


# Town of Vauxhall Land Use Bylaw No. 833-09

Bylaw No. 833-09
Adopted April 20, 2009

**Consolidated to Bylaw No. 1006-25, February 2026**

Prepared by



OLDMAN RIVER REGIONAL SERVICES COMMISSION

# Town of Vauxhall Land Use Bylaw No. 833-09 – Amendments

| Bylaw No. | Amendment Description | Legal Description | Passed |
|---|---|---|---|
| 841-09 | Redesignation: "Highway Commercial – HC" to "Residential – R" | Lots 15 & 16, Block 1, Plan 760CM in SE 10-13-16-W4M | 17-Aug-2009 |
| 845-10 | Redesignation: "Retail Commercial – RC" to "Residential – R" | Lots 11 & 12, Block 20, Plan 760CM in SE 10-13-16-W4M | 8-Mar-2010 |
| 848-10 | Text Amendment: Shipping Containers | | 19-Jul-2010 |
| 849-10 | Text Amendment: Home Occupations | | 1-Nov-2010 |
| 857-11 | Redesignation: "Retail Commercial – RC" to "Residential Manufactured Home – RMH" | Lots 1 & 2, Block 4, Plan 760CM in SE 10-13-16-W4M | 6-Sep-2011 |
| 864-12 | Redesignation: "Highway Commercial – HC" to "Public and Institutional – PI" | Lot 10, Block 17, Plan 8610815 | **Defeated** 17-Dec-2012 |
| 865-12 | Text Amendment: various; administrative, uses, development standards, downtown overlay, definitions | | 17 Dec-2012 |
| 872-13 | Redesignation: "Industrial – I" to "Public and Institutional – PI" | The most easterly 250 feet (76.2 metres) in perpendicular width throughout of Block 10, Plan 5836JK | 19-Aug-2013 |
| 885-15 | Text Amendment: Parking Facilities | | 16-Mar-2015 |
| 893-15 | Redesignation: "Public and Institutional – PI" to "Residential – R" | Lot 17, Block 32, Plan 1014082 and Lot 12, Block 32, Plan 0510752 | **Defeated** 15-Jun-2015 |
| 900-16 | Text Amendment: various; administrative, metric, Development Authority, uses, development standards, signs, definitions | | 1-Feb-2016 |
| 948-19 | Establish a new "Direct Control – DC" district | | 15-Oct-2019 |
| 949-19 | Redesignation: "Urban Reserve – UR" to "Direct Control-DC" | Block 37, Plan 1476EB in NW 10-13-16-W4M | 15-Oct-2019 |
| 950-19 | Amend the definition for "Extensive agriculture/horticulture" and add a definition for "Extensive agriculture", "Extensive horticulture" and "Keeping of farm animals" to provide clarity | | 15-Oct-2019 |
| Replaced the Subdivision Authority / Development Authority / Municipal Planning Commission Bylaw 901-16 with Bylaw 951-19 following Appendix C with composition of the MPC to include 3 members of council, with 2 being a quorum and 1 alternate who is also a councillor | | | |
| 967-20 | No designation to "Industrial – I" | That portion of Sixth Street South and corner cutoffs lying between Block 105 and 106, Plan 8010649 | 17-Aug-2020 |
| 969-20 | Redesignation: "Retail Commercial - RC" to "Direct Control - DC" | Lots 23 to 25 Inclusive, Block 12, Plan 760CM | 16-Nov-2020 |
| 970-20 | Update, enhance and clarify administrative procedures; enhance Development Officer functions, including granting waivers to bylaw standards and issuance of decisions for certain accessory buildings; establish standards of development and district allowances for solar energy; revise sewer and water provisions for consistency with the Town of Vauxhall's Water and Sewer Bylaw 959-20; allow for additional signage opportunities, including off-premise signs (billboards); expand allowable housing types along 1st Avenue North to include manufactured homes; and limit places of worship to the Public and Institutional – PI land use | | 21-Dec-2020 |

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|---|---|---|---|
| | district; include the 1st Avenue North Overlay Area OA on Land Use District Maps;<br>Redesignation: “Residential - R” to “Public and Institutional - PI”;<br>Redesignation: “Residential - R” to “Public and Institutional - PI”;<br>Redesignation: “Retail Commercial - RC” to “Public and Institutional - PI”. | Lots 9 to 16 Inclusive, Block 14, Plan 760CM<br>Lots 4 and 5, Block 23, Plan 760CM<br>Lots 1 to 3, Block 21, Plan 760CM | |
| Updated Appendix A<br>Town of Vauxhall Rates Bylaw - Schedule F - Schedule of Fees for Planning and Development Services | | | |
| 973-21 | Correction to Bylaw 970-20 whereby Section 20 in Schedule ‘B’ regarding “Places of Worship” incorrectly referenced “permitted uses in Section 1(a)” instead of “discretionary uses in Section 1(b)”. | | 18-Jan-2021 |
| 981-21 | Redesignation:<br>"Public and Institutional - PI" to "Residential - R" | Lot 12, Block 32, Plan 051 0752 | 7-Mar-2022 |
| 983-22 | Amendment to Schedule 2, Land Use District Regulations - Residential - R Land Use District, Section 5 - Maximum Site Coverage | | 7-Mar-2022 |
| 987-22 | Redesignation:<br>“Residential Manufactured Home – RMH” to “Industrial – I” | Portion of Block 4, Plan 9811197 North of the road dedication containing 3.373 hectares (8.33 acres). | 20-Jun-2022 |
| 1006-25 | Redesignation:<br>"Public and Institutional - PI" to "Residential - R" | Lots 4 and 5, Block 26, Plan 760CM | 7-Apr-2025 |
| Updated Appendix A<br>Town of Vauxhall Rates Bylaw 1015-26 - Schedule H - Schedule of Fees for Planning and Development Services | | | |

H

**TOWN OF VAUXHALL**
**IN THE PROVINCE OF ALBERTA**
**LAND USE BYLAW NO. 833-09**

**BEING** a bylaw of the Town of Vauxhall, in the Province of Alberta, to adopt a new Land Use Bylaw;

**WHEREAS**, Section 639 of the Municipal Government Act requires the passage of a Land Use Bylaw;

**AND WHEREAS**, the Council of the Town of Vauxhall wishes to adopt a new Land Use Bylaw to:

- Update and more effectively implement land use controls and regulations governing land use in the Town;
- Address new development guidelines for certain types of uses within the Town;
- Amend the existing Land Use District Map to reflect land use designations; and
- Comply with the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended;

**AND WHEREAS**, the Council of the Town of Vauxhall wishes to foster orderly growth and development in the Town;

**AND WHEREAS**, a Public Hearing was conducted in accordance with Section 692 of the Municipal Government Act;

**THEREFORE**, under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council of the Town of Vauxhall duly assembled does hereby enact the following:

1. Bylaw No. 773 being the former Land Use Bylaw, and any amendment thereto, is hereby rescinded.

2. The attached is hereby adopted in its entirety as the Land Use Bylaw No. **833-09** and shall come into effect upon third and final reading thereof.

3. Bylaw No. **833-09** shall come into effect upon third and final reading thereof.

READ a **first** time this 5th day of January, 2009.

*Town – Lois Maloney*

*Chief Administrative Officer (Acting) – Cris Burns*

READ a **second** time this 20th day of April, 2009, as amended.

*Town – Lois Maloney*

*Chief Administrative Officer – Barbara Miller*

READ a **third** time and finally PASSED this 20th day of April, 2009, as amended.

*Town – Lois Maloney*

*Chief Administrative Officer – Barbara Miller*

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# TOWN OF VAUXHALL
# Land Use Bylaw No. 833-09

## ADMINISTRATIVE

### 1. TITLE

This bylaw may be cited as the "Town of Vauxhall Land Use Bylaw".

### 2. DATE OF COMMENCEMENT

This bylaw shall come into effect upon third and final reading thereof.

### 3. REPEAL OF FORMER LAND USE BYLAW

Bylaw No. 773, being the current land use bylaw of the Town of Vauxhall is repealed upon third and final reading of this bylaw.

### 4. AMENDMENT OF BYLAW

The Council may amend this bylaw at any time in accordance with the procedures detailed in Section 692 of the *Municipal Government Act*.

### 5. DEFINITIONS

Refer to Schedule 9.

### 6. DEVELOPMENT AUTHORITY

(1) The Development Authority is established by separate bylaw pursuant to the *Municipal Government Act* and for the purposes of the Town of Vauxhall Land Use Bylaw, is comprised of the Development Officer and the Municipal Planning Commission.

(2) In accordance with Section 210 of the *Municipal Government Act* and for the purpose of the Land Use Bylaw, the Development Officer is a Designated Officer.

(3) The Development Officer is an authorized person in accordance with Section 624 of the *Municipal Government Act*.

(4) 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*.

(5) The Development Authority shall perform such powers and duties as are specified:

  (a) in the Town of Vauxhall Subdivision and Development Authority and Municipal Planning Commission Bylaw;

(b) in this bylaw;

(c) in the *Municipal Government Act*;

(d) where applicable, by resolution of Council.

## 7. SUBDIVISION AUTHORITY

(1) The Subdivision Authority is authorized to make decisions on applications for subdivision pursuant to the Town of Vauxhall Subdivision and Development Authority and Municipal Planning Commission Bylaw, and shall perform such powers and duties as are specified:

(a) in the Town of Vauxhall Subdivision and Development Authority and Municipal Planning Commission Bylaw;

(b) in this bylaw;

(c) in the *Municipal Government Act*;

(d) where applicable, by resolution of Council.

(2) The Subdivision Authority may delegate, through any of the methods described in subsection (1), to an individual, municipal staff, or a regional service commission, any of its functions and 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 Procedures and Standards section of this bylaw, including the task of sending all required notifications to applicants as stipulated.

## 8. DEVELOPMENT OFFICER – OFFICE ESTABLISHED

(1) The office of Development Officer is established.

(2) The Council shall, by resolution, appoint one or more persons to the office of Development Officer.

## 9. RESPONSIBILITIES OF THE DEVELOPMENT OFFICER

(1) The Development Officer may perform only such powers and duties as are specified in the *Municipal Government Act*, this bylaw or by resolution of Council.

(2) The Development Officer shall receive and process all applications for development permits and determine whether a development permit application is complete in accordance with this bylaw.

(3) The Development Officer shall establish and maintain a register in which shall be recorded the applications 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.

(4) The Development Officer shall issue the written notice of decision on all development permit applications, development permits, and any other notices, decision or orders in accordance with this bylaw.

(5) The Development Officer may circulate any development permit application to other municipal staff, other agencies, and/or the M.D. of Taber for written comment.

(6) The Development Officer may refer any planning or development matter to the Municipal Planning Commission for their consideration.

(7) The Development Officer may process and decide upon applications for demolition or removal of structures, except for those being processed in conjunction with a discretionary use.

(8) The Development Officer may process and decide upon condominium certificates.

(9) The Development Officer may issue decisions on development applications for porches, decks, patios, steps, and other similar exterior additions to an existing approved discretionary use,

(10) The Development Officer shall be responsible for receiving, processing and referring any applications to amend this bylaw to Council.

(11) The Development Officer shall be responsible for any other duties and responsibilities as are specified in this bylaw, the Town of Vauxhall Subdivision Authority/Development Authority/Municipal Planning Commission Bylaw, the *Municipal Government Act*, or by resolution of Council.

## 10. APPLICATION FEES AND FORMS

(1) Application fees are prescribed by Council under a separate bylaw. Refer to Appendix A.

(2) Refund or adjustment of prescribed fees requires the approval of Council.

(3) Whenever an application is received for a development or use not listed in the fee schedule, the amount of the fee shall be determined by the Development Officer or the Municipal Planning Commission and shall be consistent with those fees listed in the schedule.

(4) For the purposes of administering the provisions of this bylaw, preparation and use of such forms and notices as deemed necessary by the municipality is authorized. 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.

(5) Application forms are included in Appendix B.

## 11. APPENDICES

Appendices A, B and C attached hereto contain fee schedules, forms and legislative excerpts which do not form part of the Land Use Bylaw but have the full force and effect of this bylaw in execution of the purpose for which they are designed, authorized and issued. The Appendices may be amended, updated, and/or altered from time to time independent of this bylaw.

## 12. METRIC STANDARDS

The metric standards in this bylaw are applicable. Imperial standards are provided only for convenience.

## 13. CONTRAVENTION OF BYLAW

(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 Municipal Government 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.

(2) Compliance with the requirements of this bylaw does not exempt any person undertaking a development from complying with all applicable municipal, provincial, and/or federal legislation and respecting any easements, covenants, agreements or other contracts affecting the land or the development.

### 14. SEVERABILITY

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.

## LAND USE DISTRICTS & DEVELOPMENT IN GENERAL

### 15. LAND USE DISTRICTS

(1) The municipality is divided into those districts specified in Schedule 1 and shown on the Land Use Districts Map.

(2) The one or more uses of land or buildings that are:

(a) permitted uses in each district, with or without conditions; and/or

(b) discretionary uses in each district, with or without conditions;

are described in Schedule 2.

(3) A land use 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 in accordance with the provisions of this bylaw.

(4) A land use not listed as a permitted or discretionary use or deemed similar in nature to a use in the district in which it is proposed is prohibited and shall be refused.

### 16. DEVELOPMENT IN MUNICIPALITY GENERALLY

(1) No development other than that specified in Section 17 of this bylaw shall be undertaken within the Town unless a development permit approval has been issued.

(2) A person who develops land or a building in the municipality shall comply with the applicable standards and requirements of development specified in this bylaw, in addition to complying with the use or uses prescribed in the applicable land use district and any conditions attached to a development permit if one is required.

(3) A person who develops land or a building in the municipality is also responsible for ascertaining, obtaining, and complying with the requirements of any federal, provincial or other municipal legislation, as well as any easements, covenants, agreements or other contracts affecting the land or the development.

### 17. DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

Development that does not require a development permit is specified in Schedule 3.

## 18. DEVELOPMENT OF LAND DESIGNATED DIRECT CONTROL

Council shall be responsible for approving development permit applications within any Direct Control District, except where the decision-making authority has been delegated to the Development Authority.

## 19. DEVELOPMENT ON NON-CONFORMING SIZED LOTS

Development may be permitted on a lot that does not conform to the minimum requirements for length, width or area specified in Schedule 2 at the discretion of the Development Officer for permitted uses and the Municipal Planning Commission for discretionary uses.

## 20. NON-CONFORMING BUILDINGS AND USES

A non-conforming building or use may only be continued in accordance with the conditions detailed in the *Municipal Government Act*. Refer to Appendix C.

## 21. NON-CONFORMING VARIANCES

The Development Officer and the Municipal Planning Commission are authorized to exercise minor variance powers with respect to non-conforming buildings pursuant to Section 643(5)(c) of the *Municipal Government Act*. Refer to Appendix C.

## 22. NUMBER OF DWELLINGS ON A LOT

No person shall construct or locate or cause to be constructed or located more than one dwelling on a lot unless authorized by the Municipal Planning Commission through the issuance of a development permit and only where allowed as a permitted or discretionary use in the land use district for which the application was made.

## 23. SUITABILITY OF SITES

(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 Officer or the Municipal Planning Commission, as applicable, may refuse to approve a subdivision or issue a development permit if the Officer or the Commission 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 municipal requirements or those of Alberta Transportation if within 300 m (984 ft.) of a provincial highway;

(b) has a high water table which makes the site unsuitable for foundations and/or sewage disposal systems in accordance with 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 *South Saskatchewan Regional Plan*, Subdivision and Development Regulation or any applicable Statutory Plans or approved conceptual design scheme;

(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 have adequate water and sewer provisions;

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

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

(k) is subject to flooding or does not have adequate drainage;

(l) is incompatible with existing and approved uses of surrounding land;

(m) is located within the future road right-of-way or road alignment identified in an approved conceptual design scheme, an adopted area structure plan, or other adopted statutory plan.

(2) Nothing in this section shall prevent the Development Officer or Municipal Planning Commission, as applicable, from approving a lot for subdivision or issuing a development permit if the Officer or the Commission, as applicable, 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.

## 24. DEVELOPMENT AGREEMENTS

(1) The Development Officer or Municipal Planning Commission 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 *Municipal Government 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 the pedestrian walkway system serving the development with a pedestrian walkway system that serves or is proposed to serve an 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, whether or not the public utility is, or will be, located on the land that is subject of 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.

(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) of the *Municipal Government Act*.

(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 *Municipal Government Act*.

(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.

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

## DEVELOPMENT PERMITS

### 25. DEVELOPMENT PERMIT APPLICATIONS

(1) Except as provided in Schedule 3, no person shall commence a development unless he/she has been issued a development permit in respect of the proposed development.

(2) An application for a development permit must be made to the Development Officer by submitting to him/her:

(a) a completed development permit application, signed by the registered owner or authorized person pursuant to subsection (3);

(b) the application fee prescribed, in accordance with the Town's fee schedule;

(c) a description of the existing and proposed use of the land, building(s) and 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 when deemed necessary by the Development Officer;

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

(f) any other information as may be required by the Development Officer or Municipal Planning Commission to evaluate the application including but not limited to: conceptual design schemes, landscaping plans, building plans, floor plans, drainage plans, servicing and infrastructure plans, soils analysis, geotechnical reports and other reports regarding site suitability, Real Property Report or surveyor's sketch, certificate of title, architectural controls.

(3) An application for a development permit must be made by the owner of the land on which the development is proposed or, with the written consent of the owner, by any other person. The Development Officer may request a current title documenting ownership.

### 26. DETERMINATION OF COMPLETE DEVELOPMENT APPLICATION

(1) The Development Officer shall, within 20 days after the receipt of an application for a development permit under Section 25, determine whether the application is complete.

(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 and is of an acceptable quality.

(3) The time period referred to in subsection (1) may be extended by an agreement in writing between the applicant and the Development Officer.

(4) If the Development Officer does not make a determination referred to in subsection (1) within the time required under subsection (1) or (3), the application is deemed to be complete.

(5) If the 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, which may be provided in conjunction with or incorporated within the Notice of Decision for a development permit.

(6) If the Development Officer determines the application is incomplete, the Development Officer shall issue to the applicant a written notice which states the application is incomplete and specifies the outstanding information, documents and fees which are to be submitted to the municipality within a specified timeframe (submittal deadline) for the application to be considered complete. A later date may be agreed on between the applicant and the Development Officer in writing to extend the submittal deadline. The written notice shall be provided to the applicant by mail, electronic means or hand delivered.

(7) If the Development Officer determines that the information, documents, and fees submitted under subsection (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, which may be provided in conjunction with or incorporated within the Notice of Decision for a development permit.

(8) If the required information, materials or fees under subsection (6) have not been submitted to the Development Officer within the timeframe prescribed in the written notice issued under subsection (6), the Development Officer shall return the application submission to the applicant accompanied by a written Notice of Refusal stating the application is deemed refused, the reason(s) for refusal, and the required information on filing an appeal.

(9) Despite issuance of a Notice of Completeness under subsection (5) or (7), the Development Officer or Municipal Planning Commission in the course of reviewing the application may request additional information or documentation from the applicant that the Development Officer or Municipal Planning Commission considers necessary to review the application.

## 27. PERMITTED USE APPLICATIONS

(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 issue a development permit with or without conditions; or

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

(2) Upon receipt of a completed application for a permitted use that requests a minor waiver not to exceed 25% of one measurable standard of this bylaw, the Development Officer:

(a) may grant the minor waiver not to exceed 25% and issue the development permit with or without conditions if in the opinion of the Development Officer, the waiver 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 to the Municipal Planning Commission for a decision; or

(c) may refuse to issue the development permit, stating reasons.

(3) Upon receipt of a completed application for a permitted use that requests more than one minor waiver or a waiver(s) exceeding 25% of any measurable standard of this bylaw, the Development Officer shall refer the application to the Municipal Planning Commission for a decision pursuant to Section 29.

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

(a) requirement to enter into and comply with a development agreement, including requirements for oversize improvements, as provided for in Section 24;

(b) pay 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 subsistence, erosion and sanitary sewerage servicing;

(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 statutory plan adopted by the Town of Vauxhall;

(f) easements and encroachment agreements;

(g) 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;

(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) any measures to ensure compliance with applicable federal, provincial and/or other municipal legislation and the requirement to submit documentation of such to the Town;

(l) development phasing;

(m) time periods specifying the time during which a development permit is valid;

(n) requirement for a lot and/or construction stakeout conducted by an approved surveyor or other qualified person;

(o) the filing of pertinent professional reports and plans prior to commencement of construction;

(p) drainage plan, final site grading plan;

(q) environmental impact assessment and/or other similar assessments;

(r) posting of a municipal address.

## 28. DISCRETIONARY USE APPLICATIONS

(1) Upon receipt of a completed application for a development permit for a discretionary use, the Development Officer shall:

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

(b) notify, or cause to be notified persons likely to be affected in accordance with Section 32.

(2) After consideration of any response to the notifications of persons likely to be affected, including the M.D. of Taber, government departments and referral agencies as applicable, compatibility and suitability of the proposed use, and any other matters, the Municipal Planning Commission may:

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

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

(3) The Municipal Planning Commission may place any of the conditions stipulated in Section 27(4) 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 and any other conditions necessary to fulfil a planning related objective.

## 29. APPLICATIONS REQUESTING WAIVERS OF BYLAW PROVISIONS

(1) Upon receipt of a complete application for a development permit that does not comply with this bylaw, and which the Development Officer is not authorized to issue a decision under Section 27(2), but in respect of which the Development Authority is requested to exercise discretion under subsection (2), the Development Officer shall:

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

(b) notify persons likely to be affected, in accordance with Section 32.

(2) 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 under Schedule 2.

## 30. SIMILAR USE APPLICATIONS

(1) Upon receipt of a complete 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 buildings 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, determine the use not to be similar to a permitted or discretionary use, or refer the application to the Municipal Planning Commission for a determination in accordance with subsection (3).

(2) Where a use has been classified by the Development Officer as:

(a) similar to a permitted use, the Development Officer may process the application accordingly as a permitted use and shall notify persons likely to be affected prior to the issuance of a decision in accordance with Section 32.

(b) where a use has been classified similar to a discretionary use, the Development Officer shall process the application accordingly as a discretionary use;

(c) where a use has been determined not to be similar to a permitted or discretionary use, the use shall be deemed prohibited in accordance with Section 15(4).

(3) Upon referral of the application by the Development Officer under subsection (1) to the Municipal Planning Commission, the Development Officer shall notify or cause to notify the affected persons pursuant to Section 32. The Municipal Planning Commission:

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

(b) if the use is deemed similar to a permitted use in the land use district in which it is proposed, the Municipal Planning Commission may issue a decision or refer the application to the Development Officer for a decision in accordance with Section 27; if the application is deemed similar to a discretionary use in the land use district in which it is proposed, the application shall be reviewed as a discretionary use.

