of the Land Use Bylaw.

Z

ZONING – see LAND USE DISTRICT

All other words and expressions not otherwise defined in this Land Use Bylaw have the meaning assigned to them in the *Act*.

Schedule 1

LAND USE DISTRICTS

Schedule 1

LAND USE DISTRICTS

SECTION 1 DIVISION OF MUNICIPALITY

1.1 The municipality is divided into those districts shown on the Land Use Districts Map of this schedule.

1.2 Each district shown on the map referred to in Section 1 of this schedule shall be known by the following identifying names and symbols:

RESIDENTIAL	– R1
RESIDENTIAL MULTI-UNIT	– R2
RESIDENTIAL ARCHITECTURAL CONTROL	– RAC
RESIDENTIAL ARCHITECTURAL CONTROL 2	– RAC2
PUBLIC INSTITUTIONAL	– PI
COMMERCIAL	– CO
INDUSTRIAL	– IN
URBAN RESERVE	– UR

SECTION 2 INTENT OF LAND USE DISTRICTS

2.1 Residential – R1

This district is intended to provide for a quality residential environment with the development of primarily single unit dwellings on standard size lots and other compatible uses.

PERMITTED USES

- Accessory building
- Dwelling, single-unit
- Home occupation 1
- Prefabricated dwelling

DISCRETIONARY USES

- Accessory structure
- Accessory use
- Alternative energy, solar
- Bed and breakfast establishments
- Day home
- Home occupation 2
- Moved-in building
- Moved-in dwelling
- Secondary suite
- Shipping Container, temporary
- Show home
- Signs

2.2 Residential Multi-Unit – R2

This district is intended to provide residential areas which will accommodate medium density housing within the community where high-quality multi-unit dwelling environments are integrated into either existing or proposed residential neighbourhoods.

PERMITTED USES

- Accessory building
- Dwelling, 2-unit
- Home occupation 1

DISCRETIONARY USES

- Accessory structure
- Accessory use
- Alternative energy, solar
- Apartment building
- Assisted Living
- Boarding or lodging house
- Day home
- Dwelling, 3-unit, 4-unit
- Dwelling group
- Dwelling, Row (more than 4 units)
- Home occupation 2
- Manufactured home
- Manufactured home community
- Moved-in building
- Secondary suite
- Senior citizen housing
- Shipping container, temporary
- Show home
- Signs

2.3 Residential Architectural Control – RAC

This district is intended to provide for a high quality residential environment with a limited range of housing types that comply with standards outlined in the Schedule 6 Residential Standards of Development and are also governed by Architectural Controls on title.

PERMITTED USES

- Accessory building
- Dwelling, single-unit
- Home occupation 1
- Prefabricated dwelling

DISCRETIONARY USES

- Accessory structure
- Accessory use
- Alternative energy, solar
- Day home
- Home occupation 2
- Moved-in dwelling
- Secondary suite
- Shipping container, temporary
- Show home
- Signs

2.4 Residential Architectural Control 2 – RAC2

This district is intended to provide for a high quality residential environment with a limited range of housing types that comply with standards outlined in the Schedule 6 Residential Standards of Development and are also governed by Architectural Controls on title.

PERMITTED USES

- Accessory building
- Dwelling, single-unit
- Home occupation 1
- Prefabricated dwelling

DISCRETIONARY USES

- Accessory structure
- Accessory use
- Alternative energy, solar
- Day home
- Home occupation 2
- Secondary suite
- Shipping container, temporary
- Show home
- Signs

2.5 Public Institutional – PI

This district is intended to assist in the development of government, educational, medical, social and other public and institutional uses.

PERMITTED USES

- Accessory building
- Cemetery and internment
- Child care facility
- Club or fraternal organization
- Community association building
- Government services
- Institutional
- Parks and playgrounds
- Religious assembly
- Schools /Education facilities
- Signs
- Tourist information
- Waste management transfer site
- Waste water treatment plant
- Water treatment plant

DISCRETIONARY USES

- Accessory structure
- Accessory use
- Alternative energy, solar
- Assisted living
- Campground, private
- Campground, public
- Farmer's market
- Golf course
- Grouped care facility
- Hospital
- Moved-in building
- Museum
- Place of worship
- Public or private recreation
- Public or institutional
- Public or private utility
- Senior citizen residence
- Shipping Container, permanent
- Shipping Container, temporary

2.6 Commercial – CO

This district is intended to accommodate a variety of retail, service, and office uses, which primarily cater to the daily needs of the residents of the Town of Stavely.

PERMITTED USES

- Accessory building
- Animal care service, small
- Business support service
- Club or fraternal organization
- Convenience store
- Financial institution
- Hotel
- Medical/Health facility
- Motel
- Office
- Personal services
- Restaurant
- Retail
- Signs
- Tourist information

DISCRETIONARY USES

- Accessory structure
- Accessory use
- Alternative energy, solar
- Amusement facility
- Auto sales and service
- Bakery
- Billiard hall
- Child care facility
- Coffee house
- Community association building
- Contractor, limited
- Drive-in restaurant
- Drop-in centre
- Entertainment establishment
- Government services
- Household repair service
- Equipment sales, rental and service
- Farmer's market
- Funeral home
- Garden center or greenhouse
- Liquor store
- Lounge/beverage room/drinking establishment
- Meeting hall
- Mixed-use residential
- Moved-in building
- Museum
- Parking facility
- Public or private utility
- Recreation, Private
- Recreation, Public
- Recycling facility
- Religious Assembly
- Retail cannabis store
- Service station or Gas bar
- Shipping container, temporary
- Surveillance suite

2.7 Industrial – IN

This district is intended to accommodate a range of primarily industrial and warehousing uses while allowing uses that may require large lots, special sitting and/or servicing or which may be considered noxious or hazardous.

PERMITTED USES

- Accessory building
- Animal care service, small
- Business support service
- Club or fraternal organization
- Contractor, limited
- Contractor, general
- Equipment sales, rental and service
- Farmer's market
- Garden centre or greenhouse
- General warehousing and storage
- Light industrial/manufacturing
- Lumber yard
- Mini storage
- Office
- Outdoor storage
- Public or private utility
- Signs
- Tourist information
- Transportation delivery service
- Truck dispatch/depot

DISCRETIONARY USES

- Accessory structure
- Accessory use
- Alternative energy, solar
- Alternative energy, wind
- Animal care, large
- Auctioneering facility
- Auto body and paint shop
- Auto sales and service
- Bulk fuel station
- Car wash
- Convenience store
- Entertainment establishment
- Funeral home
- Grain elevator
- Liquor store
- Lounge/beverage room/drinking establishment
- Moved-in building
- Recycling facility
- Religious assembly
- Restaurant
- Retail cannabis store
- Seed cleaning plant
- Service station or gas bar
- Shipping container, permanent
- Shipping container, temporary
- Surveillance suite
- Truck stop
- Truck wash

2.8 Urban Reserve – UR

This district is intended to ensure lots typically on the periphery of existing developments are allowed limited uses and maintain parcels of larger sizes to give maximum flexibility for use and development when the land is required for urban development.

PERMITTED USES

- Accessory building
- Dwelling, single-unit
- Extensive agriculture
- Home occupation 1

DISCRETIONARY USES

- Accessory structure
- Accessory use
- Alternative energy, solar
- Campground, private
- Campground, public
- Day home
- Home occupation 2
- Manufactured home
- Moved-in building
- Moved-in dwelling
- Prefabricated dwelling
- Public or private utility
- Secondary Suite
- Shipping Container, temporary
- Signs

Schedule 2

USE REGULATION

Schedule 2

USE REGULATION

SECTION 1 USE CATEGORIES AND SPECIFIC USES

1.1 The uses allowed within the land use districts are identified in Table 2.2.1. The land use districts are referenced by their two letter abbreviations.

1.2 All of the Specific Use types listed in the second column of Table 2.2.1 are defined in Section 3 of this schedule.

1.3 A "P" indicates that the listed use is allowed by right within the respective land use district after review and approval by the Development Officer in accordance with *Section 28 Permitted Uses* in the Administrative section. Permitted uses are subject to all other applicable standards of the Land Use Bylaw.

1.4 A "D" indicates that the listed use is allowed within in the respective land use district only after review and approval by the Municipal Planning Commission, in accordance with *Section 29 Discretionary Uses* in the Administrative section. Discretionary uses are subject to all other applicable standards of the Land Use Bylaw.

1.5 A blank cell (one without a "P" or "D") indicates that the listed use type is not allowed within the respective Land Use District.

1.6 A use that is not specifically listed in the Specific Use Type column of Table 2.2.1, but which may be similar in character and purpose to other uses of land and structures in the land use district in which such use is proposed, the Development Officer may classify the use as either similar to a permitted use or similar to a discretionary use in accordance with *Section 30 Similar Uses* in the Administrative section.

1.7 The provisions of Schedule 3 (Dimensional Standards and Setbacks) apply to all uses in this section.

1.8 Developments not requiring a municipal development permit are listed in Schedule 4.

1.9 The provisions of Schedule 5 (General and Use Specific Standards of Development) apply to the uses in this section.

SECTION 2 USE TABLE: Table 2.2.1

USE CATEGORY	SPECIFIC USE TYPE	LAND USE DISTRICTS								DEVELOPMENT STANDARD
General		**R1**	**R2**	**RAC**	**RAC2**	**CO**	**IN**	**PI**	**UR**	
	Accessory building	P	P	P	P	P	P	P	P	Sch 6 Sec 1 [1 2 3]
	Accessory structure	D	D	D	D	D	D	D	D	[1 2 3]
	Accessory use	D	D	D	D	D	D	D	D	[1 2 3]
	Moved-in building	D	D			D	D	D	D	Sch 6 Sec 14 [1 2 3]
	Shipping container, permanent						D	D		Sch 5 Sec 14 [1 2 3]
	Shipping container, temporary	D	D	D	D	D	D	D	D	Sch 5 Sec 14 [1 2 3]
	Alternative energy, solar	D	D	D	D	D	D	D	D	Sch 5 Sec 12 [1 2 3]
	Alternative energy, wind						D			Sch 5 Sec 12 [1 2 3]
	Signs	D	D	D	D	P	P	P	D	Schedule 8 [1 2 3]
	Telecommunication antenna									Schedule 9 [1 2 3]
Household living	Dwelling single-unit	P		P	P				P	Schedule 6 [1 2 3]
	Prefabricated dwelling	P		P	P				D	Sch 6 Sec 12 [1 2 3]
	Manufactured home		D						D	Sch 6 Sec 13 [1 2 3]
	Manufactured home community		D							Sch 6 Sec 15 [1 2 3]
	Moved-in dwelling	D		D					D	Sch 6 Sec 14 [1 2 3]
	Dwelling 2-unit		P							Schedule 6 [1 2 3]
	Dwelling 3-unit, 4-unit		D							Schedule 6 [1 2 3]
	Dwelling group		D							Sch 6 Sec 20 [1 2 3]
	Row (more than 4 units)		D							Schedule 6 [1 2 3]
	Apartment building		D							Schedule 6 [1 2 3]
	Home occupation 1	P	P	P	P				P	Sch 6 Sec 11 [1 2 3]
	Home occupation 2	D	D	D	D				D	Sch 6 Sec 11 [1 2 3]
	Secondary suite	D	D	D	D				D	Sch 6 Sec 16 [1 2 3]
	Show home	D	D	D	D					Sch 5 Sec 15 [1 2 3]
	Assisted living		D					D		[1 2 3]
	Senior citizen housing		D							[1 2 3]
	Surveillance suite					D	D			Sch 7 Sec 10 [1 2 3]
Commercial		**R1**	**R2**	**RAC**	**RAC2**	**CO**	**IN**	**PI**	**UR**	
Automotive related	Auto sales and service					D	D			[1 2 3]
	Car wash						D			[1 2 3]
	Auto body and paint shop						D			[1 2 3]
Construction	Contractor, general						P			[1 2 3]
	Contractor, limited					D	P			[1 2 3]
	Lumber yard						P			[1 2 3]
Lodging	Hotel/motel					P				[1 2 3]
	Bed and breakfast	D	D							[1 2 3]
	Boarding or lodging house		D							[1 2 3]
	Mixed-use residential					D				[1 2 3]

USE CATEGORY	SPECIFIC USE TYPE	LAND USE DISTRICTS								DEVELOPMENT STANDARD
Commercial	**(continued)**	**R1**	**R2**	**RAC**	**RAC2**	**CO**	**IN**	**PI**	**UR**	
Offices	Office					P	D			[1] [2] [3]
	Business support service					P	D			[1] [2] [3]
	Financial institutions					P				[1] [2] [3]
Recreation & entertainment	Public or private recreation					D				[1] [2] [3]
	Amusement facility					D				[1] [2] [3]
	Campgrounds, private							D	D	[1] [2] [3]
	Entertainment establishment					D	D			[1] [2] [3]
	Lounge / beverage room / drinking establishment					D	D			[1] [2] [3]
Retail sales	Animal care service, small					P	P			[1] [2] [3]
	Coffee house					D				Sch 7 Sec 13 [1] [2] [3]
	Convenience store					P	D			[1] [2] [3]
	Drive-in restaurant					D				[1] [2] [3]
	Farmer's market					D	P	D		[1] [2] [3]
	Funeral home					D	D			[1] [2] [3]
	Liquor store					D	D			[1] [2] [3]
	Medical/health facility					P				[1] [2] [3]
	Personal services					P				[1] [2] [3]
	Restaurant					P	D			[1] [2] [3]
	Retail					P				[1] [2] [3]
	Retail cannabis store					D	D			Sch 7 Sec 13 [1] [2] [3]
	Service station or gas bar					D	D			Sch 7 Sec 12 [1] [2] [3]
	Garden centre or greenhouse					D	D			[1] [2] [3]
	Equipment sales, rental and service						P			[1] [2] [3]
Industrial		**R1**	**R2**	**RAC**	**RAC2**	**CO**	**IN**	**PI**	**UR**	
Manufacturing	Light industrial/manufacturing						P			[1] [2] [3]
Truck transport	Transportation/delivery service						P			[1] [2] [3]
	Truck dispatch/depot						P			[1] [2] [3]
	Truck stop						D			[1] [2] [3]
	Truck wash						D			[1] [2] [3]
Warehousing	Bulk fuel station						D			Sch 7 Sec 12 [1] [2] [3]
	Mini storage						P			[1] [2] [3]
	General warehousing and storage						P			[1] [2] [3]
	Outdoor storage						P			[1] [2] [3]
Other	Animal care service, large						D			[1] [2] [3]
	Auctioneering facility						D			[1] [2] [3]
	Extensive agriculture								P	[1] [2] [3]
	Grain elevator						D			[1] [2] [3]
	Seed cleaning plant						D			[1] [2] [3]

USE CATEGORY	SPECIFIC USE TYPE	LAND USE DISTRICTS								DEVELOPMENT STANDARD
Public		**R1**	**R2**	**RAC**	**RAC2**	**CO**	**IN**	**PI**	**UR**	
Child care	Day home	D	D	D	D				D	[1] [2] [3]
	Child care facility					D		P		[1] [2] [3]
Community service	Club or fraternal organization					P	P	P		[1] [2] [3]
	Community association building					D		P		[1] [2] [3]
	Government services					D		P		[1] [2] [3]
	Group care facility							D		[1] [2] [3]
	Institutional							P		[1] [2] [3]
	Recycling facility					D	D			[1] [2] [3]
	Religious assembly					D	D	P		[1] [2] [3]
	Schools/education facilities							P		[1] [2] [3]
	Tourist information					P	P	P		[1] [2] [3]
Parks & open space	Cemetery and interment services							P		[1] [2] [3]
	Golf course							D		[1] [2] [3]
	Campground , public							D	D	[1] [2] [3]
	Parks and playgrounds							P		[1] [2] [3]
Utility	Public or private utility					D	P	D	D	[1] [2] [3]
	Waste management transfer site							P		[1] [2] [3]
	Wastewater treatment plant							P		[1] [2] [3]
	Water treatment plant							P		[1] [2] [3]

Note: [1] Sections of Schedule 6 for residential or Schedule 7 for commercial/industrial may be applicable to the use listed in the table.
[2] Sections of Schedule 3 apply to the use listed in the table.
[3] Sections of Schedule 5 may be applicable to the use listed in the table.

SECTION 3 LAND USE DEFINITIONS

A

ACCESSORY BUILDING means any building that is physically separate from the principal building on the lot on which both are located and which is subordinate and incidental to that of the principal building. The use is subordinate and incidental to that of the principal use of the site on which it is located and examples of a typical accessory building are a private garage or shed. No accessory building shall be used for human habitation.

ACCESSORY STRUCTURE means a structure that is detached from the principal building. It is ancillary, incidental, and subordinate to the principal building or use. Typical accessory structures include flagpoles, swimming pools, storage tanks, and satellite dishes. When a structure is attached to the principal building by a roof, a floor, a wall, or a foundation, either above or below grade, it is considered part of the principal building. No accessory structure shall be used for human habitation.

ACCESSORY USE means a use or development customarily incidental and subordinate to the principal use or building and is located on the same parcel as such principal use or building. A principal use must be legally established or approved before an accessory use can be approved.

ADULT ESTABLISHMENT means a development 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 exclude 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 from which minors are excluded by reason of age.

ALTERNATIVE ENERGY, SOLAR means a structure that collects energy derived from the sun and is for the sole consumption of the landowner, resident or occupant.

ALTERNATIVE ENERGY, WIND means a structure that collects energy derived from the wind and is for the sole consumption of the landowner, resident or occupant.

AMMONIA STORAGE means a development of a building and/or containment facility used for the safe storage of ammonia and ammonia products normally associated with use for agricultural purposes.

AMUSEMENT FACILITY means development for amusement pastimes, and may incorporate eating facilities as an accessory use. Such uses may include but are not limited to, amusement arcades, billiard parlours, bingo halls, bowling alleys and indoor mini-golf.

ANIMAL CARE SERVICE, LARGE means any development maintained and operated by a licensed veterinarian for the on-site or off-site treatment of animals. The development may also be used for on-site boarding, breeding or training of animals and livestock. The facility may also include outside buildings and pens associated with the service and the supplementary sale of associated animal care products. Typically, this use will include veterinary offices or hospitals, animal shelters, and facilities for impounding and quarantining animals.

ANIMAL CARE SERVICE, SMALL means development for the on-site treatment and/or grooming of small animals such as household pets, where on-site accommodation may be provided and where all care and confinement facilities are enclosed within one particular building. This use may also include the supplementary sale of associated animal products. Typically, this use will include pet grooming salons, pet clinics and veterinary offices.

APARTMENT BUILDING means a development with several self-contained dwelling units (see definition of dwelling unit), each of which occupies a portion of the same building. Such a building will typically consist of five or more apartments for rent includes an area for tenant and visitor parking and have a common entrance.

ASSISTED LIVING means a development with a special combination of housing, supportive services, personalized assistance, and health care designed to respond to the individual needs of those who need help with activities of daily living. The facility may include a central or private kitchen, dining, recreational, and other facilities, with separate dwelling units or living quarters, where the emphasis of the facility remains residential.

AUTO BODY AND PAINT SHOP means a development of a building where motor vehicles are repaired and also where motor vehicle bodies and parts, and other metal machines, components, or objects may be painted. Painting of this type shall not be done outdoors, but must be set up in a properly ventilated building. This use may also include an outdoor storage area, towing and impound yard and an office component.

AUTO SALES AND SERVICE means a development for the retail sale, lease, or rental of new or used automobiles and/or recreational vehicles and/or a facility for the repair and servicing of automobiles and/or recreational vehicles, including but not limited to, mufflers, oil changes, transmissions, engine replacement, glass repair, auto detailing. Such facilities do not include the sale of gas but may include towing services as an accessory use.

AUCTIONEERING FACILITY means a development where animals or goods are regularly bought, sold, or traded to the highest bidder. The facility may also include holding pens and viewing areas, transport facilities, spectator seating, and administrative offices. This definition does not apply to individual sales of animals or goods by private owners.

AUTO WRECKAGE AND SALVAGE YARD means a development 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, towing and impound yard, and outdoor storage. The parcel of land on which the facility exists must be completely fenced according to Town standards.

B

BALCONY means an accessory structure where the projecting platform is elevated greater than 0.6 m (2 ft) from grade and usually surrounded by a railing. The platform is attached to or extending horizontally from one or more main walls of a building with one side greater than 1 m (3 ft) in width open to the elements. It may be cantilevered from the building or supported from below.

BED AND BREAKFAST means a development of 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.

BOARDING OR LODGING HOUSE means a development of a private dwelling in which lodgers rent room(s) for one night or even more extended periods of weeks or months. The common parts of the house, such as bathroom(s), kitchen, and living areas, are maintained by the private owner. Meals, laundry or cleaning may be provided as part of the lodging agreement.

BUILDING AND TRADE CONTRACTORS 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.

BULK FUEL STATION means a development 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.

BUSINESS means a commercial, merchandising, or industrial activity or undertaking, a profession, trade, occupation, calling or employment or an activity providing goods or services, whether or not for profit and however organized or formed, including a cooperative or association of persons.

BUSINESS SUPPORT SERVICE means a development primarily engaged in providing services for other business establishments such as advertising, copying, equipment, financial services, employment services, and other similar services.

C

CAMPGROUND means a development intended for seasonal occupancy by holiday or tent trailers, recreation vehicles, tents and similar equipment and which may include supplementary bathroom and recreational facilities, eating shelters, convenience retail, laundry facilities and dwelling accommodations for the operator.

CANNABIS refers to the plant Cannabis and is as defined in the Government of Canada *Cannabis Act*.

CANNABIS ACCESSORY refers to the products used in the consumption of cannabis and is as defined in the Government of Canada *Cannabis Act*.

CANNABIS PRODUCTION FACILITY means development where cannabis is grown, processed, packaged, tested, destroyed, stored or loaded for shipping.

CAR WASH means a development providing for the cleaning of motor vehicles but does not include SERVICE STATIONS/GAS BARS.

CARPORT means a partially enclosed accessory structure intended for the shelter of one of more motor vehicles with at least 40 percent of the total perimeter open and unobstructed.

CEMETERY AND INTERMENT SERVICES means a development for the entombment of the deceased and may include such facilities as crematories, cinerarium, columbarium, mausoleums, memorial parks, burial grounds, cemeteries and gardens of remembrance.

CHILD CARE FACILITY means a development used for the provision of care, maintenance and supervision of seven or more children, by persons unrelated to the children by blood or marriage, for periods not exceeding 24 consecutive hours and includes all child-care centres, day cares, nurseries and after-school or baby-sitting programs which meet the conditions of this definition. Group homes and day homes are separate uses.

CHURCH means a development whose primary purpose is to facilitate meetings of a group of people for public worship or religious services. See RELIGIOUS ASSEMBLY**.**

CLUB OR FRATERNAL ORGANIZATION 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 uses but "Campground" is a separate use.

COFFEE HOUSE means a development where an informal restaurant offers coffee, tea, and other beverages, and where baked goods and limited menu meals may also be sold.

COMMUNITY ASSOCIATION BUILDING or COMMUNITY HALL means a development whose primary purpose is to accommodate use by community group(s). The structure may include such features as meeting rooms, kitchen, stage and open floor area, bar/liquor area, multi-purpose rooms, washrooms, coat room, storage room(s) and administrative offices. Exterior uses may include parking, playground areas, outdoor shelters, and sitting areas.

CONTRACTOR, GENERAL means development used for industrial service support and construction. Typical uses include cleaning and maintenance contractors, building construction, landscaping, concrete, electrical, excavation, drilling heating, plumbing, paving, road construction, sewer or similar services of a construction nature which require on-site storage space for materials, construction equipment or vehicles normally associated with the contractor service. Any sales, display, office or technical support service areas shall be accessory to the principal general contractor use.

CONTRACTOR, LIMITED means a development used for the provision of electrical, plumbing, heating, painting, catering and similar contractor services primarily to individual household and the accessory sales of goods normally associated with the contractor services where all material are kept within an enclosed building, and there are no accessory manufacture activities or fleet storage of more than four vehicles.

CONVENIENCE STORE means a development that sells a limited line of groceries and household goods for the convenience of the neighbourhood.

D

DAY HOME means a private residence where care, development and supervision are provided for a maximum of six children between the ages of 0-12 years, by persons unrelated to the children by blood or marriage, including children under the age of 12 who reside in the home, for periods not exceeding 24 consecutive hours.

DECK means an accessory structure consisting of a paved, wooden, or other hard-surfaced area generally adjoining a principal building intended for outdoor living space that is 0.6 m (2 ft) or greater above grade.

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.

DRIVE-IN/DRIVE-THROUGH RESTAURANT means a development where food is prepared and served on the premise for sale to the public and includes car attendant and/or drive-through, pick-up service. See RESTAURANT.

DWELLING means a development 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

Single-unit dwelling means a development containing only one dwelling unit which is to be constructed on site and is to be placed on a basement or permanent slab foundation.

2-unit dwelling means a development that contains two separate dwelling units connected either by a common floor/ceiling, or by a common wall (party wall) between units.

3-unit dwelling means a development comprised of three dwelling units, each unit having a separate, direct entrance from grade or a landscaped area. Each dwelling unit will be connected either by a common floor/ceiling, or by a common wall (party wall) between units.

4-unit dwelling means a development comprised of four dwelling units, each unit having a separate, direct entrance from grade or a landscaped area. Each dwelling unit will be connected either by a common floor/ceiling, or by a common wall (party wall) between units.

Row dwelling means development consisting of a building containing a row of three or more dwelling units each sharing a common wall extending from the first floor to the roof, at the side only with no dwelling being place over another in whole or in part. Each dwelling unit shall have separate, individual, and direct access to the building at grade.

E

EATING ESTABLISHMENT means a development where food is prepared and served on the premises for sale to the public and may include supplementary on or off-premises catering services. This term includes restaurants, cafes, lunch and tea rooms, ice cream parlours, banquet facilities, take-out restaurants and other uses similar in character and nature. See RESTURANT.

EDUCATIONAL FACILITY means a development of instruction offering continuing education or specialized courses of study. Included in the category may be public, private, and commercial institutions.

ENTERTAINMENT ESTABLISHMENT means a development such as a theatre, auditorium, lounge or cabaret providing dramatic, musical or other entertainment indoors or outdoors and may include facilities for supplementary food and beverage consumption.

EQUIPMENT SALES, RENTAL AND SERVICE means a development for the retail sale, wholesale distribution, rental and/or service of: hand tools, small construction, farming, gardening and automotive equipment, small machinery parts and office machinery and equipment.