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

## 31. TEMPORARY USE APPLICATIONS

(1) The Municipal Planning Commission may issue a temporary development permit for a permitted, discretionary or similar use for a period not to exceed one year for uses that are determined to be temporary in nature.

(2) The Development Officer may issue a temporary development permit for a permitted or similar use where authorized under this bylaw for a period not to exceed one year.

(3) 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 guaranteeing the cessation or removal of the temporary use, and

(c) any other conditions as deemed necessary.

(4) Notification of persons likely to be affected, including the M.D. of Taber, government departments and referral agencies shall be in accordance with Section 32.

## 32. NOTIFICATION OF PERSONS LIKELY TO BE AFFECTED

(1) Where notification of persons likely to be affected is required under Sections 28, 29, 30 and 31, the Development Officer shall, at least seven days before the meeting of the Municipal Planning Commission:

(a) mail (postal service or electronic mail) or hand-deliver written notice of the application to:

(i) the owners of land likely to be affected by the issuance of a development permit;

(ii) the M.D. of Taber 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 M.D., or is adjacent to the M.D. boundary, or is required in accordance with an adopted Intermunicipal Development Plan; and,

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

(b) cause similar notice to be published in a newspaper circulating in the municipality where the application is located; or

(c) cause a similar notice to be posted in a conspicuous place on the property; or

(d) any combination of the above.

(2) In all cases, notification shall:

(a) describe the nature and location of the proposed use,

(b) state the place and time where the Municipal Planning Commission will meet to consider the application, (not applicable for applications processed under Section 30(2)), and

(c) state the process for receipt of written or oral submission on the application.

## 33. NOTICE OF DECISION FOR DEVELOPMENT PERMITS

(1) A decision of the Development Officer or Municipal Planning Commission on an application for a development permit must be issued:

(a) in writing to the applicant in accordance with subsection (2); and

(b) a copy of the decision posted in a prominent place in the Town Office for at least 21 days or posted in a newspaper circulated within the municipality or published on the official municipal website; and/or

(c) a copy of the decision sent by mail (postal service or electronic mail) to those originally notified of the development permit and any other person, government department or agency that may, in the opinion of the Development Officer, likely be affected.

(2) The Development Officer will give or send by mail (postal service or electronic mail) a copy of the decision, which specifies the date on which the written decision was given, to the applicant on the same day the written decision is given.

(3) For the purpose of subsection (2), the "date on which the written decision was given" means:

(a) the date the Development Officer signed the notice of decision or development permit; or,

(b) the date the decision is posted in the newspaper, published on the official municipal website, or posted in a prominent place in the Town Office;

whichever occurs later.

## 34. DEEMED REFUSAL / FAILURE TO MAKE A DECISION

In accordance with Section 684 of the *Municipal Government 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 40 days of receipt of the completed application unless the applicant has entered into a written agreement with the Development Officer or the Municipal Planning Commission to extend the 40-day period.

## 35. REAPPLICATION

(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, another application for a development on the same lot for the same or similar use may not be made for at least six months after the date of refusal.

(2) If an application was refused solely because it did not comply with the standards of this bylaw, or was refused as an incomplete application under Section 26(8), the Development Officer may accept another application on the same lot for the same or similar use before the time period referred to in subsection (1) has lapsed, provided the application has been modified to comply with this bylaw.

## VALIDITY OF DEVELOPMENT PERMIT

### 36. COMMENCEMENT OF DEVELOPMENT

(1) Despite the issuance of a development permit, no development is authorized to commence within 21 days after the date on which the written decision was given, Section 33(2).

(2) If an appeal is made, no development is authorized pending the outcome of the appeal.

(3) Any development occurring prior to the dates determined under subsection (1) and (2) is at the risk of the applicant, developer or landowner.

### 37. PERMIT VALIDITY

(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.

(2) If a development has not commenced within the time period specified in subsection (1), and upon receipt of a written request for extension by the landowner or person authorized to act on behalf of the landowner prior to expiry of the development permit as defined in subsection (1), the validity of a development permit may be extended for up to 6 additional months, at the discretion of:

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

(b) by 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.

(3) The number of time extensions granted under subsection (1) is at the discretion of the Development Officer or Municipal Planning Commission, as applicable.

(4) A valid development permit is transferable where the use remains unchanged and the development is affected only by a change of ownership, tenancy or occupancy. A home occupation permit is non-transferrable.

(5) When any use has been discontinued for a period of 18 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 *Municipal Government Act*. See also Section 20 of this bylaw.

### 38. SUSPENSION OR CANCELLATION OF A DEVELOPMENT PERMIT

(1) If, after a development permit has been issued, the Development Officer or Municipal Planning Commission becomes aware:

(a) the application for the development permit contained a serious misrepresentation; or

(b) facts concerning the application or the development were not disclosed and which should have been disclosed at the time the application was considered, have subsequently become known; or

(c) a development permit was issued in error;

the Development Officer or Municipal Planning Commission may suspend or cancel the development permit by notice in writing to the holder of it.

(2) 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 Municipal Planning Commission would not have issued the development permit if the facts subsequently disclosed had been known during the consideration of the application.

(3) In addition to the conditions that the Development Officer or Municipal Planning Commission may impose on a development permit, the Subdivision and Development Appeal Board may impose such other conditions as are considered necessary to ensure that this bylaw or any statutory plan is complied with.

## ENFORCEMENT AND APPEALS

### 39. NOTICE OF VIOLATION

(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 *Municipal Government Act*, the *Subdivision and Development Regulation*, a development permit or subdivision approval, or the *Town of Vauxhall Land Use Bylaw*, the Development Officer, Bylaw Officer, or the Municipal Planning Commission 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.

(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.

### 40. STOP ORDER

(1) The Development Officer and Municipal Planning Commission are authorized to issue an order under Section 645 of the *Municipal Government Act* whenever either considers it necessary to do so. Refer to Appendix C.

(2) A person who receives an order pursuant to subsection (1), may appeal the order to the Subdivision and Development Appeal Board in accordance with the *Municipal Government Act*.

(3) An appeal to the Subdivision and Development Appeal Board shall be commenced by serving a written notice of the appeal to the Subdivision and Development Appeal Board within the prescribed time period and shall be accompanied by the applicable fee.

### 41. DEVELOPMENT APPEALS

(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 Municipal Planning Commission may appeal such an order or decision to the applicable appeal board in accordance with the procedures described in the *Municipal Government Act*. Refer to Appendix C.

(2) An appeal which may be made to the Town of Vauxhall's Subdivision and Development Appeal Board shall be commenced by serving written notice of the appeal with reasons to the Town of

Vauxhall's Subdivision and Development Appeal Board and shall be accompanied by the applicable fee within:

(a) 21 days after the date on which the written decision was given under Section 33;

(b) 21 days after the expiry of the 40 day period under Section 34 or the extension period granted if no decision was made on the application; or

(c) 21 days after the date of which a stop order is made under Section 645 of the *Municipal Government Act*.

## SUBDIVISION APPLICATION PROCEDURES AND STANDARDS

### 42. SUBDIVISION APPLICATIONS

(1) An applicant applying for subdivision shall provide the required fees, materials and information as requested by the Subdivision Authority or its designate. A complete application for subdivision shall consist of:

(a) an application, in the manner and form prescribed, clearly and legibly completed with all the required information and signatures provided as requested on the form;

(b) the applicable fees paid;

(c) a copy of the current Certificate of Title for the land that is the subject of the application;

(d) provincial abandoned gas well information;

(e) a tentative subdivision plan professionally prepared or an accurate and legible sketch drawn to scale that shows the location, dimensions and boundaries of the proposed subdivision and all other requirements prescribed in the subdivision application package. For a subdivision application where any buildings or structures are present on the land that is the subject of the subdivision, a sketch prepared by a professional surveyor or a Real Property Report is required unless determined to be unnecessary by the Subdivision Authority or its designate; and

(f) any such other information as may be required at the discretion of the Subdivision Authority or its designate in order to accurately evaluate the application and determine compliance with this bylaw and any other municipal bylaws and plans, the *Municipal Government Act*, the *Subdivision and Development Regulation*, or other government regulations. This may include but is not limited to the provision of geotechnical information, soils analysis reports, water reports, slope stability analysis, drainage and storm water plans, contours and elevations of the land, engineering studies or reports, wetland reports, environmental impact assessments, utility and servicing information, and/or the preparation of an area structure plan or conceptual design scheme.

### 43. DETERMINATION OF COMPLETE SUBDIVISION APPLICATION

(1) In accordance with the *Municipal Government Act*, the Subdivision Authority or its designate, 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 incomplete what information is required to be submitted within 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 or its designate;

(c) in respect of subsection (b) for a subdivision application determined to be incomplete, the applicant will be advised in writing as part of the Notice of Incompleteness what the outstanding information and documents are that must be submitted by a date specified in the notice for the application to be deemed complete.

(2) Notwithstanding subsection (1), the applicant and Subdivision Authority or its designate may agree and sign a time extension agreement in writing in accordance with Section 653.1(3) of the *Municipal Government Act* to extend the 20-day time period to determine whether the subdivision application and support information submitted is complete.

(3) If the applicant fails to submit all the outstanding information and documents on or before the date referred to in subsection (1)(c) or a later date agreed on in writing between the applicant and the Subdivision Authority or its designate, the application is deemed to be refused. The Subdivision Authority or its designate will notify the applicant in writing that the application has been refused and state the reason for the refusal and include the required information on filing an appeal and to which appeal board the appeal lies, either the local appeal board or provincial Municipal Government Board, in accordance with the parameters of the Municipal Government Act. The notification may be sent by regular mail to the applicant, or sent by electronic means, or both.

(4) A determination made by the Subdivision Authority or its designate that an application is complete for processing does not preclude the ability for the Subdivision Authority or its designate to request other information or studies or documentation to be submitted by the applicant during the review and processing period, prior to a decision being rendered, or as a condition of subdivision approval.

### 44. GENERAL SUBDIVISION DESIGN STANDARDS

(1) Minimum dimensional standards for lots are as specified in the applicable land use district.

(2) All proposed lots shall have frontage on a public roadway with direct physical and legal access, except for development internal to a condominium development or manufactured home community which may have internal private roads.

(3) An accessory building or structure may be subdivided onto a separate lot at the discretion of the Subdivision Authority.

(4) Other design standards are as prescribed in the schedules of this bylaw, the Town of Vauxhall Municipal Development Plan, applicable area structure plans and conceptual design schemes, and any other applicable municipal or provincial regulations and plans.

## LAND USE BYLAW AMENDMENTS

### 45. AMENDMENTS TO THE LAND USE BYLAW

(1) Any person or the Town may initiate amendments to the Town of Vauxhall Land Use Bylaw by making an application to the Development Officer.

(2) All applications for amendment shall be submitted using the applicable form and be accompanied by any additional information, as deemed necessary by the Development Officer to process the application.

(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.

(4) The Development Officer shall forward the application to Council for a decision if he/she is satisfied sufficient information has been provided with the application.

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

(6) The application shall be processed in compliance with the requirements of the *Municipal Government Act*, including the processes for notice of public hearings and the conduct of meetings.

(7) Where an application for an amendment to the Town of Vauxhall 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 six months after the date of refusal.

## 46. LAND USE REDESIGNATION APPLICATION REQUIREMENTS

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

(a) a completed application form and fee;

(b) a narrative describing the:

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

(ii) consistency with 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, 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; and

(vi) any potential impacts on public roads.

(c) conceptual subdivision design, if applicable;

(d) a geotechnical report prepared by an engineer demonstrating soil stability/suitability if deemed necessary by the Development Officer, Municipal Planning Commission, or Council;

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

(f) any other information deemed necessary by the Development Officer, Municipal Planning Commission, or Council to properly evaluate the application.

(2) An Area Structure Plan or Conceptual Design Scheme may be required in conjunction with a redesignation application when:

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

(b) multiple parcels of land are involved;

(c) more than four lots could be created;

(d) several pieces of fragmented land are adjacent to the proposal;

(e) internal public roads would be required;

(f) municipal services would need to be extended; or

(g) required by Council or the Municipal Planning Commission.

## 47. REDESIGNATION CRITERIA

When redesignating land from one land use district to another, Council should consider the following when making a decision:

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

(b) consistency with any 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 development;

(f) potential impacts on public roads;

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

(h) supply of suitably designated land;

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

(j) any other matters deemed pertinent.

**Schedule 1**

# LAND USE DISTRICTS

**Schedule 1**

# LAND USE DISTRICTS

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

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 | – R |
| RESIDENTIAL SMALL LOT | – R-1 |
| RESIDENTIAL MANUFACTURED HOME | – RMH |
| MANUFACTURED HOME PARK | – MHP |
| RETAIL COMMERCIAL | – RC |
| HIGHWAY COMMERCIAL | – HC |
| INDUSTRIAL | – I |
| PUBLIC AND INSTITUTIONAL | – PI |
| URBAN RESERVE | – UR |
| DIRECT CONTROL | – DC |
| 1st AVENUE NORTH OVERLAY AREA | – OA |

3. Land Use Districts Map (see following page)

**Schedule 2**

# LAND USE DISTRICT REGULATIONS

# RESIDENTIAL – R

**INTENT:** To ensure an adequate variety and supply of serviced residential lots and to promote orderly, economical and attractive development, while excluding potentially incompatible land uses.

## 1. PERMITTED AND DISCRETIONARY USES

### (a) Permitted Uses

Accessory buildings and uses
Driveways
Dwellings:
- Single-detached

Home occupations A
Shipping container, temporary
Solar collector, roof mounted

### (b) Discretionary Uses

Clubs and organizations
Day care centres
Dwellings:
- Duplex
- Lodging or boarding house
- Multi-unit
- Modular
- Moved-in
- Ready-to-move
- Semi-detached
- Townhouse/Row

Home occupations B
Manufactured home - Restricted to 1st Avenue North Overlay Area[1] Only
Nursing homes
Parks and playgrounds
Seniors housing
Signs in accordance with Schedule 7
Solar collector, ground mounted
Solar collector, wall mounted
Utilities

### (c) Prohibited Uses

Holiday Trailers (as dwellings)
Motor homes (as dwellings)
Shipping container, permanent

Any use not listed as a permitted or discretionary use or deemed similar to a permitted or discretionary use in accordance with Section 15.

1. Manufactured homes may be considered as a discretionary use only on lots located within the 1st Avenue North Overlay Area identified on the Town of Vauxhall Land Use Districts Map in Schedule 1

## 2. MINIMUM LOT SIZE

| | Width | | Length | | Area | |
|---|---|---|---|---|---|---|
| **Use** | **m** | **ft.** | **m** | **ft.** | **$m^2$** | **sq. ft.** |
| Single-detached dwelling | 15.24 | 50 | 38.10 | 125 | 580.63 | 6,250 |
| Duplex dwelling | 18.29 | 60 | 38.10 | 125 | 696.75 | 7,500 |
| Semi-detached dwellings | 21.34 (2 x 10.67) | 70 (2 x 35) | 38.10 | 125 | 812.88 (2 x 406.44) | 8,750 (2 x 4375) |
| Multi-unit dwellings | 30.48 | 100 | 38.10 | 125 | 1161.25 | 12,500 |
| Row or town houses: | | | | | | |
| - end units | 12.19 | 40 | 38.10 | 125 | 464.50 | 5,000 |
| - interior units | 7.62 | 25 | 38.10 | 125 | 290.31 | 3,125 |
| All other uses | As required by the Development Authority | | | | | |

(a) Modular, ready-to-move and moved-in detached dwellings developed and sited in a like manner shall be treated as conventional single-detached dwellings by the Municipal Planning Commission.

## 3. MINIMUM SETBACK REQUIREMENTS – PRINCIPAL

| | Front | | Side | | Corner Side* | | Rear | |
|---|---|---|---|---|---|---|---|---|
| Use | m | ft. | m | ft. | m | ft. | m | ft. |
| Single-detached dwellings | 7.62 | 25 | 1.52 | 5 | 3.05 | 10 | 7.62 | 25 |
| Duplex and semi-detached dwellings | 7.62 | 25 | 1.52 | 5 | 3.05 | 10 | 7.62 | 25 |
| Multi-unit dwellings | 9.14 | 30 | 3.05 | 10 | 6.10 | 20 | 7.62 | 25 |
| Row or town houses | 7.62 | 25 | 4.57 | 15 | 4.57 | 15 | 7.62 | 25 |
| All others | As required by the Development Authority | | | | | | | |

* See Definitions, Schedule 9.

(a) Modular, ready-to-move and moved-in detached dwellings developed and sited in a like manner shall be treated as conventional single-detached dwellings by the Municipal Planning Commission.

(b) The side setback provision does not limit the building of a semi-detached dwelling or townhouse/row dwelling where each dwelling is on a separate lot.

(c) Also refer to Schedule 4, Sections 1 and 7 for clear vision triangle requirements and setbacks from easements.

(d) Structures that are attached to a principal building are subject to the principal setbacks, excepting the permitted projections in Schedule 4, Section 8.

## 4. ACCESSORY BUILDINGS

(a) Minimum setbacks for accessory buildings are as follows:

| Front | | Side** | | Corner Side* | | | | Rear** | |
|---|---|---|---|---|---|---|---|---|---|
| | | | | Laneless | | With Lane | | | |
| m | ft. | m | ft. | m | ft. | m | ft. | m | ft. |
| same as principal building | | 0.91 | 3 | 3.05 | 10 | 4.88 | 16 | 0.91 | 3 |

* See Definitions, Schedule 9.

** Except detached garages. See 4(c) and (d).

(b) Accessory buildings 9.29 $m^2$ (100 sq. ft.) or greater shall be at least 1.22 m (4 ft.) from the principal building.

(c) Detached garages are subject to a 1.52 m (5 ft.) side setback.

(d) Detached garages accessed from a lane shall be subject to a 1.52 m (5 ft.) rear setback.

(e) Accessory buildings shall be constructed such that eaves shall be no closer than 0.61 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.

(f) Also refer to Schedule 4, Sections 1 and 7 for clear vision triangle requirements and setbacks from easements.

## 5. MAXIMUM SITE COVERAGE

Principal buildings – 35%
Accessory buildings – 10% or 92.9 $m^2$ (1,000 sq ft), whichever is the lesser

Note: For the definition of site coverage, refer to Schedule 9, Definitions, “Site coverage, principal” and “Site coverage, accessory”.

## 6. MINIMUM FLOOR AREA

| | |
|---|---|
| Single-detached dwellings | – 74.32 $m^2$ (800 sq. ft.) |
| Duplex and semi-detached dwellings | – 69.68 $m^2$ (750 sq. ft.) per unit |
| Multi-family dwellings | – 55.74 $m^2$ (600 sq. ft.) per unit |
| All other uses | – As required by the Development Authority |

## 7. MAXIMUM BUILDING HEIGHT

Principal Buildings – 10.06 m (33 ft.)
Accessory Buildings – 4.57 m (15 ft.)

## 8. HIGHER DENSITY RESIDENTIAL

When dealing with proposals for higher density residential development in existing developed neighbourhoods, the following shall be considered by the Municipal Planning Commission:

(a) the number of units per hectare (acre) proposed;

(b) compatibility with the general height, building design and nature of existing residential units;

(c) adequate off-street parking;

(d) suitable landscaping and on-site amenities such as playground equipment, etc.;

(e) adequacy and proximity of community facilities such as schools, shopping, recreational facilities and open space;

(f) the ability of municipal utilities to accommodate the proposed density of development; and

(g) possible impact on future land uses and the street system.

## 9. MODULAR DWELLING STANDARDS

(a) The dwelling shall be placed on a conventional, permanent concrete foundation (slab on grade, basement foundation or other foundations as approved by the Development Authority).

(b) The minimum roof pitch of the dwelling shall not be less than a 4/12 pitch.

(c) The dwelling shall be a minimum of 7.32 m (24 ft.) in width.

(d) The design, character and appearance, including roof lines/material and exterior finish, of the dwelling shall be consistent with the intent of the district in which the dwelling is located and compatible with surrounding development.

(e) The Development Authority may impose conditions regulating the exterior finish and roofline to ensure compatibility of housing types within the land use district.

## 10. 1ST AVENUE NORTH OVERLAY AREA MANUFACTURED HOME STANDARDS

(a) In addition to uses listed as permitted and discretionary within the Residential – R land use district, manufactured homes may be considered as a discretionary use on lots located within the 1st Avenue North Overlay Area.

(b) Eligible manufactured homes include:

(i) new factory-built units that meet CSA standards and Alberta Building Code;

(ii) used factory-built units in a good state of repair to the satisfaction of the Development Authority that are CSA certified, bear the Alberta Building Label, or the original home certification.

(c) Any application for a development permit to locate a used manufactured home on a lot within the 1st Avenue North Overlay Area shall:

(i) include recent colour photographs showing the complete exterior of the structure; and

(ii) require an inspection report by a building inspector, at the expense of the applicant, to determine the unit's suitability in terms of appearance, state of repair, and other pertinent features.

(d) The minimum lot size and setback requirements for a manufactured home within the 1st Avenue Overlay Area shall be the same as prescribed for a single-detached dwelling within the Residential – R land use district.

(e) The minimum floor area for a single-wide manufactured home shall be 65.03 $m^2$ (700 sq. ft.) and 72.00 $m^2$ (775 sq. ft.) for a double-wide manufactured home.

(f) The design, character, and appearance, including exterior finishes and materials of the manufactured home shall be consistent with the purpose of the Residential – R land use district and compatible with surrounding residential development.

(g) To ensure compatibility of housing types, the Development Authority may regulate:

(i) roof lines;

(ii) exterior finish – type and colour;

(iii) foundation type and maximum elevation;

(iv) dwelling orientation;

(v) any other matters deemed necessary to ensure compatibility with surrounding development.

(h) A manufactured home placed on an open foundation shall be skirted in compatible materials and enclosed to the satisfaction of the Development Authority.

(i) Any wheels, hitches, or running gear shall be removed immediately upon placement on the dwelling.

(j) All manufactured home additions shall require a development permit and be of a design and finish which will enhance and be compatible with the manufactured home.

(k) Maximum site coverage, maximum building height, landscaping and screening, and all other standards of development are as prescribed in the Residential – R land use district.

## 11. STANDARDS OF DEVELOPMENT – See Schedule 4.

## 12. LANDSCAPING AND SCREENING – See Schedule 4.

## 13. HOME OCCUPATIONS – See Schedule 5.

**14. MOVED-IN BUILDINGS** – See Schedule 6.

**15. SIGNS** – See Schedule 7.

**16. OFF-STREET PARKING AND LOADING AREA REQUIREMENTS** – See Schedule 8.

**17. SHIPPING CONTAINER STANDARDS** – See Schedule 11.

# RESIDENTIAL SMALL LOT – R-1

**INTENT:** To provide sites, usually predesignated, for residential lots smaller than Residential – R standards to accommodate high-quality, single-detached dwellings, semi-detached dwellings and duplexes.

## 1. PERMITTED AND DISCRETIONARY USES

(a) **Permitted Uses**

Accessory buildings and uses
Driveways
Dwellings:
  Single-detached
Home occupations A
Shipping container, temporary
Solar collector, roof mounted

(b) **Discretionary Uses**

Clubs and organizations
Day care centres
Dwellings:
  Duplex
  Modular
  Ready-to-move
  Moved-in
  Semi-detached
Home occupations B
Parks and playgrounds
Signs in accordance with Schedule 7
Solar collector, ground mounted
Solar collector, wall mounted
Utilities

(c) **Prohibited Uses**

Holiday Trailers (as dwellings)
Motor homes (as dwellings)
Shipping container, permanent

Any use not listed as a permitted or discretionary use or deemed similar to a permitted or discretionary use in accordance with Section 15.

## 2. MINIMUM LOT SIZE

| | Width | | Length | | Area | |
|---|---|---|---|---|---|---|
| **Use** | **m** | **ft.** | **m** | **ft.** | **$m^2$** | **sq. ft.** |
| Single-detached dwelling | 12.19 | 40 | 33.53 | 110 | 408.76 | 4,400 |
| Duplex dwelling (for each side) | 12.19 | 40 | 33.53 | 110 | 408.76 | 4.400 |
| Semi-detached dwelling (for each side) | 12.19 | 40 | 33.53 | 110 | 408.76 | 4,400 |
| All other uses | As required by the Development Authority | | | | | |

## 3. MINIMUM SETBACK REQUIREMENTS – PRINCIPAL

| | Front | | Side | | Corner Side* | | Rear | |
|---|---|---|---|---|---|---|---|---|
| **Use** | **m** | **ft.** | **m** | **ft.** | **m** | **ft.** | **m** | **ft.** |
| Single-detached dwellings | 3.05 | 10 | 1.52 | 5 | 3.05 | 10 | 7.62 | 25 |
| Duplex and semi-detached dwellings | 3.05 | 10 | 1.52 | 5 | 3.05 | 10 | 7.62 | 25 |
| All others | As required by the Development Authority | | | | | | | |

* See Definitions, Schedule 9.

(a) The side setback provision does not limit the building of a semi-detached dwelling where each dwelling is on a separate lot.

(b) Also refer to Schedule 4, Sections 1 and 7 for clear sight vision requirements and setbacks from easements.

(c) Structures that are attached to a principal building are subject to the principal setbacks, excepting the permitted projections in Schedule 4, Section 8.

(d) Attached garages and carports shall be subject to a minimum 7.62 m (25 ft.) front setback.

## 4. ACCESSORY BUILDINGS

(a) Minimum setbacks for accessory buildings are as follows:

| Front | | Side** | | Corner Side* | | | | Rear** | |
|---|---|---|---|---|---|---|---|---|---|
| | | | | Laneless | | With Lane | | | |
| m | ft. | m | ft. | m | ft. | m | ft. | m | ft. |
| 3.05 | 10 | 0.91 | 3 | 3.05 | 10 | 4.88 | 16 | 0.91 | 3 |

* See Definitions, Schedule 9.
** Except detached garages. See 4(c) and (d).

(b) Accessory buildings 9.29 $m^2$ (100 sq. ft.) or greater shall be at least 1.22 m (4 ft.) from the principal building.

(c) Detached garages are subject to a 7.62 m (25 ft.) front setback and 1.52 m (5 ft.) side setbacks.

(d) Detached garages accessed from a lane shall be subject to a 1.52 m (5 ft.) rear setback.

(e) Accessory buildings shall be constructed such that that eaves shall be no closer than 0.61 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.

(f) Also refer to Schedule 4, Sections 1 and 7 for clear vision triangle requirements and setbacks from easements.

## 5. MAXIMUM SITE COVERAGE

Principal Buildings – 45%
Accessory Buildings – 10%

Note: For the definition of site coverage, refer to Schedule 9, Definitions, "Site coverage, principal" and "Site coverage, accessory".

## 6. MINIMUM FLOOR AREA

| | |
|---|---|
| Single-detached dwellings | – 60.39 $m^2$ (650 sq. ft.) |
| Semi-detached dwellings (each side) | – 60.39 $m^2$ (650 sq. ft.) |
| Duplex (both units) | – 120.77 $m^2$ (1300 sq. ft.) |
| All other uses | – As required by the Development Authority |

## 7. MAXIMUM BUILDING HEIGHT

Principal Buildings – 10.06 m (33 ft.)
Accessory Buildings – 4.57 m (15 ft.)

**8. MODULAR DWELLING STANDARDS**

(a) The dwelling shall be placed on a conventional, permanent concrete foundation (slab on grade, basement foundation or other foundations as approved by the Development Authority).

(b) The minimum roof pitch of the dwelling shall not be less than a 4/12 pitch.

(c) The dwelling shall be a minimum of 7.32 m (24 ft.) in width.

(d) The design, character and appearance, including roof lines/material and exterior finish, of the dwelling shall be consistent with the intent of the district in which the dwelling is located and compatible with surrounding development.

(e) The Development Authority may impose conditions regulating the exterior finish and roofline to ensure compatibility of housing types within the land use district.

**9. STANDARDS OF DEVELOPMENT** – See Schedule 4.

**10. LANDSCAPING AND SCREENING** – See Schedule 4.

**11. HOME OCCUPATIONS** – See Schedule 5.

**12. MOVED-IN BUILDINGS** – See Schedule 6.

**13. SIGNS** – See Schedule 7.

**14. OFF-STREET PARKING AND LOADING AREA REQUIREMENTS** – See Schedule 8.

**15. SHIPPING CONTAINER STANDARDS** – See Schedule 11.

# RESIDENTIAL MANUFACTURED HOME – RMH

**INTENT:** To provide areas suitable for the location of individual manufactured homes, recognizing the special requirements of manufactured home development. These areas should provide for high quality development that will be complementary to adjacent uses.

## 1. PERMITTED, DISCRETIONARY AND PROHIBITED USES

(a) **Permitted Uses**

Accessory buildings
Driveways
Dwellings:
- Double-wide manufactured homes
- Single-wide manufactured homes

Home occupations A
Shipping container, temporary
Solar collector, roof mounted

(b) **Discretionary Uses**

Accessory uses
Clubs and organizations
Home occupations B
Parks and playgrounds
Signs in accordance with Schedule 7
Solar collector, ground mounted
Solar collector, wall mounted
Utilities

(c) **Prohibited Uses**

Holiday trailers (as dwellings)
Motor homes (as dwellings)
Shipping container, permanent

Any use not listed as a permitted or discretionary use or deemed similar to a permitted or discretionary use in accordance with Section 15.

## 2. ELIGIBLE MANUFACTURED HOMES

(a) Eligible manufactured homes include:
- (i) new factory-built units;
- (ii) used factory-built units in a good state of repair to the satisfaction of the Development Authority;
- (iii) Canadian Standards Association (CSA) certified units.

(b) Any application for a development permit to locate a used manufactured home:
- (i) shall include recent colour photographs showing the complete exterior of the structure; and
- (ii) shall require an inspection report by a building inspector, at the expense of the applicant, to determine the unit's suitability in terms of its appearance, state of repair and other pertinent features.

## 3. MINIMUM LOT SIZE

| | Width | | Length | | Area | |
|---|---|---|---|---|---|---|
| **Use** | **m** | **ft.** | **m** | **ft.** | **$m^2$** | **sq. ft.** |
| Single-wide manufactured homes | 13.72 | 45 | 38.10 | 125 | 522.56 | 5,625 |
| Double-wide manufactured homes | 15.24 | 50 | 38.10 | 125 | 580.63 | 6,250 |
| All other uses | As required by the Development Authority | | | | | |

## 4. MINIMUM SETBACK REQUIREMENTS – PRINCIPAL

| Use | Front | | Side | | Corner Side* | | Rear | |
|---|---|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | m | ft. | m | ft. |
| All uses | 6.10 | 20 | 1.52 | 5 | 3.05 | 10 | 3.05 | 10 |

* See Definitions, Schedule 9.

(a) Also refer to Schedule 4, Section 1 and 7 for clear sight triangle requirements and setback from easements.

(b) Structures that are attached to the principal building are subject to the principal setbacks, excepting the permitted projections in Schedule 4, Section 8.

## 5. ACCESSORY BUILDINGS

(a) Minimum setbacks for accessory buildings are as follows:

| Front | | Side** | | Corner Side* | | | | Rear** | |
|---|---|---|---|---|---|---|---|---|---|
| | | | | Laneless | | With Lane | | | |
| m | ft. | m | ft. | m | ft. | m | ft. | m | ft. |
| 6.10 | 20 | 0.91 | 3 | 3.05 | 10 | 4.88 | 16 | 0.91 | 3 |

* See Definitions, Schedule 9.
** Except detached garages. See 4(c) and (d).

(b) Accessory buildings 9.29 $m^2$ (100 sq. ft.) or greater shall be at least 1.22 m (4 ft.) from the principal building.

(c) Detached garages are subject to a 1.52 m (5 ft.) side yard setback.

(d) Detached garages accessed from a lane shall be subject to a 1.52 m (5 ft.) rear setback.

(e) Accessory buildings shall be constructed such that that eaves shall be no closer than 0.61 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.

(f) Also refer to Schedule 4, Sections 1 and 7 for clear sight triangle requirements and setbacks from easements.

## 6. MANUFACTURED HOME ADDITIONS

All manufactured home additions shall require a development permit and shall be of a design and external finish which will enhance and be compatible with the manufactured home.

## 7. MAXIMUM SITE COVERAGE

Principal building – 35%
Accessory buildings – 10%

Note: For the definition of site coverage, refer to Schedule 9, Definitions, "Site coverage, principal" and "Site coverage, accessory".

## 8. MINIMUM FLOOR AREA

Single-wide manufactured homes – 65.03 $m^2$ (700 sq. ft.)
Double-wide manufactured homes – 72.00 $m^2$ (775 sq. ft.)
All other uses – As required by the Development Authority

## 9. MAXIMUM BUILDING HEIGHT

Principal Buildings – 9.14 m (30 ft.)
Accessory Buildings – 4.57 m (15 ft.)

## 10. STANDARDS OF DEVELOPMENT

(a) **Foundations and Basements**

(i) All double-wide manufactured homes shall be placed on permanent concrete or concrete block foundations in conformance with the provincial building requirements.

(ii) A basement for a manufactured home may be permitted, provided access to the basement is housed within an approved enclosure.

(iii) The maximum allowable height of the exposed portion of a concrete or block foundation shall not be more than 0.61 m (2 ft.) above the average finished surface level of the surrounding ground.

(iv) All single-wide manufactured homes not placed on permanent foundations of concrete or concrete blocks shall be secured to the ground and skirted to the satisfaction of the Development Authority.

(b) **General Appearance**

In order to maintain the residential character of the development:

(i) the wheels and hitches shall be enclosed or removed from a manufactured home within 90 days after placement of the home on its foundation or secured to the ground;

(ii) the underside of manufactured homes which are not provided with a basement shall be within 0.61 m (2 ft.) of the finished grade;

(iii) the front yard area of each lot should be landscaped;

(iv) the foundation and skirting shall be in place within 90 days of placement.

(c) Also see Schedule 4.

## 11. LANDSCAPING AND SCREENING – See Schedule 4.

## 12. HOME OCCUPATIONS – See Schedule 5.

## 13. SIGNS – See Schedule 7.

## 14. OFF-STREET PARKING AND LOADING AREA REQUIREMENTS – See Schedule 8.

## 15. SHIPPING CONTAINER STANDARDS – See Schedule 11.

# MANUFACTURED HOME PARK – MHP

**INTENT:** To provide areas suitable for the location of manufactured homes in a grouping, recognizing the special requirements of manufactured home development. These areas should provide for high quality development that will be complementary to adjacent uses.

## 1. PERMITTED, DISCRETIONARY AND PROHIBITED USES

(a) **Permitted Uses**

Driveways
Dwellings:
- Double-wide manufactured homes
- Single-wide manufactured homes

Home occupations A
Shipping container, temporary
Solar collector, roof mounted

(b) **Discretionary Uses**

Accessory buildings and uses
Home occupations B
Manufactured home park
Park maintenance/service buildings
Parks and playgrounds
Signs in accordance with Schedule 7
Solar collector, ground mounted
Solar collector, wall mounted
Utilities

(c) **Prohibited Uses**

Holiday trailers (as dwellings)
Motor homes (as dwellings)
Shipping container, permanent

Any use not listed as a permitted or discretionary use or deemed similar to a permitted or discretionary use in accordance with Section 15

## 2. ELIGIBLE MANUFACTURED HOMES

(a) Eligible manufactured homes include:
- (i) new factory-built units;
- (ii) used factory-built units in a good state of repair to the satisfaction of the Development Authority;
- (iii) Canadian Standards Association (CSA) certified units.

(b) Any application for a development permit to locate a used manufactured home:
- (i) shall include recent colour photographs showing the complete exterior of the structure; and
- (ii) shall require an inspection report by a building inspector, at the expense of the applicant, to determine the unit's suitability in terms of its appearance, state of repair and other pertinent features.

## 3. MANUFACTURED HOME ADDITIONS

All manufactured home additions shall require a development permit and shall be of a design and external finish which will enhance and be compatible with the manufactured home.

## 4. MINIMUM FLOOR AREA

| | |
|---|---|
| Single-wide manufactured homes | – 65.03 $m^2$ (700 sq. ft.) |
| Double-wide manufactured homes | – 72.00 $m^2$ (775 sq. ft.) |
| All other uses | – As required by the Development Authority |

## 5. MAXIMUM BUILDING HEIGHT

Principal Buildings – 9.14 m (30 ft.)
Accessory Buildings – 4.57 m (15 ft.)

## 6. GENERAL DEVELOPMENT OBJECTIVES

(a) **Aesthetics and Overall Appearance**

The manufactured home park shall incorporate detailed aesthetic considerations such as:

(i) substantial landscaping design of the entire park in general, and of individual sites in particular;

(ii) treatment of communal areas both indoor and outdoor;

(iii) imaginative handling of street furniture such as lamp standards, litter bins, benches, street signs, and things of this nature.

(b) **Integration with Adjoining Residential Uses**

The park design and subsequent placement of manufactured homes on lots shall integrate well with adjoining residential development so as not to be obtrusive.

(c) **Density**

The design of the park shall be such that the net site density of the park does not exceed 20 units per ha (8 units per acre).

(d) **Open Space Requirements**

A minimum of 10% of the manufactured home park area shall be developed for park and playground use for the enjoyment of the inhabitants.

## 7. DESIGN CRITERIA FOR MANUFACTURED HOME PARKS

(a) **Street Layout and Lot Sizes**

(i) Grouping or clustering of manufactured homes shall provide a mixture of types and aesthetic variety along the streets and spatial relationships between the manufactured homes.

(ii) Setbacks of homes from streets shall be varied and well integrated with landscaping to create interest features and a sense of space in relation to the street.

(iii) Street furniture such as light standards, signs, telephone booths, litter bins, etc., should, where possible, be of a high quality in design and harmoniously incorporated into the total streetscape.

(iv) To achieve a reasonable park appearance when viewed from arterial streets, an internal frontage road shall be provided next to the 15.24 m (50 ft.) buffer strip so that only the front yards will be facing these streets. Alternatively, in the absence of an internal frontage road, an additional landscaping and buffer strip of not less than 4.57 m (15 ft.) shall be provided within the property line and no manufactured home shall be situated within 9.14 m (30 ft.) of the property line abutting the 15.24 m (50 ft.) buffer strip.

(b) **Varied Lot Sizes**

(i) The manufactured home park shall provide a mixture of lot sizes to accommodate single- and double-wide homes of various dimensions.

(ii) Not less than 5% of the total number of lots shall be designed to accommodate double-wide units.

(c) **Open Space, Recreational Area, and Buffer Strip Standards**

(i) A substantial number of mature trees and a good variety of shrubbery shall be utilized in the landscaping of the park to provide both a park-like atmosphere and proper screening.

(ii) The 10% of the manufactured home park which is dedicated to open space shall include a tot-lot type of playground to accommodate play activity by small children.

(iii) This 10% area shall also provide benches and a walkway for passive recreation.

(iv) A service building should be constructed within the park to provide for communal facilities such as a laundry area, hot and cold water supply, all to the standards specified by the Development Authority.

(v) A communal meeting hall should preferably be provided for the use of the residents. This meeting hall could be either a separate building of form part of the service building.

(vi) A park management office or other suitable facility shall be provided in a centrally located area.

(d) **Servicing Requirements**

(i) A qualified 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, sewer, water, natural gas, telephone, electrical and fire protection.

(ii) All on-site servicing shall be built to the standards and requirement of the town, utility companies, and the Fire Department.

(iii) 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.

(iv) Utilities installed on public property, easements and rights-of-way shall be maintained by the Public Works Department or utility companies respectively, at no cost to the developer. Utilities, including roads, sidewalks, curbs and gutters, excepting telephone cables that are located in private property and installed by the developer, shall be maintained by the developer, or they may be maintained by the associated utility company at the expense of the developer.

(e) **Storage Compound**

(i) The developer of the manufactured home park shall provide, within the park, an area to accommodate the storage of recreational vehicles such as motor boats, travel trailers, etc.

(ii) This storage area shall be a percentage of the total site area at the discretion of the Development Authority and shall be satisfactorily screened by fences, trees, landscaped features, or combinations thereof, and be maintained in good repair.

## 8. DESIGN CRITERIA FOR MANUFACTURED HOME SITES

(a) **Eligible Manufactured Homes**

(i) New and used factory-built manufactured homes only shall be eligible to locate on manufactured home sites.

(ii) Manufactured homes shall be CSA approved.

(iii) Manufactured homes shall be in a state of good repair as may be determined by the Development Authority.

(iv) Any application for a development permit to locate a used manufactured home:

a. shall include recent colour photographs showing the complete exterior of the structure; and

b. shall require an inspection report by a building inspector, at the expense of the applicant, to determine the unit's suitability in terms of its appearance, state of repair and other pertinent features.

(b) **Manufactured Home Additions**

(i) Any addition to a manufactured home shall be of a design and external finish which will enhance and be compatible with the manufactured home.

(ii) Additions shall be located to the rear or side of the manufactured home unit only.

(iii) Additions shall not exceed 20% of the square footage of the original manufactured home.

(c) **Accessory Residential Structures**

An accessory residential structure may be constructed on an individual lot provided that:

(i) it is of a design and finish that is approved by the Development Authority;

(ii) where a lot adjoins parks, open spaces or greenstrips, the accessory building is screened and landscaped subject to the approval of the Development Authority;

(iii) the area of the addition is included in the calculation of site coverage;

(iv) the building is located to the rear or side of the manufactured home within the lot.

(d) **Fences**

All fences to be erected shall be subject to the approval of the Development Authority and shall follow the general guidelines listed hereunder:

(i) vertical board or masonry construction, or as approved by the Development Authority;

(ii) painted or stained in an earthtone colour if necessary.

(e) **Lot Area**

The average area of all manufactured home lots within a manufactured home park development shall not be less than 297.28 $m^2$ (3,200 sq. ft.), with no lot having an area of less than 195.09 $m^2$ (2,100 sq. ft.) or a minimum dimension of less than 10.67 m (35 ft.) [to be measured at right angles to the longest side of the manufactured home lot].

(f) **Site Coverage**

(i) The maximum site coverage permitted shall be 45% per lot.

(ii) Any addition to a manufactured home or any accessory residential structure shall be included in the calculation of site coverage.

(g) **Yards**

The following yard requirements shall apply to all internal lots or yard areas:

(i) The front yard shall be a minimum of 4.57 m (15 ft.).

(ii) The rear yard shall be a minimum of 3.05 m (10 ft.).

(h) **General Appearance**

In order to maintain the residential character of the development, the removal or screening of wheels, hitches and other running gear and landscaping standards may be required through the development permit approval.

(i) **Parking**

(i) A minimum of two off-street parking stalls shall be provided on each manufactured home lot; OR

(ii) In lieu of two off-street parking stalls per lot, one shall be provided per lot and the remainder may be provided in clustered parking areas.*

*Note: Total parking requirements shall be calculated at two spaces per lot.

(j) **Garbage Enclosures**

Garbage enclosures shall be properly screened to the satisfaction of the development officer.

## 9. DRAWINGS TO BE SUBMITTED BY APPLICANTS

(a) **Site Plan**

(i) A site plan shall be submitted to a scale of 1:100 showing the manufactured home park and its immediate surroundings.

(ii) The site plan shall indicate, among other things, the mix of single-wide and double-wide manufactured home lots, street and pavement widths, location of service buildings, storage compound, playground and walkway system.

(b) **Utility Plan**

(i) The utility plan shall be based on the site plan.

(ii) The utility plan shall indicate the location of all utilities necessary for the provision of the following services to the area to be developed:

- water
- sanitary sewer
- storm sewer
- power
- natural gas
- telephone
- cablevision
- street lighting

Note: The sizing of all utilities to be determined in consultation with the Public Works Department and the respective utility companies or agencies.

(c) **Layout Plan Showing Typical Single-Wide Manufactured Home Lots**

(i) The layout plan shall indicate typical arrangement of manufactured homes onto a scale of 1:50.

(ii) The layout plan shall also indicate parking areas and landscaping of the lot.

(d) **Layout Plan Showing Typical Double-Wide Manufactured Home Lots**

(i) The layout plan shall indicate typical arrangement of manufactured homes on double-wide lots to a scale of 1:50.

(ii) The layout plan shall also indicate parking areas and landscaping of the lot.

(e) **Landscaping Plan**

(i) A detailed landscaping plan illustrating the types of tree planting and ground cover for internal buffer strips, open space and playground areas, all manufactured home lots, and entrances to the park, shall be submitted.

(ii) The landscaping plan shall be to a scale of 1:100.

**10. HOME OCCUPATIONS** – See Schedule 5.

**11. SIGNS** – See Schedule 7.

**12. SHIPPING CONTAINER STANDARDS** – See Schedule 11.

# RETAIL COMMERCIAL – RC

**INTENT:** To strengthen the community's service centre function by providing an area suited to intensive commercial uses which is convenient and attractive to pedestrians, offers ready vehicular access and adequate parking, while promoting the upgrading of existing uses.