EXTENSIVE AGRICULTURE means a development for the production of crops or livestock or both by expansive cultivation or open grazing only. Barns, quonsets and other similar buildings associated with extensive agriculture are classified as accessory structures. This use does not include agricultural-related industry buildings or uses such as packaging plants, processing plants, agricultural support services or any other similar uses or structures.

F

FARMER'S MARKET means a development where fresh farm or garden produce is sold in retail or wholesale setting and where goods are typically displayed in bulk bins or stalls for customer selection. This use includes vendors of fruit, vegetables, meat products, baked goods, dry goods, spices and non-food products such as handicrafts, provided that the sale of fresh food products remains the primary function.

FENCE means an accessory structure usually made of wood, rails, bricks or wire intended to mark parcel boundaries and provide yard privacy.

FINANCIAL INSTITUTION means a development primarily for providing the service of banking or lending money, such as a bank, savings and loan institution, or credit union.

FITNESS FACILITY means a development where space, equipment or instruction is provided for people to pursue physical fitness or skills relating to physical activities and may include the incidental sale of products relating to the service provided. See PERSONAL SERVICE.

FUNERAL HOME means a development used for the arrangement of funerals, the preparation of the deceased for burial or cremation, and the holding of funeral services.

G

GARAGE means an accessory private building or part of the principal building, designed and used primarily for the storage of motor vehicles.

GARDEN CENTRE OR GREENHOUSE means a development specially designed and used for the commercial growing of vegetables, flowers or other plants for transplanting or sale. The use may include accessory retail uses on the premises.

GARDEN SHED means an accessory structure to store household and garden equipment and supplies.

GENERAL STORE means a development which deals primarily with the display and sale of food and other household goods required by residents of the immediate vicinity to meet their day-to-day household needs.

GENERAL WAREHOUSING AND STORAGE means a development for the storage of goods, equipment, and/or merchandise. The building may include administrative offices, loading areas, parking areas, storage rooms and the retail sale of goods stored in the warehouse. No outside storage is permitted with this use.

GOLF COURSE means a development of varying size where the land is developed primarily to accommodate the game of golf. Accessory uses include a pro shop, driving range, food service, and other commercial uses typically associated with a golf course clubhouse facility.

GOVERNMENT SERVICES means a development providing municipal, provincial, or federal government services directly to the public or the community at large, and includes development required for the public protection of persons or property.

GRAIN ELEVATOR/SEED CLEANING means a development for the collection, grading, sorting, storage, and transshipment of grains. This definition also includes 'inland grain terminals'.

GROUP CARE FACILITY means a development which provides residential accommodation and rehabilitative services to persons who are handicapped, disabled or undergoing rehabilitation and are provided care to meet their needs. 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 senior housing or assisted living which are separate uses in this bylaw.

H

HOLIDAY TRAILER – see RECREATIONAL VEHICLE

HOME OCCUPATION means an occupation, trade, profession or craft carried on by an occupant of a dwelling unit as a use secondary to the residential use of the lot, and which does not change the character thereof or have any exterior evidence of such secondary use.

HOTEL means a development for sleeping accommodations provided for a fee on a daily basis, accessible only through a central lobby with onsite parking; the building may also contain accessory commercial, and food and beverage service uses.

I

INSTITUTIONAL means a use by or for an organization or society for public or social purposes and, without restricting the generality of the term.

K

KENNEL means a development where dogs or cats or other domestic pets are maintained, boarded, bred, trained or cared for or kept for the purposes of sale but excludes an Animal Care Service.

L

LIGHT FABRICATION SHOPS means a development including the assembly of metal parts, such as blacksmith and welding shops, sheet metal shops, machine shops, and boiler shops, that produce metal duct work, tanks, towers, cabinets and enclosures, metal doors and gates, and similar products.

LIGHT INDUSTRIAL means a development used for processing, assembly, production or packaging of goods or products, as well as administrative offices and warehousing and wholesale distribution uses which are accessory uses to the above, provided that the use does not generate any detrimental impact, potential health or safety hazard or any nuisance beyond the boundaries of the developed portion of the site or lot upon which it is situated.

LIQUOR STORE means a development 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.

LOUNGE / BEVERAGE ROOM / DRINKING ESTABLISHMENT means a development, licensed by the Alberta Gaming and Liquor Commission, in which alcoholic beverages are served for a fee for consumption on the premises, and any preparation or serving of food is accessory thereto, and includes a licensed lounge that is ancillary to a restaurant.

LUMBER YARD means a development where lumber, building materials and supplies, and other building-related goods are stored, displayed and sold.

M

MACHINERY AND EQUIPMENT SALES, RENTAL, AND SERVICE means a development where the land and buildings are used for the sale, service and rental of machinery, vehicles and heavy machinery used in the operation, construction or maintenance of buildings, roadways, pipelines, oil fields, mining or forestry operations, and in freight hauling operations. Cleaning, repairing and sale of parts and accessories may be allowed as part of the principal use. Such a facility may include an administrative office, ancillary structures, outdoor work areas, parking, and outdoor storage areas.

MANUFACTURED HOME means a completely self-contained dwelling unit, designed and constructed entirely within a factory setting. Typically it is transported to a site in not more than one piece on its own chassis and wheel system or on a flatbed truck. For the purposes of this bylaw, a manufactured home does not include a “modular home” or “ready-to-move home”.

MANUFACTURED HOME COMMUNITY means a comprehensively planned residential development intended for the placement of manufactured homes on sites or pads. Such a community may also include amenity areas or facilities for the use of the community’s residents.

MANUFACTURING AND FABRICATION means a development where the land and buildings are used for the manufacture or fabrication of products or parts, and also the retail sale of such products or parts to the general public. Such a facility may include an administrative office, ancillary structures, outdoor work areas, parking, and outdoor storage areas.

MARKET GARDEN means a development for the growing of vegetables or fruit for commercial purposes. This use includes an area for the display and sale of goods or produce grown or raised on site.

MEDICAL/HEALTH FACILITY means a development 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.

MINI STORAGE means a development with compartmentalized buildings or a designated site set up for the storage of equipment, household or business materials, or vehicles, but excludes storage of hazardous goods or materials. Accessory to this use is the exterior screened storage of recreational vehicles, boats, trailers and similar items.

MIXED-USE RESIDENTIAL means a development where a building is used partly for residential and partly for commercial use.

MOBILE HOME – see MANUFACTURED HOME

MODULAR means a prefabricated dwelling unit consisting of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. See PREFABRICATED DWELLING.

MOTEL means a development on a site designed and operated to provide temporary accommodation for transient motorists and contains separate sleeping units, each of which is provided with an adjoining conveniently located parking stall. The building may also include accessory eating and drinking establishments and personal service shops.

MOVED-IN BUILDING means a previously used or existing, established and working non-residential building, which is removed from a site, and then transported and re-established on another site.

MOVED-IN DWELLING means a previously existing, established and occupied dwelling, which is removed from one site and then transported and re-established on another site. For the purposes of this bylaw, a moved-in dwelling does not include a "manufactured home", "modular home", "ready-to-move home", motor home, travel trailer, recreation vehicle and any similar vehicles that are neither intended for permanent residential habitation nor subject to the current provincial building requirements.

MUSEUM means a development used for the preservation, collection, restoration, display and/or demonstration of articles of historical significance and may include archival records of a geographic area or of a time period. See INSTITUTIONAL.

O

OFFICE means a 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.

OUTDOOR STORAGE means a development 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.

P

PANELIZED DWELLING means a prefabricated dwelling unit consisting of factory built wall panels which are assembled on site. All service systems and connections must comply with Alberta Safety Codes. See PREFABRICATED DWELLING.

PARKING FACILITY includes parking areas, parking spaces and parking structures which are defined as follows:

(a) **Parking area** means a portion of land or a building or a combination of both, set aside for and capable of providing space for the parking of a number of motor vehicles.

(b) **Parking space** means a space set aside for and capable of being used for the parking of one motor vehicle.

(c) **Parking structure** means a building or other structure designed for parking automobiles in tiers on a number of levels above each other whether above or below the ground.

PARK MODEL TRAILER means a recreational vehicle that is either:

(a) built on a single chassis mounted on wheels designed for infrequent towing by a heavy-duty tow vehicle but is restricted in size and weight so that it does not require a special highway movement permit and conforms to the CSA-Z-240 standard for recreational vehicles; or

(b) a recreational vehicle intended for temporary residence or seasonal use built on a single chassis mounted on wheels, which may be removed and returned to the factory, requiring a special tow vehicle and highway permit to move on the road and conforms to the CSA Z-241 standard for recreational vehicles.

PARKS AND PLAYGROUNDS means a development 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 outdoor area of a lot developed and used for leisure and/or recreation purposes.

PERSONAL SERVICES means a development that provide personal services to an individual that are related to the care and appearance of the body or the cleaning and repair of personal effects. Typical uses include but are not limited to barber shops, beauty salons, hairdressers, manicurists, aestheticians, fitness facility, tailors, dress makers, shoe repair shops, dry cleaning establishments, and laundries but does not include health services.

PORCH means a covered, open accessory structure (unenclosed) that is attached to the exterior of a building, often forming a covered entrance to a doorway. The structure does not have solid walls, but may be screened.

PREFABRICATED DWELLING means a dwelling unit or portions of a dwelling unit that is built in a factory or portions of dwelling units that are built in a factory or location other than on the lot intended for occupancy and includes modular, ready-to-move and panelized dwellings. The dwelling is a factory built structure that is manufactured in accordance with CSA and the Alberta Building Code, is transportable in one or more sections, and is used as a place for human habitation; but which is not constructed with a

permanent hitch, chassis or other device allowing transport of the unit other than for the purpose of delivery to a permanent site. This definition does not include manufactured homes, park model recreational units, park model trailers or travel trailers.

PUBLIC OR PRIVATE UTILITY means a development that includes any one or more of the following:

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

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

(c) 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;

(h) any other things prescribed by the Lieutenant Governor in Council by regulation.

Q

QUONSET means an accessory building made from metal having a semicircular roof and/or cross section and end walls.

R

READY-TO-MOVE (RTM) DWELLING means a dwelling unit 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. See PREFABRICATED DWELLING.

RECREATION, PRIVATE means a development of sports or recreational or retreat activities, use, facilities including associated eating and retail areas, provided by commercial for-profit and non-profit businesses where the public is admitted for a fee or where admission is limited to members of an organization or limited group. Such uses include, but are not limited to, gymnasiums, athletic/sport fields, shooting ranges, paint-ball, go-cart tracks, golf courses and ranges, outdoor min-golf, recreation centres, indoor/outdoor ice rinks, campgrounds retreats and country clubs.

RECREATION, PUBLIC means a development of sports or recreational or retreat activities, uses or facilities, including associated eating and retail areas, for public use which are public-owned or operated (i.e. municipal, provincial, or federal including local boards, agencies or commissions of the Town). Such uses include, but are not limited to, gymnasiums, athletic/sports fields shooting ranges, paint-ball, go-cart tracks, golf courses and ranges, outdoor min-golf, recreation centres indoor/outdoor ice rinks, campground, retreats, and country clubs.

RECREATIONAL VEHICLE / HOLIDAY TRAILER means a transportable living unit, designed to be moved on its own wheels or by other means (including units permanently mounted on trucks), designed or constructed to be used for sleeping or living purposes on a short-term, temporary basis. Such living units are subject to highway safety standards rather than housing standards. Typical units include, but are not limited to motor homes, a campers, holiday trailers, travel trailers, fifth wheel trailers, tent trailers and park model trailers. These units are not permitted as either temporary or permanent dwellings.

RECREATIONAL VEHICLE STORAGE – see OUTDOOR STORAGE

RECYCLING FACILITY means a development for the purchasing, receiving and/or temporary storage of discarded articles, provided that the use does not generate a detrimental effect or nuisance beyond the parcel or lot upon which it is situated. This use may involve supplementary production of by-products or materials and includes bottle, can, and paper recycling depots.

RELIGIOUS ASSEMBLY means a development used for public meetings, worship and related religious or social activities, and includes accessory rectories, manses, meeting rooms and classrooms. Typical uses would include community or civic halls/clubs, churches, chapels, temples, mosques, synagogues, parish halls and convents.

RESTAURANT means a development where food and beverages are prepared and served. The development may include supplementary alcoholic beverage service and catering services. This term will include restaurants, cafes, diners, lunch and tea rooms, ice cream parlors, banquet facilities, take-out restaurants and such other uses as the Municipal Planning Commission considers similar in character and nature to any one of these uses.

RETAIL means a development where goods, merchandise, substances, articles, and other materials, are offered for sale 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 warehouse sales and the sale of gasoline, heavy agricultural and industrial equipment, alcoholic beverages, retail cannabis store or retail stores requiring outdoor storage. Minor government services, such as postal services, are permitted within general retail stores.

RETAIL CANNABIS STORE means a development for the retail sale of cannabis and cannabis accessories. This use does not include cannabis production facility or retail.

S

SANDBLASTING FACILITIES means a development where the major source of activity involves the large scale sandblasting of agricultural, industrial or other equipment/items. Sandblasting facilities may also include welding and painting facilities on-site.

SCHOOL means a development of instruction offering courses of study. Included in the category are public, private, and separate schools.

SECONDARY SUITE means a development containing cooking facilities, food preparation area, sleeping and sanitary facilities, which is physically separate from those of the principal dwelling within the structure. A secondary suite shall also have 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.

SENIOR CITIZENS HOUSING means a development sponsored and administered by any public agency or any non-profit organization, either of which obtains its financial assistance from Federal, Provincial, or Municipal Governments or agencies or public subscriptions or donation or any combinations thereof. Senior citizen accommodation may include lounge, dining, health care, and recreation facilities. Also see ASSISTED LIVING.

SERVICE STATION or GAS BAR means a development for the retail sale of motor accessories, gasoline or other fuels and the supply of washing, greasing, cleaning and minor repair services for motor vehicles.

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.

SHOW HOME means a development of a finished dwelling unit which has been staged with appliances, furniture, and decorations for the viewing public as a sales tool. A show home may or may not contain a sales office for the development.

SIGN means any object, structure, fixture, placard, device and components, or portion thereof, which is used to advertise, identify, communicate, display, direct or attract attention to an object, matter, thing, person, institution, organization, business, product, service, event or location by any means. Refer to Schedule 8 for more sign definitions.

SMALL WIND ENERGY CONVERSION SYSTEM (SWECS) 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, which has a limited generation capacity to be used primarily for the applicants own use. See ALTERNATIVE ENERGY, Wind.

SURVEILLANCE SUITE means a dwelling unit or sleeping unit that is developed in conjunction with a principal use so that the dwelling is a supplementary use to the principal use, and which is used solely to accommodate a person or persons, whose function is to provide surveillance, maintenance and/or security.

T

TELECOMMUNICATION ANTENNA means a structure and any associated system, including all masts, towers and other antenna supporting structures that is used for the transmission, emission or reception of television, radio or telecommunications.

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

TRANSPORTATION/DELIVERY SERVICE means development involving the use of one or more vehicles to transport people, mail, currency, documents, packages and articles for compensation such as a mobile catering service, the rental or lease of vans and trucks, taxi service, limousine or bus service and may include limited storage and repair of the vehicles used. This use does not include towing operations.

TRANSPORTATION DISPATCH/DEPOT means a development for the purpose of storing and/or dispatching trucks, buses, fleet vehicles, and transport vehicles and may include towing operations. The use may also involve the transfer of goods primarily involving the loading and unloading of freight-carrying trucks.

TRAVEL TRAILER – see RECREATIONAL VEHICLE

TRUCK STOP means a development which a business, service or industry involved in the maintenance, servicing, storage or report of commercial vehicles is conducted or rendered including the dispensing of fuel products, the sale of accessories and/or equipment for trucks and similar commercial vehicles. A truck stop may also include convenience stores and restaurant facilities, and may include overnight accommodation facilities solely for the use of truck crews.

TRUCK WASH means a development of a commercial vehicle washing facility associated with large vehicles such as tractor trailers.

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.

UTILITIES – see PUBLIC OR PRIVATE UTILITY

V

VETERINARY CLINIC – see ANIMAL CARE SERVICE

W

WAREHOUSE means a development for the storage of goods, materials or equipment for use by a company.

WASTE MANAGEMENT SITES means a development for the commercial receiving of spent materials, provided that no detrimental effects or nuisances are generated beyond the parcel upon which it is situated. This use includes a dry waste site, a hazardous waste management facility and a waste sorting station. This use does not include a RECYCLING FACILITY.

WASTE MANAGEMENT TRANSFER STATION means a development for the collection and temporary holding of solid waste in a transferable storage container.

WASTEWATER TREATMENT PLANT has the same meaning as referred to in the Subdivision and Development Regulation and as in the *Environmental Protection and Enhancement Act*. This definition also includes a wastewater treatment stabilization plant.

WATER TREATMENT PLANT means a development that treats raw water so that it is safe for human consumption and then distributes it for human use.

All other words and expressions not otherwise defined in this Land Use Bylaw have the meaning assigned to them in the *Act*.

Schedule 3

DIMENSIONAL STANDARDS AND SETBACKS

Schedule 3

DIMENSIONAL STANDARDS AND SETBACKS

SECTION 1 DIMENSIONAL STANDARDS AND MINUMUM SETBACKS

1.1 Tables 3.2.1, 3.3.1 and 3.4.1 list the dimensional standards and setback requirements that apply to specific uses within each of the land use districts.

SECTION 2 MINIMUM LOT SIZE

Table 3.2.1: Minimum Lot Size

Land Use Districts	Specific Use	Minimum Lot Size					
		Width		Length		Area	
R1		m	ft	m	ft	m^2	ft^2
	Single unit, dwelling[(a)]	15.2	50	35.1	115	534.2	5,750
	Accessory or Moved-in building	Same as principal use					
	All other uses	As required by the MPC					
R2							
	2 unit, dwelling	22.9	75	35.1	115	801.3	8,625
	3-unit & 4-unit	30.5	100	35.1	115	1068.4	11,500
	Boarding or Lodging House	15.2	50	35.1	115	534.2	5,750
	Row (interior unit)	7.0	23	35.1	115	245.7	2,645
	(end unit)	12.2	40	35.1	115	427.3	4,600
	Manufactured home community					20,235	
	Apartment	As required by the MPC					
	Senior citizen housing	As required by the MPC					
	Accessory or Moved-in building	Same as principal use					
	All other uses	As required by the MPC					
RAC							
	Moved-in dwelling	15.2	50	30.5	100	464.5	5,000
	Single-unit dwelling	15.2	50	30.5	100	464.5	5,000
	Prefabricated dwelling	15.2	50	30.5	100	464.5	5,000
	All other uses	As required by the MPC					
RAC2							
	Single unit dwelling	15.2	50	30.5	100	464.5	5,000
	Prefabricated dwelling	15.2	50	30.5	100	464.5	5,000
	All other uses	As required by the MPC					
CO							
	All uses	7.6	25	35.1	115	267.1	2,875
IN							
	All uses	30.5	100	35.1	115	1068.4	11,500
PI							
	All uses	As required by the Development Authority					

Land Use Districts	Specific Use	Minimum Lot Size					
UR							
	Single unit, dwelling[(a)]	15.2	50	35.1	115	534.2	5,750
	Accessory or Moved-in building	Same as principal use					
	All other uses	As required by the MPC					

(a) For the purpose of this table, Single unit, dwellings include:
Stick built dwelling
Modular dwelling
Prefabricated dwelling
Ready-to-move dwelling
Manufactured home
Moved in dwelling
Boarding or Lodging House

2.1 **Minimum Dimensions Table**

The table lists the dimensional requirements that apply to specific uses within each of the land use districts.

2.2 The following definitions apply:

(a) **LOT** in accordance with the *Act*, means:

(i) a quarter section;

(ii) a river lot shown on an official plan, as defined in the *Surveys Act*, that is filed or lodged in a land titles office;

(iii) a settlement lot shown on an official plan as defined in the *Surveys Act*, that is filed or lodged in a land titles office;

(iv) 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;

(v) 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;

(vi) 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.

(b) **LOT WIDTH** means the horizontal distance between the side lot lines measured at a point perpendicular to the front property line (see Figure 3.2.1).

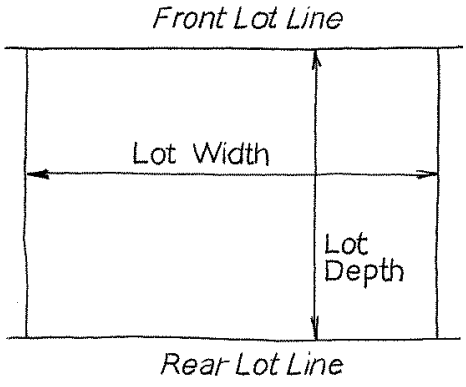

Figure 3.2.1

(c) **LOT LENGTH** means the horizontal distance between the front and the rear lot lines measure along the median between the side lot lines (see Figure 3.2.1).

(d) **LOT AREA** means the total area of a lot.

(e) **CORNER LOT** means a lot located at the intersection of two or more streets.

(f) **INTERIOR LOT** means a lot situated between two lots or another lot and a lane and having access to not more than one street.

(e) **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.

(g) **LOT LINE** means a legally defined boundary of any lot. The term property line and boundary line have the corresponding meaning.

SECTION 3 MINIMUM SETBACKS

Table 3.3.1: Minimum Setbacks

Land Use Districts	Specific Use	Minimum Setbacks							
		Front		Secondary Front		Side		Rear	
R1		m	ft	m	ft	m	ft	m	ft
	Single unit, dwelling[a]	7.6	25	3.8	12.5	1.5	5	7.6	25
	Accessory building	7.6	25	3.8	12.5	1.5	5	1.5	5
	All other uses	As required by the Development Authority							
R2									
	2 unit	7.6	25	3.8	12.5	3.0	10	7.6	25
	3-unit & 4-unit	7.6	25	3.8	12.5	3.0	10	7.6	25
	Accessory building	7.6	25	3.8	12.5	1.5	5	1.5	5
	Apartment	7.6	25	3.8	12.5	3.0	10	7.6	25
	Boarding/lodging house								
	Row (interior unit)	7.6	25	n/a		common wall		7.6	25
	(end unit)	7.6	25	3.8	12.5	3.0	10	7.6	25
	Senior citizen housing	7.6	25	3.8	12.5	3.0	10	7.6	25
	All other uses	As required by the Development Authority							
RAC [b]									
	Moved-in dwelling	7.6	25	3.8	12.5	1.5	5	7.6	25
	Single unit, dwelling	7.6	25	3.8	12.5	1.5	5	7.6	25
	Prefabricated dwelling	7.6	25	3.8	12.5	1.5	5	7.6	25
	Accessory building	7.6	25	3.8	12.5	1.5	5	1.5	5
	All other uses	As required by the MPC							
RAC2 [b]									
	Single unit, dwelling	7.6	25	3.8	12.5	1.5	5	7.6	25
	Prefabricated dwelling	7.6	25	3.8	12.5	1.5	5	7.6	25
	Accessory building	7.6	25	3.8	12.5	1.5	5	1.5	5
	All other uses	As required by the MPC							
CO									
	All uses	0	0	0	0	0	0	7.6	25
	Where adjacent to R1,R2,PI	0	0	0	0	6.1	20	7.6	25

Land Use Districts	Specific Use	Minimum Setbacks							
		Front		Secondary Front		Side		Rear	
IN									
	All uses	7.6	25	7.6	25	3.0	10	7.6	25
	Where adjacent to R1,R2,PI	7.6	25	7.6	25	6.1	20	7.6	25
PI									
	All uses	7.6	25	3.8	12.5	3.0	10	7.6	25
UR									
	Single unit, dwelling[(a)]	7.6	25	3.8	12.5	1.5	5	7.6	25
	Accessory building	7.6	25	3.8	12.5	1.5	5	1.5	5
	All other uses	As required by the Development Authority							

(a) For the purpose of this table, Single unit, dwellings include:
Stick built dwelling
Modular dwelling
Prefabricated dwelling
Ready-to-move dwelling
Manufactured home
Moved in dwelling
Boarding or Lodging House

(b) Side yard setbacks shown in the table are for lots with lanes. Lots without lanes shall have one setback at 3.0 m (10 ft) and one setback at 1.5 m (5 ft).

3.1 Minimum Setback Table

The table lists the setback requirements that apply to specific uses within each of the land use districts.

3.2 The following definitions apply:

(a) **YARD** means the area between a lot line and the nearest part of any building, structure, development, excavation or use on the lot.

(b) **FRONT YARD** 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 (see Figure 3.3.1). Front yard is determined by the majority of developed lots with the narrowest width in a block. An entrance to a building does not determine a front yard.

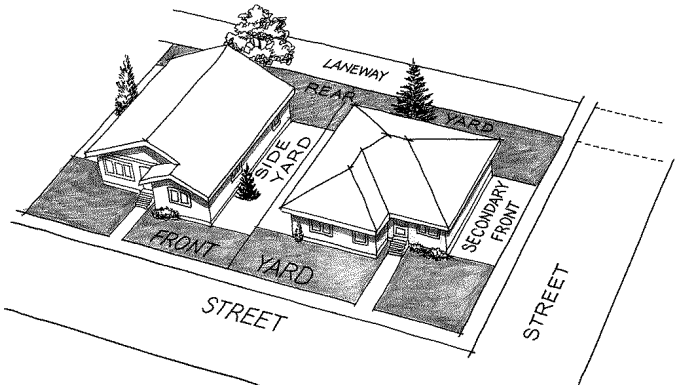

Figure 3.3.1

(c) **SIDE YARD** 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 (see Figure 3.3.1).

(d) **REAR YARD** 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 (see Figure 3.3.1).

(e) **SECONDARY FRONT YARD** means a yard on a corner lot with street frontage but which is not the frontage where the main entrance to the building or development is oriented or is the yard which is designated the secondary front by the Development Authority (see Figure 3.3.1).

3.3 Where any lot has more than one front yard line, the front setback requirements shall apply to one yard, but only one-half the front yard requirement applies to the other front yard and that yard shall be considered a secondary front yard.

3.4 Structures that are attached to a principal building are subject to the principal setbacks excepting the permitted projections in Section 3.5.

3.5 The following features may, subject to the relevant provisions of Safety Codes, project into the required setbacks under this bylaw:

(a) unenclosed steps or unenclosed fire escapes;

(b) a wheelchair ramp at the discretion of the Development Authority;

(c) fences or walls to the property line in accordance with the applicable land use district;

(d) driveways, curbs and sidewalks;

(e) off-street parking;

(f) cooling units not to exceed 0.9 m (3 ft);

(g) mailboxes;

(h) landscaping, fish ponds, ornaments, flagpoles (less than 4.6 m (15 ft) in height), or other similar landscaping features;

(i) temporary swimming pools in accordance with the applicable land use district; and

(j) signs in accordance with Schedule 8.