## 1. PERMITTED AND DISCRETIONARY USES

(a) **Permitted Uses**

Accessory buildings 27.87 $m^2$ (300 sq. ft.) or less
Bakeries
Business support services
Convenience stores
Drinking establishments
Driveways
Financial institutions
Grocery stores
Hotels/motels
Liquor stores
Medical/dental offices
Offices
Personal services
Restaurants
Retail stores
Shipping container, temporary
Signs in accordance with Schedule 7
Solar collector, roof mounted

(b) **Discretionary Uses**

Accessory buildings greater than 27.87 $m^2$ (300 sq. ft.)
Accessory uses
Amusement facilities
Animal grooming
Auto sales and service
Car washes
Clubs and organizations
Commercial recreation
Day care centres
Drive-in/drive-through restaurants
Farmers markets
Funeral homes
Nursing homes
Parking facilities
Public and institutional uses
Secondary residential use
Seniors housing
Service stations/gas bars
Shipping container, permanent
Signs in accordance with Schedule 7
Solar collector, ground mounted
Solar collector, wall mounted
Utilities
Veterinary clinics (2)
Workshops

(c) **Prohibited Uses**

Any use not listed as a permitted or discretionary use or deemed similar to a permitted or discretionary use in accordance with Section 15.

## 2. MINIMUM LOT SIZE

| | Width | | Length | | Area | |
|---|---|---|---|---|---|---|
| **Use** | **m** | **ft.** | **m** | **ft.** | **$m^2$** | **sq. ft.** |
| All uses | 7.62 | 25 | 42.67 | 140 | 325.15 | 3,500 |

## 3. MINIMUM SETBACK REQUIREMENTS – PRINCIPAL

| | Front | | Side | | Corner Side* | | Rear | |
|---|---|---|---|---|---|---|---|---|
| **Use** | **m** | **ft.** | **m** | **ft.** | **m** | **ft.** | **m** | **ft.** |
| All uses | 0.91 | 3 | None required | | 0.91 | 3 | 7.62 | 25 |

* See Definitions, Schedule 9.

(a) Also refer to Schedule 4, Section 1 and 7 for clear sight triangle requirements and setback from easements.

(b) Structures that are attached to a principal building are subject to the principal building setbacks, excepting the permitted projections in Schedule 4, Section 8.

## 4. ACCESSORY BUILDINGS AND USES

Minimum setbacks for accessory buildings are as follows:

| | Front | | Side | | Corner Side* | | Rear | |
|---|---|---|---|---|---|---|---|---|
| **Use** | **m** | **ft.** | **m** | **ft.** | **m** | **ft.** | **m** | **ft.** |
| Accessory buildings 27.87 $m^2$ (300 sq. ft.) or less | Same as principal building | | 0.91 | 3 | Same as principal building | | 1.52 | 5 |
| Accessory buildings greater than 27.87 $m^2$ (300 sq. ft.) | As required by the Development Authority | | | | | | | |

* See Definitions, Schedule 9.

(a) Also refer to Schedule 4, Section 1 and 7 for clear sight triangle requirements and setback from easements.

(b) Accessory buildings shall be constructed such that eaves shall be no closer than 0.61 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.

## 5. MAXIMUM SITE COVERAGE

Principal building and accessory buildings – 80%.

Note: For the definition of site coverage, refer to Schedule 9, Definitions, "Site coverage, principal" and "Site coverage, accessory".

## 6. OUTDOOR DISPLAY AND SALES

The Development Officer or Municipal Planning Commission may impose conditions related to screening, buffering, or landscaping on an application that includes outdoor display and/or sales.

## 7. SECONDARY RESIDENTIAL USE

A secondary residential use shall be subject to the following additional standards:

(a) A secondary residential use that is located on the ground floor of a commercial building shall not exceed 50% of the ground floor area and shall be limited to the rear of the building or as determined by the Development Authority.

(b) A secondary residential use shall have separate and direct access to the outside street level.

## 8. STANDARDS OF DEVELOPMENT – See Schedule 4.

## 9. LANDSCAPING AND SCREENING – See Schedule 4.

## 10. SIGNS – See Schedule 7.

**11. OFF-STREET PARKING AND LOADING AREA REQUIREMENTS** – See Schedule 8.

**12. SHIPPING CONTAINER STANDARDS** – See Schedule 11.

# HIGHWAY COMMERCIAL – HC

**INTENT:** To strengthen the community's service centre function by ensuring sites adjacent to the highway are reserved for appropriate commercial uses.

## 1. PERMITTED AND DISCRETIONARY USES

(a) **Permitted Uses**

Accessory buildings 27.87 $m^2$ (300 sq. ft.) or less
Auto sales and service
Convenience stores
Drive-in/drive-through restaurants
Driveways
Hotels/motels
Restaurants
Service stations/gas bars
Shipping container, temporary
Signs in accordance with Schedule 7
Solar collector, roof mounted
Veterinary clinics (2)

(b) **Discretionary Uses**

Accessory buildings greater than 27.87 $m^2$ (300 sq. ft.)
Accessory uses
Car washes
Commercial recreation
Farm machinery/industrial machinery sales, rental and service
Farmers markets
Funeral homes
Garden centres
Lumberyards/building supplies
Offices
Parking facilities
Shipping container, permanent
Signs in accordance with Schedule 7
Solar collector, ground mounted
Solar collector, wall mounted
Truck stops
Truck washes
Utilities
Workshops

(c) **Prohibited Uses**

Any use not listed as a permitted or discretionary use or deemed similar to a permitted or discretionary use in accordance with Section 15.

## 2. MINIMUM LOT SIZE

| | Width | | Length | | Area | |
|---|---|---|---|---|---|---|
| **Use** | **m** | **ft.** | **m** | **ft.** | **$m^2$** | **sq. ft.** |
| All uses | 22.86 | 75 | 42.67 | 140 | 975.45 | 10,500 |

## 3. MINIMUM SETBACK REQUIREMENTS – PRINCIPAL

| | Front | | Side | | Corner Side* | | Rear | |
|---|---|---|---|---|---|---|---|---|
| **Use** | **m** | **ft.** | **m** | **ft.** | **m** | **ft.** | **m** | **ft.** |
| All uses | 0.91 | 3 | 6.10 | 20 | 6.10 | 20 | 6.10 | 20 |

* See Definitions, Schedule 9.

(a) Development adjacent to highways is also subject to requirements of Alberta Transportation.

(b) Also refer to Schedule 4, Section 1 and 7 for clear sight triangle requirements and setback from easements.

(c) Structures that are attached to a principal building are subject to the principal setbacks, excepting the permitted projections in Schedule 4, Section 8.

## 4. ACCESSORY BUILDINGS AND USES

Minimum setbacks for accessory buildings are as follows:

| Use | Front | | Side | | Corner Side* | | Rear | |
|---|---|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | m | ft. | m | ft. |
| Accessory buildings 27.87 $m^2$ (300 sq. ft.) or less | Same as principal building | | 0.91 | 3 | Same as principal building | | 1.52 | 5 |
| Accessory buildings greater than 27.87 $m^2$ (300 sq. ft.) | As required by the Development Authority | | | | | | | |

* See Definitions, Schedule 9.

(a) Also refer to Schedule 4, Section 1 and 7 for clear sight triangle requirements and setback from easements.

(b) Accessory buildings shall be constructed such that eaves shall be no closer than 0.61 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.

## 5. MAXIMUM SITE COVERAGE

Principal building and accessory buildings – 50%.

Note: For the definition of site coverage, refer to Schedule 9, Definitions, "Site coverage, principal" and "Site coverage, accessory".

## 6. OUTDOOR DISPLAY AND SALES

The Development Officer or Municipal Planning Commission may impose conditions related to screening, buffering, or landscaping on an application that includes outdoor display and/or sales.

## 7. STANDARDS OF DEVELOPMENT – See Schedule 4.

## 8. LANDSCAPING AND SCREENING – See Schedule 4.

## 9. SIGNS – See Schedule 7.

## 10. OFF-STREET PARKING AND LOADING AREA REQUIREMENTS – See Schedule 8.

## 11. SHIPPING CONTAINER STANDARDS – See Schedule 11.

# INDUSTRIAL – I

**INTENT:** To attract new industrial investment and encourage the orderly development of this district in a manner compatible with other land uses.

## 1. PERMITTED, DISCRETIONARY AND PROHIBITED USES

(a) **Permitted Uses**

Accessory buildings 27.87 $m^2$ (300 sq. ft.) or less
Building and special trade contractors
Driveways
Farm machinery/industrial machinery sales, rental and service
Mini storage
Outdoor storage
Shipping container, temporary
Signs in accordance with Schedule 7
Solar collector, roof mounted
Veterinary clinics (1) and (2)
Warehousing
Wholesale

(b) **Discretionary Uses**

Accessory buildings greater than 27.87 $m^2$ (300 sq. ft.)
Accessory uses
Auto body repair and paint shops
Auto wreckage and salvage yard
Auto sales and service
Bulk oil stations
Business support services
Car washes
Caretaker's suite
Concrete batch plants
Convenience stores
Fertilizer storage and sales
Financial institutions
Food processing
Funeral homes
Garden centres
Grain elevators/seed cleaning
Heavy manufacturing and industry
Household repair service
Kennel
Light industry/manufacturing
Lumber yards/ building supplies
Manufactured homes sales and service
Offices
Parking facilities
Recreation and sports fields
Recycling facilities
Restaurants
Service stations/gas bars
Shipping container, permanent
Signs in accordance with Schedule 7
Solar collector, ground mounted
Solar collector, wall mounted
Truck transportation dispatch/depots
Truck washes
Workshops
Utilities

(c) **Prohibited Uses**

Livestock sales yards
Noxious and hazardous uses

Any use not listed as a permitted or discretionary use or deemed similar to a permitted or discretionary use in accordance with Section 15.

## 2. MINIMUM LOT SIZE

| Use | Width | | Length | | Area | |
|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | $m^2$ | sq. ft. |
| All uses | 30.48 | 100 | as required by the Development Authority | | 929.00 | 10,000 |

## 3. MINIMUM SETBACK REQUIREMENTS

| Use | Front | | Side | | Corner Side* | | Rear | |
|---|---|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | m | ft. | m | ft. |
| All uses | 7.62 | 25 | 3.05 | 10 | 7.62 | 25 | as required by the Development Authority | |

* See Definitions, Schedule 9.

(a) Development adjacent to highways is also subject to requirements of Alberta Transportation.

(b) Also refer to Schedule 4, Section 1 and 7 for clear vision triangle requirements and setback from easements.

(c) Structures that are attached to a principal building are subject to the principal setbacks, excepting the permitted projections in Schedule 4, Section 8.

## 4. ACCESSORY BUILDINGS AND USES

Minimum setbacks for accessory buildings are as follows:

| Use | Front | | Side | | Corner Side* | | Rear | |
|---|---|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | m | ft. | m | ft. |
| Accessory buildings 27.87 $m^2$ (300 sq. ft.) or less | Same as principal building | | 0.91 | 3 | Same as principal building | | 1.52 | 5 |
| Accessory buildings greater than 27.87 $m^2$ (300 sq. ft.) | As required by the Development Authority | | | | | | | |

* See Definitions, Schedule 9.

(a) Also refer to Schedule 4, Section 1 and 7 for clear sight triangle requirements and setback from easements.

(b) Accessory buildings shall be constructed such that eaves shall be no closer than 0.61 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.

## 5. MAXIMUM SITE COVERAGE

Principal building and accessory buildings – 60%.

Note: For the definition of site coverage, refer to Schedule 9, Definitions, "Site coverage, principal" and "Site coverage, accessory".

## 6. LANDSCAPING

The minimum front setback, or an equal percentage of the site area as required by the Development Authority, and in the case of corner lots, the corner side setback area as well, shall be comprehensively landscaped in accordance with the standards in Schedule 4.

## 7. OUTDOOR STORAGE

(a) No outdoor storage shall be permitted in the required front and corner side setback.

(b) Display of vehicles, new machinery and new equipment may be allowed in front of a proposed building, provided such display does not encroach on the required landscaped area.

(c) Other outdoor storage areas shall be kept effectively screened from view by buildings, solid fences, trees, landscaped features, or combinations thereof.

(d) The Development Officer or Municipal Planning Commission may impose conditions addressing screening, buffering, or landscaping.

## 8. ENVIRONMENTAL IMPACT ASSESSMENT

Where, in the opinion of the Development Authority, a proposed development may create an unacceptable environmental impact, an environmental impact assessment may be required prior to dealing with the application.

## 9. WASTE MANAGEMENT

The Development Authority may refer an application to the Regional Health Authority and/or Alberta Environmental Protection for endorsement of its waste management procedures prior to a decision being made on a development application.

## 10. MITIGATION OF IMPACTS FROM LIGHTING, NOISE, ODOUR, VIBRATION, OR AIR QUALITY

Where, in the opinion of the Development Authority, a development has the potential to create negative impacts to adjacent uses and/or nearby residential development from lighting, noise, odour, vibration, or air quality, an applicant may be required to submit documentation demonstrating how impacts will be mitigated. The Development Officer or Municipal Planning Commission may deny a development permit if it is determined that the proposed mitigation is not adequate. Where a development permit is approved, the proposed mitigation plan may be attached as a condition as well as any other measures deemed necessary by the Development Authority to mitigate the impacts.

## 11. STANDARDS OF DEVELOPMENT – See Schedule 4.

## 12. SIGNS – See Schedule 7.

## 13. OFF-STREET PARKING AND LOADING AREA REQUIREMENTS – See Schedule 8.

## 14. SHIPPING CONTAINER STANDARDS – See Schedule 11.

# PUBLIC AND INSTITUTIONAL – PI

**INTENT:** To maintain or enhance the quality of institutional, public and semi-public uses and ensure they are compatible with each other and with adjoining land use districts.

## 1. PERMITTED AND DISCRETIONARY USES

(a) **Permitted Uses**

Accessory buildings 27.87 $m^2$ (300 sq. ft.) or less
Driveways
Government services
Hospital
Parks and playgrounds
Schools
Shipping container, temporary
Signs in accordance with Schedule 7
Solar collector, roof mounted
Utilities

(b) **Discretionary Uses**

Accessory buildings greater than 27.87 $m^2$ (300 sq. ft.)
Accessory uses
All other public and institutional uses
Amusement facilities
Clubs and organizations
Commercial recreation
Day care centres
Dormitory
Group homes
Medical/dental offices
Parking facilities
Places of worship
Private nursing homes
Recreation and sports fields
Seniors housing
Shipping container, permanent
Signs in accordance with Schedule 7
Solar collector, ground mounted
Solar collector, wall mounted

(c) **Prohibited Uses**

Any use not listed as a permitted or discretionary use or deemed similar to a permitted or discretionary use in accordance with Section 15.

## 2. MINIMUM LOT SIZE

As required by the Development Authority.

## 3. MINIMUM SETBACK REQUIREMENTS – PRINCIPAL

| | Front | | Side | | Corner Side* | | Rear | |
|---|---|---|---|---|---|---|---|---|
| **Use** | **m** | **ft.** | **m** | **ft.** | **m** | **ft.** | **m** | **ft.** |
| All uses | 7.62 | 25 | 3.05 | 10 | 7.62 | 25 | 7.62 | 25 |

* See Definitions, Schedule 9.

(a) Also refer to Schedule 4, Section 1 and 7 for clear sight triangle requirements and setback from easements.

(b) Structures that are attached to a principal building are subject to the principal setbacks, excepting the permitted projections in Schedule 4, Section 8.

## 4. ACCESSORY BUILDINGS AND USES

Minimum setbacks for accessory buildings are as follows:

| Use | Front | | Side | | Corner Side* | | Rear | |
|---|---|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | m | ft. | m | ft. |
| Accessory buildings 27.87 $m^2$ (300 sq. ft.) or less | Same as principal building | | 0.91 | 3 | Same as principal building | | 1.52 | 5 |
| Accessory buildings greater than 27.87 $m^2$ (300 sq. ft.) | As required by the Development Authority | | | | | | | |

* See Definitions, Schedule 9.

(a) Also refer to Schedule 4, Section 1 and 7 for clear sight triangle requirements and setback from easements.

(b) Accessory buildings shall be constructed such that eaves shall be no closer than 0.61 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.

## 5. MAXIMUM SITE COVERAGE

Principal building and accessory buildings – 50%.

Note: For the definition of site coverage, refer to Schedule 9, Definitions, "Site coverage, principal" and "Site coverage, accessory".

## 6. LANDSCAPING

Each lot within this land use district shall be landscaped to the satisfaction of the Development Authority in accordance with the standards in Schedule 4.

## 7. STANDARDS OF DEVELOPMENT – See Schedule 4.

## 8. SIGNS – See Schedule 7.

## 9. OFF-STREET PARKING AND LOADING AREA REQUIREMENTS – See Schedule 8.

## 10. SHIPPING CONTAINER STANDARDS – See Schedule 11.

# URBAN RESERVE – UR

**INTENT:** To limit development in areas within the community's fringe to uses which will not constrain the transition to more intensive urban development in the future.

## 1. PERMITTED, DISCRETIONARY AND PROHIBITED USES

(a) **Permitted Uses**

Driveways
Extensive agriculture/horticulture
Irrigated farming
Solar collector, roof mounted

(b) **Discretionary Uses**

Accessory buildings and uses
Dwellings:
- Modular
- Ready-to-move
- Single-detached

Garden centres
Home occupations A and B
Kennel
Market gardens
Parks and playgrounds
Recreation and sports fields
Shipping container, temporary
Signs in accordance with Schedule 7
Solar collector, ground mounted
Solar collector, wall mounted
Utilities
Veterinary clinics (1) and (2)

(c) **Prohibited Uses**

Holiday Trailers (as dwellings)
Keeping of farm animals
Motor homes (as dwellings)
Noxious and hazardous uses
Shipping container, permanent

Any use not listed as a permitted or discretionary use or deemed similar to a permitted or discretionary use in accordance with Section 15.

## 2. MINIMUM LOT SIZE

Existing title; or

As adopted in an Area Structure Plan or an approved Conceptual Design Scheme.

## 3. DEVELOPMENT PREREQUISITE

The Municipal Planning Commission may require that a discretionary use may only be approved when an area structure plan for the site has been adopted by council.

## 4. MINIMUM SETBACK REQUIREMENTS

All uses – As required by the Development Authority.

## 5. MAXIMUM SITE COVERAGE

All uses – As required by the Development Authority.

## 6. STANDARDS OF DEVELOPMENT – See Schedule 4.

## 7. LANDSCAPING AND SCREENING – See Schedule 4.

## 8. HOME OCCUPATIONS – See Schedule 5.

**9. SIGNS** – See Schedule 7.

**10. OFF STREET PARKING AND LOADING AREA REQUIREMENTS** – See Schedule 8.

**11. SHIPPING CONTAINER STANDARDS** – See Schedule 11.

# DIRECT CONTROL – DC

**INTENT:** To provide a means to regulate and control the use and development of land and buildings within a specific area of the municipality where the circumstances relating to the development of a site are such that regulation and control by use of another land use district in this bylaw is inadequate or inappropriate given planning goals, development patterns, greater public interest, innovative design, site characteristics, or as deemed appropriate by Council.

## 1. USES

As prescribed in the applicable area specific Direct Control bylaw adopted by Council.

## 2. LOT SIZE, SETBACKS, SITE COVERAGE AND BUILDING HEIGHT REQUIREMENTS

As prescribed in the applicable area specific Direct Control bylaw adopted by Council.

## 3. STANDARDS OF DEVELOPMENT

The standards of the Land Use Bylaw shall apply to land designated Direct Control, unless indicated otherwise in the applicable area specific Direct Control bylaw adopted by Council.

## 4. OTHER STANDARDS AND ADDITIONAL REQUIREMENTS

(1) The schedules of the Land Use Bylaw shall apply to land designated Direct Control, unless indicated otherwise in the applicable area specific Direct Control bylaw adopted by Council.

(2) Additional requirements regulating development and subdivision may be established in the applicable area specific Direct Control bylaw adopted by Council.

## 5. DEVELOPMENT APPLICATION PROCEDURE

(1) Upon receipt of a complete application for a development permit in a Direct Control District, the Development Officer shall:

(a) refer the application to Council for a decision, except where the decision making authority has been delegated to the Development Authority; and

(b) notify persons likely to be affected in accordance with Section 32 Notification of Persons Likely To Be Affected of the Administrative section of the Land Use Bylaw.

(2) Before Council issues a decision on an application for a use or development in the Direct Control District, Council shall hear any persons that claim to be affected by the decision and any comments received from persons notified of the application.

(3) Upon completing the requirements in subsection (b), Council may approve the application with or without conditions or refuse the application with reasons.

(4) Notice of the issuance of a decision shall be in accordance with Section 33 Notice of Decision for Development Permits of the Administrative section of the Land Use Bylaw.

## 6. DELEGATION OF AUTHORITY

(1) Council may delegate the authority to decide upon a development permit application to the Development Authority as prescribed in the area specific Direct Control bylaw adopted by Council.

(2) Where authority to decide upon a development permit application has been delegated to the Development Authority, the procedures of Section 5 above shall be followed.

## 7. APPEAL PROCEDURE

(1) In accordance with the provisions of the Municipal Government Act, if a decision with respect to a development permit application in a Direct Control district is made by Council, there is no appeal to the Subdivision and Development Appeal Board.

(2) In accordance with the provisions of the Municipal Government Act, if a decision with respect to a development permit application in a Direct Control district is made by the Development Authority, the appeal to the Subdivision and Development Appeal Board shall be limited to whether the Development Authority followed the instructions properly as delegated by Council.

## 8. AREA SPECIFIC DIRECT CONTROL DISTRICTS AND ADOPTING BYLAWS

(1) Any parcel designated Direct Control – DC as illustrated on the Land Use Districts Map in Section 3, Schedule 1 Land Use Districts, is designated for that purpose.

(2) The following is a reference list of the Direct Control bylaws (also referred to as the area specific Direct Control bylaws) adopted by Council, which designate specified parcels of land to Direct Control – DC. Upon designation of a parcel to Direct Control - DC, the reference list will be updated and the area specific Direct Control bylaw inserted following this section.

| Bylaw No. | Legal Description | Date of Adoption |
|---|---|---|
| 949-19 | Block 37, Plan 1476EB | October 15, 2019 |
| 969-20 | Lots 23 to 25 Inclusive, Block 12, Plan 760CM | November 16, 2020 |

# TOWN OF VAUXHALL
## IN THE PROVINCE OF ALBERTA

# BYLAW NO. 949-19

**BEING** a bylaw in the Town of Vauxhall in the Province of Alberta, to amend Bylaw No. 833-09, being the municipal Land Use Bylaw.

**WHEREAS** the Town of Vauxhall Council is in receipt of a request to redesignate lands described as:

**Plan Vauxhall 1476EB**
**Block Thirty Seven (37)**
**Excepting:**

| Plan | Number | Hectares (More or Less) | Acres (More or Less) |
|---|---|---|---|
| **Road Widening** | **2575HK** | **.202** | **0.50** |
| **Road Widening** | **7811329** | **.198** | **0.49** |

from "Urban Reserve – UR" to "Direct Control – DC" as shown on the map in Schedule 'A' attached hereto.

**AND WHEREAS THE PURPOSE** of proposed Bylaw No. 949-19 is to provide development opportunities on the above-noted lands consistent with agricultural uses established at the time the land was annexed and other uses suitable within the community's fringe area while ensuring that development does not constrain the transition to more intensive urban development in the future.

**AND WHEREAS** the municipality must prepare a corresponding bylaw and provide for its consideration at a public hearing.

**NOW THEREFORE,** under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council of the Town of Vauxhall in the Province of Alberta duly assembled does hereby enact the following:

1. The land described as Plan Vauxhall 1476EB, Block 37, excepting road widening plan 2575HK and road widening plan 7811329, as shown on attached Schedule 'A', presently designated as "Urban Reserve – UR", is redesignated to "Direct Control".

2. That the Direct Control district regulations for the designated land are as follows:

   **1. PERMITTED AND DISCRETIONARY USES**

   **(a) Permitted Uses:**

   Driveways
   Extensive agriculture
   Irrigated farming

   **(b) Discretionary Uses:**

   Accessory buildings and uses
   Dwellings:
   - Modular
   - Ready-to-move
   - Single-detached

   Extensive horticulture
   Garden centres
   Home occupations A and B

Kennel
Keeping of farm animals
Market gardens
Signs in accordance with Schedule 7 consistent with Urban Reserve
Parks and playgrounds
Recreation and sports fields
Shipping container, temporary
Shipping container, permanent
Utilities
Veterinary clinics (1) and (2)
Uses deemed similar by Council

(c) Prohibited Uses:

Any use not listed as permitted or discretionary, including
Holiday trailers (as dwellings)
Motor homes (as dwellings)

## 2. MINIMUM LOT SIZE

Existing title

## 3. MINIMUM SETBACK REQUIREMENTS

**(a) Permitted Uses:**

Driveways – in accordance with Schedule 4, Standards of Development of the Land Use Bylaw.
Extensive agriculture – none provided no nuisance is created.
Irrigated farming – none provided no nuisance is created.

**(b) Discretionary Uses:**

As required by Council.

## 4. MINIMUM SITE COVERAGE AND BUILDING HEIGHT REQUIREMENTS

**(a) Permitted Uses:**

Not applicable.

**(b) Discretionary Uses:**

As required by Council.

## 5. STANDARDS OF DEVELOPMENT

**(a) Permitted Uses:**

Driveways – in accordance with Schedule 4, Standards of Development of the Land Use Bylaw.

Extensive agriculture – in accordance with generally accepted farming practice so as to not cause nuisance.

Irrigated farming – in accordance with generally accepted farming practice so as to not cause nuisance.

**(b) Discretionary Uses:**

As required by Council having regard to the Schedules of the Land Use Bylaw.

## 6. OTHER STANDARDS AND ADDITIONAL REQUIREMENTS

**(a) Permitted Uses:**

In accordance with the applicable Schedules of the Land Use Bylaw.

**(b) Discretionary Uses:**

(i) As required by Council having regard to the Schedules of the Land Use Bylaw.

(ii) Council may require additional standards and requirements having regard to statutory plans, the Land Use Bylaw, public comments, referral agency comment, and any other matters deemed pertinent by Council.

## 7. DEVELOPMENT APPLICATION REQUIREMENTS

(a) In addition to the development application requirements in the Administrative section of the Land Use Bylaw, the applicant may be required to submit a conceptual design scheme to demonstrate that the development is unlikely to compromise or conflict with the implementation of the Municipal Development Plan, and is not premature, or will not compromise the orderly subdivision or subsequent development of the land.

(b) Development not requiring a permit is as indicated in Schedule 3, Development Not Requiring a Permit of the Land Use Bylaw.

## 8. DEVELOPMENT APPLICATION PROCEDURE

(c) In accordance with Schedule 2, Direct Control – DC, Section 5 of the Land Use Bylaw.

## 9. DEVELOPMENT APPROVAL AUTHORITY

For the purposes of this Direct Control bylaw, the approval authority for:

(a) **Permitted Uses** – is delegated to the Town of Vauxhall Development Officer. The Development Officer may refer the application to the Municipal Planning Commission in accordance with Permitted Use Applications procedures in the Administrative section of the Land Use Bylaw.

(b) **Discretionary Uses** – is the Town of Vauxhall Council

## 10. APPEAL PROCEDURE

(a) In accordance with the provisions of the Municipal Government Act, if a decision with respect to a development permit application in a Direct Control district is made by Council, there is no appeal to the Subdivision and Development Appeal Board.

(b) In accordance with the provisions of the Municipal Government Act, if a decision with respect to a development permit application in a Direct Control district is made by the Development Officer or Municipal Planning Commission (Development Authority), the appeal to the Subdivision and Development Appeal Board shall be limited to whether the Development Authority followed the instructions properly as delegated by Council.

## 11. WAIVER OF BYLAW PROVISIONS

(a) Permitted Uses – as authorized in the Administrative section of the Land Use Bylaw.

(b) Discretionary Uses – at the discretion of Council.

## 12. SUBDIVISION

Subdivision is not permitted.

3. The Land Use Districts Map is amended to reflect this redesignation.

4. Bylaw No. 833-09, being the municipal Land Use Bylaw, is hereby amended.

5. This bylaw comes into effect upon third and final reading hereof.

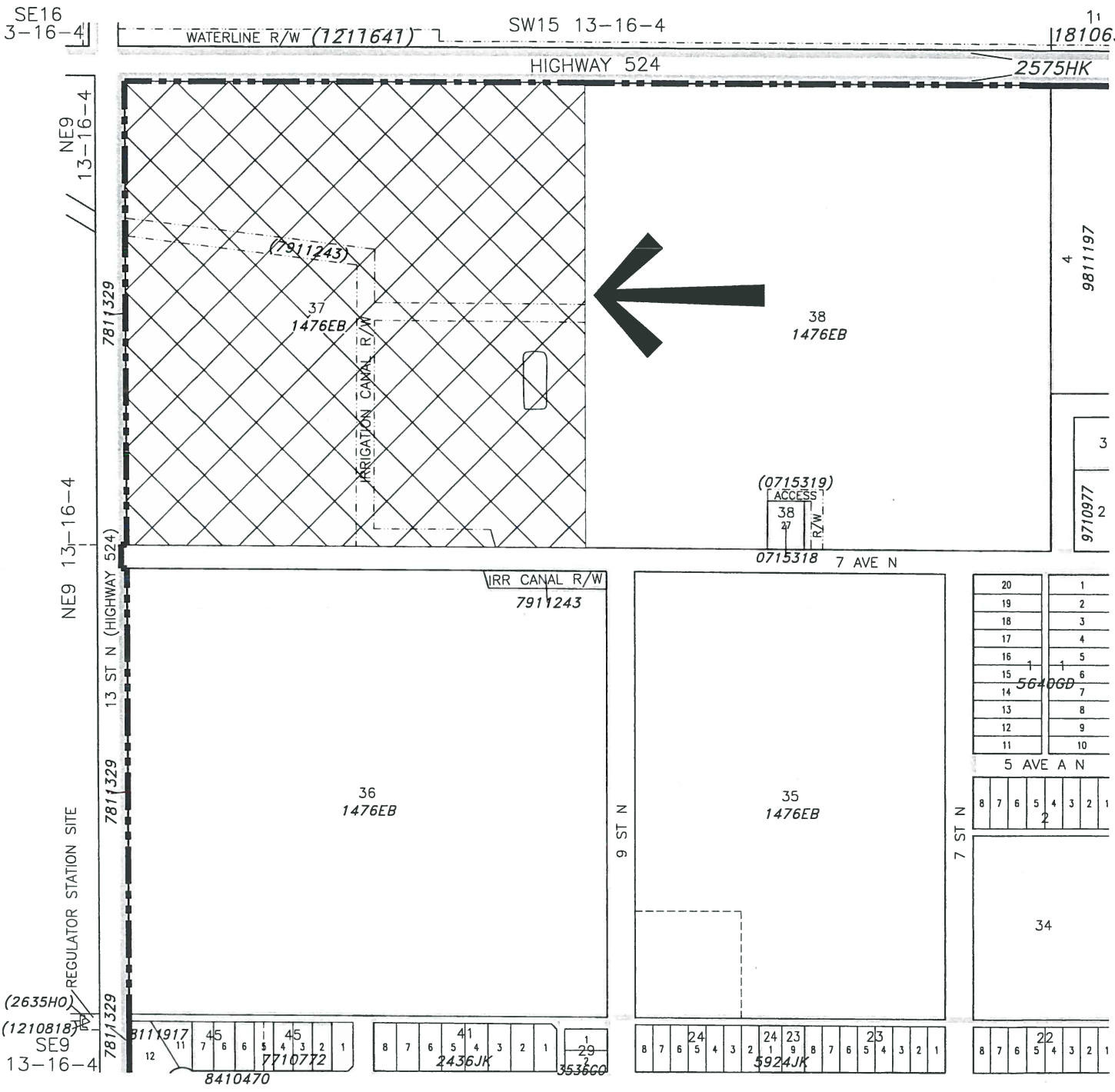
6. That a consolidated version of Bylaw No. 833-09 be prepared to reflect this amendment.

READ a **first** time this 20th day of August, 2019.

READ a **second** time this 15th day of October, 2019.

READ a **third** time and finally PASSED this 15th day of October, 2019.

***Mayor*** ***Municipal Administrator***




# LAND USE DISTRICT REDESIGNATION
# SCHEDULE 'A'

FROM: Urban Reserve UR

TO: Direct Control

BLOCK 37, PLAN 1476EB WITHIN
NW 1/4 SEC 10, TWP 13, RGE 16, W 4 M
MUNICIPALITY: TOWN OF VAUXHALL
DATE: JULY 23, 2019

Bylaw #: 949-19

Date: October 15, 2019

OLDMAN RIVER REGIONAL SERVICES COMMISSION

0 Metres 100 200 300 400

N


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

"NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"

July 23, 2019 N:\Taber-Municipal-District\Vauxhall\Vauxhall LUD & Land Use Redesignations\Vauxhall Block 37, Plan 1476EB.dwg

# TOWN OF VAUXHALL
## IN THE PROVINCE OF ALBERTA

# BYLAW NO. 969-20

**BEING** a bylaw in the Town of Vauxhall in the Province of Alberta, to amend Bylaw No. 833-09, being the municipal Land Use Bylaw.

**WHEREAS** the Town of Vauxhall Council is in receipt of a request to redesignate lands described as:

**Lots 23 to 25 Inclusive**
**Block 12, Plan 760CM**

from "Retail Commercial - RC" to "Direct Control – DC" as shown on the map in Schedule 'A' attached hereto.

**AND WHEREAS THE PURPOSE** of proposed Bylaw No. 969-20 is to accommodate a well-established residential use within the commercial area.

**AND WHEREAS** the municipality must prepare a corresponding bylaw and provide for its consideration at a public hearing.

**NOW THEREFORE,** under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council of the Town of Vauxhall in the Province of Alberta duly assembled does hereby enact the following:

1. The lands described as Lots 23 to 25 Inclusive, Block 12, Plan 760CM, as shown on attached Schedule 'A', presently designated as "Retail Commercial - RC", are redesignated to "Direct Control - DC".

2. That the Direct Control district regulations for the designated lands are as follows:

   **1. PERMITTED AND DISCRETIONARY USES**

   (a) **Permitted Uses:**

   Deck, porch, patio, steps
   Garage, detached
   Home occupation A
   Other accessory buildings
   Shipping container, temporary
   Solar collector, roof mounted

   (b) **Discretionary Uses:**

   Accessory uses
   Duplex and additions to duplex other than rear deck, porch, patio, or steps
   Home occupation B
   Solar collector, wall mounted and ground mounted

   (c) **Prohibited Uses:**

   Any use not listed as permitted or discretionary, including
   Holiday trailers (as dwellings)
   Motor homes (as dwellings)
   Shipping container, permanent

## 2. MINIMUM LOT SIZE

Existing title

## 3. MINIMUM SETBACK REQUIREMENTS

(a) **Permitted Uses:**

| Use | Front | | Side | | Rear | |
|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | m | ft. |
| Deck, porch, patio, steps | Must be located rear of existing dwelling | | 1.52 | 5 | 7.62 | 25 |
| Garage, detached[1 &2] | | | 1.52 | 5 | 1.52 | 5 |
| Home occupations A | N/A | N/A | N/A | N/A | N/A | N/A |
| Other accessory buildings[1&2] | Must be located rear of existing dwelling | | 0.91 | 3 | 0.91 | 3 |
| Shipping container, temporary | In accordance with Schedule 11 of Land Use Bylaw | | | | | |
| Solar collector, roof mounted | N/A | N/A | N/A | N/A | N/A | N/A |

1. Detached garages and other accessory buildings 9.29 $m^2$ (100 sq. ft.) or greater shall be located at least 1.22 m (4 ft.) from the rear of the duplex.
2. Detached garages and accessory buildings shall be constructed such that eaves shall be no closer than 0.61 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.

(b) **Discretionary Uses:**

As required by Council.

## 4. MINIMUM SITE COVERAGE AND BUILDING HEIGHT REQUIREMENTS

(a) **Maximum site coverage:** 80%

(b) **Maximum building height:**

Duplex: As required by Council

Garage, detached and other accessory buildings: 5.49 m (18 ft.)

## 5. STANDARDS OF DEVELOPMENT

(a) **Permitted Uses:**

In accordance with applicable Schedules of the Land Use Bylaw

(b) **Discretionary Uses:**

As required by Council having regard to the Schedules of the Land Use Bylaw.

## 6. OTHER STANDARDS AND ADDITIONAL REQUIREMENTS

(a) **Permitted Uses:**

In accordance with the applicable Schedules of the Land Use Bylaw.

(b) **Discretionary Uses:**

(i) As required by Council having regard to the Schedules of the Land Use Bylaw.

(ii) Council may require additional standards and requirements having regard to statutory plans, the Land Use Bylaw, public comments, referral agency comment, and any other matters deemed pertinent by Council.

**7. DEVELOPMENT APPLICATION REQUIREMENTS**

(a) In accordance with the requirements of the Land Use Bylaw.

(b) Development not requiring a permit is as indicated in Schedule 3, Development Not Requiring a Permit of the Land Use Bylaw.

**8. DEVELOPMENT APPLICATION PROCEDURE**

(a) In accordance with Schedule 2, Direct Control – DC, Section 5 of the Land Use Bylaw.

**9. DEVELOPMENT APPROVAL AUTHORITY**

For the purposes of this Direct Control bylaw, the approval authority for:

(a) **Permitted Uses** – is delegated to the Town of Vauxhall Development Officer. The Development Officer may refer the application to the Municipal Planning Commission in accordance with Permitted Use Applications procedures in the Administrative section of the Land Use Bylaw.

(b) **Discretionary Uses** – is the Town of Vauxhall Council

**10. APPEAL PROCEDURE**

(a) In accordance with the provisions of the Municipal Government Act, if a decision with respect to a development permit application in a Direct Control district is made by Council, there is no appeal to the Subdivision and Development Appeal Board.

(b) In accordance with the provisions of the Municipal Government Act, if a decision with respect to a development permit application in a Direct Control district is made by the Development Officer or Municipal Planning Commission (Development Authority), the appeal to the Subdivision and Development Appeal Board shall be limited to whether the Development Authority followed the instructions properly as delegated by Council.

**11. WAIVER OF BYLAW PROVISIONS**

(a) **Permitted Uses** – as authorized in the Administrative section of the Land Use Bylaw to a maximum of 10%. Any variance greater than 10% is at the discretion of Council.

(b) **Discretionary Uses** – at the discretion of Council.

**12. SUBDIVISION**

Subdivision is not permitted.

3. The Land Use Districts Map is amended to reflect this redesignation.

4. Bylaw No. 833-09, being the municipal Land Use Bylaw, is hereby amended.

5. This bylaw comes into effect upon third and final reading hereof.

6. That a consolidated version of Bylaw No. 833-09 be prepared to reflect this amendment.

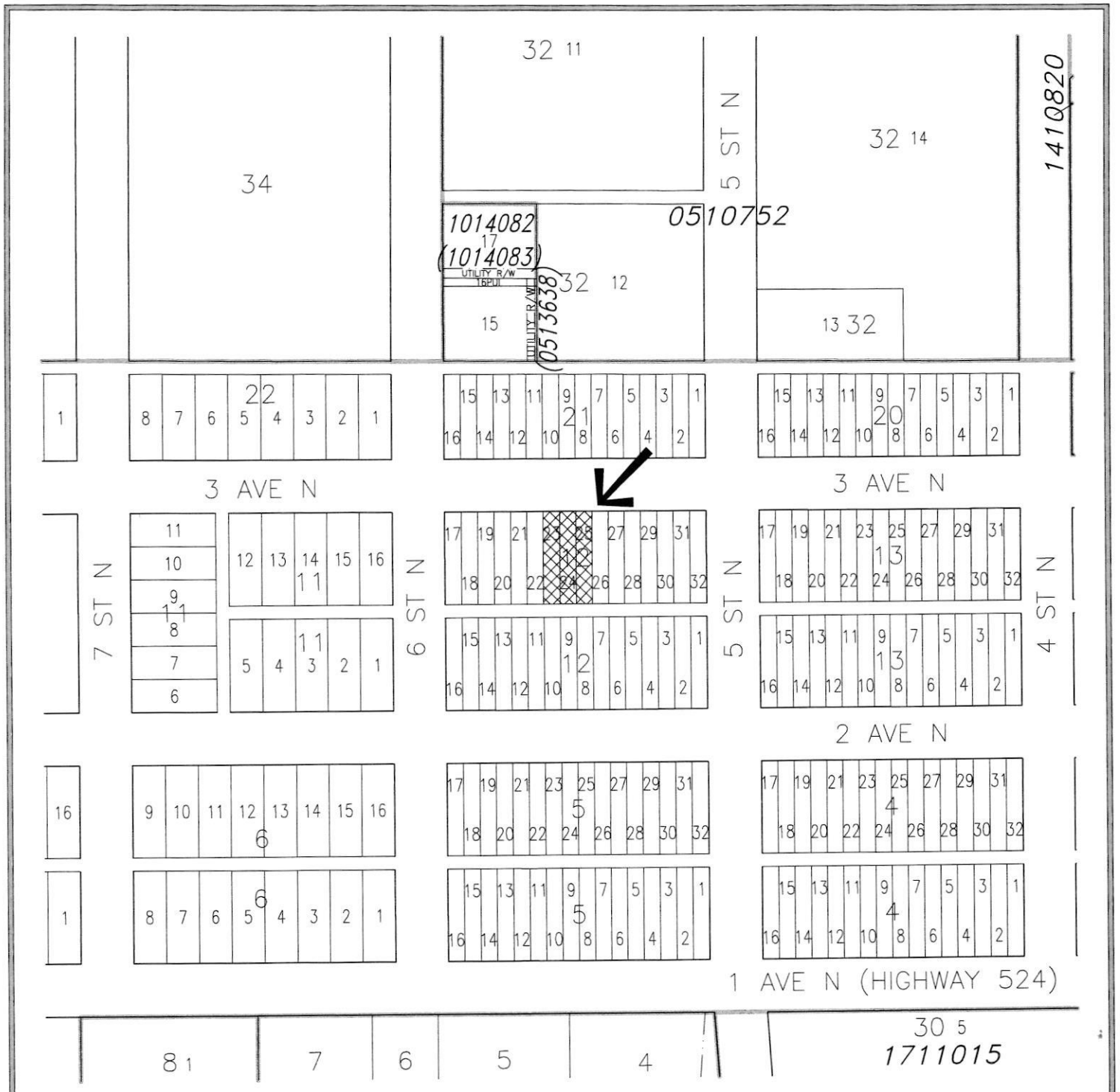
READ a **first** time this 19th day of October, 2020.

READ a **second** time this 16th day of November, 2020.

READ a **third** time and finally PASSED this 16th day of November, 2020.

*Mayor*

*Chief Administrative Officer*




# LAND USE DISTRICT REDESIGNATION
# SCHEDULE 'A'

FROM: RETAIL COMMERCIAL RC

TO: DIRECT CONTROL DC

LOTS 23-25, BLOCK 12, 760CM WITHIN
PORTION OF SE 1/4 SEC 10, TWP 13, RGE 16, W 4 M
MUNICIPALITY: TOWN OF VAUXHALL
DATE:SEPTEMBER 16, 2020

Bylaw #: _____

Date: _____

OLDMAN RIVER REGIONAL SERVICES COMMISSION

0 Metres 50 100 150 200

N


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

"NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"

September 16, 2020 N:\Taber-Municipal-District\Vauxhall\Vauxhall LUD & Land Use Redesignations\Vauxhall Lot23-25 Block 12 Plan 760CM.dwg

**Schedule 3**

# DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

**Schedule 3**

# DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

1. No development permit is required for any development that is specifically exempted by the Lieutenant Governor in Council, pursuant to section 618(4) of the Act.

2. No development permit is required for the following:

   (a) the carrying out of works of maintenance or repair to any building, if such works do not include structural alterations or major works of renovation, and do not conflict with the Town of Vauxhall Unsightly Premises Bylaw;

   (b) the completion of a building which was lawfully under construction at the date of the first publication of an official notice required by section 692 of the Act, provided that:

      (i) the building is completed in accordance with the terms of any permit granted in respect of it and subject to the conditions to which that permit was granted; and

      (ii) the building, whether or not a permit was granted in respect of it, is completed within a period of 12 months from the date of the first publication of the official notice;

   (c) the use of any building referred to in section 2(b)(i) and (ii) for the purpose for which construction was commenced;

   (d) the erection of gates, fences (except in the MHP District), walls, hedges or other means of enclosure which are:

      (i) not more than 0.91 m (3 ft.) in height in front yards and all yard spaces on corner lots lying between the dwelling and the public roadway (as illustrated in Diagram 3.1),

      (ii) not more than 1.83 m (6 ft.) in all other yards;

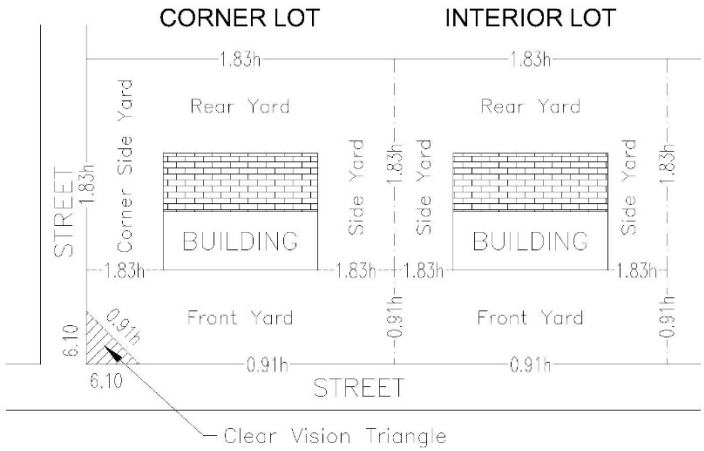



**DIAGRAM 3.1**

(e) the temporary erection or construction of buildings, works, plant or machinery needed in connection with operations for which a development permit and a building permit have been issued;

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

(g) certain signs may not need a permit; refer to Schedule 7;

(h) the erection or placement of the first accessory building of 10.00 $m^2$ (108 sq. ft.) or less in area provided that it otherwise complies with this bylaw;

(i) uncovered patios;

(j) decks not attached to a building that are less than 0.60 m (2 ft.) in height, provided they meet minimum setback requirements for accessory buildings;

(k) residential sidewalks, patios or other impervious surfaces (e.g. paving stones, brick, asphalt, concrete or other hard surfaces), provided the combined total area of all such impervious surfaces and parking areas including driveways (both hard surfaced and gravel surfaced):

(i) does not exceed 25% of the surface area of the lot; and

(ii) on interior lots does not exceed 50% of the surface area of the front yard; and

(iii) on corner lots does not exceed 50% of the surface area of the front yard and 50% of the surface area of the corner side yard.