3.6 The portions of and attachments to a principal building which may project over a setback are as follows:

(a) eaves, fireplaces, belt courses, bay windows, cornices, sills or other similar architectural features may project over a side setback as permitted under the relevant provisions of Safety Codes and over a front or rear setback a distance not to exceed 1.2 m (4 ft);

(b) an uncovered balcony, cantilever, or other similar feature may project over a side or rear setback a distance not to exceed one-half of the width of the smallest setback required for the site;

(c) a chimney which is not more than 1.2 m (4 ft) wide and projects not more than 0.3 m (1 ft) into a rear or side setback.

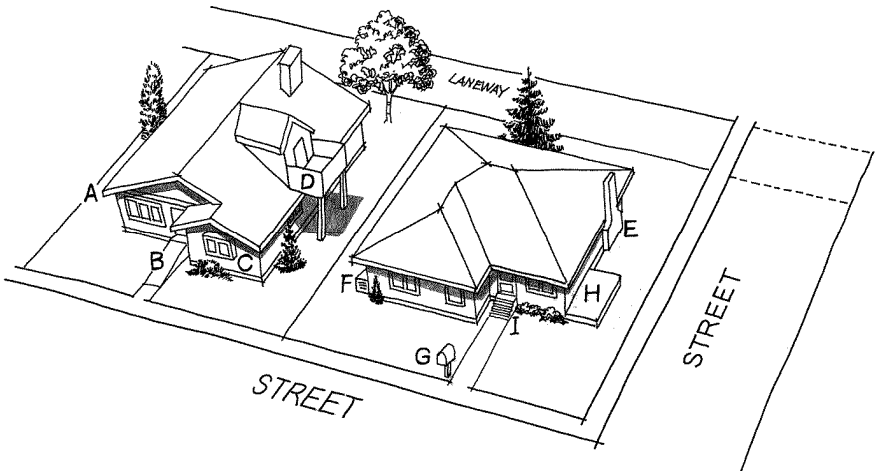

Figure 3.3.2

A – Eaves
B – Wheel chair ramp
C – Bay window
D – Balcony
E – Chimney
F – Cooling unit
G – Mailbox
H – Deck
I – Steps

3.7 The Development Authority may require increased building setbacks (other than those listed in Table 3.3.1) if such setbacks would:

(a) help avoid land use conflict;

(b) enhance the appearance of the area.

SECTION 4 FLOOR AREA, SITE COVERAGE AND BUILDING HEIGHT

4.1 The table lists the standards for floor area, site coverage and building height that apply to specific uses within each of the land use districts.

4.2 Floor area means the sum of the gross horizontal area of the several floors and passageways of a building not including basements, attached garages and open porches.

4.3 The following definitions apply to site coverage, floor area and building height:

(a) **SITE COVERAGE** means the percentage of the lot area which is covered by all buildings and structures on the lot.

(b) **SITE COVERAGE, PRINCIPAL** means the percentage of the lot area which is covered by the principal building including any structure attached to the principal building by an open or enclosed roofed structure, including but not limited to attached garages, carports, verandas, covered balconies, covered decks, and porches.

Table 3.4.1: Floor Area, Site Coverage and Building Height

Land Use Districts	Specific Use	Minimum Floor Area		Maximum Site Coverage	Maximum Building Height	
R1		m^2	ft^2	%	m	ft
	Single unit, dwelling[(a)]	74.3	800	40	9.1	30
	Accessory building	n/a		15	4.9	16
	All other uses	As required by the Development Authority				
R2						
	2 unit	55.7	600	40	9.1	30
	3-unit & 4-unit	55.7	600	40	10.1	33
	Apartment	As required by the MPC		40	As required by the MPC	
	Senior citizen housing	As required by the MPC		40	As required by the MPC	
	Row (interior unit)	55.7	600	40	10.1	33
	(end unit)	55.7	600	40	10.1	33
	Manufactured home community	74.3	800	40	10.1	33
	Accessory building	n/a		15	4.9	16
	All other uses	As required by the Development Authority				
RAC						
	Moved-in dwelling	92.9	1,000	40	9.1	30
	Single unit, dwelling	92.9	1,000	40	9.1	30
	Prefabricated dwelling	92.9	1,000	40	9.1	30
	Accessory building	n/a		15	4.6	15
	All other uses	As required by the MPC		40	As required by the MPC	
RAC2						
	Single unit, dwelling	92.9	1,000	40	9.1	30
	Prefabricated dwelling	92.9	1,000	40	9.1	30
	Accessory building	n/a		15	4.6	15
	All other uses	As required by the MPC		40	As required by the MPC	
CO						
	All uses	n/a		80[(b)]	10.7	35
IN						
	All uses	n/a		60[(b)]	10.7	35
PI						
	All uses	n/a		50[(b)]	As required by the MPC	
UR						
	Single unit, dwelling[(a)]	74.3	800	40	9.1	30
	Accessory building	n/a		15	4.9	16
	All other uses	As required by the Development Authority				

(a) For the purpose of this table, Single unit, dwellings include:
Stick Built dwelling
Modular dwelling
Prefabricated dwelling
Ready-to-move dwelling
Manufactured home
Moved-in dwelling
Boarding or Lodging House

(b) Combined site coverage of principal and accessory buildings

(c) **SITE COVERAGE, ACCESSORY** means the percentage of the lot area which is covered by the combined area of all accessory buildings and structures and includes uncovered decks.

(d) **BUILDING GRADE** (as applied to the determination of building height) 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 (see Figure 3.4.1).

(e) **BUILDING HEIGHT** means the vertical distance between grade and the highest point of a building excluding a roof stairway entrance, elevator housing, a ventilating fan, a skylight, a steeple, a chimney, a smoke stack, a fire wall or a parapet wall and a flagpole or similar device not structurally essential to the building (see Figure 3.4.1 Dimension A).

(f) **FLOOR AREA** means the sum of the gross horizontal area of the several floors and passageways of a building not including basements, attached garages and open porches.

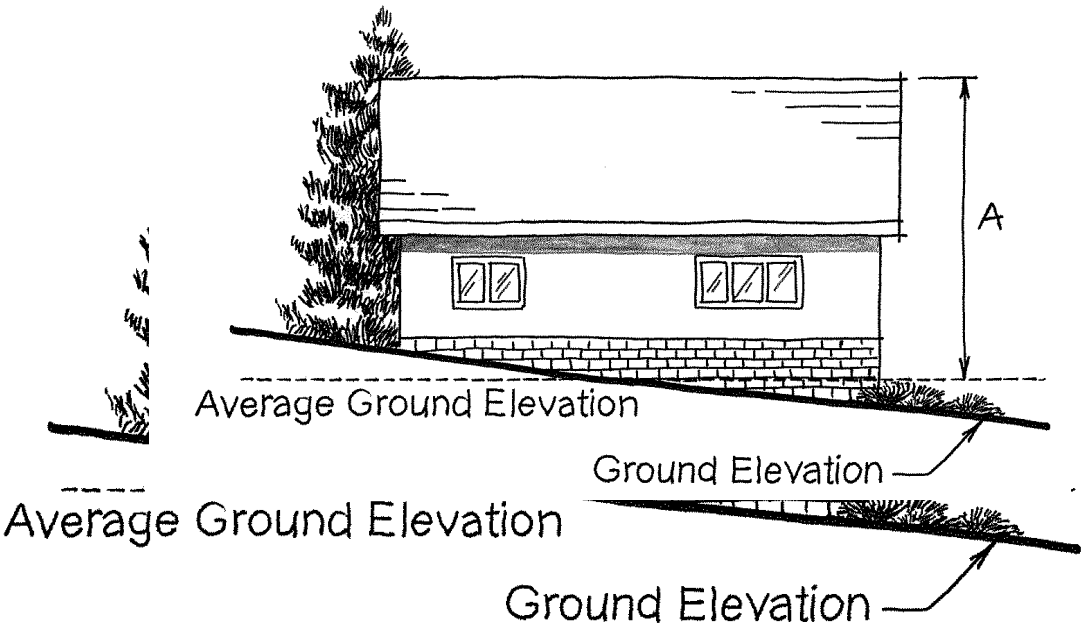

Figure 3.4.1

Schedule 4

DEVELOPMENT NOT REQUIRING A PERMIT

Schedule 4

DEVELOPMENT NOT REQUIRING A PERMIT

SECTION 1 DEVELOPMENT NOT REQUIRING A PERMIT

1.1 The following developments shall not require a development permit:

(a) any use or development exempted under Section 618(1) of the *Act*;

(b) any use or development exempted by the Lieutenant Governor in Council pursuant to Section 618(4) of the *Act*;

(c) telecommunication antenna systems that are regulated by Industry Canada subject to Schedule 9 – Telecommunication Antenna Siting Protocol;

(d) the completion of a building which was lawfully under construction at the date this bylaw came into effect provided that the building is completed in accordance with the terms and conditions of any development permit granted;

(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 12 months from the date this bylaw came into effect.

1.2 The following developments shall not require a development permit, but must **otherwise comply with all other provisions of this bylaw**:

(a) the maintenance or repair of any building provided that the work does not include structural alterations or additions;

(b) interior renovations to a building which do not:

(i) create another dwelling unit,

(ii) increase parking requirements, or

(iii) result in the change of use of a building;

(c) the temporary placement or construction of works, plants or machinery (not including shipping containers) needed to construct a development for which a development permit has been issued for the period of those operations;

(d) the maintenance or repair of public works, services and utilities on publicly owned or administered land carried out by or on behalf of federal, provincial, municipal or public authorities;

(e) any structure placed on a lot which is 11.1 m^2 (120 ft^2) or less in area that is not on a permanent foundation;

(f) in all districts the erection, maintenance or alteration of a fence, gate, wall, hedge or other means of enclosure that does not exceed 0.9 m (3 ft) in height in any front yard and 1.8 m (6 ft) in height in any secondary front, rear or side yard;

(g) in the Industrial land use district, the erection, maintenance or alteration of a fence, gate, wall hedge, or other means of enclosure that does not exceed 2.4 m (8 ft) in height in any rear or side yard;

(h) landscaping that was not required as part of the original development permit;

(i) any sign listed in Schedule 8 Section 4;

(j) any satellite dish less than 0.9 m (3 ft) in diameter;

(k) temporary outdoor swimming pools and above ground hot tubs;

(l) the installation of cement or other hard surface material that is not to be covered or partially covered by a roof or other shelter;

(m) excavation, grading, stripping, or stockpile provided it is part of a development for which a development permit has been issued or is addressed in a signed Development Agreement with the Town of Stavely; and

(n) the construction of uncovered decks or patios 0.6 m (2 ft) or lower to ground level.

If there is a doubt to whether a development is of a kind listed above, the matter shall be decided by the Municipal Planning Commission.

Schedule 5

GENERAL AND USE SPECIFIC STANDARDS OF DEVELOPMENT

Schedule 5

GENERAL AND USE SPECIFIC STANDARDS OF DEVELOPMENT

Except for more specific, alternative, or contradictory standards as may be set forth within the Residential Standards found in Schedule 6 or the Commercial/Industrial Standards found in Schedule 7 the following standards apply to all uses in all districts.

SECTION 1 STATUTORY PLANS

1.1 Where the policies, rules or procedures indicated in a statutory plan vary, supplement, reduce, replace or qualify the requirements of this bylaw for a particular district or districts, the policies, rules or procedures indicated in the statutory plan shall take precedence.

SECTION 2 APPROVAL OF ACCESS

2.1 Location of the access to each development from a public roadway should be shown on the plot plan submitted with the application for a development permit and is subject to the approval of the Development Officer or Municipal Planning Commission.

SECTION 3 DEMOLITION OR REMOVAL OF BUILDINGS OR STRUCTURES

3.1 No person shall commence or cause to be commenced the demolition or removal of any building or structure, or portion thereof, until all necessary permits have been obtained.

3.2 A development permit must be obtained for the demolition or removal of any building or structure greater than 11.1 m^2 (120 ft^2) in size.

3.3 Whenever a development permit is issued for the demolition or removal of a building or structure, it shall be a condition of the permit that the lot shall be cleared, with all debris removed, and left in a graded condition upon completion of the demolition or removal to the satisfaction of the Development Authority.

3.4 When a development permit is to be approved for the demolition or removal of a building or structure, the Development Authority may require the applicant to provide a cash deposit, irrevocable letter of credit or other acceptable form of security in such amount as to cover the costs of reclamation to any public utility or Town property.

3.5 Whenever a demolition or removal of a building or structure is carried out, the property owner shall, at his own expense, protect any wall, structure, sidewalk or roadway liable to be affected by such demolition or removal, including those on neighbouring properties, from damage or displacement. Further, the property owner shall ensure that adequate measures are taken by way of fencing and screening to ensure public safety.

3.6 The applicant shall be responsible for obtaining all necessary Safety Codes approvals and utility service disconnections before demolition or removal of buildings or structures.

3.7 All demolition materials shall be deposited in an approved waste disposal site.

SECTION 4 DESIGN AND ORIENTATION OF BUILDINGS, STRUCTURES AND SIGNS

4.1 The design, character and appearance of buildings, structures or signs shall be consistent with the intent of the land use district in which the building is located and compatible with other buildings in the vicinity.

4.2 The Development Authority may regulate the exterior finish of buildings, structures or signs to improve the quality of any proposed development within any land use district.

4.3 The maximum allowable height above the average finished surface level of the surrounding ground of the exposed portion of a concrete or block foundation may be limited by the Development Authority.

4.4 Subject to the requirements of the Safety Codes, the Development Authority may require that buildings be physically accessible to disabled persons.

4.5 If a building is to be located on a lot with more than one street frontage or on a lot with potential for further subdivision, the Development Authority may regulate the orientation and location of the building as a condition of development approval.

SECTION 5 DEVELOPMENT OF LANDS SUBJECT TO SUBSIDENCE, UNDERMINING OR FLOODING

5.1 If in the opinion of the Development Authority, land upon which development is proposed is subject to subsidence, mass wasting, flooding or undermining the Development Authority may require the applicant to submit a structural building plan prepared and sealed by an engineer, and/or a slope stability analysis, and/or geotechnical report, and/or flood mapping prepared by an engineer demonstrating that any potential hazards can be mitigated.

SECTION 6 GRADING AND STORMWATER MANAGEMENT

6.1 The Development Authority may require as a condition of development approval:

(a) engineered grading and drainage plans for the development and legal survey demonstrating that engineered grades have been met;

(b) grading and other measures, as appropriate, to control surface drainage, reduce or eliminate grade difference between adjacent lots, and minimize erosion or slope instability;

(c) the final grades of the development must be approved by the Development Authority before the issuance of a building permit;

(d) the applicant is responsible for ensuring adherence to final grades.

6.2 The construction of a retaining wall whenever, in the opinion of the Development Authority, significant differences in grade exist or will exist between the lot being developed and any adjacent lot or roadway. Where a retaining wall is required, the applicant shall submit to the Development Officer plans identifying the design and specifications of development for review and approval by the accredited safety codes officer.

6.3 Roof and surface drainage shall be directed either to the public roadway fronting the property, or as approved by the Development Officer, to a rear or side property boundary or as approved in an engineered stormwater management plan.

6.4 When discharging, storm water connections or sump hoses must be greater than 1.8 m (6 ft) from the front property line.

SECTION 7 OFF-STREET PARKING AND LOADING REQUIREMENTS

7.1 The off-street parking and loading requirements and design standards apply to:

(a) all new buildings and uses; and

(b) the expansion or enlargement of existing buildings or uses.

7.2 In the case of expansion or enlargement of an existing building or use, additional off-street parking spaces will be required to serve the expanded or enlarged area only, not the entire building or use.

Residential Parking Requirements

7.3 The following shall be used to calculate the off-street parking spaces required for a proposed development:

Table 5.7.1: Residential Minimum Required Off-street Parking

RESIDENTIAL	
Bed and breakfast	1 space per guest room
Boarding or lodging home	1 space per sleeping unit
Child care facility	1 pick-up/drop-off space per 10 children plus 1 space per employee
Dwellings:	
- All Single-unit dwellings [(a)]	2 spaces per dwelling unit
- 2 unit, 3-unit, 4-unit	2 spaces per dwelling unit
- Row (more than 4 units)	2 spaces per dwelling unit plus 1 visitor parking space for every 2 dwelling units
Home occupation 2	1 additional space
Secondary suite	2 spaces
All Other uses	As required by the Municipal Planning Commission

(a) For the purpose of this table, Single unit dwellings include:

Stick built dwelling
Modular dwelling
Prefabricated dwelling
Ready-to-move dwelling
Manufactured home
Moved in dwelling

7.4 Parking areas shall be accessible, designed and delineated in a manner which will provide for orderly parking.

7.5 Parking areas shall be constructed in a manner which will permit adequate drainage, snow removal, and maintenance.

7.6 The Municipal Planning Commission may require that parking areas or portions thereof be paved.

7.7 Off-street parking may be located in the front yard.

Payment In Lieu of Providing Off-Street Parking

7.8 The option of payment in lieu of providing off-street parking spaces shall apply to the Commercial land use district only and shall be subject to the following:

(a) at the option of the Municipal Planning Commission a developer may, subject to the approval of council, pay the Town such amount of money on such terms as the council considers reasonable in return for the equivalent public parking space to be provided by the Town elsewhere in the land use district;

(b) a fund to be known as the "Off-Street Parking Fund" is hereby established;

(c) any money received by the Town in lieu of providing off-street parking spaces shall be paid into the "Off-Street Parking Fund", and such money shall be used for the development of off-street parking facilities in the land use district from which the funds are derived;

(d) the amount of money to be paid into the "Off-Street Parking Fund" shall be a per stall charge, based on the costs involved in the land acquisition, facility construction and facility maintenance. The number of stalls to be used in the calculation of a per stall charge shall be based on the parking requirements in this schedule.

Minimum Required Off-Street Parking

7.9 Tables 5.7.1 and 5.7.2 shall be used to calculate the minimum number of off-street parking spaces a use is required to provide.

7.10 Off-street parking requirements based on floor area are to be computed on the gross floor area (GFA) of the building.

7.11 Calculation of off-street parking requirements resulting in a fractional number of 0.5 or greater shall be rounded up and rounded down when resulting in a fractional number of 0.49 or less.

7.12 A multiple use development must provide parking in an amount equal to the number of spaces for all uses, except where a shared parking provision is approved by the Development Authority.

7.13 A shared parking provision based upon the proposed sharing of parking spaces between two or more uses must include a written agreement between the owners on record.

7.14 Where a use is not listed, minimum required off-street parking shall be provided as required by the Development Authority having regard to the listed use that is most similar to the proposed use. As an alternative, the Development Authority may require a parking study to be prepared by a qualified professional at the applicant's expense to determine the parking requirements for a use not listed in Tables 5.7.1 and 5.7.2.

7.15 All required parking spaces shall be provided on the same lot as the building or use, except where the Development Authority may permit off-site parking spaces to be provided on a lot within 152.4 m (500 ft) of the building or use if, in the Development Authority's opinion, it is impractical to provide parking on the same lot as the building or use. Where such off-site parking is approved, a caveat shall be registered against the lot to guarantee the continuous use of the site for parking.

Barrier-free Parking

7.16 The minimum number of barrier-free parking spaces to be provided for the disabled shall be a portion of the total number of off-street parking spaces required, in accordance with Table 5.7.3: Barrier-Free Parking Spaces.

Table 5.7.2 : Non-Residential Minimum Required Off-street Parking

USE	MINIMUM PARKING SPACES
PUBLIC	
Campground, public or private	As required by the Development Authority
Cemetery	As required by the Development Authority
Child care facility	1 space per employee
Clubs or fraternal organization	1 space/5.1 m^2 (55 ft^2) of patron use area plus 1 space per employee
Community building	1 space/5 seating spaces plus 1 space per employee
Cultural facility	1 space/5 seating spaces plus 1 space per employee
Educational facility or school	3 spaces per classroom
Exhibition ground	As required by the Development Authority
Funeral home	1 space/46.5 m^2 (500 ft^2) of GFA or 1 space / 5 seating spaces
Group care facility	1 space per employee
Institutional	1 space/46.5 m^2 (500 ft^2) of GFA
Parks and playgrounds	As required by the Development Authority
Religious assembly	As required by the Development Authority
COMMERCIAL/INDUSTRIAL	
Accessory structures and uses	As required by the Development Authority
Amusement facility	1 space/20 m^2 (215 ft^2) of GFA
Animal care service, small and large	1 space/46.5 m^2 (500 ft^2) of GFA
Auto body and paint shop	1 space/46.5 m^2 (500 ft^2) of GFA
Automotive sales and service	1 space/46.5 m^2 (500 ft^2) of GFA
Bed and breakfast	1 space per guest room
Bulk fuel station	1 space/46.5 m^2 (500 ft^2) of GFA

USE	MINIMUM PARKING SPACES
COMMERCIAL/INDUSTRIAL	**(continued)**
Car wash	1 space per employee
Coffee house	1 space/27.9 m^2 (300 ft^2) of GFA
Contractor, general or limited	1 space/65 m^2 (700 ft^2) of GFA
Convenience store	1 space/27.9 m^2 (300 ft^2) of GFA
Drive-in/drive-through use	1 space/5.1 m^2 (55 ft^2) of seating area plus 1 space per employee
Entertainment establishment	1 space/5.1 m^2 (55 ft^2) of patron use area plus 1 space per employee
Equipment sales, rental and service	1 space/65 m^2 (700 ft^2) of GFA
Financial institution	1 space/37.2 m^2 (400 ft^2) of GFA
Funeral home	1 space/5 seating spaces plus 1 space per employee
Garden centre or greenhouse	1 space/65 m^2 (700 ft^2) of GFA
General warehousing and storage	1 space/65 m^2 (700 ft^2) of GFA
Golf course	4 spaces per golf hole
Government service	1 space/46.5 m^2 (500 ft^2) of GFA
Hotel/motel	1 space per guest room
Intensive horticultural service	1 space/65 m^2 (700 ft^2) of GFA
Light industry/manufacturing	1 space/65 m^2 (700 ft^2) of GFA
Liquor store	1 space/37.2 m^2 (400 ft^2) of GFA
Lumber yard	1 space/65 m^2 (700 ft^2) of GFA
Medical health facility	1 space per staff member and 1 space per examination room
Mini storage	As required by the Development Authority
Office, business support service	1 space/46.5 m^2 (500 ft^2) of GFA
Outdoor storage	As required by the Development Authority
Personal service	1 space/37.2 m^2 (400 ft^2) of GFA
Recreation facility	1 space/27.9 m^2 (300 ft^2) of GFA
Restaurant	1 space per 4 seats plus employee parking
Retail	1 space/37.2 m^2 (400 ft^2) of GFA
Retail cannabis store	As required by the Development Authority
Retail, grocery store	1 space/37.2 m^2 (400 ft^2) of GFA
Service station/gas bar	1 space/37.2 m^2 (400 ft^2) of GFA
Truck transportation/dispatch depot	1 space/65 m^2 (700 ft^2) of GFA
Truck wash	1 space per employee
Waste disposal facility	As required by the Development Authority

Note: GFA is defined as Gross Floor Area.

7.17 Each barrier-free parking space for the disabled shall be:

(a) at least 3.7 m (12 ft) wide;

(b) have a firm, slip-resistant and level surface;

(c) be clearly marked as being for the use of persons with disabilities only.

7.18 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.

7.19 Barrier-free parking stalls shall be clearly identifiable in accordance with Safety Codes.

7.20 There must be a well-lit, distinguishable, barrier-free path of travel from the parking areas to the building entrance.

7.21 It is recommended that an additional number of spaces be considered when the purpose or use of the building facilities may cause an increase in the number of seniors or persons with disabilities who require accessible parking, such as, but not limited to, medical services and restaurants.

Table 5.7.3: Barrier-Free Parking Spaces

Number of parking spaces required for a use	Number of barrier-free spaces required for a use by persons with disabilities
0-10	0*
11-25	1
26-50	2
51-100	3
for each additional increment of 100 or part thereof	one additional stall

* Development is encouraged to provide at least one barrier-free parking space for use by persons with disabilities.

Loading Space Requirements

7.22 One loading space shall be provided for each loading door.

7.23 The minimum dimensions for a loading space shall be 3.1 m (10 ft) by 9.1 m (30 ft) with an overhead clearance of 3.9 m (13 ft).

7.24 Each loading area shall provide a doorway into the building sufficient to meet the needs of the use within the building.

7.25 Each loading area shall be designed in such a manner that it will not interfere with convenient and safe pedestrian movement, traffic flow or parking.

7.26 The Development Authority may require additional loading areas or doors if, in the Development Authority's opinion, such additional areas or doors are deemed necessary.

7.27 The Development Authority may consider a joint loading area for two or more uses if, in the Development Authority's opinion, such a loading area would facilitate orderly development or relieve congestion in the immediate area.

Stacking Spaces for Drive-through Uses

7.28 In addition to the off-street parking requirements, a drive-through use is required to provide the following minimum stacking spaces:

(a) Restaurant use: 30.5 m (100 ft) from order box to pick-up window

(b) Gas station: 9.1 m (30 ft) from each end on pump island

(c) Bank machine: 22.9 m (75 ft) from bank machine window

(d) Car wash: 15.2 m (50 ft) from car wash entrance

(e) Other: As determined by the Development Authority

7.29 The minimum stacking space requirements in subsection 7.28 may be varied by the Development Authority depending upon the intensity of the proposed development.

SECTION 8 OFF-STREET PARKING DESIGN STANDARDS

8.1 Off-street parking areas shall be accessible and designed in a manner which will provide for orderly parking in accordance with the minimum parking space dimensions as found in Table 5.8.1 and Figure 5.8.1.

8.2 Parking space designs proposing tandem or stacked parking to a maximum of two vehicles per stall may be approved by the Development Authority provided the spaces are for employee parking only.

8.3 The stall width and depth requirements for an off-street parking space may be reduced by the Development Authority where spaces are designed to accommodate compact vehicle parking.

8.4 Where a use or development may need to accommodate over-sized vehicles such as tractor-trailers, large recreational vehicles, buses or other similar vehicles, the Development Authority may require larger parking space and aisle dimensions.

8.5 Off-street parking areas shall be constructed in a manner which will permit adequate drainage, snow removal, and maintenance.

8.6 Off-street parking spaces adjacent to a road right-of-way shall be provided with bumper blocks, curbing or other similar protective feature to ensure public safety and prevent vehicle overhang.

8.7 The Development Authority may require that off-street parking areas or portions thereof be paved as a condition of approval.