Note: All driveways and parking areas require a development permit, except as provided in subsection (p).

(l) satellite dishes less than 1.52 m (5 ft.) in diameter provided installation meets all requirements within the Land Use District pertaining to the development;

(m) 'Home Occupation A' provided that it otherwise complies with this bylaw; refer to Schedule 5;

(n) the placement of one shipping container for a maximum of 30 days, where the shipping container is required for emergency purposes relating to fire damage, flood damage or a natural disaster that caused damage to the structure(s) on the lot;

(o) wheelchair ramps located within the boundary of the lot;

(p) driveway access to a lot from the adjacent lane in accordance with the bylaw.

3. (a) A separate development permit is not required for demolition if a development permit has been approved for development on the same site and demolition is implicit in that permit; or

(b) A development permit is not required for demolition of accessory buildings or structures of 10.00 $m^2$ (108 sq. ft.) or less in area.

4. Although the previous listed items may eliminate the necessity of a Development Permit, the applicant is still responsible for obtaining any required Building Permit and/or adhering to any other applicable legislation, safety codes or municipal Bylaw.

5. If there is a doubt as to whether a development permit is required, the matter shall be referred to the Municipal Planning Commission for a determination.

**Schedule 4**

# STANDARDS OF DEVELOPMENT

**Schedule 4**

# STANDARDS OF DEVELOPMENT

## 1. STREET CORNER VISIBILITY

(a) 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 0.91 m (3 ft.) and 3.05 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 6.10 m (20 ft.) from the point of intersection. (see Diagrams 4.1 and 4.2) Land designated Retail Commercial – RC is exempt from the street corner visibility requirement, provided the adjacent right-of-way is a minimum of 24.39 m (80 ft.) in width.

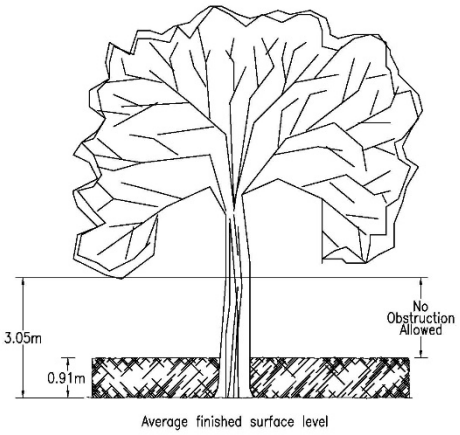



**DIAGRAM 4.1**

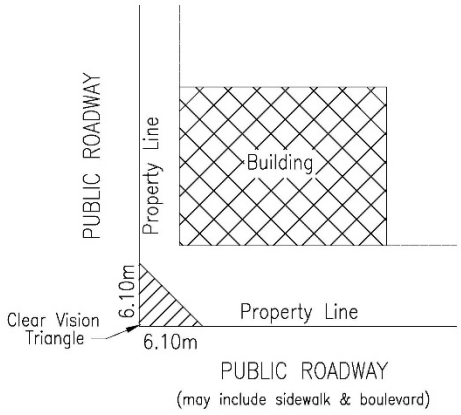



**DIAGRAM 4.2**

## 2. ROAD ACCESS

All new development must have access to a public road to the satisfaction of the Development Authority.

## 3. DRIVEWAYS

(a) In all land use districts the following standards apply:

(i) vehicular access for corner lots shall generally be limited to locations along the minor street or cul-de-sac;

(ii) driveways shall be a minimum of 3.05 m (10 ft.) from the entrance to a lane, and 4.57 m (15 ft.) from the intersection of two public roadways. (see Diagram 4.3.1)

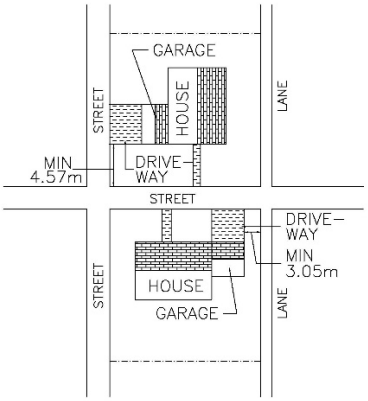



**DIAGRAM 4.3.1**

(b) In all residential land use districts the following additional standards apply:

(i) in laneless subdivisions, and when not already included in laned subdivisions, all single-detached and duplex dwellings should provide for the future construction of an attached garage or carport for one or more vehicles;

(ii) only one driveway per lot is permitted for single-detached residential development, including single-wide and double-wide manufactured homes, except for lots with lane access which are permitted one additional driveway located off the lane, provided the driveway is located a minimum of 3.05 m (10 ft.) from the entrance of a lane. The number of driveways permitted for all other development shall be at the discretion of the Development Authority;

(iii) driveways shall be a minimum of 3.05 m (10 ft.) in width;

(iv) the maximum driveway width (see diagram 4.3.2):

a. on lots less than 15.24 m (50 ft.) in width, shall not exceed 6.71 m (22 ft.);

b. on lots 15.24 m (50 ft.) or greater in width, shall not exceed 45% of the frontage where access is taken, or 8.23 m (27 ft.), whichever is less;

(v) driveways in any front or corner side yard shall be a minimum of 5.49 m (18 ft.) in length, measured from the property line;

(vi) the percent lot coverage of all parking areas (including hard- and soft-surfaced parking areas) and impervious surfaces located in the front yard or corner side yard of a lot shall not exceed 50% of the surface area of the front yard or the corner side yard.

(c) In all non-residential land use districts the number, location and dimensions and percent lot coverage of driveways shall be at the discretion of the Development Authority.

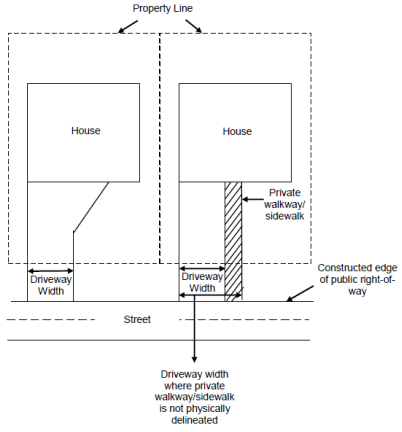



**DIAGRAM 4.3.2**

## 4. RETAINING WALLS, GRADING AND DRAINAGE

The Development Authority may require:

(a) the construction of a retaining wall, including submittal of a certified 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;

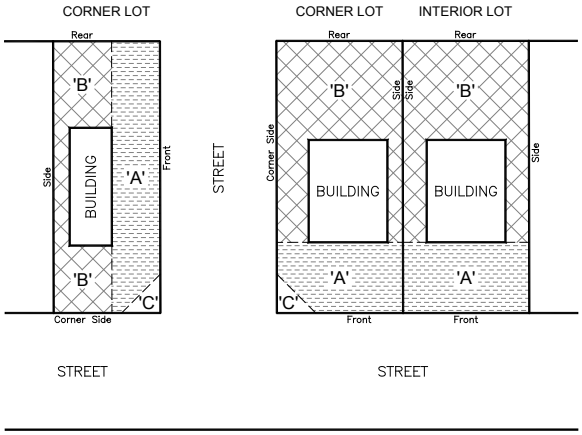
(c) special grading/and or paving to prevent drainage problems with neighbouring lots as a condition of a development permit;

## 5. FENCES

(a) No fence, wall, hedge or any combination thereof shall extend more than 0.91 m (3 ft.) above the ground in any front yard area as illustrated in Diagram 4.4 without a development permit approved by the Municipal Planning Commission.

(b) Fences in rear, side and corner yards shall be limited to 1.83 m (6 ft.) in height.

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




**Maximum Fence Height Requirements**
A: 0.91 m (3 ft.) in front yard
B: 1.83 m (6 ft.) in corner side, side and rear yard
C: 0.91 m (3 ft.) in clear vision triangle

**DIAGRAM 4.4**

## 6. BUILDING SETBACKS

(a) The Municipal Planning Commission may waive the building setback requirement in a well-established residential area if, in their opinion, the setback blends in with the prevailing yard pattern.

(b) The Development Authority may require varied building setbacks in new residential areas if, in his or their opinion, the variation in setbacks will enhance the development of that area.

(c) The Development Authority may require increased building setbacks (other than those listed in (a) and (b) above) if, in their opinion, such setbacks would:

(i) help avoid land use conflict;

(ii) enhance the appearance of the area.

## 7. EASEMENTS

Applicants/landowners are responsible for determining the location of any easement and utility right-of-way registered on the property that is the subject of a development and ensuring that the development does not encroach upon the easement and/or right-of-way and complies with any associated agreements registered on title.

## 8. PERMITTED PROJECTIONS INTO SETBACKS

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

(i) unenclosed steps or unenclosed fire escapes not to exceed 0.61 m (2 ft.) into a side setback or 2.44 m (8 ft.) into a front or rear setback;

(ii) a wheelchair ramp;

(iii) fences or walls in accordance with Section 5;

(vi) driveways, curbs and sidewalks;

(v) landscaping, fish ponds, ornaments, flagpoles [less than 4.57 m (15 ft.) in height], or other similar landscaping features; and

(vi) signs, in accordance with Schedule 7.

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

(i) eaves, belt courses, bay windows, cornices, sills or other similar architectural 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 and over a front setback a distance not to exceed 1.22 m (4 ft.);

(ii) a deck, balcony, porch, veranda, 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;

(iii) a chimney which is not more than 1.22 m (4 ft.) wide and projects not more than 0.15 m (0.5 ft.) into a rear or side setback.

## 9. LANDSCAPING STANDARDS AND SCREENING

(a) The Development Authority may impose landscaping or screening requirements on a development approval for a permitted or discretionary use if these would serve to improve the quality or compatibility of the proposed development.

(b) The front yard and corner side yard on corner lots shall be comprehensively landscaped, except for those areas occupied by sidewalks or driveways, consisting of vegetation (e.g., trees, shrubs, lawn, flowers or other similar vegetation) or any combination of the following, to the satisfaction of the Development Authority.

(i) vegetation (e.g., trees, shrubs, lawn, flowers or other similar vegetation);

(ii) ground cover (e.g., feature rocks, bark chip, field stone, crushed rock or other similar ground cover);

(iii) buffering (e.g., berming, terracing, or other similar buffering feature);

(iv) outdoor amenity feature (e.g., benches, walkways, planters or other similar amenity feature);

(v) innovative landscaping features (e.g., sculpture, ponds, or other feature) as approved by the Development Authority.

(c) Where any parcel or part of a parcel adjacent to a road is used for outdoor storage of goods, machinery, vehicles, buildings or waste materials, the Development Authority may require

satisfactory screening by buildings, fences, hedges, trees, berming or other landscaping features. (see Diagram 4.5)

(d) Parking Lots shall be landscaped and/or screened as required by the Development Authority.

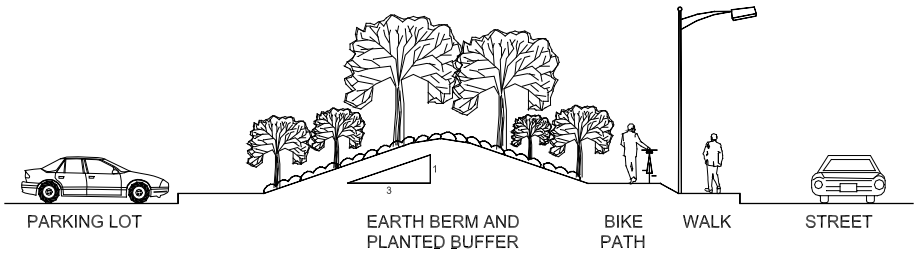



**DIAGRAM 4.5**

## 10. EXTERIOR BUILDING FINISHES AND BUILDING ORIENTATION

(a) The Development Authority may require that specific finishing materials and colour tones be utilized to improve the quality or maintain the compatibility of any:

(i) proposed development with surrounding or adjacent developments;

(ii) proposed additions or ancillary structures with existing buildings on the same lot.

(b) 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.

## 11. EXPOSED FOUNDATIONS

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 Development Authority.

## 12. DECKS AND AMENITY SPACES

(a) A development permit is required for the construction of a deck if it will be attached to a principal building.

(b) Decks not attached to a building that are less than 0.60 m (2 ft.) in height, do not require a development permit provided they meet the minimum setback requirements for accessory buildings.

(c) Decks must be located in a manner such as to preserve the privacy of adjacent properties.

(d) For the purposes of calculating site coverage requirements, where a structure is attached to the principal building by an open or closed roof structure, it shall be deemed part of the principal building and subject to principal building requirements.

## 13. SITE LIGHTING

Site lighting may be required as a condition of development and any such lighting shall be located, oriented and shielded so as not to adversely affect adjacent properties.

## 14. REFUSE COLLECTION AND STORAGE

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

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

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

## 15. SERVICING

(a) All development shall be required to connect to both the municipal water supply and sewerage system. The use of cisterns, wells and private sewage disposal systems or other non-municipal servicing is not permitted, except where authorized in writing by the Town of Vauxhall.

(b) In circumstances where the Town of Vauxhall has authorized the use of a cistern, well, private sewage disposal system or other non-municipal servicing to serve the proposed development, a copy of the written authorization shall be submitted with the development permit application.

## 16. SATELLITE DISHES, RADIO AND TELEVISION ANTENNAE

Satellite dishes of 1.52 m (5 ft.) or greater in diameter and radio and television antennae are accessory uses which require a development permit and are subject to the following:

(a) A satellite dish, radio antenna or television antenna shall only be located in a rear yard or side yard which does not abut on a street subject to principal setbacks.

(b) No advertising shall be allowed on a satellite dish, radio antenna or television antenna.

(c) The illumination of a satellite dish, radio antenna or television antenna is prohibited.

## 17. HAZARDOUS CHEMICAL STORAGE

The storage of bulk hazardous chemicals, as defined in the Occupation Health and Safety Act, shall not be permitted within the town.

## 18. CONSTRUCTION HOARDING

A temporary development permit is required for erection of construction hoarding which may infringe on any public property such as sidewalks or streets. The maintenance of pedestrian and vehicular access shall be deemed to be essential.

## 19. DEMOLITION

No person shall commence or cause to be commenced the removal or demolition of any building or structure, or portion thereof, unless a permit has first been obtained from the authorized jurisdiction.

## 20. SOLAR COLLECTORS

(a) Development permit applications for roof mounted and wall mounted solar collectors shall be accompanied by the following additional information:

(i) manufacturer's specifications for system design and rated output;

(ii) number and orientation of solar panels;

(iii) description of how the panels are to be mounted or affixed and the maximum projection from roof or wall;

(b) Development permit applications for ground mounted solar collectors shall be accompanied by the following additional information:

(i) manufacturer's specifications for system design and rated output;

(ii) number and orientation of solar panels;

(iii) description of the proposed ground mount design and maximum height from existing grade; and

(iv) any additional information required by the Development Officer, including but not limited to, information regarding general public safety and security measures; site suitability analysis; compatibility with surrounding land uses; potential visual impacts; impacts to future development potential; preliminary grading and drainage plans; emergency management plans; decommissioning plans; environmental assessment review prepared by a qualified professional, or other studies and reports to demonstrate site suitability and impact mitigation.

(c) A solar collector mounted to a roof of a building:

(i) may project a maximum of 1.22 m (4 ft) from the surface of the roof;

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

(iii) must be located such that it does not create undue glare on neighbouring parcels or public roadways.

(d) A solar collector mounted to a wall of a building:

(i) may project a maximum of 0.61 m (2 ft) from the surface of the wall subject to the setback requirements of the applicable land use district;

(ii) must not extend beyond the outermost edge of the wall; and

(iii) must be located such that it does not create undue glare on neighbouring parcels or public roadways.

(e) A ground mounted solar collector:

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

(ii) subject to setback and height requirements as determined appropriate by the Development Authority.

**Schedule 5**

# HOME OCCUPATIONS

**Schedule 5**

# HOME OCCUPATIONS

**1. Intent**

The intent of this schedule is to provide regulations respecting home occupation in accordance with the following objectives:

(a) to protect residential areas and districts from incompatible non-residential land uses;

(b) to ensure that commercial and industrial uses are located in appropriate commercial or industrial districts;

(c) to facilitate, where appropriate, the establishment of suitable home occupations as a means to foster small-scale business, while ensuring such businesses are relocated to suitable commercial or industrial districts when they become incompatible with a residential area or become unsuitable as a home occupation.

**2. Home occupations may be approved under the following classifications:**

(a) Home Occupation A – a home-based occupation that involves the establishment of a small-scale business incidental to the primary use of the residence which is limited to phone and office use only and which does not involve:

(i) outdoor storage and/or display of goods;

(ii) non-resident employees; and/or

(iii) customer/client visits to the residence.

(b) A Home Occupation A does not require a development permit, but must otherwise comply with all other provisions of this bylaw.

(c) Home Occupation B – a home-based occupation involving the establishment of a small-scale business incidental to the primary use of the residence that does not meet the criteria for a Home Occupation A and which may involve:

(i) the use of an accessory building;

(ii) outdoor storage and/or display of goods within the residence or accessory building;

(iii) one non-resident employee; and/or

(iv) customer visits.

Note: Bed and breakfast operations and home-based day care providing care and supervision for periods of less than 24 consecutive hours to not more than six children may be classified as a Home Occupation B in compliance with the applicable standards.

**3. GENERAL STANDARDS**

The following standards apply to Home Occupations A and B:

(a) All home occupations shall be required to obtain a business license from the Town of Vauxhall.

(b) The business operator must be a full time resident of the home.

(c) No variation in the residential character and appearance of the dwelling, accessory building, or land shall be permitted.

(d) The use shall not generate more vehicular or pedestrian traffic and vehicular parking than normal within the district.

(e) No commercial vehicle of a capacity greater than 681 kg (¾ ton) shall be parked or maintained on a public road right-of-way or lane.

(f) No offensive noise, vibration, electrical interference, smoke, dust, odours, heat or glare shall be produced by the use.

(g) 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.

(h) No use requiring electrical or mechanical equipment shall cause a fire rating change in the structure or the district in which the home occupation is located.

(i) The approved use shall be valid only for the period of time the property is occupied by the applicant for such approved use.

(j) All permits issued for home occupations shall be subject to the conditions that the permit may be revoked at any time, if, in the opinion of the Development Authority ,the use is or has become detrimental to the residential character or the amenities of the neighbourhood.

(k) Home occupations shall not include:

  (i) activities that use or store hazardous materials;

  (ii) any use that would, in the opinion of the Development Authority, materially interfere with or affect the use, enjoyment or value of neighbouring properties;

  (iii) any use declared by resolution of council to be undesirable as a home occupation.

(l) The maximum number of home occupations permitted per dwelling shall be determined by the Development Authority, having regard to any potential impacts to the surrounding neighbourhood.

(m) Signage advertising a Home Occupation A is limited to one sign located in the structure window up to a maximum of 0.37 $m^2$ (4 sq. ft.) in size. Signage advertising a Home Occupation B shall be as approved by the Municipal Planning Commission.

(n) 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.

## 4. HOME OCCUPATION B STANDARDS

In addition to the general standards, the following standards shall apply to Home Occupation B permits:

(a) A maximum of one non-resident employee is allowed. For the purposes of this provision, a non-resident employee is someone who does not live at the home.

(b) Outdoor storage shall be screened from adjacent properties and the public view.

(c) Customer and employee parking, in addition to the parking requirements for residential use, may be required.

(d) The number of customer visits and hours of operation may be limited by the Municipal Planning Commission to minimize impacts on surrounding residential uses.

(e) The home occupation shall not be permitted, if in the opinion of the Municipal Planning Commission, the use would be more appropriately located within a commercial or industrial district.

**Schedule 6**

# MOVED-IN BUILDING STANDARDS

**Schedule 6**

# MOVED-IN BUILDING STANDARDS

The intent of this schedule is to ensure that moved-in buildings, through the adherence to building conditions and regulations, do not create a land use conflict.

All moved-in buildings shall comply with the following:

1. An application for the placement of a moved-in building shall include the following additional information:
   (a) a report by a certified safety codes officer documenting the quality of the building and compliance with the requirements of the Alberta Building Code;
   (b) recent colour photographs of all exterior sides of the proposed moved-in building;
   (c) information regarding foundation height, roofing and exterior finish material, and any proposed upgrades to the exterior finish of the moved-in building;
   (d) any proposed porches, steps, decks, garage or other similar features;
   (e) any additional information required by the Development Authority to determine the suitability of the proposed moved-in building.
2. The building and the land upon which it is to be located shall be subject to all conditions and regulations specified for the applicable district as set out in this bylaw.
3. The building, when completed, shall meet all of the provincial building requirements.
4. The value of the completed building shall be comparable to, or better than, the average value of similar buildings in the immediate area and the upgrading standards shall be established by the Development Authority and form a part of the conditions of the development permit.
5. The building shall comply with all provincial health and fire regulations and with all applicable municipal bylaws.
6. A limit for the time of completion and full compliance with all stipulated requirements shall be established by the Development Authority at the time of the approval of the application.
7. The Development Authority may request that an irrevocable letter of credit be submitted for an appropriate amount and the conditions of its return before issuing a development permit.
8. A final inspection by the building inspector and/or Development Officer shall be made to establish full compliance with all requirements.
9. Any cost incurred for building inspections prior to the issuance of a development permit shall be at the expense of the applicant.