Table 5.8.1: Minimum Parking Space Dimensions

A: Parking Angle	B: Stall Width		C: Stall Depth		D: Aisle Width	
Degrees	**m**	**ft**	**m**	**ft**	**m**	**ft**
0	2.4	8.0	6.7	22	3.7	12
30	2.7	9.0	5.5	18	3.5	11
45	2.6	8.5	6.1	20	3.9	13
60	2.6	8.5	6.4	21	5.5	18
90	2.9	9.5	5.6	18.5	7.3	24

Minimum Parking Space Dimensions

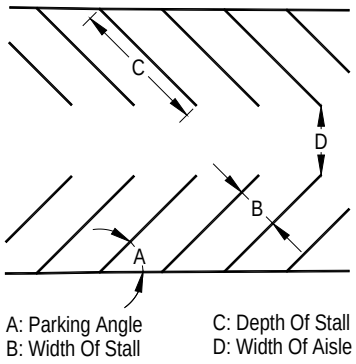

Figure 5.8.1

SECTION 9 SITE LIGHTING

9.1 Site lighting may be required as a condition of development and shall be located, oriented and shielded where it does not adversely affect adjacent properties.

SECTION 10 REFUSE COLLECTION AND STORAGE

10.1 Refuse and garbage shall be kept in a suitably-sized enclosure for each use within each land use district.

10.2 Refuse and garbage areas shall be effectively screened until such time as collection and disposal is possible.

10.3 All refuse on any construction site shall be properly screened or placed in an approved enclosure until removed for disposal.

SECTION 11 SERVICING

11.1 All development shall be required to connect to both the municipal water supply and sewerage system where the municipal services are, in the opinion of the Municipal Planning Commission, reasonably available. Where no municipal servicing is reasonably

available, development approval shall be subject to compliance with Regional Health Authority and Alberta Safety Codes standards for unserviced parcels. Prior to development approval, the applicant may be required to submit a soils analysis and report to demonstrate the suitability of the site for on-site septic.

SECTION 12 ALTERNATIVE ENERGY SOURCES

12.1 The Development Authority is authorized to issue development approvals for alternative energy sources pursuant to Schedule 1 and 2.

SOLAR COLLECTOR

12.2 A solar collector attached to a wall or roof of a building may be allowed as a discretionary use in any land use district subject to the following:

(a) A solar collector mounted on a roof:

(i) may project a maximum of 1.3 m (4 ft) from the surface of the roof and shall not exceed the maximum height requirements of the applicable land use district; and

(ii) must not extend beyond the outermost edge of the roof.

(b) A solar collector mounted to a wall:

(i) must be located such that it does not create undue glare on neighbouring property or public roadways;

(ii) must be located a minimum of 2.4 m (8 ft) above grade;

(iii) may project a maximum of 1.5 m (5 ft) from the surface of the wall, when the wall faces the rear property line, subject to the setback requirements of the applicable land use district; and

(iv) may project a maximum of 0.6 m (2 ft) from the surface of the wall when the wall faces the front, secondary front or side property line, subject to the setback requirements of the applicable land use district.

12.3 A free-standing solar collector or a solar collector mounted to any structure other than a roof or wall of a building may be allowed as a discretionary use in any land use district subject to the following:

(a) the collector must be located such that it does not create undue glare on neighbouring property or public roadways; and

(b) the collector must not exceed 1.8 m (6 ft) in height above existing grade.

SMALL WIND ENERGY SYSTEMS

Information Requirements

12.4 An application for a development permit for a proposed alternative energy, wind use or a small wind energy conversion system (SWECS) must be completed and submitted to the Development Officer accompanied by:

(a) a site plan acceptable to the Development Officer indicating the exact location of the SWECS on the parcel and all buildings and structures, registered easements or

rights-of-way, and any overhead utilities, dimensioned to the property lines and drawn to a satisfactory scale;

(b) existing and proposed parking and loading areas, driveways, abutting streets, avenues and lanes, and surface drainage patterns;

(c) photographs and plans of the proposed SWECS indicating:
- rated output in kilowatts,
- safety features and noise characteristics,
- turbine height,
- blade diameter and rotor clearance,
- nature and function of over speed controls which are provided, and
- estimated lifespan;

(d) specifications on the foundation and anchor design, including the location and anchoring of any guy wires;

(e) engineered plans, prepared by a professional engineer, for SWECS that are mounted or attached to any building demonstrating that the building can support the SWECS; and

(f) any security measures proposed to ensure public safety and security.

Referrals

12.5 Prior to making a decision on a development permit application for a SWECS, the Development Authority may require that the application be referred to the following agencies and departments:

(a) Transport Canada,

(b) NAVCanada,

(c) Alberta Transportation, and

(d) any other federal or provincial agencies or departments deemed necessary.

General Development Standards

Any SWECS shall be subject to the following general standards:

12.6 The SWECS may be allowed as an alternative energy, wind use which is a discretionary use in accordance with Schedules 1 and 2.

12.7 The SWECS shall be setback from all property lines a distance equal to the height of the system.

12.8 The blade clearance of any SWECS shall not be less than 4.6 m (15 ft) above grade.

12.9 Any climbing apparatus associated with the SWECS shall be a minimum of 4.6 m (15 ft) above grade.

12.10 Any guy wires associated with a SWECS shall be accommodated entirely within the parcel and must be clearly visible from grade to a height of 1.8 m (6 ft).

12.11 The sound produced by the SWECS under normal operating conditions, as measured at the property line shall not exceed 60 dBA or 6 dBA over the background noise, whichever is greater.

12.12 The SWECS shall not display advertising or other marketing.

12.13 The SWECS shall not be artificially illuminated except as required by a federal or provincial agency or department.

12.14 The manufacturer's identification, technical, warning, and emergency contact information must be affixed no lower than 0.9 m (3 ft) from the base of the tower and not higher than 1.5 m (5 ft) from the base of the tower.

12.15 The Development Authority may regulate the maximum number of SWECS permitted on a lot.

12.16 The Development Authority may require as a condition of approval that any SWECS be finished in a non-reflective matte and in a colour which minimizes the obtrusive impact of the SWECS to the satisfaction of the Development Authority.

12.17 The Development Authority may require as a condition of approval that any SWECS be surrounded by a security fence with a lockable gate not less than 1.8 m (6 ft) in height.

12.18 Prior to the installation of a SWECS the applicant or landowner shall obtain:

(a) all relevant federal and provincial permits and permissions;

(b) an electrical permit, and if applicable, a building permit;

(c) wire service provider approval for SWECS with a rated output of less than 10 kW that are proposed to be connected to the grid; and

(d) Alberta Utilities Commission approval for SWECS with a rate output greater than 10 kW that are proposed to be connected to the grid.

12.19 All components of the SWECS, including any electrical components, shall comply with the Canadian National Standards and shall bear the appropriate certification marks.

12.20 The SWECS system must be installed by a certified electrical contractor prior to operation.

12.21 Where the SWECS has been inactive for more than six consecutive months the applicant or landowner is required to decommission and remove the system at their expense. If the SWECS is not decommissioned and removed after six months of inactivity, the Town may undertake enforcement action.

Decommissioning

12.22 Prior to removal of the SWECS the applicant or landowner shall submit documentation to the Development Officer demonstrating that the system has been disconnected from any electrical utilities.

12.23 All refuse associated with the decommissioning and dismantling of the SWECS shall be removed from the property and disposed of appropriately.

12.24 Upon removal of the SWECS the property shall be restored to its pre-construction condition to the satisfaction of the Development Officer.

Review of Permits

12.25 Town Council shall review the impacts of Small Wind Energy Systems after the issuance of 25 development permits within the municipality.

SECTION 13 SATELLITE DISHES AND RADIO OR TELEVISION ANTENNA

13.1 In all residential land use districts and the Urban Reserve – UR district:

(a) satellite dishes greater than 0.9 m (3 ft) in diameter or radio or television antenna shall be classified as an accessory structure and shall be placed in the rear or side yard;

(b) satellite dishes greater than 0.9 m (3 ft) in diameter shall not be mounted or attached to the roof of any dwelling or accessory building and shall not be illuminated or contain advertising other than the manufacturer's trademark or logo.

13.2 The Development Authority may approve the installation of a satellite dish on the roof of any building or portion thereof if, in its opinion, such an installation does not:

(a) constitute a public safety hazard,

(b) compromise the structural integrity of the building, or

(c) may be unreasonably obtrusive.

13.3 Radio and television antennas, which are not regulated by Industry Canada, are classified as an accessory structure. See Schedule 9 for those regulated by Industry Canada.

SECTION 14 SHIPPING CONTAINERS

14.1 Shipping containers shall only be allowed in land use districts where listed as a Permitted or Discretionary Use in Schedule 2. Shipping containers are prohibited in all other districts.

14.2 Any shipping container shall be subject to the following general standards:

(a) An application for a development permit for a proposed shipping container must be completed and submitted to the Development Officer accompanied by the applicable application fee and a minimum of two recent colour photographs of each container (one end view and one side view).

(b) There shall be a legal primary use on the property where the shipping container is proposed.

(c) Shipping containers are permitted to be used for storage only and shall not be used as a building or a construction material.

(d) The Development Authority may regulate the maximum number of shipping containers permitted on a lot.

(e) The Development Authority may regulate the maximum height of shipping containers.

(f) The Development Authority may require as a condition of approval that a shipping container(s) be screened from view or landscaped to make it aesthetically pleasing.

(g) The Development Authority may require as a condition of approval that any shipping container be sandblasted and/or painted a neutral or complementary colour to match the existing building(s) on the property.

(h) The Development Authority may require as a condition of approval that the exterior of the shipping container be kept clean and regularly painted in a neutral or complementary colour to match the existing building(s) on the property.

(i) The Development Authority may regulate the time period for which a development permit for a shipping container(s) is valid through the issuance of a temporary permit.

(j) Removal of the shipping container(s) at the expiration of the permit shall be at the expense of the applicant and/or landowner. The Development Authority may require as a condition of approval the posting of a bond or a security guaranteeing the removal of the container and/or compliance with the conditions of the permit.

14.3 A permanent shipping container is subject to the following additional provisions:

(a) the maximum lot coverage and setback requirements for accessory structures in the applicable land use district;

(b) the shipping container may only be permitted in the secondary front, rear, or side yard; and

(c) the shipping container shall not display advertising, company logos, names or other marketing without an approved sign permit.

14.4 A shipping container may be placed temporarily on a construction site for the period of construction, in any land use district where listed as a permitted or discretionary use with an approved development permit, subject to the following provisions:

(a) temporary shipping containers are subject to the standards in subsection 14.2 above;

(b) the shipping container is needed in connection with construction of a development for which a development permit has been issued;

(c) the construction site is active (i.e., construction has commenced and is on-going or is about to commence within one week); placement of a shipping container on an inactive construction site is prohibited;

(d) setbacks for a temporary shipping container shall be as required by the Development Authority;

(e) the Development Authority has the authority to determine the maximum amount of time a shipping container is permitted on a lot; and

(f) the shipping container shall be removed immediately upon completion of construction or sooner as may be required by the Development Authority.

SECTION 15 SHOW HOMES

15.1 The construction of or use of a new, unoccupied dwelling unit for the purpose of a show home for the sale or marketing of other dwelling units by a builder or developer within a subdivision or development may be approved as a temporary use in all residential land use districts and the commercial land use district.

15.2 A dwelling occupied as a residence shall not be used as a show home, sales office or as a facility to demonstrate a builder's construction quality or methods.

15.3 The show home shall not be open to the public for viewing until the road accessing the show home is developed to municipal standards.

15.4 There shall be a sign posted at the show home identifying it as such.

15.5 The advertised hours that the show home is open to the public shall not be earlier than 9:00 a.m. or later than 9:00 p.m.

15.6 Conditions of the permit do not limit the private showing by appointment of the show home at any time.

SECTION 16 MUNICIPAL ADDRESSING

16.1 All principal buildings must display the municipal address on the front of the structure where it can be easily read from the street during day or night time hours.

16.2 All garages with alley access must display the municipal address.

Schedule 6

RESIDENTIAL STANDARDS OF DEVELOPMENT

Schedule 6

RESIDENTIAL STANDARDS OF DEVELOPMENT

The following standards are applicable to residential development. Sections 1-16 are applicable to all residential development types. Sections 17-21 are applicable to specific residential development types.

SECTION 1 ACCESORY BUILDINGS

1.1 Accessory buildings shall be located at least 1.2 m (4 ft) from the principal building.

1.2 Accessory buildings shall be constructed such that eaves shall be no closer than 0.6 m (2 ft) from a side lot line or rear lot line and all drainage is conducted to the appropriate storm drain via the applicant's own property.

1.3 Accessory buildings or structures shall not to be located in the front yard in relation to the principal building.

1.4 Quonsets, quonset-style buildings or semicircular metal structures shall not be permitted as accessory buildings in the Residential – R1 land use district.

1.5 All moved-in buildings shall be subject to the provisions of this section and the provisions of Section 19.

1.6 Carports attached to an accessory building shall comply with the provisions for accessory buildings. Carports attached to a principal dwelling or building shall comply with the provisions for principal dwelling or building.

SECTION 2 EASEMENTS

2.1 All permanent structures shall be located a minimum of 3.1 m (10 ft), or such greater distance as required by the Development Authority, from an easement registered for the protection of municipal water mains and sewer mains or any other infrastructure, as determined by the municipality.

2.2 No structures shall be located within a registered easement.

SECTION 3 CORNER VISIBILITY

3.1 **Street Corner Visibility**

On a corner lot, nothing shall be erected, placed, planted or allowed to grow in a manner which may restrict traffic visibility at street intersections, between 0.9 m (3 ft) and 3.0 m (10 ft) above the centre line grades of the intersecting streets in the area bounded by the property lines of such corner lots and a line joining points along the said property line 6.1 m (20 ft) from the point of intersection (see Figures 6.3.1 and 6.3.2 where Dimension A = 6.1 m along each property line).

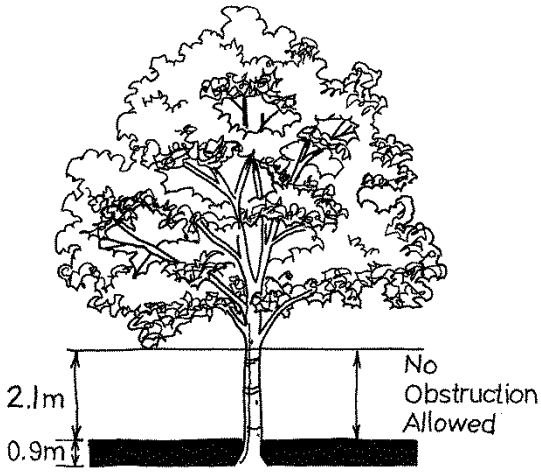

Figure 6.3.1

3.2 **Rear Lane Visibility**

The Municipal Planning Commission may impose conditions on a development to ensure that adequate visibility and safety of both pedestrians and vehicles is maintained for vehicles entering and exiting rear lanes.

The Municipal Planning Commission may request that a minimum 1.5 m (5 ft) clear vision triangle be provided for lots backing onto the intersection of a rear lane and public roadway (see Figure 6.3.2 where Dimension B = 1.5 m along each property line).

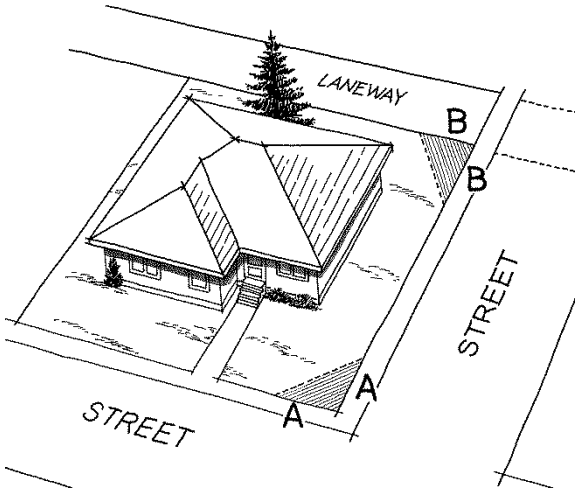

Figure 6.3.2

SECTION 4 DRIVEWAYS, OFF-STREET PARKING REQUIREMENTS AND DESIGN STANDARDS

4.1 Vehicular access for corner lots shall generally be limited to locations along a minor street or cul-de-sac.

4.2 In residential districts where a subject property does not provide a side yard sufficient for a driveway, then one off-street parking pad may be permitted in the front yard to a maximum of 6.1 m (20 ft) in width.

4.3 Only one driveway per lot should be permitted for single unit residential developments, including manufactured homes.

4.4 Driveways shall be a minimum of 3.0 m (10 ft) and a maximum of 6.1 m (20 ft) in width, unless otherwise approved by the Municipal Planning Commission on the basis of merit.

4.5 Driveways shall be a minimum of 3.0 m (10 ft) from the entrance to a lane (see Figure 6.4.1 Dimension B), and 4.6 m (15 ft) from the intersection of two public roadways (see Figure 6.4.1 Dimension A).

4.6 Driveways, parking pads or hard surfaced areas (e.g. paving stones, sidewalks) that cover more than 25 percent of the total lot area require a development permit.

4.7 Refer to Schedule 5, General and Use Specific Standards of Development, Section 8.

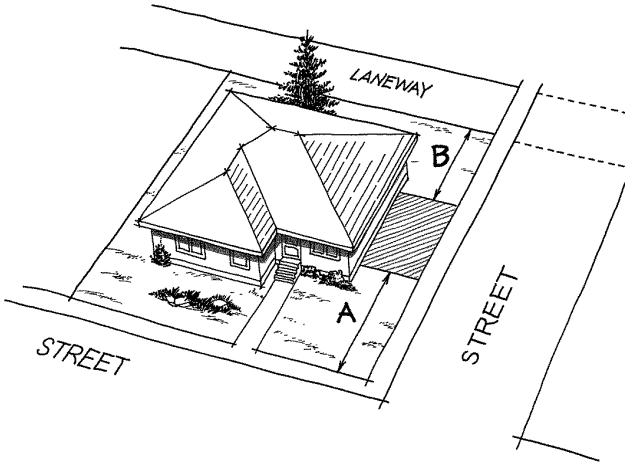

Figure 6.4.1

SECTION 5 FENCES

5.1 No fence, wall, hedge or any combination thereof shall extend more than 0.9 m (3 ft) above the ground in any front yard area, as illustrated in Figure 6.5.1 labeled as B, without a development permit approved by the Municipal Planning Commission.

5.2 Fences in the secondary front, rear and side yards shall be 1.8 m (6 ft) in height or less (see Figure 6.5.1 where Dimension A = 1.8 m).

5.3 Where a permit is required, the Municipal Planning Commission may regulate the types of materials and colours used for a fence.

5.4 In any residential land use district, fences, gates, walls and other means of enclosure constructed of barbed wire, razor wire, concrete lego blocks, palettes, or other materials incompatible with a residential aesthetic are prohibited.

5.5 Refer also to Section 3, for clear vision triangle requirements.

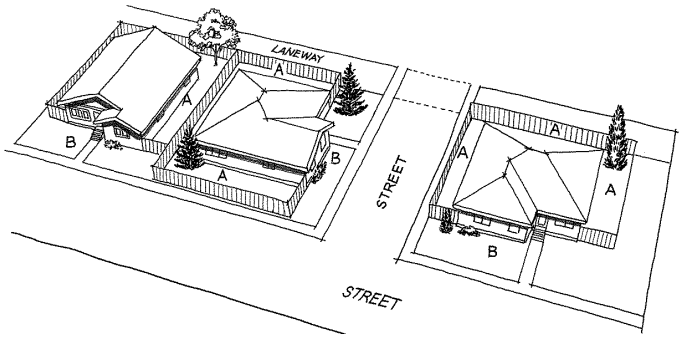

Figure 6.5.1

SECTION 6 DECKS

6.1 A development permit is required for the construction of a deck if it will be 0.6 m (2 ft) or greater in height (see Figure 6.6.1).

6.2 Uncovered decks are less than 0.6 m (2 ft) in height do not require a development permit provided they meet the minimum setback requirements for a principal or accessory building.

6.3 All covered decks require a development permit.

6.4 For the purposes of calculating site coverage requirements, where a structure is attached to the principal building, it shall be deemed part of the principal building and subject to principal building requirements.

6.5 Decks must be located in a manner such as to preserve the privacy of adjacent properties.

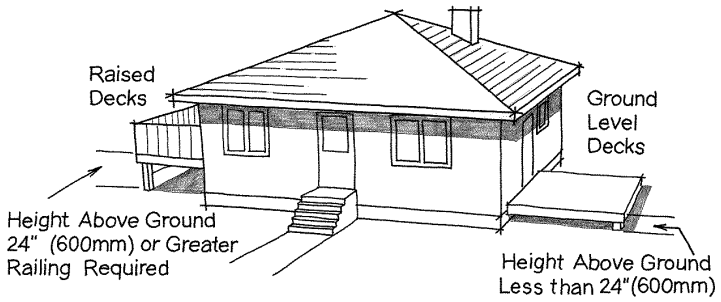

Figure 6.6.1

SECTION 7 RETAINING WALLS, GRADING AND DRAINAGE

7.1 The Municipal Planning Commission may require:

(a) the construction of a retaining wall, including submittal of an engineered design as a condition of development if significant differences in grade exist or will exist between the lot to be developed and adjacent parcels;

(b) the provision of engineered grading and drainage plans for the development;

(c) special grading and/or paving to prevent drainage problems with neighbouring lots as a condition of a development permit.

SECTION 8 EXTERIOR BUILDING FINISHES

8.1 The Municipal Planning Commission may require that specific finishing materials and colour tones be utilized to maintain the compatibility of any:

(a) proposed development with surrounding or adjacent developments;

(b) proposed additions or ancillary structures with existing buildings on the same lot.

SECTION 9 EXPOSED FOUNDATIONS

9.1 The maximum allowable height above the average finished surface level of the surrounding ground of the exposed portion of a concrete or block foundation may be regulated by the Municipal Planning Commission.

SECTION 10 PRIVATE SWIMMING POOLS

10.1 Private swimming pools shall be classified as an accessory structure.

10.2 Any private swimming pool with a design depth greater than 0.6 m (2 ft) shall be constructed and fenced in accordance with Safety Codes requirements.

10.3 Temporary above ground swimming pools and above ground hot tubs do not require a development permit, but are subject to Safety Codes and may require a building permit.

10.4 Construction of an in-ground swimming pool and swimming pools that are attached to a deck require a development permit and are subject to the following additional standards:

(a) placement of a swimming pool shall be limited to the side and rear yard only;

(b) swimming pools are subject to the setback requirements for accessory structures in the applicable land use district; and

(c) swimming pools are subject to the maximum lot coverage requirements for accessory structures in the applicable land use district.

SECTION 11 HOME OCCUPATIONS

Home occupations shall be classified by the Development Officer in accordance with the following:

Home Occupation 1

11.1 A small-scale, home occupation involving:

(a) phone and office use only;

(b) no outdoor storage and/or display of goods; and

(c) no more than five customer/client visits to the residence per day.

Home Occupation 2

11.2 All other home occupations shall be classified as a Home Occupation 2 and may involve:

(a) the use of a principal structure, garage and/or accessory structure;

(b) limited outdoor storage provided that it is screened from view and/or display of goods within the residence, garage or accessory structure;

(c) limited volume of on-premises sales;

(d) a maximum of one non-resident employee; and

(e) limited customer/client visits.

11.3 Home occupations are subject to the following additional standards:

(a) A home occupation shall be incidental and subordinate to the principal residential use of the dwelling and shall not change the external appearance or character of the dwelling. There shall be no business activities associated with the home occupation conducted on the lot outside the dwelling or accessory structure.

(b) Allowances for home occupations are intended to foster small-scale business. Home occupations will be required to relocate to a suitable commercial or industrial district when they become incompatible with a residential area or become unsuitable as a home occupation.

(c) A Home Occupation 2 shall not be permitted, if in the opinion of the Development Authority, the use would be more appropriately located within a commercial or industrial district.

(d) The business operator shall be a full-time resident of the dwelling.

(e) Unless otherwise approved by the Municipal Planning Commission, not more than one home occupation is permitted on a lot.

(f) The use must not generate more vehicular or pedestrian traffic and vehicular parking than normal within the district.

(g) No offensive noise, vibration, electrical interference, smoke, dust, odors, heat or glare shall be produced by the use.

(h) No use shall cause an increase in the demand placed on any one or more utilities (water, sewer, garbage, etc.) such that the combined total consumption for a

dwelling and its home occupation exceed the normal demand for residences in the area.

(i) Home occupations shall not include any use that would, in the opinion of the Development Authority, materially interfere with or affect the use or enjoyment of neighbouring properties.

(j) Signage advertising a Home Occupation 1 or 2 is limited to one sign located in the structure window up to a maximum of 0.4 m^2 (4 ft^2) in size and must be approved by the Development Authority.

(k) The Development Authority may regulate the hours of operation, the number of customer visits, outdoor storage and screening and landscaping requirements for outdoor storage.

(l) Any changes to an approved home occupation require the approval of the Development Authority.

(m) The development permit for the use shall be valid only for the period of time the property is occupied by the applicant for such approved use and is not transferable to another location or another person.

(n) The issuance of a development permit in no way exempts the applicant from obtaining a business license from the Town and any other Provincial approvals that may be required.

(o) A Home Occupation 2 development permit may be issued as a temporary development permit that may be renewed annually or on a timeline specified in the approval by the Municipal Planning Commission.

(p) A Home Occupation 2 shall not be approved where a secondary suite has been developed, unless it is proven to the satisfaction of the Development Authority that the amount of traffic generated is limited and adequate parking is available without adversely affecting the neighborhood.

SECTION 12 PREFABRICATED DWELLINGS

Prefabricated dwelling *means:*

- *a dwelling unit or portions of a dwelling unit that is built in a factory or portions of dwelling units that are built in a factory or location other than on the lot intended for occupancy;*
- *includes modular, ready-to-move and panelized dwellings;*
- *manufactured in accordance with CSA and the Alberta Building Code,*
- *is transportable in one or more sections;*
- *is not constructed with a permanent hitch, chassis or other device allowing transport of the unit other than for the purpose of delivery to a permanent site.*

This definition does not include manufactured homes, park model recreational units, park model trailers or travel trailers.

12.1 A prefabricated dwelling is required to meet the following criteria:

Requirements for Prefabricated Dwellings	
Factory built unit that meets CSA standards and building code (CSA A-277)	✓
Dwelling is securely fasten and placed on:	
Basement	✓
Concrete slab	✓
Concrete strip footing	✓
Pile or pier footing	✓
Minimum roof pitch shall not be less than 4/12	✓
Minimum floor area shall not be less than 79.89 m^2 (800 ft^2)	✓
Minimum width of dwelling – 7.3 m (24 ft)	✓
Maximum length of dwelling – 20.1 m (66 ft)	✓
Maximum height of exposed foundation – 0.6 m (2 ft)	✓

12.2 A development permit for a prefabricated dwelling may be issued by the Development Authority provided that:

(a) the design, character, and appearance (including roof lines/material and exterior finish) of prefabricated homes 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;

(b) to ensure compatibility of housing types, the variation of roof lines between prefabricated dwellings and conventional homes may be limited;

(c) at the discretion of the Development Authority, the exterior finish, colour and roofing material may be stipulated as a condition of approval;

(d) the dwelling shall conform to any architectural controls that may apply.

12.3 As a condition of approval the Development Authority, 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 it considers necessary if, in his or its opinion, they would serve to improve the quality or compatibility of any proposed development.

12.4 The building and the land upon which it is to be located shall be subject to all conditions and regulations specified for the particular land use district set out in the Land Use Bylaw.

12.5 The applicant/developer must submit professional building plans illustrating in color the exterior design, floor plan, elevations and setbacks.

12.6 The quality of the completed building shall be at least equal to the quality of the other buildings in the area.

12.7 If there is any doubt as to the required standards being met, the Development Officer may refer the application to the Municipal Planning Commission for a decision.

12.8 The Development Authority may require a bond or irrevocable letter of credit of a minimum $5000.00 to a maximum value of up to 50 percent of the assessed value of the building to ensure the conditions of the development permit for a principal building are met.

SECTION 13 MANUFACTURED HOMES

Manufactured home *means a completely self-contained dwelling unit, designed and constructed entirely within a factory setting. Typically it is transported to a site in not more than one piece on its own chassis and wheel system or on a flatbed truck. For the purposes of this bylaw, a manufactured home does not include a "modular home" or "ready-to-move home".*

Standards and Requirements

13.1 Except where noted, all standards, requirements and guidelines of this section shall apply to both units located in conventional subdivisions or manufactured home parks.

13.2 The Development Officer or Municipal Planning Commission may require a bond or irrevocable letter of credit of a minimum $5,000.00 to a maximum value of up to 50 percent of the assessed value of the building to ensure the conditions of the development permit for a principal building are met.

13.3 Only the following shall be considered eligible manufactured homes:

(a) new factory-built units;

(b) used factory-built units in a good state of repair (to the satisfaction of the Development Authority). Any application for a development permit to locate a used manufactured home:

(i) shall include recent colour photographs of all elevations including additions; and

(ii) shall require a personal inspection by the Development Officer or building inspector to determine the unit's suitability;

(c) Canadian Standards Association (CSA) certified units or units bearing the Alberta Building Label (CSA A-277 or Z-240 building labels).

Foundations, roof lines and additions

13.4 All single-wide manufactured homes shall be skirted in compatible materials and enclosed to the satisfaction of the Development Authority.

13.5 To ensure compatibility of housing types, the variation of roof lines between double-wide manufactured homes and conventional homes may be limited.

13.6 All manufactured home additions shall be of a design and finish which will complement the unit.

General Appearance

13.7 The wheels, hitches and other running gear shall be removed from a manufactured home immediately after the placement of the home.

13.8 The yard area of each lot shall be developed and landscaped when construction has been completed to the satisfaction of the Development Authority.

SECTION 14 MOVED-IN BUILDINGS AND MOVED-IN DWELLINGS

MOVED-IN BUILDING *means a previously used or existing building, which is removed from a site, and then transported and re-established on another site.*

MOVED-IN DWELLING *means a previously existing, established and occupied dwelling, which is removed from one site and then transported and re-established on another site. For the purposes of this bylaw, a motor home, travel trailer, recreation vehicle and any similar vehicles that are neither intended for permanent residential habitation nor subject to the current provincial building requirements.*

14.1 The building and the land upon which it is to be located shall be subject to all conditions and regulations specified for the particular land use district.

14.2 The building shall comply with all provincial and municipal health and fire regulations prior to occupancy and release of cash deposit. A report by a building inspector regarding each application shall be filed before any such application shall be considered by the Development Authority.

14.3 The quality of the completed building shall be at least equal to or better than the quality of the other buildings in the area.

14.4 The requirements of the building shall be established by the Municipal Planning Commission at the time of approval of the application and shall form a part of the conditions of the development permit.

14.5 A limit of the time of completion and full compliance with all stipulated requirements shall be established by the Municipal Planning Commission at the time of the approval of the application.

14.6 The application should be accompanied by recent color photographs of all elevations of the moved-in building.

14.7 The Development Officer or safety codes officer shall inspect the proposed building, at the developer's expense, prior to being relocated into town.

14.8 Non-permanent structures such as garden sheds and moved-in storage sheds shall be located only in rear yards and side yards.

14.9 The Development Officer may require a minimum of $2,000 for moved in buildings and a minimum $5,000 for moved-in dwellings in cash to ensure the conditions of the development permit are met.

14.10 All moved-in dwellings require complete 2014 or newer maintenance free exteriors, including windows, soffit and fascia, roofing and exterior wall finish as per current new home construction materials. The refurbishment will be done off-site and development approval issued before the home is moved onto the lot. The exterior design of the house is to be similar to existing homes in the neighborhood including, but not limited to, roof design and style of house. Development approval is subject to an engineer's report and visual inspection of the home before it is moved. Any existing standards of the subdivision and the land use district will also apply.

SECTION 15 MANUFACTURED HOME COMMUNITY

Prior to the issuance of a Development Permit for a comprehensively planned manufactured home community, the Development Authority shall receive and adopt by resolution a comprehensive plan for the community. A Comprehensive Plan shall be in accordance with, but not necessarily limited to, the following:

Parcel Size

15.1 The parcel subject to the development of a comprehensively planned manufactured home community shall be a minimum 2.0 ha (5 acres) and maximum 4 ha (10 acres).

Density

15.2 The design shall be such that the net site density of the park does not exceed 20 units per ha (8 units per acre).

General and Overall Appearance

15.3 The manufactured home community plan shall incorporate detailed aesthetic considerations such as:

(a) substantial landscaping design of the entire park in general, and of individual sites in particular;

(b) treatment of communal areas, both indoor and outdoor;

(c) imaginative handling of street furniture such as lamp standards, litter bins, benches, street signs, and accessories of this nature; and

(d) the community design and subsequent placement of dwellings on lots shall integrate well with adjoining residential development so as not to be obtrusive.

Open Space Requirements

15.4 A minimum of 10 percent of the manufactured home community area shall be developed for park use for the enjoyment of the inhabitants.

15.5 A footpath system, which may or may not be adjoined to an internal road system, must be provided within a mobile home park to provide convenient pedestrian access from the mobile home lots to the park's communal services and facilities. All footpaths must be a minimum of 0.9 m (3 ft) in width and surfaced to the satisfaction of the Development Authority.

Servicing Requirements

15.6 An engineer shall be engaged at the expense of the developer to consult with the Town and utility companies to arrive at a design for all interior servicing, including roads, drainage, grading, sewer, water, natural gas, telephone, electrical and fire protection.

15.7 All on-site servicing shall be built to the standards and requirements of the Town of Stavely and any applicable utility companies.

15.8 Utility easements as may be required shall be provided within the site, and reasonable access to these easements shall be granted to the Town Public Works Department and utility companies for the installation and maintenance of services as required.

Internal Roads

15.9 Internal roads shall be provided in the manufactured home community to allow access to individual manufactured home lots as well as to other facilities where access is required.

15.10 Internal roads shall be privately owned and maintained and form part of the common area.

15.11 The internal road system shall be designed to be compatible with existing municipal roads and public utility systems.

15.12 The internal road system shall provide convenient circulation by the use of local roads and properly located collector roads within the manufactured home park. Dead-end roads shall be discouraged; however, where design alternatives are not available, a minimum 16.8 m (55 ft) radius shall be provided for turn-around purposes.

15.13 If the public roadway through which access to the manufactured home community is obtained is paved, then the roads in the manufactured home community shall be paved.

15.14 A minimum right-of-way width of 12.2 m (40 ft) is required for all roads within the development.

Manufactured Home Additions

15.15 Any addition to a manufactured home shall be of a design and finish which will complement the manufactured home unit and the neighbouring units in the vicinity, as determined by the Development Authority.

15.16 Additions shall be located to the rear or side of the manufactured home unit only. Where any lot has more than one front yard line, the front yard requirements shall apply to one yard only and additions may be permitted in the other front yard.

15.17 Additions shall not exceed 30 percent of the floor area of a manufactured home unit.

Storage Compound

15.18 The developer of the comprehensively planned manufactured home community shall provide, within the park, an area to accommodate storage.

15.19 The size of this storage area shall be a percentage of the total site area as determined by the Development Authority and shall be satisfactorily screened by fences, trees, landscaped features, or combinations thereof, and be maintained in good repair.

Siting Criteria

15.20 The following distances must be observed in locating a structure within a designated manufactured home community:

(a) A minimum of 1.5 m (5 ft) must separate the manufactured home from the lot lines (front, rear, and one side yard) except as provided for in a Comprehensive Plan.

(b) A minimum of 5.5 m (18 ft) one side yard open space must separate individual manufactured homes (driveways, carports and open porches are allowable in this space).

(c) The distance between a manufactured home stand and an abutting common area such as a paved street or walkway or public parking area shall be 3.7 m (12 ft).

(d) All open porches, carports and accessory buildings shall be set back minimum 4.6 m (15 ft) from the front lot line.

(e) Accessory buildings may be located 1.5 m (5 ft) from the manufactured home side lot line, provided structures on the adjoining parcel are 3.0 m (10 ft) away.

(f) Covered decks and porches (walls, roof, etc.) shall be considered part of the principal building and must meet the stipulated setbacks for the manufactured home.

(g) Any accessory building shall cover not more than 15 percent of the surface area of the manufactured unit lot, or 55.7 m^2 (600 ft^2), whichever is less.

(h) The manufactured home units shall cover not more than 40 percent of the total surface area of the lot.

Drawings to be submitted by Applicants

15.21 The following drawings must be submitted:

(a) A scaled site plan shall be submitted showing the manufactured home park and its immediate surroundings.

(b) The site plan shall indicate, among other things, the mix of single-wide and double-wide manufactured home lots, the lot size dimensions, street and pavement widths, parking stalls, location of service buildings, storage compound, playground and walkway system.

(c) A utility plan shall be based on the site plan and shall indicate the location of all utilities necessary for the provision of the following services to the area to be developed:

- water supply (including any proposed irrigation)
- sanitary sewer
- storm sewer
- power
- natural gas
- telephone
- cablevision
- street lighting

The sizing and specifications of all utilities to be determined in consultation with the Town's Public Works Department and the respective utility companies or agencies.

(d) A layout plan shall indicate typical arrangement of manufactured homes as well as parking areas and landscaping of the lot.

(e) A detailed landscaping plan shall illustrate the types of tree planting and ground cover for internal buffer strips, open space and playground areas, irrigation layout, all manufactured home lots, and entrances to the park.

SECTION 16 SECONDARY SUITE STANDARDS

16.1 A secondary suite shall have cooking facilities, food preparation area, sleeping and sanitary facilities, which are physically separate from those of the principal dwelling within the structure. A secondary suite shall also have 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.

16.2 This use does not include two-unit dwelling, row dwelling, apartment, or boarding or lodging house.

16.3 The minimum lot size for a single-unit, dwelling containing a secondary suite is 529.5 m^2 (5700 ft^2).

16.4 The maximum floor area of the secondary suite shall be as follows:

(a) in the case of a secondary suite located completely below the first storey of a single-unit, dwelling (other than stairways or a common landing), the floor area (excluding the area covered by stairways) shall not exceed the floor area of the first storey of the associated principal dwelling;

(b) in the case of a secondary suite developed completely or partially above grade, the floor area (excluding the area covered by stairways) shall not exceed 40 percent of the total floor area above grade of the building containing the associated principal dwelling, nor 70.0 m^2, whichever is the lesser.

16.5 The minimum floor area for a secondary suite shall be not less than 30.2 m^2 (325 ft^2).

16.6 A secondary suite shall be developed in such a manner that the exterior of the principal building containing the secondary suite shall appear as a single dwelling.

16.7 Only one secondary suite may be developed in conjunction with a principal dwelling.

16.8 A secondary suite shall not be developed within the same principal dwelling containing a Home Occupation 2, unless it is proven to the satisfaction of the Development Authority that the amount of traffic generated is limited and adequate parking is available without adversely affecting the neighborhood.

16.9 The secondary suite shall not be subject to separation from the principal dwelling through a condominium conversion or subdivision.

16.10 Variances or waivers of setbacks shall not be granted to develop a secondary suite.

16.11 The secondary suite shall have full utility services through service connections from the principal dwelling unit.

16.12 Development of a secondary suite shall adhere to the Alberta Building Code and Alberta Fire Code as a condition of approval.

SECTION 17 RESIDENTIAL ARCHITECTURAL CONTROL DISTRICT STANDARDS

17.1 The following development criteria shall be applied to the RAC and RAC2 districts:

(a) garage finishes must be consistent with the principal dwelling in roof form, scale and material detailing;

(b) the exterior finish of a storage or garden shed must be professional in appearance and not deter from the overall look of the neighborhood;

(c) roofs must be a minimum of a 5:12 pitch;

(d) all residential dwelling units must be built on a permanent foundation;

(e) all roof eaves must exceed at least 40 cm (16 inches) beyond all exterior walls;

(f) all residential dwellings must be a minimum of 6.1 m (20 ft) wide;

(g) all accessory buildings may build to a maximum of 4.8 m (16 ft);

(h) front yard and secondary front yard fences are not permitted;

(i) recreation vehicle parking must be in the rear yard only;

(j) finished grades must give consideration to proper drainage, channeled away from the house onto the adjacent roadway or laneway in accordance with the engineered grading and drainage plans for the area;

(k) all properties must be fully landscaped within 24 months from the date of the Lot Purchase Agreement. Dry climate landscaping and water conservation methods are encouraged;

(l) poplar and willow trees are prohibited in the front yard;

(m) a properly integrated garbage container must be included in the design for storage and easy collection of garbage to the satisfaction of the Development Authority.

SECTION 18 DAY HOMES

A day home shall not interfere with the rights of other residents to quiet enjoyment of a residential neighbourhood. Day homes shall be an incidental and subordinate use to the principal residential use and shall be restricted to the dwelling unit.

18.1 The use of a dwelling for day home is subject to the following criteria:

(a) shall not require any alterations to the principal building unless the alterations are approved by the Development Authority and Safety or Fire Codes Officer;

(b) shall not create a nuisance by way of noise, parking or traffic generation;

(c) the applicant shall be responsible for complying with the *Child Care Licensing Act* and obtaining all necessary approvals required from regulatory agencies;

(d) the issuance of a development permit in no way exempts the applicant from obtaining a business license from the Town and any other Provincial approvals that may be required;

(e) signage advertising a day home is limited to one sign located in the structure window up to a maximum of 0.4 m² (4 ft²) in size and must be approved by the Development Authority.

SECTION 19 BED AND BREAKFAST ACCOMODATION

Bed and breakfast accommodation shall not interfere with the rights of other residents to quiet enjoyment of a residential neighbourhood. Bed and breakfast accommodation shall be an incidental and subordinate use to the principal residential use and shall be restricted to the dwelling unit.

19.1 The use of a dwelling for bed and breakfast accommodation is subject to the following criteria:

(a) shall not require any alterations to the principal building unless the alterations are approved by the Development Authority and Safety or Fire Codes Officer;

(b) shall not create a nuisance by way of noise, parking or traffic generation;

(c) shall not occupy more than 30 percent of the dwelling unit or provide for more than three guest rooms in addition to the family of the owner, whichever is less;

(d) shall not sell meals or alcoholic beverages to non-overnight guests;

(e) shall not include a kitchen in any room rented;

(f) one onsite parking space per guest room may be required, however on street parking may be accepted by the Development Authority;

(g) signage advertising a bed and breakfast is limited to one sign located in the structure window up to a maximum of 0.4 m² (4 ft²) in size and must be approved by the Development Authority.

SECTION 20 DWELLING GROUP

20.1 Dwelling groups are subject to the following additional standards:

(a) Design of the dwelling group shall consider the height, building design and nature of surrounding residential development.

(b) The arrangement of the structures in a dwelling group is subject to the approval of the Municipal Planning Commission and the requirements of the Alberta Building Code, as amended.

(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 on-site 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 dependent upon the density of the proposed development.

(e) A minimum 1.5 m (5 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) The Development Authority may regulate the maximum density of apartments and multi-unit dwellings within a block or subdivision with 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 7

COMMERCIAL / INDUSTRIAL STANDARDS OF DEVELOPMENT

Schedule 7

COMMERICAL / INDUSTRIAL STANDARDS OF DEVELOPMENT

SECTION 1 EASEMENTS

1.1 All permanent structures shall be located a minimum of 3.1 m (10 ft), or such greater distance as required by the Development Authority, from an easement registered for the protection of municipal water mains and sewer mains or any other such infrastructure, as determined by the municipality.

1.2 No structures shall be located within a registered easement.

SECTION 2 CORNER VISIBILITY

2.1 **Street Corner Visibility**

On a corner lot, nothing shall be erected, placed, planted or allowed to grow in a manner which may restrict traffic visibility at street intersections, between 0.9 m (3 ft) and 3.0 m (10 ft) above the centre line grades of the intersecting streets in the area bounded by the property lines of such corner lots and a line joining points along the said property line 6.1 m (20 ft) from the point of intersection (see Figures 7.2.1 and 7.2.2).

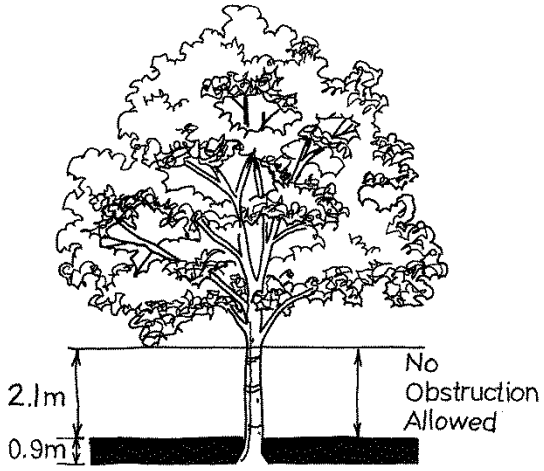

Figure 7.2.1

2.2 **Rear Lane Visibility**

The Municipal Planning Commission may impose conditions on a development to ensure that adequate visibility and safety of both pedestrians and vehicles is maintained for vehicles entering and exiting rear lanes.

The Municipal Planning Commission may request that a minimum 1.5 m (5 ft) clear vision triangle be provided for lots backing onto the intersection of a rear lane and public roadway.

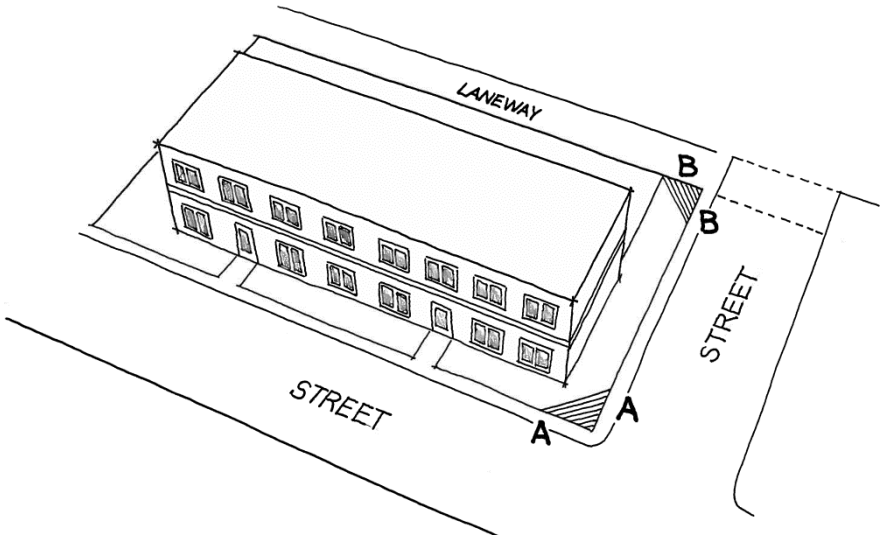

Figure 7.2.2

SECTION 3 LANDSCAPING AND SCREENING

3.1 A landscaping plan shall be submitted with the development permit application for any principal use. The Development Authority may require that a landscaping plan be prepared by a professional. An irrigation plan may also be required.

3.2 Within the front setback and secondary front setback, a minimum landscaped strip of 3.0 m (10 ft) in width along the entire lot frontage (excepting driveways, sidewalks, and walkways) is required. The strip shall be comprehensively landscaped to the satisfaction of the Development Authority.

3.3 The Development Authority may require the prescribed minimum 7.6 m (25 ft) setback between an industrial and residential use to be landscaped and/or fenced depending on the intensity of the proposed use.

3.4 Development along Highway 2 may be subject to enhanced landscaping standards to ensure attractive development adjacent to entryways into the community.

3.5 Off-street parking lots shall be landscaped and/or screened to the satisfaction of the Development Authority.

3.6 Where off-street parking is adjacent to a residential use, the Development Authority may require a minimum 3.0 m (10 ft) landscaped buffer between the property line and the adjacent use.

3.7 Where an industrial lot is adjacent to a residential use, all ground mounted mechanical equipment shall be concealed by fencing and/or landscaping to the satisfaction of the Development Authority.

3.8 Landscaping shall consist of any combination of the following to the satisfaction of the Development Authority:

(a) vegetation (e.g. trees, shrubs, lawn, flowers);

(b) ground cover (e.g. large feature rocks, bark chip, field stone, crushed rock, or other similar features);

(c) buffering (e.g. berming, terracing, paving stones);

(d) outdoor amenity features (e.g. benches, walkways, raised planters);

(e) innovative landscaping features, as approved by the Development Authority.

3.9 No cottonwood tree of any species or variety shall be planted in the municipality.

SECTION 4 FENCING

4.1 No fence, wall, gate, hedge or other means of enclosure shall extend more than 2.4 m (8 ft) in height in any side or rear yard. A fence, wall, gate, hedge or other means of enclosure that exceeds 0.9 m (3 ft) in height within a front yard or secondary front yard requires approval by the Development Authority.

4.2 The use of barbed wire below a height of 1.8 m (6 ft) is not permitted.

4.3 The use of razor wire is not permitted.

4.4 Fencing shall not be permitted to be constructed within any developed or undeveloped roadway or laneway right-of-way. Removal of such fencing will be at the property owner's expense.

4.5 Where a permit is required for fencing, the Development Authority may regulate the material types and colours used for the fence.

4.6 Refer also to Section 2, for clear vision triangle requirements.

SECTION 5 OFF-STREET PARKING REQUIREMENTS AND DESIGN STANDARDS

5.1 Refer to Schedule 5, General and Use Specific Standards of Development, Section 8.

SECTION 6 OUTDOOR DISPLAY AND STORAGE

6.1 Temporary outdoor display of goods, materials, and equipment for advertising and sale purposes may be permitted in the front yard provided the display is not located within any required landscape area or buffer.

6.2 The Development Authority may impose conditions related to screening, buffering or landscaping of any outdoor display areas.

6.3 Outdoor storage areas shall not be permitted within the front, secondary front or side setback.

6.4 Outdoor storage areas adjacent to a residential lot shall be effectively screened by an opaque fence of at least 1.8 m (6 ft) in height or other suitable screening to the satisfaction of the Development Authority.

SECTION 7 MITIGATION OF IMPACTS FROM NOISE, ODOR, VIBRATION AND AIR QUALITY

7.1 Where, in the opinion of the Development Authority, a development has the potential to create negative impacts on adjacent uses and/or nearby residential development in the form of noise, odor, vibration and/or air quality, the applicant may be required to submit a mitigation plan demonstrating how impacts will be mitigated prior to a decision being made on the application.

7.2 A mitigation plan may be attached as a condition of approval as well as any other measures deemed necessary by the Development Authority to mitigate impacts pursuant to subsection 7.1 above.

SECTION 8 ACCESSORY BUILDINGS

8.1 Accessory buildings shall be located at least 1.2 m (4 ft) from the principal building.

8.2 Accessory buildings shall be constructed such that eaves shall be no closer than 0.6 m (2 ft) from a side lot line or rear lot line and all drainage is conducted to the appropriate storm drain via the applicant's own property.

8.3 Accessory buildings or structures shall not to be located in the front setback in relation to the principal building.

SECTION 9 MOVED-IN BUILDINGS

9.1 The building and the land upon which it is to be located shall be subject to all conditions and regulations specified for the particular land use district.

9.2 The building shall comply with all provincial and municipal health and fire regulations prior to occupancy and release of cash deposit. A report by a building inspector regarding each application shall be filed before any such application shall be considered by the Development Authority.

9.3 The quality of the completed building shall be at least equal to or better than the quality of the other buildings in the area.

9.4 The requirements of the building shall be established by the Municipal Planning Commission at the time of approval of the application and shall form a part of the conditions of the development permit.

9.5 A limit of the time of completion and full compliance with all stipulated requirements shall be established by the Municipal Planning Commission at the time of the approval of the application.

9.6 The application should be accompanied by recent colour photographs of all elevations of the moved-in building.

9.7 The Development Officer may require a minimum of $2,000 for moved in buildings and a minimum $5,000 for moved-in dwellings in cash to ensure the conditions of the development permit are met.

SECTION 10 SURVEILLANCE SUITES

10.1 A development permit for a surveillance suite will only be issued if the surveillance suite is clearly compatible with and subordinate to the principal use of the subject parcel. Moreover, in the opinion of the Development Officer or Municipal Planning Commission, as the case may be, the placement of a surveillance suite shall be compatible with all existing, principal development/land uses on adjacent properties and shall not interfere with future principal development/land uses of adjacent properties.

10.2 Where a surveillance suite is attached to the building on a site by a roof, an open or enclosed structure, floor or a foundation, it is to be considered a part of the principal building.

10.3 The minimum and maximum floor area of any detached surveillance suite shall be 50 m^2 (538 ft^2) and 102 m^2 (1098 ft^2) respectively.

10.4 Where a surveillance suite is a manufactured home unit, the following shall apply:

(a) the unit shall have a CSA certification or equivalent, proof of which shall accompany the development permit application;

(b) the unit shall be secured and skirted to the satisfaction of the Development Officer or Municipal Planning Commission, as the case may be.