**Schedule 7**

# SIGN REGULATIONS

**Schedule 7**

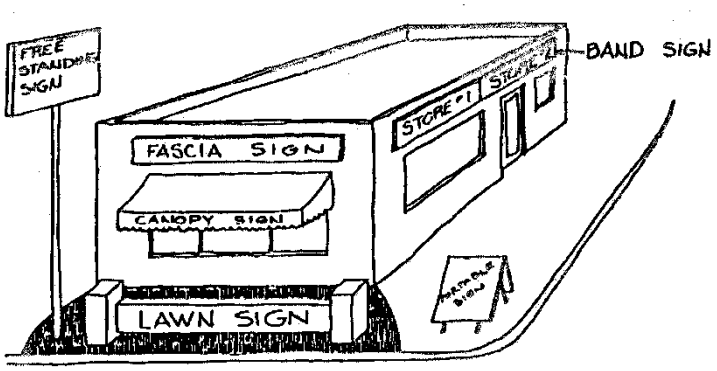
# SIGN REGULATIONS

## 1. ADMINISTRATION

(a) Unless otherwise provided for, this schedule applies to all signs within the Town of Vauxhall.

(b) No one shall erect, place or alter a sign including a temporary sign, without having first obtained a development permit from the Development Authority in accordance with the provisions of this bylaw, unless otherwise exempted in Section 5 of this Schedule.

(c) Signs shall only be allowed in land use districts where listed as a permitted or discretionary use and are limited to the following sign types classified as follows (see Diagram 7.1 for an illustration of sign types and Schedule 9 Definitions for a description of sign types):




SIGN TYPES

**DIAGRAM 7.1**

"P" indicates that the sign type is classified as a permitted use within the respective land use district.
"D" indicates that the use is classified as a discretionary use within the respective land use district.
A blank cell indicates that the sign type is prohibited within the respective land use district.

| Sign Type | Land Use District | | | | | | Use Specific Standards |
|---|---|---|---|---|---|---|---|
| | R, R-1, RMH, MHP | RC | HC | I | PI | UR | |
| Banding Sign | | P | D | D | | | |
| Canopy Sign | | D | D | D | D | | Section 4.2 |
| Directional, Informational, Identification Sign | D[Note1] | P | P | P | P | D | Section 4.3 |
| Fascia Sign | D [Note1] | P | P | P | D | D | Section 4.1 |
| Free-standing Sign | | D | D | D | D | | Section 4.1 |
| Lawn Sign | D [Note1] | P | P | P | P | D | Section 4.1 |
| Mural Sign | D [Note1] | D | D | D | D | D | |
| Off-premise Sign | | | D | D | | | |
| Portable Sign | D [Note1] | P | P | D | D | D | Section 4.4 |
| Roof Sign | | D | D | D | D | | |
| Digital, Animated or Electronic Variable Content | Any sign type containing digital, animated or electronic variable content is prohibited, except in the RC, HC, I and PI districts at the discretion of the Municipal Planning Commission. The luminosity, transition time, proximity to residential uses, operational times, etc. are at the discretion of the Municipal Planning Commission and may be regulated as a condition of approval. | | | | | | |
| Temporary Signs | For temporary signs which comply with this Schedule, the Development Officer may issue a temporary development permit in accordance with Section 31, Temporary Use Applications. | | | | | | |
| Home Occupation Sign | Home occupation signs are regulated under Schedule 5 of this bylaw. | | | | | | |
| Other | When a sign cannot be clearly categorized as one of the sign types defined in this Schedule, the Development Authority shall determine the sign type in accordance with the similar use provisions of this bylaw and establish any and all applicable controls. | | | | | | |
| Note 1 | Restricted to signage associated with approved clubs and organizations, day care centres, nursing homes, parks and playgrounds, seniors housing, manufactured home parks and the following residential uses: lodging and boarding houses, multi-unit dwellings, townhouse/row housing, where classified as a permitted or discretionary use in the respective district. | | | | | | |

## 2. APPLICATION REQUIREMENTS

In addition to the requirements in Section 25, Development Permit Applications, a development permit application for a sign shall:

(a) include a description of the proposed sign and a plan drawn to a suitable scale and photographs, if available, illustrating:
   (i) the location of all existing and proposed sign(s);
   (ii) the size, height, and other dimensions of the proposed sign including any supporting structures;
   (iii) the location of the property boundaries of the lot upon which the proposed sign is to be located;
   (iv) the exact message content of the proposed sign face;
   (v) the materials and finish of the proposed sign;
   (vi) type of illumination, animation, and/or changeable content, if any, and details with respect to the proposed luminosity, intensity and/or interval;
   (vii) if a sign is to be attached to a building, the details regarding the extent of projection.

## 3. GENERAL SIGN STANDARDS

1. Signs within proximity of a provincial highway may require an approval from Alberta Transportation.

2. All signs shall be maintained in good repair and a safe and tidy manner to the satisfaction of the Development Authority.

3. The location of any sign is at the discretion of the Development Authority.

4. The location of any sign shall not create a visual obstruction to vehicular traffic, obstruct the vision of or cause confusion with any information sign, traffic control sign or device, or create a potential hazard or conflict with rights-of-way, easements or routing of any public utility.

5. Signs shall not be located in the public right-of-way or on public property, except for signs approved by the Town of Vauxhall or signs approved by the Province of Alberta or Federal Government.

6. Except for fascia or canopy signs as provided for in this Schedule, no signs projecting or overhanging public property, including a public road shall be permitted.

7. No sign shall be illuminated unless the source of light is steady and suitably shielded.

8. Signs shall not be permitted to emit amplified sound or music or employ revolving, flashing or intermittent lights, or lights resembling emergency services, traffic signals, railway crossing signals, hazard warning devices or other similar lighting.

9. A business or building owner shall remove the visible copy and image area of a derelict sign within 60 days of the business ceasing operations within the town.

10. Signs adjacent to residential land use districts may be subject to additional or modified standards, at the discretion of the Development Authority, deemed necessary to mitigate impact(s) of the sign on residential uses.

## 4. USE SPECIFIC STANDARDS

1. **Lawn, fascia and free-standing** signs in non-residential land use districts are subject to the following limitations:

   (a) Not more than two signs shall be permitted on the premises.

   (b) No sign shall exceed 11.15 $m^2$ (120 sq. ft.) in area.

   (c) The maximum height of any freestanding sign shall be 6.10 m (20 ft.).

   (d) The maximum height of any lawn sign shall be 1.52 m (5 ft.).

2. **Canopy** signs are subject to the following limitations:

   (a) No part of the canopy, excluding that portion which is used for support and which is free of advertising shall be less than 2.44 m (8 ft.) above the ground or sidewalk grade.

   (b) No part of the canopy shall project more than 1.83 m (6 ft.) over public property, or come within 0.61 m (2 ft.) of the curb or edge of a roadway.

   (c) No part of the canopy shall project more than 45.72 cm (18 inches) above the top of the vertical face of the wall to which it is attached.

   (d) The space between the canopy and supporting structure shall not be more than 0.61 m (2 ft.).

3. **Directional, informational and identification** signs are limited to a maximum size of 0.19 $m^2$ (2 sq. ft.).

4. **Portable** signs are subject to the following limitations:

   (a) No more than one portable sign shall be permitted.

   (b) Portable signs shall not be displayed for more than 90 days in one calendar year.

   (c) The copy area, maximum height and maximum width of portable signs shall be as follows:

      (i) A-board signs shall not exceed 0.56 $m^2$ (6 sq. ft.) in area; sign height from grade shall not exceed 1.22 m (4 ft.); sign width shall not exceed 0.91 m (3 ft.).

      (ii) All other portable signs shall not exceed 3.72 $m^2$ (40 sq. ft.) in area; sign height from grade shall not exceed 2.13 m (7 ft.); sign width shall not exceed 2.44 m (8 ft.).

## 5. SIGNS NOT REQUIRING A PERMIT

No development permit is required for the following signs:

(a) residency identification signs which state the name and/or address of the person(s) occupying the lot, provided the sign is no greater than 0.19 $m^2$ (2 sq. ft.);

(b) signs approved in conjunction with a home occupation permit;

(c) construction signs, provided such signs are removed within 14 days of the completion of construction;

(d) memorial signs;

(e) political posters, provided all such signs are removed within 14 days after the completion of the relevant election or plebiscite;

(f) real estate signs, provided all such signs are removed within 30 days after the sale or lease of the premises upon which the sign is located;

(g) garage sale signs, provided the owner of the property upon which the sign is located has approved its placement and that the sign is removed immediately upon the conclusion of the sale;

(h) any traffic or directional and informational signs erected by the Town of Vauxhall, the Alberta government or Federal government;

(i) any community service bulletin board erected by the Town of Vauxhall and any notices posted on the bulletin board;

(j) any sign appearing on street furniture, such as benches or garbage containers, that are located on public land if an agreement to locate such on the street furniture has been reached with council;

(k) A-board signs in compliance with this Schedule that are removed from the location on a daily basis when the business is closed.

(l) the alteration of a lawful sign which includes routine maintenance, painting or change in copy content or lettering and does not include modification of the sign structure, location, dimensions or sign type;

(m) directional, informational and identification signs in all land use districts except Urban Reserve and any residential land use district.

provided any such signs are suitably maintained to the satisfaction of the Development Authority and do not constitute a public hazard.

Schedule 8

# OFF-STREET PARKING AND LOADING AREA REQUIREMENTS

**Schedule 8**

# OFF-STREET PARKING AND LOADING AREA REQUIREMENTS

## 1. OFF-STREET PARKING AREA REQUIREMENTS

(a) Except where otherwise authorized by the Development Authority, all development shall provide a designated off-street parking area(s) and loading area(s), as applicable, in accordance with this Schedule.

(b) Parking areas shall be accessible and laid out and delineated in a manner which will provide for orderly parking (see Diagram 8.1 for parking lot layout examples).

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

(d) The Development Authority may require that parking areas or portions thereof be paved.

(e) Off-street parking may be located in the front yard subject to the applicable district standards, development standards and parking space requirements of the Land Use Bylaw.

(f) In lieu of providing off-street parking, an owner of land to be developed may, subject to the approval of council, pay to the municipality 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 municipality elsewhere in close proximity to the development.

To be eligible for the payment-in-lieu provision, a minimum of 50% of the total parking requirement for the development shall be provided in accordance with section 2 of this schedule.

(g) All parking spaces provided shall be on the same lot as the building or use, except that the Development Authority may permit parking spaces to be on a lot within 152.40 m (500 ft.) of the building or use if determined impractical to provide parking on the same lot with the building or use. Where such other parking space is provided, a caveat approved by council shall be registered against the lot.

# PARKING LAYOUT ALTERNATIVES-METRES

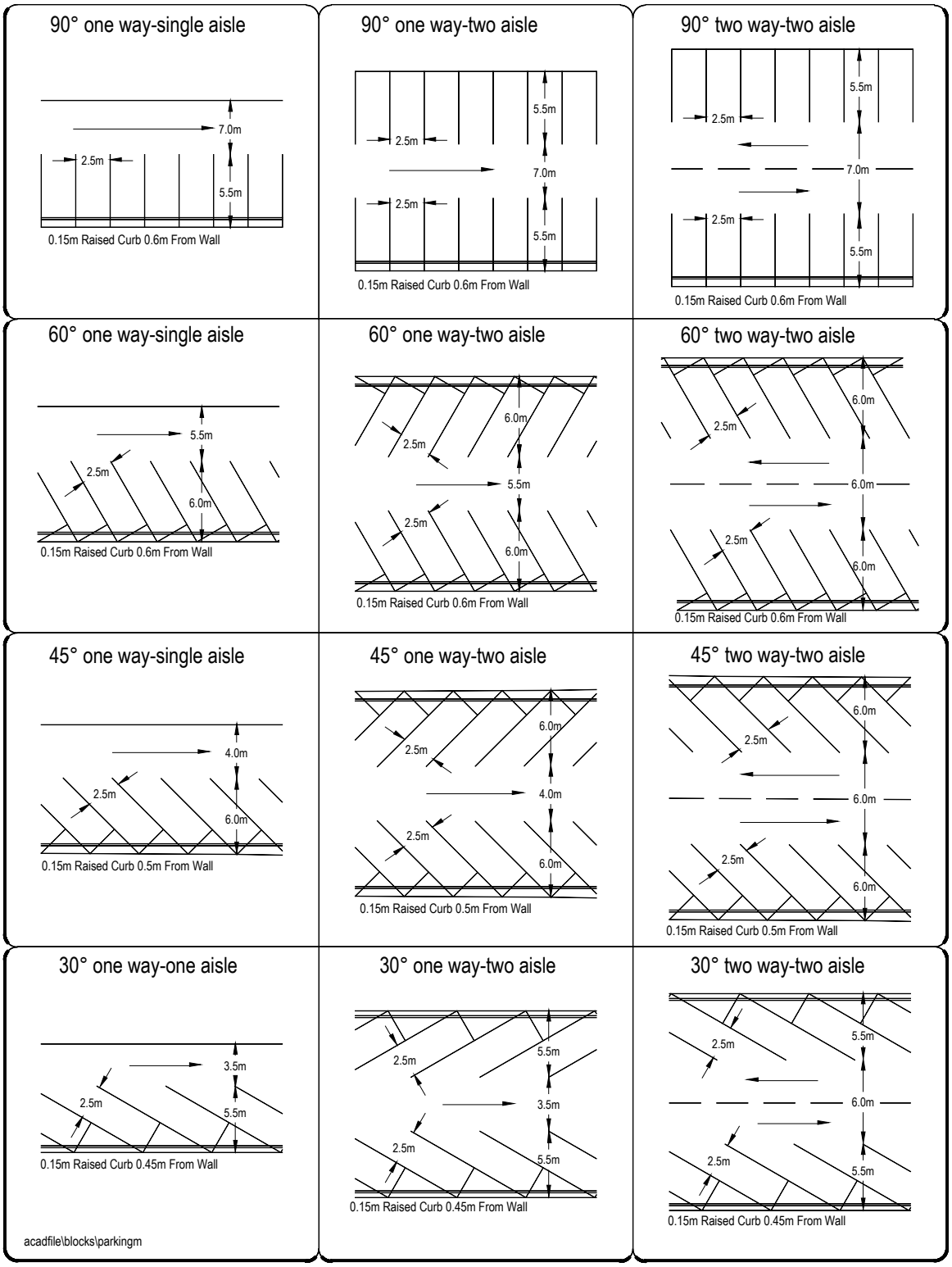



**DIAGRAM 8.1**

## 2. SPECIFIC REQUIREMENTS

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

| Use | No. of Stalls Required |
|---|---|
| Dwellings: | |
| Single-detached, modular, moved-in, ready-to-move and manufactured dwellings | 2 per dwelling unit |
| Duplex/semi-detached dwellings | 2 per dwelling unit |
| Multi-unit dwellings | 2 per dwelling unit |
| All others | As required by the Development Authority |
| Secondary residential use | 1 per dwelling |
| Licensed premises | 1 per 2 seating spaces |
| Retail stores and personal service shops | 1 per 55.74 $m^2$ (600 sq. ft.) of gross floor area |
| Banks and offices | 1 per 65.03 $m^2$ (700 sq. ft.) of gross floor area |
| Service stations | 1 per employee and 2 per service bay |
| Motels | 1 per guest room |
| Restaurants and cafes | 1 per 4 seating spaces |
| Industrial and heavy commercial uses | 1 per 65.03 $m^2$ (700 sq. ft.) of gross floor area; or 1 per 3 employees, whichever is greater, with a minimum of 2 spaces |
| Public utility structures | As required by the Development Authority |
| All other uses | As required by the Development Authority |

(b) Calculation of parking requirements resulting in a fractional number shall be rounded to the next highest number.

## 3. LOADING AREA REQUIREMENTS

(a) There shall be a minimum of one off-street loading area per building in the RC, HC, and I land use districts, except as provided for in subsection 3(e) of this schedule.

(b) The Development Authority may require that off-street loading areas be provided in land use districts other than RC, HC, and I.

(c) All loading areas shall provide a doorway into a building sufficient to meet the needs of the use within the building.

(d) 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.

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

(f) The Development Authority may require additional loading areas or doors if, in his or their opinion, such additional areas or doors are deemed necessary.

## 4. PARKING SPACE REQUIREMENTS IN THE DOWNTOWN

(a) The requirements of Section 4 of this schedule apply to all property located within the Overlay, as identified in Diagram 8.2, "Downtown Parking Overlay."

(b) Development within the Downtown Parking Overlay is exempted from the off-street parking requirements in Section 2(a) of this Schedule, provided the gross floor area of the building is not increased and the number of existing off-street parking spaces is not reduced.

(c) New development and development which increases the gross floor area of an existing building is required to provide 50% of the off-street parking spaces required in Section 2(a) of this schedule.

(d) Where space is available for off-street parking, parking spaces shall be provided for employee parking.

(e) A secondary residential use is required to provide a minimum of one off-street parking space per dwelling unit.

(f) The location of all required off-street parking areas shall be subject to the approval of the Development Authority.

**DOWNTOWN PARKING OVERLAY**

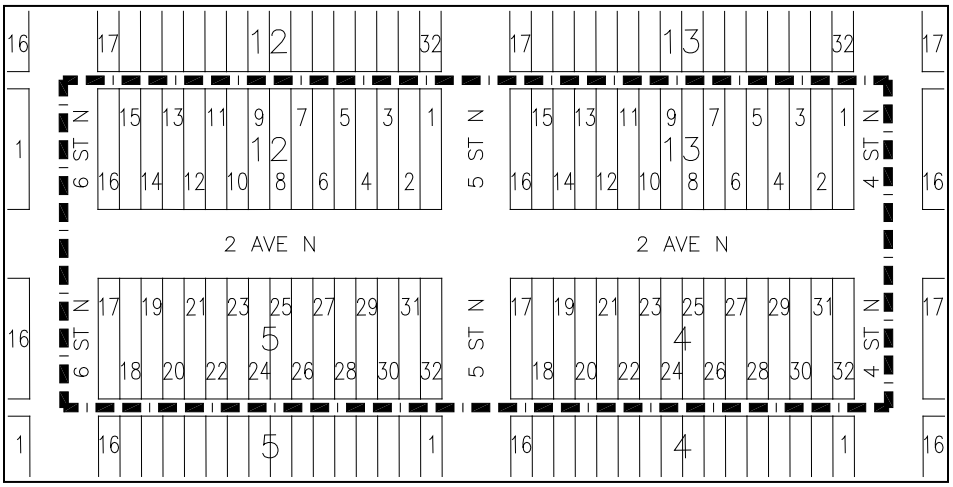



**DIAGRAM 8.2**

**Schedule 9**

# DEFINITIONS

# DEFINITIONS

## A

**Accessory building** means a building or structure that is incidental or subordinate to and customarily found in connection with a primary structure or use, located on the same lot as the principal building or use, but does not include a building or structure used for human habitation. (see Diagram 9.1)

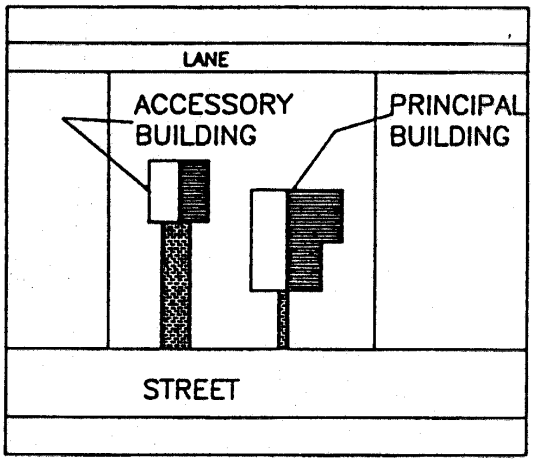



**DIAGRAM 9.1**

**Accessory use** means a use of a building or land, which is incidental to and subordinate to the principal use of the site on which it is located.

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

**Amusement facility** means development for amusement pastimes, and may incorporate eating facilities as an accessory use. This includes amusement arcades, billiard parlours, bingo halls, bowling alleys, theatres and any other uses the Development Authority considers similar.

**Animal grooming facility** means a facility that provides a service for the care and appearance of domestic animals but does not include the breeding and/or overnight boarding of such animals.

**Applicant** means the registered owner of the land or his/her representative or agent certified as such.

**Area structure plan** means a statutory plan in accordance with the Municipal Government Act and for the purpose of providing a framework for subsequent subdivision and development of an area of land in the municipality.

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

**Auto body repair and paint shop** means a facility for the painting, repair or sanding of motor vehicle bodies and chassis but does not include facilities for the sale of gas or lubricating oil, or an automotive repair service. Auto detailing may be included as a use.

**Auto sales and service** means a development used for the retail sale, lease, or rental of new or used automobiles and/or recreational vehicles 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, and glass repair. Such facilities do not include the sale of gas.

**Auto wreckage and salvage yard** means a facility for the dismantling of motor vehicles and sale of parts to the general public. Such a facility may include a central office and work area.

# 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 lowest storey of a building, partly or wholly below grade and having its floor below grade by a distance greater than one-half the distance from floor to ceiling. (see Diagram 9.2)

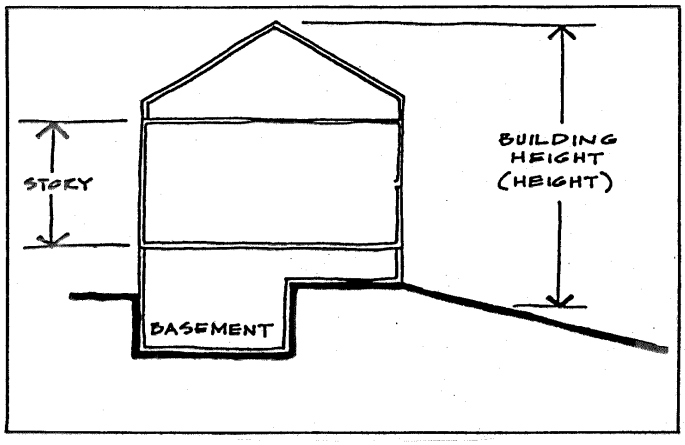



**DIAGRAM 9.2**

**Bed and breakfast** means a home occupation which provides short-term accommodation, with or without meals, to non-residents.

**Berm** means a dyke-like form used to separate incompatible areas or uses, or constructed to protect the site or district from vehicular road or other noise.

**Belt course** means a narrow horizontal band projecting from the exterior walls of a building, usually defining the interior floor levels. (see Diagram 9.3)

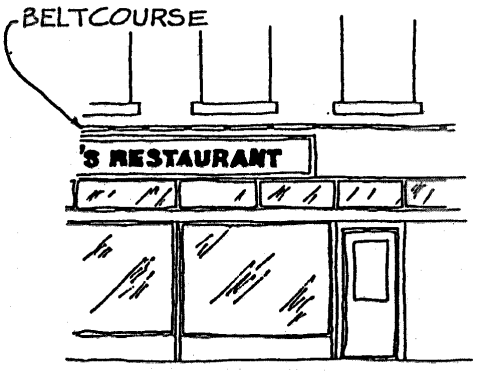



**DIAGRAM 9.3**

**Boarding house** means a building (other than a hotel or motel) containing not more than 15 sleeping rooms where means or lodging for two or more persons are provided for compensation pursuant to previous arrangements or agreement.