SECTION 11 REGULATIONS FOR MIXED-USE BUILDINGS

11.1 A building may be occupied by a combination of one or more of the uses listed for in the Retail/General or Neighborhood Commercial districts. Each use shall be considered as a separate use, and shall obtain a Development Permit. A Development Permit may include a number of units within a building.

11.2 The minimum size of a mixed-use residential dwelling unit shall be 65.00 m^2 (699.65 ft^2).

11.3 Mixed-use residential dwelling units and commercial premises shall not be permitted on the same upper storey of a building.

11.4 Mixed-use residential dwelling units may be located on the ground floor of a building.

11.5 The mixed-use residential dwelling units shall have at grade access that is separate from the access for commercial premises. Direct access from a residential dwelling unit to a commercial premise shall not be permitted.

11.6 A minimum of 4.00 m^2 (43.06 ft^2) of private amenity area shall be provided for each mixed-use residential dwelling unit in the building.

11.7 No use or operation within a building shall cause air contaminants, visible emissions, particulate emissions of odorous matter or vapor, or create the emission of toxic matter beyond the building that contains it. The handling, storage and disposal or any toxic or hazardous materials or waste shall be in accordance with the regulations of any government authority having jurisdiction.

SECTION 12 GAS BARS, SERVICE STATIONS AND BULK FUEL STATIONS

12.1 Notwithstanding the District Regulations, a use pursuant to this section shall not be located on sites, which, in the opinion of the Development Authority, would be considered unsafe in terms of vehicle circulation, and access and egress from the site.

12.2 **Site Area (Minimum)**

(a) Gas Bar: 1,200 m^2 (12,917 ft^2)

(b) Service Station: 1,500 m^2 (16,146 ft^2)

(c) Gas Bar or Service Station including Car Wash: 2,700 m^2 (29,063 ft^2)

(d) Where a service station or gas bar forms part of a shopping centre, the area containing the service station or gas bar buildings and pump areas: 1,000 m^2 (10764 ft^2)

(e) Where a service station or gas bar is combined with a convenience store: 1,200 m^2 (12,917 ft^2)

(f) Bulk Fuel Station: 2,700 m^2 (29,063 ft^2)

12.3 **Setback of Buildings and Structures**

(a) The Provincial Plumbing and Gas Safety Services Branch shall approve the proposed location(s) and design of all fuel storage tanks prior to application for a development permit.

(b) Fuel storage tanks shall have the following setbacks from any property lines, abutting masonry building walls, drainage basins and ditches:

Total Tank Capacity	**Setback**
Up to 7,500 litres	3.0 m (10 ft)
7,501 to 19,000 litres	5.0 m (16.5 ft)
19,001 to 38,000 litres	7.6 m (25 ft)
Over 38,000 litres	10.5 m (34.5 ft)

Tanks located on property within a Flood Hazard Area shall be flood proofed to the satisfaction of the Development Authority.

(c) The ventilation tank pipes shall have a minimum height of 3.5 m (11.5 ft) from grade, and a minimum setback of 0.9 m (3 ft) from any property line. In cases where the ventilation tank pipes are abutting to a building opening, the setback requirement shall be a minimum on 1.2 m (4 ft).

(d) The ventilation tank pipes shall have a minimum setback of 7.6 m (25 ft) from any fuel-dispensing unit.

(e) The minimum front yard requirements shall be as prescribed in the district in which the use is located but in no case shall be less than 3.0 m (10 ft).

(f) The minimum side and rear yard setbacks shall be as prescribed in the district in which the use is located.

(g) Yard setbacks shall apply to all above ground structures, including gas pump canopies.

12.4 **Site and Building Requirements**

(a) All parts of the site to which vehicles may have access shall be hard-surfaced if the property is accessed from a paved public road or lane, and drained to the satisfaction of the Development Authority.

(b) A minimum of 10 percent of the site area of a gas bar and service station under this section shall be landscaped to the satisfaction of the Development Authority.

(c) The removal of tanks requires a demolition permit from the Development Authority.

12.5 The maximum building coverage for a use under this section shall be 25 percent of the site area.

SECTION 13 RETAIL CANNABIS STORE

13.1 Prior to applying for a municipal development permit for a retail cannabis store, the applicant is required to apply to the Alberta Gaming and Liquor Commission (AGLC) for a determination of eligibility to obtain a license, and submit verification of the AGLC eligibility as part of the development application.

13.2 As part of the development application, the applicant shall demonstrate how the building location and design comply with all requirements under the Alberta Gaming, Liquor and Cannabis Regulation.

13.3 That the developer or applicant or owner provide copies of all approved Alberta Gaming and Liquor Commission licenses as a condition of the development permit.

13.4 The business must obtain and maintain a current Town of Stavely business license,

13.5 The use is defined by its separation from other uses as follows:

(a) 100.0 m from the property line of a retail cannabis store to the property line of a public school;

(b) 100.0 from the property line of a retail cannabis store to the property line of a park containing playground equipment.

13.6 The specified separation distances described in Section 14.5 are reciprocal and apply to the schools applying for development permit in proximity of an established retail cannabis store.

13.7 The minimum number of motor vehicle parking stalls shall be based on the parking requirements under the use category Commercial/Industrial found in Schedule 5.

Schedule 8

SIGN REGULATIONS

Schedule 8

SIGN REGULATIONS

Except as stated in Section 4 (Signs Not Requiring a Permit) below, 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.

SECTION 1 SIGNS PERMITTED BY LAND USE DISTRICT

1.1 In the Commercial – CO and Public Institutional – PI districts one sign fronting each street bounding the property is permitted subject to the provisions of this schedule. Such sign may be either a business or an identification sign, and may be selected from the following types:

(a) canopy,

(b) fascia, or

(c) projecting sign.

Temporary signs not exempted in Section 4 or mural signs must be applied for separately on a case-by-case basis.

1.2 In the Commercial – CO and Public Institutional – PI districts one A-board sign per business is permitted subject to the provisions of this schedule.

1.3 In the Commercial – CO and Public Institutional – PI districts one shingle sign per business is permitted subject to the provisions of this schedule.

1.4 In the Industrial – IN district two signs fronting each street bounding the property are permitted subject to the provisions of this schedule. Such sign may be either a business or an identification sign, and may be selected from the following types:

(a) canopy,

(b) fascia, or

(c) freestanding sign.

Temporary signs not exempted in Section 4 or mural signs must be applied for separately on a case-by-case basis.

1.5 In all residential districts, the only signage allowed is defined in Section 4, Section 8.7, Section 9.7 of this schedule and Schedule 6 Sections 11 and 19.

SECTION 2 PROHIBITED SIGNS

2.1 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, sign projection styles or animation are prohibited.

2.2 Signs which emit amplified sounds or music are prohibited.

2.3 In any residential district, signs that employ animation or changeable content as the projection style are prohibited.

2.4 In any non-residential district, signs that employ changeable content, animation or pictorial scenes at a luminosity, intensity and/or interval which may create a public hazard or nuisance are prohibited.

2.5 Any signs located within the public right-of-way or on public property are prohibited, except for signs approved by the Town of Stavely, which may include: canopy signs, projecting signs and temporary signs or signs approved by the Province of Alberta or Federal Government.

2.6 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 intent/purpose of displaying the sign to motorists and the public for any period of time excepting signs for special events organized by a non-profit association, group or organization for a display time period not to exceed 24 hours are prohibited.

2.7 Any sign which has not obtained a development permit or any sign which has not been deemed exempt from the requirement of obtaining a development permit as per this sign schedule (see Section 4 – Signs Not Requiring a Permit) are prohibited.

2.8 Billboards are not permitted in the Town of Stavely.

2.9 Roof signs are not permitted in the Town of Stavely.

2.10 All off-premise signage is prohibited.

SECTION 3 GENERAL STANDARDS AND REGULATIONS FOR ALL SIGNS

3.1 Unless otherwise specified, a Development Permit application is required for all signs.

3.2 The Development Officer may refer any Development Permit application for a sign to the Municipal Planning Commission for a decision.

3.3 All signs shall be compatible with the general character of the surrounding streetscape and the architecture of nearby buildings.

3.4 All signs shall be of quality construction and of a design suitable for public display.

3.5 All signs shall be maintained in good repair and a safe and tidy manner.

3.6 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.

3.7 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 obstruct the public's view of any other signage.

3.8 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.

3.9 Any sign which creates a traffic or pedestrian hazard either due to its design or location shall not be permitted.

3.10 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 Town by the affected property owner.

3.11 Pursuant to Administration Section 26.2, a sign shall not be erected on any property unless permission is granted in writing from the registered property owner.

3.12 Sign alterations (e.g. change in size, shape, type, illumination, sign projection style, etc.) shall not be made without first obtaining the required permits or written authorization.

3.13 Any signs that rotate, employ animation or changeable content require approval of the Municipal Planning Commission.

3.14 In all cases, the required distance from overhead power and service lines, as set forth in the *Electrical Protection Act*, shall be maintained.

3.15 A sign shall not be attached to a public bench, light standard, utility pole or any other publicly owned structure or building without prior written authorization from the Development Authority.

3.16 The source of light for all sign illumination shall be steady and suitably shielded.

3.17 Subsequent to approval from the Development Authority, signs may be permitted to locate 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.

3.18 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, buildings or structures unless permission is granted in writing from the Town.

(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 Land Use Bylaw.

(c) Any sign located on, erected on, or attached to municipal property without authorization from the Town, may be removed without notice.

3.19 Any abandoned sign shall be removed at the property owner's expense. If abandoned signs are not removed the Town may remove the sign.

3.20 Non-compliance with any regulation of this bylaw may result in the Town removing a sign without notice and any cost associated with its removal may be charged to the sign owner. A sign recovery charge of $200 will be required prior to the return of the sign to the owner.

3.21 Any signs removed by the Town 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 Town.

3.22 The Town 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 Town whether or not the sign is in accordance with the requirements of this bylaw.

3.23 The landowner or business owner shall be responsible for removal of the sign copy when the advertised use has been discontinued for a period of six months. After six months the sign will be deemed abandoned. If abandoned signs are not removed the Town may remove the sign at the property owner's expense.

3.24 The Development Authority may require the removal or alteration of any sign which in the opinion of the Development Authority is in such a state of disrepair that it is unsightly or constitutes a hazard.

SECTION 4 SIGNS NOT REQUIRING A PERMIT

The following signs do not require a sign permit, but shall otherwise comply with this bylaw and be suitably maintained to the satisfaction of the Development Authority.

4.1 Construction signs which do not exceed 2.9 m^2 (32 ft^2) in area provided such signs are removed within 14 days of the completion of construction.

4.2 Banner signs which are displayed for a period of time not exceeding 30 days.

4.3 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;

(c) on behalf of a department, a commission, a board, a committee, or an official of the federal, provincial, or municipal government.

4.4 Any traffic or directional and informational signage erected by the Town, Province of Alberta or federal government.

4.5 Municipal signs for municipal purposes (e.g. traffic or directional information signage, community service bulletin board signs, etc.).

4.6 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 ft^2) in area.

4.7 Vehicle signs except as prohibited in Section 2 (Prohibited Signs) above.

4.8 Entrance or exit signs used for the purpose of directing traffic providing:

(a) those signs that do not display any advertising message, other than a business logo;

(b) the sign area does not exceed 0.9 m^2 (10 ft^2) in area; and

(c) the sign height does not exceed 1.2 m (4 ft).

4.9 A-board signs (see Figure 8.4.1) which comply with the following requirements:

(a) shall not exceed 0.6 m (2 ft) in width and 1 m (3.3 ft) in sign height;

(b) shall not impede the safe movement of pedestrian traffic or block a fire exit or doorways;

(c) shall be removed at the end of the business day;

(d) shall not exceed one sign per business and the sign shall be located immediately in front of the business; and

(e) shall not be illuminated.



Figure 8.4.1

4.10 The alteration of a sign which only includes routine maintenance, painting or change in face, content or lettering and does not include modification to the sign structure or projection style.

4.11 All signs for public buildings except for freestanding signs, and any signs that contain movement/motion (i.e. rotate, etc.), or employ animation or changeable content, which shall require the approval of the Municipal Planning Commission.

4.12 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.

4.13 Real estate open house A-board signs provided they are removed within 24 hours of the open house.

4.14 On-premises directional and informational signage and incidental signs 0.4 m^2 (4 ft^2) or less in area.

4.15 Any window sign painted on, attached to or installed on a window provided that no more than 50 percent of the subject window area is covered.

4.16 Temporary notices, placards, or posters displayed in a window within a commercial, public or industrial district.

4.17 Political poster signs provided all such signage is removed within five 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 the safe and orderly movement of pedestrians or vehicles, or restrict the sight lines for pedestrians or motorists;

(d) signs shall not exceed 0.9 m^2 (10 ft^2) in area, 1.2 m (4 ft) in height, and be self supporting;

(e) signs shall not be posted for more than 60 days; and

(f) signs shall be a minimum of 3.0 m (10 ft) from any road access and a minimum of 4.6 m (15 ft) from any intersection.

4.18 Neon or placard signs which indicated 'Open' or 'Closed' within commercial, public or industrial districts.

4.19 Any sign associated with an approved Special Event permit or as exempted in a Special Event policy.

4.20 Shingle signs that meet the provisions of this schedule.

SECTION 5 SIGN PERMIT APPLICATION REQUIREMENTS

5.1 A development permit for a sign shall be made to the Development Authority by an applicant, a landowner, or someone that has been authorized by the landowner (i.e. agent) to submit a development permit application, on a completed application form.

5.2 An application for a development permit to erect, place, alter or relocate a sign shall also be accompanied by:

(a) the name and address of:

- the sign manufacturer or company, and
- the lawful sign owner;

(b) a letter of authorization from the affected registered property and/or building owner(s) (if the applicant is not the landowner or building owner).

5.3 The Development Authority may require any additional information deemed necessary to evaluate a development permit application for a sign, but generally, an application for a permit to erect, place, alter or relocate a sign shall be made to the Development Authority and shall be accompanied by photographs and/or drawings, to an appropriate scale, showing where applicable:

(a) the location of all existing and proposed sign(s);

(b) the size, height, and area of the proposed sign(s), including any supporting structures;

(c) details with respect to the sign content (i.e. wording/lettering, text, message, graphics, etc.);

(d) the colour and design scheme;

(e) material specifications;

(f) the location of the property boundaries of the parcel upon which the proposed sign(s) is to be located;

(g) all utility rights-of-way, access easements and any other related encumbrances;

(h) the location of existing building(s) on the site;

(i) the type of illumination, animation and/or changeable content, if any, and details with respect to the proposed luminosity intensity and/or interval;

(j) the details regarding the extent of the projection if a sign is to be attached to a building; or

(k) the location of all landscaping if the proposed sign is freestanding.

SECTION 6 DISPLAY STYLES AND ILLUMINATION

Display Styles

6.1 The content of any sign type (e.g. temporary, freestanding, etc.) may be displayed using one or a combination of more than one of the following display styles except where prohibited in Section 2.

(a) Lettering/Logo: means the sign content contains simple wording, lettering, logo or graphics that are not animated, moving or cannot be changed automatically.

(b) Animation: means the sign content or a portion of the sign content contains action or motion, including lighting changes, special effects or pictures, but does not mean changeable content.

(c) Changeable content: means the sign content or a portion of the sign content changes automatically through electronic and/or mechanical means.

(d) Movement/motion: means the sign, sign content or a portion of the sign conveys its message to the public through the movement or motion of its mechanical parts. Typical signs using this projection style include rotating signs.

6.2 Any change in display style requires the submission of a new development permit application.

Illumination

6.3 Any sign may be considered illuminated if it is lighted by or exposed to artificial lighting either by lights on or in the sign or directed toward the sign. Illuminated signs are regulated by the Land Use Bylaw.

SECTION 7 TEMPORARY SIGNS

7.1 All temporary signs require a development permit except those signs exempted in Section 4.

7.2 A Development Permit for a temporary sign will be valid for a period of no longer than 60 days.

7.3 Once the permit has expired for a temporary sign at a location address, re-application for another temporary sign on the same site shall not occur until 30 days has elapsed from the expiration of the previously approved permit or 30 days from the date at which the temporary sign is removed, whichever is the later of the two dates.

7.4 No temporary signs shall be suspended on or between support columns of any permanent sign such as a freestanding sign or billboard sign, notwithstanding any other sign that may be considered as permanent by the Development Authority.

7.5 No posters or signs shall be placed on any public utility such as a power pole.

7.6 No posters or signs shall be placed on municipal, provincial or federal signage.

7.7 Temporary signs shall not be projected using animation, digital or electronic changeable copy.

7.8 The Development Authority must only approve the location of the temporary sign on the premises after having given due consideration for the location of power supply, sight lines visibility, parking pattern on the site and/or any other site specific development constraints that the Development Authority considers relevant.

7.9 All temporary signs shall be located within the property lines of the location address shown on the development permit application.

7.10 At the discretion of the Municipal Planning Commission temporary signs may contain off-premises sign content as defined in Section 12.

7.11 The Development Authority may require the posting of a security with the Town to ensure compliance with any and all conditions of approval and the removal of the sign on or before the date of expiry of the permit.

7.12 Temporary signs shall not be allowed in any residential land use district unless placed on Town boulevards and permission has been obtained from the Development Authority.

7.13 No temporary sign (including electrical cords) shall be placed on or extend over or project into any municipal property or beyond the boundaries of the private lot or premises upon which it is sited without the written authorization of the Development Authority.

7.14 The copy area of a temporary sign shall not exceed 3.7 m^2 (40 ft^2).

SECTION 8 FREESTANDING SIGNS

8.1 All freestanding signs require a development permit except those signs exempted in Section 4.

8.2 Development Permits for freestanding signs in all residential, public institutional and urban reserve districts shall require the approval of the Municipal Planning Commission.

8.3 In accordance with Section 1, no more than one freestanding sign per business frontage may be erected in the Industrial – IN district.

8.4 Freestanding signs shall have a minimum separation distance of 30.0 m (98 ft) for those signs located on the same side of a roadway.

8.5 Freestanding signs shall not contain off-premises sign content.

8.6 No temporary signs shall be suspended on or between support columns of any freestanding sign.

8.7 In residential districts freestanding signs shall not be permitted except as monument signs for the following purposes:

(a) community/neighbourhood/subdivision identification purposes,

(b) approved multi-unit residential development projects, and

(c) institutional projects and/or uses,

and shall not exceed 1.21 m (4 ft) in height) (see Figure 8.8.1 where Dimension A is the height).

8.8 Except for monument signs, the maximum height of a freestanding sign shall be 6.1 m (20 ft) with a minimum clearance from the bottom of the sign to the ground of 3.05 m (10 ft) (see Figure 8.7.1 where Dimension A = 6.1 m and Dimension A minus C = 3.05 m). Minimum clearance does not apply to pylon signs.

8.9 The total sign area for each face shall not exceed 7 m^2 (75 ft^2). Sign area is depicted in Figure 8.8.1 as dimension B multiplied by dimension C.

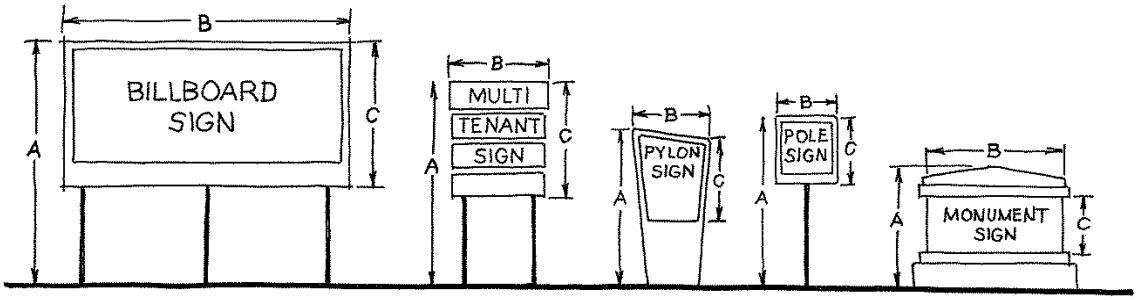

Figure 8.8.1

Billboard Signs

8.10 Billboards are not permitted in the Town of Stavely.

SECTION 9 FACSIA SIGNS

9.1 All fascia signs require a development permit except those signs exempted in Section 4.

9.2 In accordance with Section 1, no more than one fascia sign per business may be erected.

9.3 The total maximum sign area permitted for fascia signs is 20 percent of the area formed by each building face or bay. For large walls, no fascia sign shall exceed a maximum coverage size of 9.3 m^2 (100 ft^2).

9.4 A fascia sign shall not project more than 0.3 m (1 ft) from the face of a building.

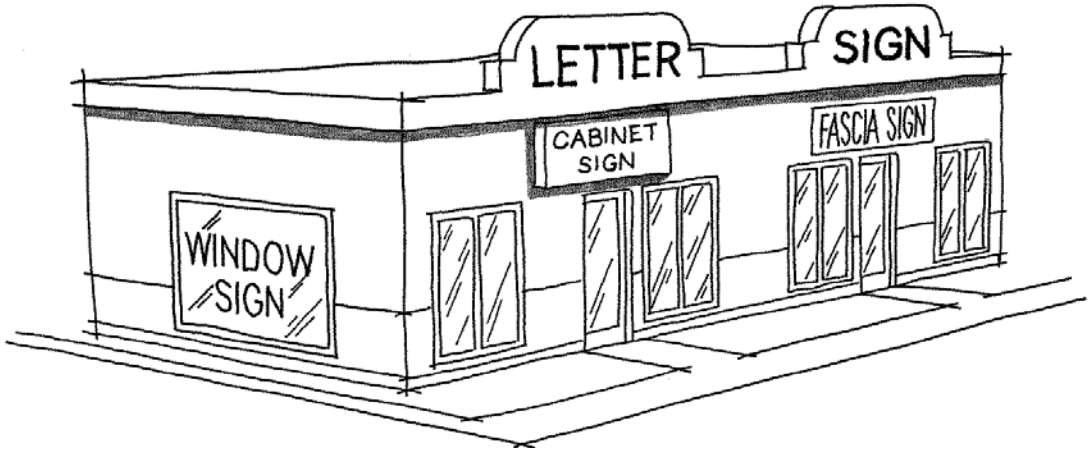

Figure 8.9.1

9.5 Whenever there is a band of several fascia signs, they should be of a consistent size and located near the same level as other similar signage on the premises and adjacent buildings.

9.6 A fascia sign 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 (8 ft) and the maximum projection shall be no greater than 0.3 m (1 ft).

Window Signs

9.7 In any residential district, a maximum of one window sign per lot not to exceed 0.37 m² (4 ft²) in area may be permitted.

9.8 In all other districts, a window sign painted on, attached to or installed on a window may cover no more than 50 percent of the subject window area.

Mural Signs

9.9 All mural signs require a development permit except those signs exempted in Section 4.

9.10 No more than one mural sign shall be allowed per building unless specifically authorized by the Municipal Planning Commission.

9.11 The location, theme, construction materials and size associated with the mural shall be to the satisfaction of the Development Authority.

9.12 The mural must be a painting or other decorative work (artistic rendering/scene) and no mural shall be created to solely display a commercial message or depiction.

9.13 The Development Authority may require that the mural content be reflective of the Town's history and/or heritage.

9.14 Display of text, including a business name or commercial message, within a mural shall not exceed 10 percent coverage of the wall surface area, up to a maximum coverage size of 9.3 m^2 (100 ft^2).

SECTION 10 PROJECTING SIGNS

10.1 All projecting signs require a development permit except those signs exempted in Section 4.

10.2 Projecting signs are prohibited in all land use districts except Commercial – CO and Industrial – IN.

10.3 Projecting signs shall be placed:

(a) at right angles to the building face to which they will be attached; or

(b) in the case of corner sites, placed at equal angles to the building faces that form the corner.

10.4 Projecting signs shall have a minimum vertical clearance of 2.4 m (8 ft) measured between the lower sign edge and grade.

10.5 A projecting sign shall not project more than 0.9 m (3 ft) from the surface of the building to which it is attached.

10.6 The maximum allowable height for a projecting sign, measured from the top of the sign to grade, shall not exceed the lesser of:

(a) the height of the eave line or roof line,

(b) 6.1 m (20 ft), or

(b) to the satisfaction of the Development Authority.

10.7 In accordance with Section 1, one projecting sign per business area may be allowed in the commercial and public institutional districts provided the maximum sign area does not exceed 5.0 m^2 (54 ft^2).

Canopy Signs

10.8 All canopy signs require a development permit except those signs exempted in Section 4.

10.9 No part of a canopy sign shall project more than 1.2 m (4 ft) over a public sidewalk or within 0.9 m (3 ft) of a curb adjoining a public roadway.

10.10 A canopy sign shall be mounted no less than 2.4 m (8 ft) above grade.

10.11 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.

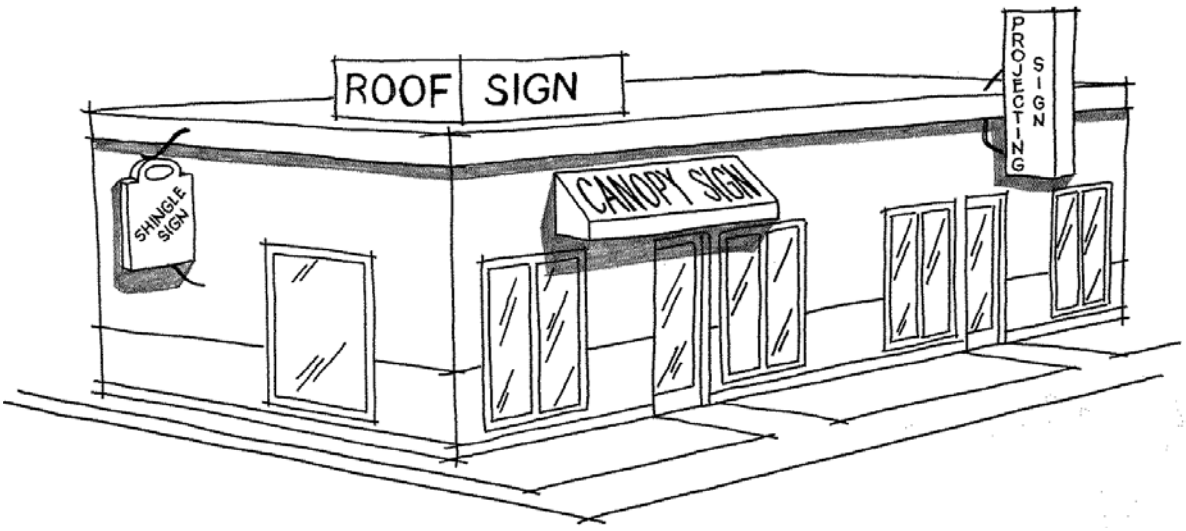

Figure 8.10.1

10.12 Approval of any canopy signage overhanging public land under the sign regulations is conditional upon the owners and/or occupiers of the premises upon which said sign is located entering into an encroachment and hold harmless agreement with the Town of Stavely. The agreement may be registered on title.

10.13 The copy area of the sign shall not exceed 50 percent of the exposed edge or face of the canopy, awning or marquee.

Shingle Signs

10.14 In accordance with Section 1, one projecting sign per business area may be allowed in the commercial and public institutional districts provided the maximum sign area does not exceed 0.55 m^2 (6 ft^2) in area.

10.15 Shingle signs shall be limited by the following:

(a) it may not be attached to a structure other than a building;

(b) it may not project more than 0.45 m^2 (1.5 ft^2) from the surface of the building to which it is attached;

(c) it may not contain more than a total of 0.55 m^2 (6 ft^2) of display surface, excluding the supporting structure;

(d) it may be only as high as the eave line of the building surface to which it is attached or 3.35 m (11 ft) above grade, whichever is lower;

(e) it may not be lower than 2.29 m (7.5 ft);

(f) it may not be internally illuminated;

(g) it may not be more than 4 inches or less than 0.5 inch thick, except as reasonably required in connection with some graphic element of the sign;

(h) only one shingle sign may be approved for installation on a single frontage of a business;

(i) no shingle sign may be approved for a premise for which a freestanding sign permit is outstanding.

Roof Signs

10.16 Roof signs are not permitted in the Town of Stavely.

SECTION 11 OTHER SIGNS

11.1 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 any and all applicable controls.

SECTION 12 DEFINITIONS

12.1 For the purpose of the Land Use Bylaw and this schedule, the following definitions apply:

A-BOARD means a moveable sign which is set on the ground, built of two similar pieces of material and attached at the top by a hinge(s) so as to be self supporting when the bottom edges are separated from each other and designed and built to be easily carried by one person.

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.

ANIMATION means a projection style where action or motion is used to project sign content, including lighting changes, special effects or pictures, but does not include changeable content.

AWNING means an adjustable or temporary roof-like covering fitted over windows and doors and used for shelter, advertising or decoration. See CANOPY SIGN.

BALLOON SIGN means any temporary inflatable device used or employed as a sign that is anchored to the ground or to a building or structure.

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.

BILLBOARD SIGN means a structure constructed to provide a medium for advertising where the subject matter is not necessarily related to a use at or around the parcel on which the billboard is located and where the copy can be periodically replaced.

CANOPY means a permanent fixture fitted over windows and doors and used for shelter, advertising or decoration.

CANOPY SIGN means a projecting sign that is mounted, painted or otherwise attached to an awning, canopy or marquee.

CHANGEABLE CONTENT means sign content which changes automatically through electronic and/or mechanical means and may include typical features such as an electronic message centre or time and temperature unit.

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 the message of which is limited to providing direction guidance, distance, facility or similar information and which may contain a name or logo.

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.

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.

FRONTAGE means the front lot line and the side of a lot abutting a public roadway. Frontage does not include any side of a lot abutting a lane unless the lane is the only means of physical access.

HOME OCCUPATION SIGN means a sign advertising a home occupation approved under the Land Use Bylaw.

LUMINOSITY means the measurement of brightness.

MARQUEE means a permanent structure that projects over a public place, usually an entrance, and is permanently attached to and supported by a building. See CANOPY SIGN.

MULTI-TENANT SIGN means any freestanding sign that contains sign content that advertises more than one tenant and/or business.

MURAL SIGN 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.

OFF-PREMISES SIGN means any type of sign that may contain sign content that 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.

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 a temporary sign that is not permanently affixed to a building, structure, or the ground.

PROJECTING SIGN means a sign other than a canopy sign or fascia sign which is attached to and projects, more than 0.3 m (1 ft) horizontally from a structure or building face.

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.

ROOF SIGN means any sign erected upon, against, or directly above a roof or on top of or above the parapet of a building.

SHINGLE SIGN means a small projecting sign which is suspended from a mounting attached directly to the building wall. Shingle 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 district. See PROJECTING SIGNS.

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 entire area within a single continuous perimeter enclosing the extreme limits of a sign and in no case passing through or between any adjacent elements of same. However, such perimeter shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display.

SIGN CONTENT means the wording/lettering, message, graphics or content displayed on a sign.

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, DISREPAIR means a sign where elements of the display area or panel are visibly cracked, broken, or discolored, where the support structure or frame members are visibly corroded, bent, broken, torn, or dented, or where the message can no longer be read under normal viewing conditions.

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 DISPLAY STYLE means the method by which the sign content is conveyed to the viewer (e.g. lettering/logo, animation, changeable content, movement/motion).

SIGN TYPE means the type of structure of a sign (e.g. freestanding, projecting, temporary, etc.) used to convey sign content.

TEMPORARY SIGN means any sign permitted, designed or intended to be displayed for a short period of time, including portable signs, balloon signs, developer marketing signs, land use classification signs, construction signs, political poster signs, window signs, banner signs, A-board signs or any other sign that is not permanently attached to a building, structure or the ground.

WINDOW SIGN means a sign painted on, attached to or installed on a window intended to be viewed from outside the premises.

Schedule 9

TELECOMMUNICATION ANTENNA SITING PROTOCOL

Schedule 9

TELECOMMUNICATION ANTENNA SITING PROTOCOL

The intent of this schedule is to guide the telecommunications industry and amateur radio operators through the process of tower siting within the municipality. This guide was developed in accordance with Industry Canada siting protocols.

SECTION 1 MUNICIPAL APPROVAL

1.1 Proposals for freestanding telecommunication antennas shall not be required to obtain a development permit but shall be required to make a submission to the Municipal Planning Commission including:

(a) the information as listed in Section 2, and

(b) complete the notification and public consultation process found in Section 3.

1.2 Concurrence with the proponent's project will be measured against the requirements of each district's requirements and criteria listed below. If all requirements are met the Town of Stavely will provide concurrence in the form of a written letter to the proponent.

1.3 The following are excluded from submitting information for review:

(a) an antenna mounted on a building that projects less than 1.8 m (6 ft) in height above the top of the building.

(b) commercial or industrial designated lands which are a minimum of 150.0 m (492 ft) from residential designated lands or lands designated for public purpose.

SECTION 2 INFORMATION REQUIREMENTS

Co-utilization (Co-location)

2.1 All proponents for freestanding antenna structures will be requested to identify any other such structures within a radius of 500.0 m (1640 ft) of the proposed location and to provide documentary evidence that co-utilization of the existing or new structure is not a viable alternative to a second structure.

Appearance

2.2 All proponents for antenna structures which are visible from residential areas may be requested to employ innovative design measures to mitigate the visual impact of these structures. The proponent shall provide stealth structure options when requested by the municipality. Stealth structure options will be based on an evaluation of the massing, form, colour, material, and other decorative elements, that will blend the appearance of the facility into and with the surrounding lands.

Lighting and signage

2.3 Lighting in addition to that which is required by applicable federal agencies shall be avoided. Security lighting may be considered provided it meets the requirements of the applicable land use district.

2.4 Only signage that is required by applicable federal agencies is permitted. No advertising signage shall be permitted.

SECTION 3 NOTIFICATION AND PUBLIC CONSULTATION PROCESS

3.1 At the expense of the applicant, the municipality will notify all land owners within a distance of 500.0 m (1640 ft) of the proposed structure.

3.2 With each notification, the proponent will be responsible to submit a letter providing notification of the location of the tower, physical details of the tower, the time and location of the public meeting, and a contact name and phone number of someone employed by the proponent who can answer questions regarding the proposal. The notifications should be sent 25 days prior to the open house.

3.3 The proponent shall hold an open house regarding their development proposal and should proactively explain all aspects of the siting, technology and appearance of the proposed structure.

3.4 From the open house, the proponent will be responsible to provide the Municipal Planning Commission with a copy of the agenda and the minutes indicating the topics discussed, additional concerns raised with resolutions, and any outstanding issues that the proponent and/or landowners could not resolve.

3.5 Where the public process has raised unresolved concerns about public health and related effects of wireless communication technology, the Town of Stavely will request a ruling by Industry Canada prior to the issuance of a letter of concurrence.

APPENDIX A

Forms, Fees and Notices

Town of Stavely
Box 249
Stavely, AB
T0L 1Z0
403-549-3761
cao@stavely.ca

FORM A: RESIDENTIAL DEVELOPMENT PERMIT APPLICATION

Pursuant to Land Use Bylaw No. 769

OFFICE USE			
Application No:	Roll No:	Use: ☐ Permitted ☐ Discretionary ☐ Waiver ☐ Prohibited	
Application Received:	Application Fee:	Land Use District:	Site Inspection Date:
Application Deemed:		Expiry of 40-Day Decision Timeframe:	Deadline for Missing Documentation:
Date Incomplete:	Date Complete:		
Date Reviewed by D.O.:	MPC Meeting Date:	Date of Decision:	Effective Date:

PREFERRED METHOD OF DELIVERY (SELECT ONE)

- ☐ **Email:** I wish to receive all official written documentation for my application by email.
- ☐ **Letter Mail**: I wish to receive all official written documentation for my application by letter mail.
- ☐ **In-person Pickup**: I wish to pickup all official written documentation for my application from the Town Office myself (applicant will be notified by phone when documents are available for pick-up).

APPLICANT INFORMATION

Applicant's Name: _____

Phone:_____ Email:_____

Mailing Address:_____

Registered Landowner's Name: _____

Phone:_____ Email:_____

Mailing Address:_____

Applicant's interest in the proposed development if not the registered owner:

☐ Agent ☐ Contractor ☐ Tenant ☐ Other:_____

PROPERTY INFORMATION

Municipal Address:_____

Legal Description: Plan _____ Block _____ Lot(s)/Unit _____

Parcel Size: _____ ☐ m^2 ☐ sq. ft. Land Use District: _____

Existing use/development on the property: _____

DEVELOPMENT INFORMATION

This application is to: (Check all that apply)

☐ Construct a new dwelling:
- ☐ Single-unit dwelling
- ☐ Duplex/multi-unit dwelling
- ☐ Manufactured home/RTM
- ☐ Moved-in dwelling
- ☐ Secondary suite

☐ Alter/renovate the existing building:
- ☐ Addition (incl. attached garage)
- ☐ Deck(s)
- ☐ Roof-mounted Solar
- ☐ Other _____

☐ Construct a new accessory structure:
- ☐ Detached garage/shop
- ☐ Shed/greenhouse/gazebo/pool
- ☐ Fence exceeding max. height
- ☐ Other _____

Describe the proposed use, any changes from existing use, and any work to be done.

_____

_____

_____

BUILDING DETAILS

Size/Dimensions	Principal Building or Addition	Accessory Building/ Structure	**Office Use**
Building Size	☐ m^2 ☐ sq. ft	☐ m^2 ☐ sq. ft	
Height of Building (grade to peak)	☐ m ☐ ft	☐ m ☐ ft	
Attached Garage Size	☐ m^2 ☐ sq. ft	N/A	
Proposed Setbacks from Property Lines			
Front	☐ m ☐ ft	☐ m ☐ ft	
Rear	☐ m ☐ ft	☐ m ☐ ft	
Side	☐ m ☐ ft	☐ m ☐ ft	
Side	☐ m ☐ ft	☐ m ☐ ft	
Parcel Type: ☐ Interior Lot ☐ Corner Lot			

SECONDARY SUITE DETAILS

Is a secondary suite being requested? ☐ No ☐ Yes

Will the secondary suite be located in: ☐ An Existing Home ☐ A New Construction

Is there currently a secondary suite located on the property? ☐ No ☐ Yes

Will the secondary suite contain a separate entrance on the exterior of the home? ☐ No ☐ Yes

If yes, please indicate the location of the separate entrance: _____

PROJECT DETAILS

Cost of Development: _____ Start Date: _____ Completion Date: _____

Proposed Fencing and Height:_____

Proposed Landscaping: _____

Off-street Parking Spaces (number and size, not including garage): _____

WAIVERS

Is a waiver (variance) to one or more standards in the Land Use Bylaw being requested? ☐ No ☐ Yes

If yes, please specify: _____

DECLARATION OF APPLICANT

I/We have read and understand the terms noted below and hereby apply for a Development Permit to carry out the development described within this application including any attached plans, and supplementary forms and documents. The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to the application for a Development Permit. **I/We hereby certify that the registered owner of the land is aware of, and in agreement with this application.**

I also consent to an authorized person designated by the municipality to enter upon the subject land and building(s) for the purpose of an inspection during the processing of this application.

IMPORTANT: This information may also be shared with appropriate government/other agencies and may also be kept on file by those agencies. The application and related file contents will become available to the public and are subject to the provisions of the Freedom of Information and Protection of Privacy Act (FOIP).

Date: _____ **Applicant's Signature:** _____

Registered Owner's Signature: _____
(Required, if different from applicant)

1. The Development Authority may deem a Development Permit application incomplete if any of the application requirements are incomplete or the quality of the information is deemed inadequate to properly evaluate the application.

2. Every Applicant for a development permit shall be accompanied by the following information (if applicable):

    a. A site plan, in duplicate showing: registered legal boundaries, the location of any proposed development and any existing development, and proposed grades in relation to surrounding property, and provisions for off-street loading and parking facilities;

    b. Floor plans and elevations and sections.

3. Although the Development Officer is in a position to advise applicants of the process and requirements of the development application, such advice must not be taken as official consent and is without prejudice to the decision in connection with the formal application.

4. Every application for a permit shall be accompanied by the appropriate fee(s) as listed in Appendix A of the Land Use Bylaw No. 769.

5. If a decision is not made within 40 days from the date the application is deemed complete, or within such longer period as the applicant may approve in writing, the applicant may deem the application to be refused. The applicant may exercise his/her right of appeal as though s/he had been mailed a refusal at the end of the 40-day period.

6. A Development Permit does not constitute a building permit or approval from any provincial or federal department. Construction undertaken subsequent to approval of this Development Permit application may be regulated by the Alberta Safety Codes**.** The applicant/owner/developer assumes all responsibilities pertaining to construction plan submissions, approval and inspections as may be required by the appropriate provincial body. The applicant is responsible for determining and obtaining any other applicable provincial and federal approvals prior to commencement.

Town of Stavely
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cao@stavely.ca

FORM B: NON-RESIDENTIAL DEVELOPMENT PERMIT APPLICATION

Pursuant to Land Use Bylaw No. 769

OFFICE USE			
Application No:	Roll No:	Use: ☐ Permitted ☐ Discretionary ☐ Waiver ☐ Prohibited	
Application Received:	Application Fee:	Land Use District:	Site Inspection Date:
Application Deemed:		Expiry of 40-Day Decision Timeframe:	Deadline for Missing Documentation:
Date Incomplete:	Date Complete:		
Date Reviewed by D.O.:	MPC Meeting Date:	Date of Decision:	Effective Date:

PREFERRED METHOD OF DELIVERY (SELECT ONE)

- ☐ **Email:** I wish to receive all official written documentation for my application by email.
- ☐ **Letter Mail**: I wish to receive all official written documentation for my application by letter mail.
- ☐ **In-person Pickup**: I wish to pickup all official written documentation for my application from the Town Office myself (applicant will be notified by phone when documents are available for pick-up).

APPLICANT INFORMATION

Applicant's Name: _____

Phone:_____ Email:_____

Mailing Address:_____

Registered Landowner's Name: _____

Phone:_____ Email:_____

Mailing Address:_____

Applicant's interest in the proposed development if not the registered owner:

☐ Agent ☐ Contractor ☐ Tenant ☐ Other:_____

PROPERTY INFORMATION

Municipal Address:_____

Legal Description: Plan _____ Block _____ Lot(s)/Unit _____

Parcel Size: _____ ☐ m^2 ☐ sq. ft. Land Use District: _____

Existing use/development on the property: _____

_____

DEVELOPMENT INFORMATION

This application is to: (Check all that apply)

☐ Construct a new building for:
- ☐ Commercial (CO)
- ☐ Industrial (IN)
- ☐ Public Institutional (PI)
- ☐ Urban Reserve (UR)

☐ Alter an existing building:
- ☐ Addition
- ☐ Interior Renovation
- ☐ Mixed-use development

☐ Change in or Intensification of use

Describe the proposed use, any changes from existing use, and any work to be done.

_____

_____

_____

BUILDING DETAILS

Size/Dimensions	Principal Building or Addition	Accessory Building/ Structure	**Office Use**
Building Size	☐ m^2 ☐ sq. ft	☐ m^2 ☐ sq. ft	
Height of Building (grade to peak)	☐ m ☐ ft	☐ m ☐ ft	
Proposed Setbacks from Property Lines			
Front	☐ m ☐ ft	☐ m ☐ ft	
Rear	☐ m ☐ ft	☐ m ☐ ft	
Side	☐ m ☐ ft	☐ m ☐ ft	
Side	☐ m ☐ ft	☐ m ☐ ft	
Parcel Type: ☐ Interior Lot ☐ Corner Lot			

Please indicate the water and sewer requirements for the proposed development (check all that may apply):

- ☐ Washroom/kitchen type facilities for staff
- ☐ Washroom/food service facilities for public
- ☐ Car/truck wash
- ☐ No water/sewer services required
- ☐ Processing/manufacturing process
- ☐ Food processing
- ☐ Other: _____

SITE LAYOUT

Is outdoor storage or a display area required or proposed? ☐ No ☐ Yes

Is a dedicated loading space/area proposed? ☐ No ☐ Yes

Is a drive-through component proposed which required a dedicated vehicle-stacking lane? ☐ No ☐ Yes

Off-street Parking Spaces (number and size): _____

Proposed Fencing and Height: _____

Proposed Landscaping: _____

WAIVERS

Is a waiver (variance) to one or more standards in the Land Use Bylaw being requested? ☐ No ☐ Yes

If yes, please specify: _____

PROJECT DETAILS

Construction Costs: _____ Start Date: _____ Estimated Completion Date: _____

DECLARATION OF APPLICANT

I/We have read and understand the terms noted below and hereby apply for a Development Permit to carry out the development described within this application including any attached plans, and supplementary forms and documents. The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to the application for a Development Permit. **I/We hereby certify that the registered owner of the land is aware of, and in agreement with this application.**

I also consent to an authorized person designated by the municipality to enter upon the subject land and building(s) for the purpose of an inspection during the processing of this application.

IMPORTANT: This information may also be shared with appropriate government/other agencies and may also be kept on file by those agencies. The application and related file contents will become available to the public and are subject to the provisions of the Freedom of Information and Protection of Privacy Act (FOIP).

Date: _____ **Applicant's Signature:**_____

Registered Owner's Signature:_____
(Required, if different from applicant)

1. The Development Authority may deem a Development Permit application incomplete if any of the application requirements are incomplete or the quality of the information is deemed inadequate to properly evaluate the application.
2. Every Applicant for a development permit shall be accompanied by the following information (if applicable):
    a. A site plan, in duplicate showing: registered legal boundaries, the location of any proposed development and any existing development, and proposed grades in relation to surrounding property, and provisions for off-street loading and parking facilities;
    b. Floor plans and elevations and sections.
3. Although the Development Officer is in a position to advise applicants of the process and requirements of the development application, such advice must not be taken as official consent and is without prejudice to the decision in connection with the formal application.
4. Every application for a permit shall be accompanied by the appropriate fee(s) as listed in Appendix A of the Land Use Bylaw No. 769.
5. If a decision is not made within 40 days from the date the application is deemed complete, or within such longer period as the applicant may approve in writing, the applicant may deem the application to be refused. The applicant may exercise his/her right of appeal as though s/he had been mailed a refusal at the end of the 40-day period.
6. A Development Permit does not constitute a building permit or approval from any provincial or federal department. Construction undertaken subsequent to approval of this Development Permit application may be regulated by the Alberta Safety Codes**.** The applicant/owner/developer assumes all responsibilities pertaining to construction plan submissions, approval and inspections as may be required by the appropriate provincial body. The applicant is responsible for determining and obtaining any other applicable provincial and federal approvals prior to commencement.

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FORM C: HOME OCCUPATION DEVELOPMENT PERMIT APPLICATION

Pursuant to Land Use Bylaw No. 769

OFFICE USE			
Application No:	Roll No:	Use: ☐ Permitted ☐ Discretionary ☐ Waiver ☐ Prohibited	
Application Received:	Application Fee:	Land Use District:	Site Inspection Date:
Application Deemed:		Expiry of 40-Day Decision Timeframe:	Deadline for Missing Documentation:
Date Incomplete:	Date Complete:		
Date Reviewed by D.O.:	MSDA Meeting Date:	Date of Decision:	Effective Date:

PREFERRED METHOD OF DELIVERY (SELECT ONE)

- ☐ **Email:** I wish to receive all official written documentation for my application by email.
- ☐ **Letter Mail**: I wish to receive all official written documentation for my application by letter mail.
- ☐ **In-person Pickup**: I wish to pickup all official written documentation for my application from the Town Office myself (applicant will be notified by phone when documents are available for pick-up).

APPLICANT INFORMATION

Applicant's Name: _____

Phone:_____ Email:_____

Mailing Address:_____

Registered Landowner's Name: _____

Phone:_____ Email:_____

Mailing Address:_____

Applicant's interest in the proposed development if not the registered owner:

☐ Agent ☐ Contractor ☐ Tenant ☐ Other:_____

PROPERTY INFORMATION

Municipal Address:_____

Legal Description: Plan _____ Block _____ Lot(s)/Unit _____

Parcel Size: _____ ☐ m^2 ☐ sq. ft. Land Use District: _____

Existing use/development on the property: _____

_____

BUSINESS DESCRIPTION

(1) Describe the primary function of your business. What goods and/or services are provided?
Attach an additional sheet outlining the business.

(2) Is there another home occupation already operating out of the residence? ☐ No ☐ Yes

(3) Is there a secondary suite in the residence? ☐ No ☐ Yes

If yes, please provide details:_____

(4) Where will the business operate from? ☐ In-home ☐ Accessory building ☐ Off-site/Mobile

(5) How will you interact or do business with your clients or customers?

☐ **In person**. Clients/customers will come to the residence. On average, how many clients will come to the residence?

☐ Less than 1 per day ☐ 1-5 per day ☐ More than 5 per day

☐ **Remotely**. Clients/customers will not be coming to the residence but will only be in contact by:

☐ Phone/Fax ☐ Mail ☐ Courier ☐ Email/Internet

(6) How many parking spaces for any client visits, deliveries, etc. will be available? _____

(7) Days and hours of operation:_____

(8) Will there be any employees that are not residents of the dwelling? ☐ No ☐ Yes

If YES: **How many employees will come to the residence? _____**

Will more than 1 employee come to the residence at a time? ☐ No ☐ Yes

(9) Will there be any equipment or materials stored outside the dwelling that will be used in conjunction with the business? ☐ No ☐ Yes

If yes, please list materials & quantities:_____

(10) Will any vehicles/machinery/trailers/tools be used to operate the business? Please list.

_____

(11) Will there be any flammable/hazardous materials on the premises as a result of the business?

☐ No ☐ Yes (please list materials & quantities):_____

(12) Will any goods be displayed at the residence? ☐ No ☐ Yes

(13) Will there be a sign for the business? ☐ No ☐ Yes

If yes, please describe size, type, and location:_____

(14) Does the business require additional government approvals? ☐ No ☐ Yes

If yes, please describe (AHS, AMVIC, etc.):_____

DECLARATION OF APPLICANT

I/We have read and understand the terms noted below and hereby apply for a Development Permit to carry out the development described within this application including any attached plans, and supplementary forms and documents. The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to the application for a Development Permit. **I/We hereby certify that the registered owner of the land is aware of, and in agreement with this application.**

I also consent to an authorized person designated by the municipality to enter upon the subject land and building(s) for the purpose of an inspection during the processing of this application.

IMPORTANT: This information may also be shared with appropriate government/other agencies and may also be kept on file by those agencies. The application and related file contents will become available to the public and are subject to the provisions of the Freedom of Information and Protection of Privacy Act (FOIP).

Date: _____ **Applicant's Signature:**_____

Registered Owner's Signature:_____
(Required, if different from applicant)

1. The Development Authority may deem a Development Permit application incomplete if any of the application requirements are incomplete or the quality of the information is deemed inadequate to properly evaluate the application.

2. Every Applicant for a development permit shall be accompanied by the following information (if applicable):

    a. A site plan, in duplicate showing: registered legal boundaries, the location of any proposed development and any existing development, and proposed grades in relation to surrounding property, and provisions for off-street loading and parking facilities;

    b. Floor plans and elevations and sections.

3. Although the Development Officer is in a position to advise applicants of the process and requirements of the development application, such advice must not be taken as official consent and is without prejudice to the decision in connection with the formal application.

4. Every application for a permit shall be accompanied by the appropriate fee(s) as listed in Appendix A of the Land Use Bylaw No. 769.

5. If a decision is not made within 40 days from the date the application is deemed complete, or within such longer period as the applicant may approve in writing, the applicant may deem the application to be refused. The applicant may exercise his/her right of appeal as though s/he had been mailed a refusal at the end of the 40-day period.

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FORM D: BUILDING DEMOLITION/REMOVAL DEVELOPMENT PERMIT APPLICATION

Pursuant to Land Use Bylaw No. 769

OFFICE USE			
Application No:	Roll No:	Land Use District:	Site Inspection Date:
Application Received:	Application Fee:	Date Reviewed by D.O.:	Date of Decision:
Application Deemed:		Utilities Signed Off: ☐ Yes ☐ No	
Date Incomplete:	Date Complete:	Accompanying DP Application: ☐ Yes ☐ No DP Application no:	

PREFERRED METHOD OF DELIVERY (SELECT ONE)

- ☐ **Email:** I wish to receive all official written documentation for my application by email.
- ☐ **Letter Mail**: I wish to receive all official written documentation for my application by letter mail.
- ☐ **In-person Pickup**: I wish to pickup all official written documentation for my application from the Town Office myself (applicant will be notified by phone when documents are available for pick-up).

APPLICANT INFORMATION

Applicant's Name: _____

Phone:_____ Email:_____

Mailing Address:_____

Registered Landowner's Name: _____

Phone:_____ Email:_____

Mailing Address:_____

Applicant's interest in the proposed building removal if not the registered owner:

☐ Agent ☐ Contractor ☐ Tenant ☐ Other:_____

PROPERTY INFORMATION

Municipal Address:_____

Legal Description: Plan _____ Block _____ Lot(s)/Unit _____

Parcel Size: _____ ☐ m^2 ☐ sq. ft. Land Use District: _____

Existing use/development on the property: _____

_____

STRUCTURES TO BE REMOVED

Description of Buildings/Structure(s): _____

_____

Type of Work: ☐ Removal to another site (no demolition) ☐ Demolition of building/structure

Building Size: _____ ☐ m^2 ☐ sq. ft

Height of Building: _____ ☐ m^2 ☐ sq. ft Number of storeys: _____

DEMOLITION INFORMATION

Method of Demolition: ☐ Manual (no heavy equipment) ☐ Using heavy equipment

☐ Other – please explain: _____

Dump Site Location: _____

Note: Construction debris should be dumped in an approved certified site whenever possible. If that is not possible, approval must be obtained from Alberta Environment prior to demolition.

Location where building(s) are being moved to (if not being demolished):_____

_____

Contractor responsible for removal/demolition (if different from applicant): _____

Post building removal plan for property: ☐ Rebuild (separate Development Permit application required)

☐ To be left vacant (drainage plan & weed management plan required)

PROJECT DETAILS

Cost of Development: _____ Start Date: _____ Completion Date: _____

DISCONNECTION OF ALL SERVICES

Acquire signature (or written verification) from all applicable agencies verifying services are disconnected:

☐ Electrical power _____

☐ Natural gas _____

☐ Oil lines _____

☐ Telephone cables _____

☐ Communication lines (tv, internet) _____

☐ Water lines _____

☐ Storm & sanitary sewer _____

☐ Private Septic _____

DECLARATION OF APPLICANT

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I also consent to an authorized person designated by the municipality to enter upon the subject land and building(s) for the purpose of an inspection during the processing of this application.

IMPORTANT: This information may also be shared with appropriate government/other agencies and may also be kept on file by those agencies. The application and related file contents will become available to the public and are subject to the provisions of the Freedom of Information and Protection of Privacy Act (FOIP).

Date: _____ **Applicant's Signature:**_____

Registered Owner's Signature:_____
(Required, if different from applicant)

1. The Development Authority may deem a Development Permit application incomplete if any of the application requirements are incomplete or the quality of the information is deemed inadequate to properly evaluate the application.

2. Every Applicant for a development permit shall be accompanied by the following information (if applicable):

    a. A site plan, in duplicate showing: registered legal boundaries, the location of any proposed development and any existing development, and proposed grades in relation to surrounding property, and provisions for off-street loading and parking facilities;

    b. Floor plans and elevations and sections.

3. Although the Development Officer is in a position to advise applicants of the process and requirements of the development application, such advice must not be taken as official consent and is without prejudice to the decision in connection with the formal application.

4. Every application for a permit shall be accompanied by the appropriate fee(s) as listed in Appendix A of the Land Use Bylaw No. 769.

5. If a decision is not made within 40 days from the date the application is deemed complete, or within such longer period as the applicant may approve in writing, the applicant may deem the application to be refused. The applicant may exercise his/her right of appeal as though s/he had been mailed a refusal at the end of the 40-day period.

6. A Development Permit does not constitute a building permit or approval from any provincial or federal department. Construction undertaken subsequent to approval of this Development Permit application may be regulated by the Alberta Safety Codes**.** The applicant/owner/developer assumes all responsibilities pertaining to construction plan submissions, approval and inspections as may be required by the appropriate provincial body. The applicant is responsible for determining and obtaining any other applicable provincial and federal approvals prior to commencement.

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FORM E: SIGNAGE DEVELOPMENT PERMIT APPLICATION

Pursuant to Land Use Bylaw No. 769

OFFICE USE			
Application No:	Roll No:	Use: ☐ Permitted ☐ Discretionary ☐ Waiver ☐ Prohibited	
Application Received:	Application Fee:	Land Use District:	Site Inspection Date:
Application Deemed:		Expiry of 40-Day Decision Timeframe:	Deadline for Missing Documentation:
Date Incomplete:	Date Complete:		
Date Reviewed by D.O.:	MPC Meeting Date:	Date of Decision:	Effective Date:

PREFERRED METHOD OF DELIVERY (SELECT ONE)

- ☐ **Email:** I wish to receive all official written documentation for my application by email.
- ☐ **Letter Mail**: I wish to receive all official written documentation for my application by letter mail.
- ☐ **In-person Pickup**: I wish to pickup all official written documentation for my application from the Town Office myself (applicant will be notified by phone when documents are available for pick-up).

APPLICANT INFORMATION

Applicant's Name: _____

Phone:_____ Email:_____

Mailing Address:_____

Registered Landowner's Name: _____

Phone:_____ Email:_____

Mailing Address:_____

Applicant's interest in the proposed development if not the registered owner:

☐ Agent ☐ Contractor ☐ Tenant ☐ Other:_____

PROPERTY INFORMATION

Municipal Address:_____

Legal Description: Plan _____ Block _____ Lot(s)/Unit _____

Parcel Size: _____ ☐ m^2 ☐ sq. ft. Land Use District: _____

Existing use/development on the property: _____

_____

SIGN INFORMATION

Type of work (select all that apply):

☐ New Permanent Sign ☐ Changes to Existing Sign ☐ Temporary Sign

☐ Wall (fascia)
☐ Freestanding
☐ Canopy/Roof mounted
☐ Sandwich Board
☐ Banding Sign

☐ Electrified
☐ Non-electrified
☐ Indirect Illumination
☐ Internal Illumination
☐ Direct Illumination
☐ Flashing/LED

☐ Animated
☐ Rotating
☐ Awning
☐ Portable
☐ Electronic Variable Messages
☐ Lettering

Size/Dimensions	Proposed Sign	**Office Use**
Length of Sign:	☐ m ☐ ft	
Height of Sign:	☐ m ☐ ft	
Sign Face Area:	☐ m^2 ☐ sq. ft	
Top of Sign Height from Grade:	☐ m ☐ ft	
Top of Sign Height from Roof:	☐ m ☐ ft	
Bottom of Sign Height from Grade:	☐ m ☐ ft	

Distance from Property Lines		**Office Use**
Front	☐ m ☐ ft	
Rear	☐ m ☐ ft	
Side	☐ m ☐ ft	
Side	☐ m ☐ ft	

Sign materials: _____

Sign Content (wording/lettering, text, message, graphics): _____

_____

Are there any other signs on this property? ☐ No ☐ Yes

If yes, please specify: _____

_____

_____

If the sign is only for **temporary** use:

For how many days is the sign proposed to be displayed: _____ days

Will the sign be used to advertise **off-premises** business, products or services? ☐ No ☐ Yes

WAIVERS

Is a waiver (variance) to one or more standards in the Land Use Bylaw being requested? ☐ No ☐ Yes

If yes, please specify: _____

PROJECT DETAILS

Cost of Development: _____ Start Date: _____ Completion Date: _____

DECLARATION OF APPLICANT

I/We have read and understand the terms noted below and hereby apply for a Development Permit to carry out the development described within this application including any attached plans, and supplementary forms and documents. The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to the application for a Development Permit. **I/We hereby certify that the registered owner of the land is aware of, and in agreement with this application.**

I also consent to an authorized person designated by the municipality to enter upon the subject land and building(s) for the purpose of an inspection during the processing of this application.

IMPORTANT: This information may also be shared with appropriate government/other agencies and may also be kept on file by those agencies. The application and related file contents will become available to the public and are subject to the provisions of the Freedom of Information and Protection of Privacy Act (FOIP).

Date: _____ **Applicant's Signature:**_____

Registered Owner's Signature:_____
(Required, if different from applicant)

1. The Development Authority may deem a Development Permit application incomplete if any of the application requirements are incomplete or the quality of the information is deemed inadequate to properly evaluate the application.

2. Every Applicant for a development permit shall be accompanied by the following information (if applicable):

    a. A site plan, in duplicate showing: registered legal boundaries, the location of any proposed development and any existing development, and proposed grades in relation to surrounding property, and provisions for off-street loading and parking facilities;

    b. Floor plans and elevations and sections.

3. Although the Development Officer is in a position to advise applicants of the process and requirements of the development application, such advice must not be taken as official consent and is without prejudice to the decision in connection with the formal application.

4. Every application for a permit shall be accompanied by the appropriate fee(s) as listed in Appendix A of the Land Use Bylaw No. 769.

5. If a decision is not made within 40 days from the date the application is deemed complete, or within such longer period as the applicant may approve in writing, the applicant may deem the application to be refused. The applicant may exercise his/her right of appeal as though s/he had been mailed a refusal at the end of the 40-day period.

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FORM F: APPLICATION FOR LAND USE BYLAW OR STATUTORY DOCUMENT AMENDMENT

OFFICE USE			
Application No:	Roll No:	☐ Redesignation ☐ Text Amendment	
Application Received:	Application Fee:	Land Use District:	Date submitted to ORRSC:
Application Deemed:		Deadline for Missing Documentation:	☐ Site Plan
Date Incomplete:	Date Complete:		☐ Conceptual Design Scheme or ASP
First Reading Date:	Public Hearing Date:	Second/Third Reading Date(s):	☐ Certificate of Title (not older than 60 days prior to application date)

A refusal is **not** appealable and a subsequent application for amendment involving the same lot and/or the same or similar use may not be made for at least 12 months after the date of refusal.

IMPORTANT NOTE: Although administration is in a position to advise on the principle or details of any proposals, such advice must not be taken in any way as official consent.

PREFERRED METHOD OF DELIVERY (PLEASE SELECT ONE)

- ☐ **Email:** I wish to receive all official written documentation for my application by email.
- ☐ **Letter Mail**: I wish to receive all official written documentation for my application by letter mail.
- ☐ **In-person Pickup**: I wish to pickup all official written documentation for my application from the Town Office myself (applicant will be notified by phone when documents are available for pick-up).

APPLICANT INFORMATION

Applicant's Name: _____

Phone:_____ Email:_____

Mailing Address:_____

Registered Landowner's Name: _____

Phone:_____ Email:_____

Mailing Address:_____

Applicant's interest in the proposed development if not the registered owner:

☐ Agent ☐ Contractor ☐ Tenant ☐ Other:_____

PROPERTY INFORMATION

Municipal Address:_____

Legal Description: Plan _____ Block _____ Lot(s)/Unit _____

OR Quarter _____ Section _____ Township _____ Range _____ W4M

AMENDEMENT INFORMATION

What is the proposed amendment: ☐ LUB Text Amendment ☐ Land Use Redesignation

☐ MDP Amendment ☐ ASP Amendment

IF TEXT AMENDMENT:

For text amendments, attach a description including:

- The section(s) to be amended;
- The change(s) to the text; and
- The reason(s) for change(s).

IF LAND USE REDESIGNATION (REZONING):

Current Land Use Designation (zoning): _____

Proposed Land Use Designation (zoning): _____

Land Use Bylaw No. 769 (SECTION 49) 49.1 A request for redesignation from one land use district to another shall be accompanied by:

a) a completed application form and the applicable fee;
b) a copy of the certificate of title for the lands, dated not more than 60 days prior to the date on which the application was made;
c) a narrative describing the:
    (i) proposed designation and future uses(s);
    (ii) consistency with the applicable statutory plans;
    (iii) compatibility of the proposal with surrounding uses and zoning;
    (iv) development potential/suitability of the site, including identification of any constraints and/or hazard areas (e.g. easements, soil conditions, topography, drainage, floodplain, steep slopes, etc.);
    (v) availability of facilities and services (sewage disposal, domestic water, gas, electricity, fire and police protection, schools, etc.) to serve the subject property while maintaining adequate levels of service to existing development;
    (vi) any potential impacts on public roads; and
    (vii) any other information deemed necessary by the Development Officer or Council to properly evaluate the proposal;
d) conceptual lot design, if applicable;
e) a geotechnical report addressing the following but not limited to:
    (i) slope stability,
    (ii) groundwater,
    (iii) sewage,
    (iv) water table, and
    (v) flood plain analysis,
f) if deemed necessary by the Development Officer, or Council; an evaluation of surface drainage which may include adjacent properties if deemed necessary by the Development Officer, or Council; and
g) any other information deemed necessary by the Development Officer, or Council to properly evaluate the application.

DECLARATION OF APPLICANT

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to the application. **I/We hereby certify that the registered owner of the land is aware of, and in agreement with this application.**

I also consent to an authorized person designated by the municipality to enter upon the subject land and building(s) for the purpose of an inspection during the processing of this application.

IMPORTANT: This information may also be shared with appropriate government/other agencies and may also be kept on file by those agencies. The application and related file contents will become available to the public and are subject to the provisions of the Freedom of Information and Protection of Privacy Act (FOIP).

Date: _____ **Applicant's Signature:**_____

Registered Owner's Signature:_____
(Required, if different from applicant)

Town of Stavely
Box 249
Stavely, AB
T0L 1Z0
403-549-3761
cao@stavely.ca

FORM G: AGREEMENT FOR TIME EXTENSION

Pursuant to Land Use Bylaw No. 769

OFFICE USE			
Application No:	Roll No:	Expiry of 40-Day Decision Timeframe:	
Application Received:	Date Development Permit Application Deemed Complete:		MPC Meeting Date:

PREFERRED METHOD OF DELIVERY (SELECT ONE)

- ☐ **Email:** I wish to receive all official written documentation for my application by email.
- ☐ **Letter Mail**: I wish to receive all official written documentation for my application by letter mail.
- ☐ **In-person Pickup**: I wish to pickup all official written documentation for my application from the Town Office myself (applicant will be notified by phone when documents are available for pick-up).

AGREEMENT FOR TIME EXTENSION

I/We _____being the registered owner

or person authorized to act on behalf of the registered owner with respect to Application no: _____

applying for: _____

on lands located at: (Municipal Address)_____

(Legal Description) Plan _____ Block _____ Lot(s)/Unit _____

do hereby agree to a time extension of: _____days, until_____

_____

On the understanding that if a decision has not been made by this time, I may deem the application refused and appeal to the Chinook Intermunicipal Subdivision and Development Appeal Board in accordance with the provisions of the Municipal Government Act.

Date: _____ _____

Signature of Registered Owner/Person Acting on behalf of:

_____

Signature of Witness

Date: _____ _____

Signature of Designated Officer – Town of Stavely

IMPORTANT: This information may also be shared with appropriate government/other agencies and may also be kept on file by those agencies. The application and related file contents will become available to the public and are subject to the provisions of the Freedom of Information and Protection of Privacy Act (FOIP).

Town of Stavely
Box 249
Stavely, AB
T0L 1Z0
403-549-3761
cao@stavely.ca

FORM H: NOTICE OF APPEAL APPLICATION

Pursuant to Land Use Bylaw No. 769

OFFICE USE			
Appeal No:	Roll No:	Date of Decision:	21-day Appeal Period Date:
Appeal Received:	Application Fee:	Date Paid:	Hearing Date:

PREFERRED METHOD OF DELIVERY (SELECT ONE)

- ☐ **Email:** I wish to receive all official written documentation for my application by email.
- ☐ **Letter Mail**: I wish to receive all official written documentation for my application by letter mail.
- ☐ **In-person Pickup**: I wish to pickup all official written documentation for my application from the Town Office myself (applicant will be notified by phone when documents are available for pick-up).

APPELLANT INFORMATION

Name: _____

Phone:_____ Email:_____

Mailing Address:_____

APPLICATION BEING APPEALED

- ☐ **Development Application no. _____**
- ☐ **Subdivision Application no. _____**
- ☐ **Stop Order no. _____**

I/We do hereby appeal the following decision/order:_____

_____

The grounds for the appeal are as follows (attach additional documentation if required): _____

_____

_____

_____

_____

_____

IMPORTANT: This information may also be shared with appropriate government/other agencies and may also be kept on file by those agencies. The application and related file contents will become available to the public and are subject to the provisions of the Freedom of Information and Protection of Privacy Act (FOIP).

Date: _____ **Appellant's Signature:**_____

Town of Stavely
Box 249
Stavely, AB
T0L 1Z0
Ph: 403-549-3761
Email: cao@stavely.ca
www.stavely.ca

APPENDIX A

PLANNING & DEVELOPMENT FEES

Development Permit

Permitted Uses	
On valuation of $1 - $1000:	$10
On valuation of $1,001 to $10,000:	$20
On valuation of $10,001 - $50,000:	$50
On valuation of $50,001 and over:	$75
Discretionary Uses:	$100

Sign Permit

On valuation of $1 - $1000:	$10
On valuation of $1,001 to $10,000:	$20
On valuation of $10,001 - $50,000:	$50
On valuation of $50,001 and over:	$75

Miscellaneous

Home Occupation Application (One Time):	$35
Certificate of Compliance:	$50
Land Use Bylaw Amendment:	$200
Appeal of Decision of MPC or Development Authority:	$200
Preparation of Encroachment Agreement:	$200

Security Deposits

Single Family Dwelling:	$1000
Moved in Building or Accessory Building:	$2000-$5000
Commercial/Industrial/Multi Family:	$2000

Penalties

Commencing Development without approved Development Permit:	Double the normal fee

APPENDIX B

Subdivision and Development Authority Bylaw No. 636

Subdivision and Development Appeal Board Bylaw No. 637

BY-LAW NO. 636

OF THE

TOWN OF STAVELY

A BY-LAW OF THE TOWN OF STAVELY, IN THE PROVINCE OF ALBERTA, TO ESTABLISH A MUNICIPAL SUBDIVISION AND DEVELOPMENT AUTHORITY.

AND WHEREAS, the Municipal Government Act, Chapter M-26.1, 1994 as amended from time to time requires the municipality to adopt a bylaw to establish a municipal Subdivision and Development Authority by December 1, 1995;

AND WHEREAS, the Subdivision and Development Authority is authorized to make decisions on applications for development approval in accordance with the administrative procedures, land uses and schedules established in the municipal land use bylaw;

AND WHEREAS, this bylaw may be cited as the Town of Stavely Subdivision and Development Authority Bylaw;

NOW THEREFORE, the Council of the Town of Stavely in the Province of Alberta duly assembled, enacts as follows:

1. Definitions:
(a) Act means the Municipal Government Act, Chapter M-26.1, 1994 as amended from time to time.

(b) Municipality means the Town of Stavely in the Province of Alberta.

(c) Council means the Municipal Council of the Town of Stavely.

(d) Subdivision and Development Authority means the person or persons appointed, by bylaw, to exercise only such powers and perform duties as are specified:
    (i) in the Act; or
    (ii) in the Town of Stavely Land Use Bylaw; or
    (iii) in this bylaw; or
    (iv) by resolution of council.

(e) Municipal Planning Commission means the Municipal Planning Commission of the Town of Stavely as established by bylaw.

(f) Designated officer means a person or persons authorized to act as the designated officer for the municipality as established by bylaw.

(g) Members means the members of the Subdivision and Development Authority.

(h) Secretary means the person or persons appointed by council to act as secretary of the Subdivision and Development Authority.

(i) Authorized persons means a person or organization authorized by the council to which the municipality may delegate any of its Subdivision and Development Authority powers, duties or functions.

(j) All other terms used in this bylaw shall have the meaning as is assigned to them in the Municipal Government Act, as amended form time to time.

2. For the purpose of this bylaw, the Subdivision and Development Authority for the municipality shall be the Municipal Planning Commission, except in such instances whereby the designated officer may be the Development Authority in accordance with the land use bylaw.

3. The Subdivision and Development Authority shall be composed of not more than three persons who are adult residents of the Town of Stavely.

4. Appointments to the Subdivision and Development Authority shall be made by resolution of council.

5. Appointments to the Subdivision and Development Authority shall be made for a term of one year.

6. When a person ceases to be a member of the Subdivision and Development Authority before the expiration of his term, council shall appoint another person for the unexpired portion of that term with 60 days of receiving notice of the vacancy.

7. The members of the Subdivision and Development Authority shall elect one of themselves as chairman and one of themselves as vice-chairman to hold office for a term of one year from the date of election.

8. Each member of the Subdivision and Development Authority shall be entitled to such remuneration, travelling and living expenses as may be fixed from time to time by council; and the remuneration, travelling and living expenses shall be paid by the Town of Stavely.

9. The council may, by resolution, appoint a secretary who shall be an employee of the municipality and shall attend all meetings of the Subdivision and Development Authority, but shall not vote on any matter before the Subdivision and Development Authority.

10. The Subdivision and Development Authority shall hold regular meetings as frequently as is necessary and in any event within 30 days of receipt of an application for development.

11. Two of the members of the Subdivision and Development Authority shall constitute a quorum.

12. The decision of the majority of the members present at a meeting shall be deemed to be the decision of the whole Subdivision and Development Authority.

13. The Subdivision and Development Authority may make its orders, decisions, development permits and approvals; and may issue notices with or without conditions.

14. The Subdivision and Development Authority may make rules to govern its hearings.

15. Members of the Subdivision and Development Authority shall not be members of the Subdivision and Development Appeal Board.

16. The secretary of the Subdivision and Development Authority shall attend all meetings of the Subdivision and Development Authority and shall keep the following records with respect thereto:
(a) the minutes of all meetings;

(b) all applications;

(c) records of all notices of meetings and of persons to whom they were sent;

(d) copies of all written representations to the Subdivision and Development Authority;

(e) notes as to each representation;

(f) the names and addresses of those making representations at the meeting;

(g) the decision of the Subdivision and Development Authority;

(h) the reasons for the decision of the Subdivision and Development Authority;

(i) the vote of the members of the Subdivision and Development Authority on the decision;

(j) records of all notices of decision and of persons to whom they were sent;

(k) all notices, decisions and orders made on appeal from the decision of the Subdivision and Development Authority;

(l) such other matters as the Subdivision and Development Authority may direct.

17. When a person ceases to be a member of the Subdivision and Development Authority before the expiration of his/her term, the council may, by resolution, appoint another person for the unexpired portion of that term.

18. This bylaw comes into effect upon the third and final reading thereof.

READ a first time this 13th day of November, 1995.

READ a second time this 13th day of November, 1995.

READ a third time and finally passed this 13th day of November, 1995.

TOWN OF STAVELY

.....
Mayor

.....
Municipal Administrator

BY-LAW NO. 637

OF THE

TOWN OF STAVELY

A BY-LAW OF THE TOWN OF STAVELY, IN THE PROVINCE OF ALBERTA, TO ESTABLISH A MUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD.

WHEREAS, the Municipal Government Act, Chapter M-26.1, 1994, as amended from time to time requires the municipality to adopt a bylaw to establish a municipal Subdivision and Development Appeal Board by December 1st, 1995;

AND WHEREAS, the Subdivision and Development Appeal Board is authorized to render decisions on appeals resulting from decisions of the Subdivision and Development Authority in accordance with the provincial land use policies, the subdivision and development regulations, the local land use bylaw and statutory plans;

AND WHEREAS, this bylaw may be cited as the Town of Stavely Subdivision and Development Appeal Board Bylaw;

NOW THEREFORE, the Council of the Town of Stavely in the Province of Alberta duly assembled, enacts as follows:

1. DEFINITIONS:
(a) Act means the Municipal Government Act, Chapter M-26.1, 1994 as amended from time to time.

(b) Municipality means the Town of Stavely in the Province of Alberta.

(c) Council means the Council of the Town of Stavely.

(d) Subdivision and Development Appeal Board means the tribunal established to act as the municipal appeal body.

(e) Member means a member of the Subdivision and Development Appeal Board.

(f) Secretary means the person or persons authorized to act as secretary for the Subdivision and Development Appeal Board.

(g) All other terms used in this bylaw shall have the meaning as is assigned to them in the Municipal Government Act, as amended from time to time.

2. For the purpose of this bylaw, the Subdivision and Development Appeal Board shall be composed of not more than three persons who are adult residents of the Town of Stavely, one of whom shall be a member of council.

3. Appointments to the Subdivision and Development Appeal Board shall be made by resolution of council.

4. Appointments to the Subdivision and Development Appeal Board shall be made for a term of one year, commencing with the first organizational meeting of council following a general municipal election.

5. The members of the Subdivision and Development Appeal Board shall elect one of themselves as chairman, and one of themselves as vice-chairman to hold office for a term of one year from the date of election.

6. Each member of the Subdivision and Development Appeal Board shall be entitled to such remuneration, travelling and living expenses as may be fixed form time to time by council; and the remuneration, travelling and living expenses shall be paid by the Town of Stavely.

7. The council may, by resolution, appoint a secretary who shall be an employee of the municipality and shall attend all meetings of the Subdivision and Development Appeal Board, but shall not vote on any matter before the Subdivision and Development Appeal Board.

8. The Subdivision and Development Appeal Board shall hold meetings as required pursuant to the Act on a date to be determined by the Subdivision and Development Appeal Board, and it may also hold special meetings at any time at the call of the chairman.

9. Two of the members of the Subdivision and Development Appeal Board constitute a quorum.

10. There shall not be a majority of municipal councillors sitting to hear any individual appeal.

11. The decision of the majority of the members present at a meeting shall be deemed to be the decision of the whole Subdivision and Development Appeal Board.

12. The Subdivision and Development Appeal Board may make its orders, decisions, development permits and subdivision approvals; and may issue notices with or without conditions.

13. The Subdivision and Development Appeal Board may make rules to govern its hearings.

14. Members of the Subdivision and Development Appeal Board shall not be members of the Subdivision and Development Authority.

15. When a person ceases to be a member of the Subdivision and Development Appeal Board before the expiration of his/her term, the council may, be resolution, appoint another person for the unexpired portion of that term.

16. The secretary of the Subdivision and Development Appeal Board shall attend all meetings of the Subdivision and Development Appeal Board and shall keep the following records with respect thereto:

(a) the minutes of all meetings;

(b) all applications;

(c) records of all notices of meetings and of persons to whom they were sent;

(d) copies of all written representations to the Subdivision and Development Appeal Board;

(e) notes as to each representation;

(f) the names and addresses of those making representations at the meeting;

(g) the decision of the Subdivision and Development Appeal Board;

(h) the reasons for the decision of the Subdivision and Development Appeal Board;

(i) the vote of the members of the Subdivision and Development Appeal Board on the decision;

(j) records of all notices of decision and of persons to whom they were sent;

(k) all notices, decisions and orders made on appeal from the decision of the Subdivision and Development Appeal Board;

(l) such other matters as the Subdivision and Development Appeal Board may direct.

17. Bylaw No. 623 is hereby repealed.

18. This bylaw comes into effect upon third and final reading thereof.

READ a first time this 13th day of November, 1995.

READ a second time this 13th day of November, 1995.

READ a third time and finally passed this 13th day of November, 1995.

TOWN OF STAVELY

.....
Mayor

.....
Municipal Administrator