**Building** has the same meaning as in the Act.

**Building and special trade contractors** means a facility for the provision of electrical, plumbing, heating, painting and similar contractor services and the storage, accessory sale of goods normally associated with such contractor services.

**Building height** means the vertical distance between average grade and the highest point of a building excluding an elevator housing, a roof stairway entrance, a ventilating fan, skylight, steeple, chimney, smoke stack, fire wall or parapet wall, flagpole, or other similar structure.

**Bulk oil stations** means the storage and transportation of large quantities of refined or crude oil products with the intent of delivery to appropriate markets and eventual sale and use.

**Business support services** means services provided to businesses such as clerical, secretarial, employment, telephone answering, photocopying, reproduction processes and similar uses.

# C

**Car wash** means the use of a structure or area providing for the cleaning of motor vehicles but does not include truck washes or service stations/gas bars.

**Caretaker's suite** means a living area of no more than 46.45 $m^2$ (500 sq. ft.) that may contain office, kitchen, sleeping, and washroom facilities for the occupancy of the owner, operator, caretaker, or other essential administrative or operational personnel but is not intended for permanent occupation of multiple residents. The caretaker's suite is considered accessory to an approved principal use, therefore an approved principal use is required to be in operation on the lot where the suite is located. The suite may be located within an accessory building or within the principal building.

**Carport** means a partially enclosed structure intended for the shelter of one or more motor vehicles. (see Diagram 9.4)

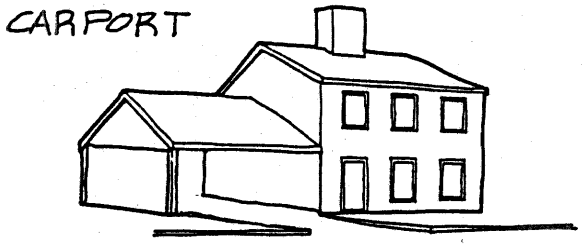



**DIAGRAM 9.4**

**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.

**Clear vision triangle** means a triangular area on a corner lot formed by an imaginary line starting at the point of intersection of the two street property lines and extending 6.10 m (20 ft.) from their point of intersection.

**Clubs and organizations** means development used for the meeting, social or recreational activities of members of non-profit, philanthropic, social service, athletic, business, or other similar clubs or organizations, without on-site residences. Such developments may include rooms for eating, drinking and assembly.

**Commercial recreation** means a facility or building that charges a fee and is not operated by a public body that is used for recreational activities. This use includes commercial campgrounds.

**Convenience store** means a retail outlet selling goods and foodstuffs to area residents on a day-to-day basis. It does not include service stations/gas bars or grocery stores.

**Corner lot** means a lot located at the intersection or junction of two or more streets (not including lanes).

**Corner side** means either the lot line on a corner lot that has street frontage but is not the lot line from which primary access to the building or development is gained or the lot line on a corner lot that has street frontage and is deemed to be the corner side by the Development Authority, having regard to the orientation of buildings within the block. (see Diagram 9.5) See Setback.

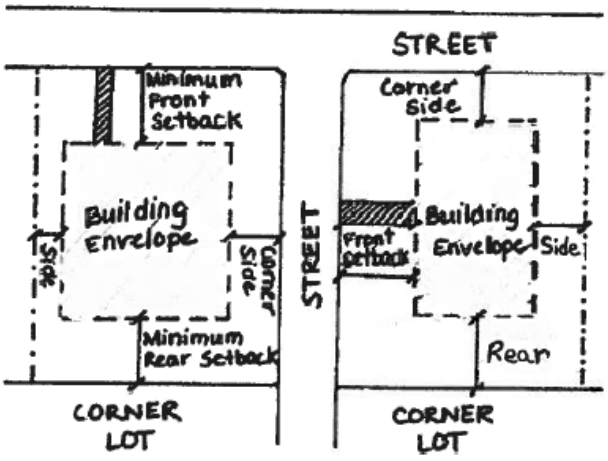



**DIAGRAM 9.5**

**Cornice** means the top course of a wall when treated as a finish or crowning member. (see Diagram 9.6)

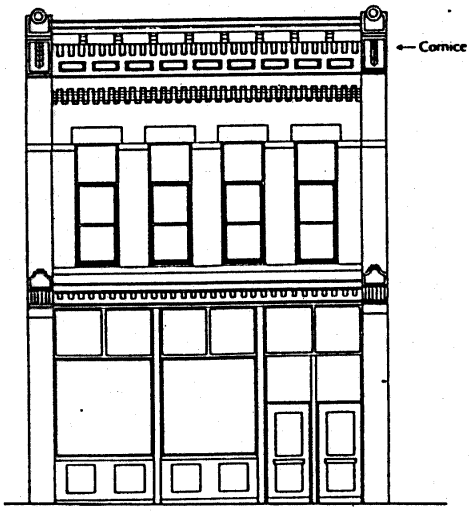



**DIAGRAM 9.6**

**Council** means the Council of the Town of Vauxhall in the Province of Alberta.

# D

**Day care centres** means a building or portion thereof 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 day-care centres, nurseries and after-school or baby-sitting programs which meet the conditions of this definition.

**Deck** means a paved, wooden, or other hard-surfaced area generally adjoining a principal building intended for outdoor living space that is 0.61 m (2 ft.) or greater above grade.

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

**Development** 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 a change in the use of the land or building;

(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; or

(e) the demolition or removal of a building or structure.

**Development Authority** means the Municipal Planning Commission or the Development Officer as provided for within this Bylaw.

**Development Officer** means a person authorized by Council to act as a development authority pursuant to Section 624(2) of the Municipal Government Act and in accordance with this land use bylaw and the municipality's development authority bylaw.

**Development permit** means a permit issued pursuant to this bylaw authorizing a development. A development permit does not constitute a building permit.

**Discretionary use** – see Use, discretionary.

**District** means a defined area of a municipality as set out in the land use district schedule of uses and indicated on the Land Use District Map.

**Dormitory** means a building intended to provide residential accommodations for a group of individuals where such building is related to an educational or public and institutional use, including places of worship. Such use may include kitchen and common gathering facilities and residential accommodations for an on-site resident manager.

**Drinking establishment** means an establishment licensed pursuant to provincial legislation where alcoholic beverages are served for consumption on the premises.

**Drive-in/Drive-through restaurant** means an establishment where food is prepared and served on the premises for sale to the public and includes car attendant and/or drive-through, pick-up service.

**Driveway** means a private drive providing vehicular access to a lot, parking area, garage, dwelling or other building, use or facility in conformance with the Land Use Bylaw, and may be utilized for the off-street parking of vehicles where designed to accommodate such.

**Driveway width** means the widest point of the driveway within the area between the property line and the point of intersection with the constructed edge of the street, including any private adjacent walkways or sidewalks finished in the same or similar materials as the driveway. Private adjacent walkways or sidewalks that are clearly and physically delineated as a non-parking surface are not included in the calculation of driveway width (see Schedule 4, Diagram 4.3.2)

**Dwelling** means a self-contained premises designed for human habitation which includes provisions for cooking, sleeping and sanitary facilities.

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

**Manufactured home** means a dwelling unit conforming to CSA standards, built in accordance with the Alberta Building Code, typically constructed with an integrated frame (permanent undercarriage), designed for transportation after fabrication, whether on its own wheels or a trailer, and which arrives at the site where it is to be occupied as a dwelling, complete and ready for occupancy (except for incidental operations such as placing the building on an acceptable foundation). For the purposes of this bylaw, manufactured home does not include modular dwellings, moved-in dwellings, ready-to-move dwellings or holiday trailers/motorhomes.

**Double-wide** means a manufactured home consisting of two sections, moved separately, that are joined together into one integrated dwelling unit on site.

**Single-wide** means a manufactured home designed in a single section as a complete unit.

**Modular** means a new prefabricated dwelling constructed to CSA and Alberta Building Code Standards, designed in sections. The dwelling is then loaded and transported in sections onto the proper moving equipment, delivered to the client's location, and assembled over a basement/foundation. A modular dwelling has the appearance of and is used as a conventional single-detached dwelling unit. For the purposes of this bylaw, modular dwelling does not include manufactured homes, moved-in dwellings, or ready-to-move dwellings.

**Moved-in** means a conventional, previously occupied building which is physically removed from one site, transported and re-established on another site for use as a residence, but does not include modular dwellings, manufactured homes, or ready-to-move dwellings.

**Multi-unit** means a building other than a townhouse/row dwelling containing three or more separate dwelling units. (see Diagram 9.7)

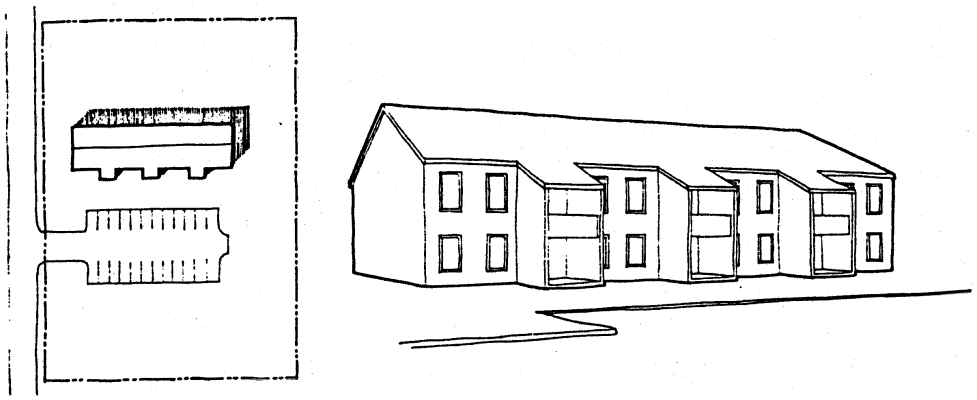



**DIAGRAM 9.7**

**Ready-to-move (RTM)** means a new dwelling built using conventional construction methods that would normally be built on the lot intended for occupancy, but for various reasons is built at a plant site. It is then loaded and transported as one unit onto the proper moving equipment and delivered to the client's location for placement on a basement/foundation. For the purposes of this bylaw, RTM dwelling does not include manufactured homes, modular dwellings, or moved-in dwellings.

**Semi-detached** means a building containing two separate dwelling units connected by a common wall but legally subdivided by a property line. (see Diagram 9.8)

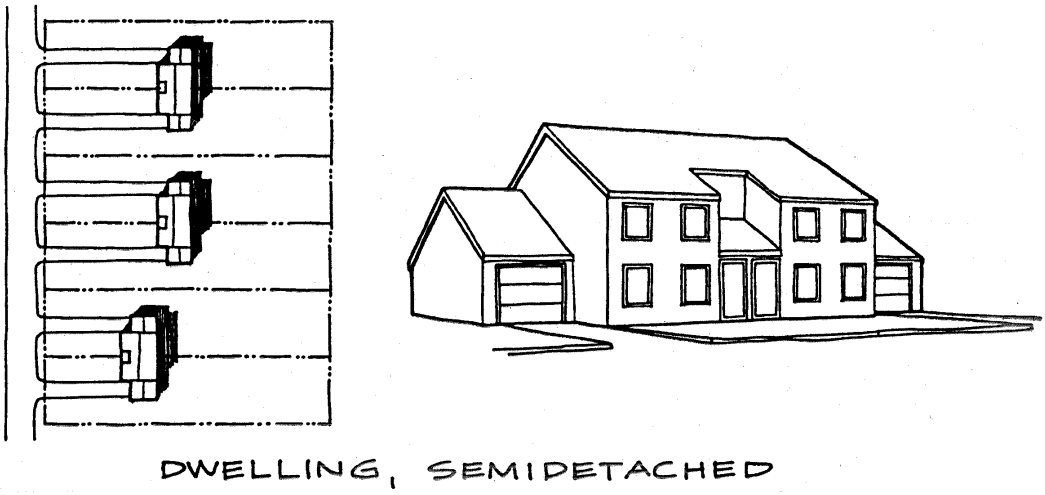
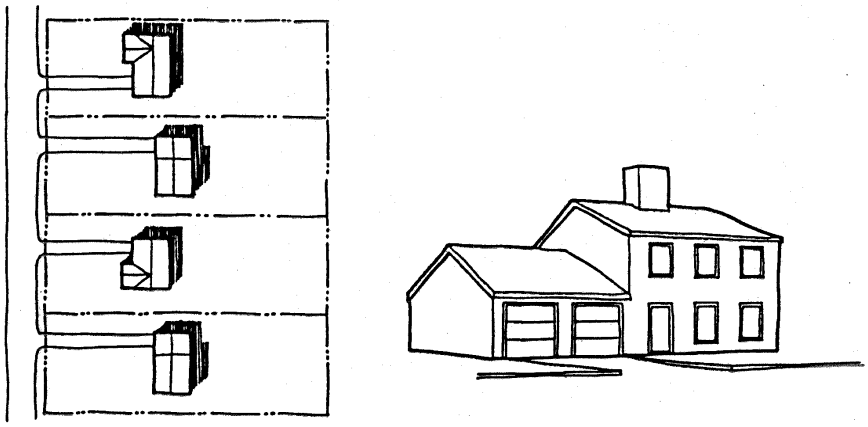



**DIAGRAM 9.8**

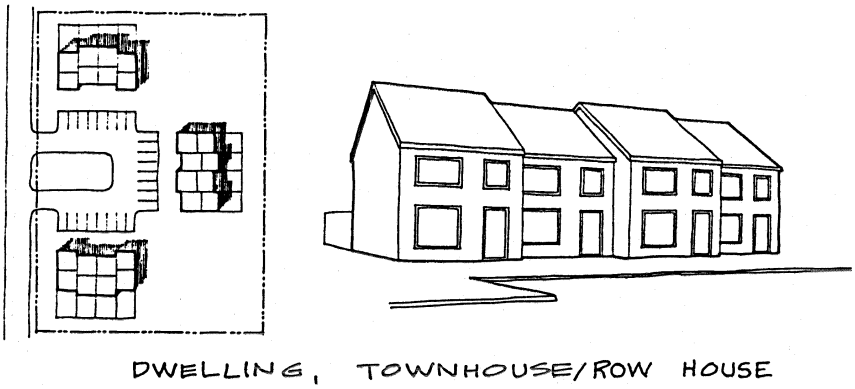
**Single-detached** means a building constructed on the lot intended for occupancy containing a single dwelling which is not attached to any other dwelling by any means. For the purposes of this bylaw, single-detached dwelling does not include manufactured homes, modular dwellings, moved-in dwellings, or ready-to-move dwellings. (see Diagram 9.9)



DWELLING, SINGLE-DETACHED

**DIAGRAM 9.9**

**Townhouse/row** means a building containing three or more separate dwelling units with each unit placed side by side and each having a separate front and rear entrance. (see Diagram 9.10)



DWELLING, TOWNHOUSE/ROW HOUSE

**DIAGRAM 9.10**

# E

**Easement** means a right held by one part in land owned by another.

**Extensive agriculture** means outdoor cultivation and production of row crops, such as potatoes, beets, sunflowers, corn and other similar crops, or grains and field crops, such as cereals, oilseeds, pulses, hay, and other similar crops, typically for off-site commercial sales.

**Extensive agriculture/horticulture** means cultivation and production of crops, including the production of specialty crops within greenhouses or other enclosures, typically for off-site commercial sales. Examples include but are not limited to row crops, such as potatoes, beets, sunflowers, corn and other similar crops, grain and field crops, such as cereals, oilseeds, pulses, hay and other similar crops, greenhouses, nurseries, hydroponic gardens, tree farms.

**Extensive horticulture** means cultivation and production of specialty crops within greenhouses or other enclosures for off-site commercial sales and outdoor cultivation of trees for off-site commercial sales.

# F

**Farm machinery/industrial machinery sales, rental and service** means the use of land or buildings for the sale, service and/or rental of agricultural implements and/or vehicles over 5,900 kg (13,000 lbs.) tare weight 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 or as accessory uses.

**Farmer's market** means a use of land or buildings primarily for the seasonal sale of fresh or processed farm or garden produce. This use may also include entertainment, crafts sales and sales of other similar products.

**Fence** means a structure usually made of wood, rails, bricks or wire used as an enclosure, to mark parcel boundaries or for screening purposes about all or part of a lot.

**Fertilizer storage and sales** means a development used to store bulk fertilizer for distribution. This use class does not include the sales of bagged fertilizer in a retail shop.

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

**Food processing facility** means a development that consists of the processing of raw materials into a semi-finished or finished food and/or beverage product that may be stored on site prior to the distribution of the product. Any indoor display, office or administrative support areas shall be considered an accessory use.

**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.

**Foundation** means the supporting base structure of a building.

**Frontage** means the dimension of a lot abutting a public street measured along the front lot line or corner side lot line.

**Funeral home** means a development used for the arrangement of funerals, the preparation of the deceased for burial or cremation, the holding of funeral services and the carrying out of cremations.

# G

**Garage (residential)** means an accessory building designed and used for storage of motor vehicles.

**Garden centre** means a development designed and used for the commercial growing of vegetables, flowers or other plants for transplanting or sale. Retail uses accessory to the use and on-site, in-ground growing of plants or trees may be allowed.

**Government service** means 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.

**Grade** means the average elevation of the finished ground or street surface.

**Grain elevator/seed cleaning** means a facility for the collection, grading, sorting, storage, and transshipment of grains.

**Grocery store** means the use of a building for the sale of foodstuffs and household goods. It does not include service stations/gas bars or liquor stores.

**Ground floor** means the first floor of a building other than a cellar or basement.

**Group home** means a development using a dwelling unit for a provincially-approved residential social care facility providing rehabilitative and supportive care for four or more persons. A group home may incorporate accommodation for resident staff as an accessory use.

# H

**Heavy manufacturing and industrial processes** means a development for manufacturing, assembling or fabricating activities on a large scale, where there may be external effects from the activity such as smoke, noise or odour or other similar nuisances.

**Holiday trailer** means a vehicle, trailer or other similar unit designed for and intended to provide temporary accommodation for travel and recreational purposes, which either has its own motor power or is mounted onto or drawn by another vehicle. Holiday trailers includes park model trailers, motor homes, campers, travel trailers, tent trailers, recreational vehicles or other similar terms.

**Home occupation** means any occupation, trade, profession or craft carried on by an occupant of a residential building as a use secondary to the residential use of the building, and which does not change the character thereof. See Schedule 5 for definitions of Home Occupation A and Home Occupation B.

**Hospital** means a building providing medical treatment on both an in-patient and an out-patient basis and may include provision for outdoor amenity areas, laundry facilities, maintenance buildings and air transport facilities.

**Hotel/motel** means a building used primarily for sleeping accommodation and ancillary services provided in rooms or suites of rooms that may contain bar/kitchen facilities. The building may also contain commercial or other uses and may offer such additional services as parking facilities, restaurant or dining room, room service or public convention facilities.

**Household repair service** means development for the repair and servicing of goods, furniture, equipment and appliances normally used within and around the home.

# I

**Illumination** means the lighting of a building, structure, landscaping, or sign by artificial means.

# K

**Keeping of farm animals** means keeping, raising, finishing, or breeding, of cattle, horses, mules, swine, sheep, goats, or poultry, indoors or outdoors, at numbers below the threshold levels requiring registration or approval under the *Agricultural Operation Practices Act* and associated regulations. Keeping of farm animals at numbers requiring registration or approval under the *Agricultural Operation Practices Act* and associated regulations is prohibited within the Town of Vauxhall. This use does not include livestock sales yards and auction markets, which are also prohibited within the Town of Vauxhall.

**Kennel** means a facility 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 a veterinary clinic.

# L

**Lane** means a public roadway, not exceeding 7.62 m (25 ft.) in width which provides a secondary means of access to a lot.

**Light industry** means development used for manufacturing, fabricating, 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 retail establishment licensed under provincial authority for the sale of any or all of beer, wine or spirits for consumption off-premises.

**Lodging house** – see "**Boarding house**".

**Lot** means an area of land the boundaries of which are shown on a plan registered in a Land Titles Office, or are described in the Certificate of Title to the land, and that has not been divided into smaller areas by any plan or instrument registered in the Land Titles Office. 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 the aggregate of the one or more lots. The words **site** and **parcel** shall have the same meaning as the word **lot**.

**Lot, corner** means a lot located at the intersection or junction of two or more streets. (see Diagram 9.11)

**Lot, double fronting** means a lot which abuts two parallel or approximately parallel streets. (see Diagram 9.11)

**Lot, interior** means a lot situated between two lots or another lot and a lane and having access to not more than one street. (see Diagram 9.11)

**Lot area** means the total area contained within the lot lines of a lot.

**Lot length** means the distance between the front and rear lot lines measured along the median between the side property boundaries. (see Diagram 9.12)

**Lot line** means the legally defined boundary of any lot. The term **property line** shall have the same meaning. (see Diagrams 9.11, 9.12)

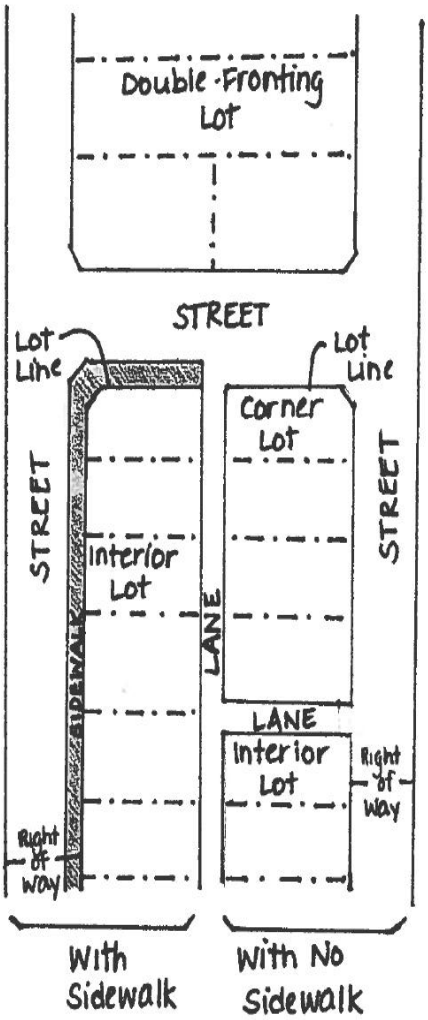



**DIAGRAM 9.11**

**Lot line, corner side** means the lot line on a corner lot with street frontage, but is not the frontage where the main entrance to the building is oriented; or the lot line on a corner lot or a lot with multiple frontage deemed to be the corner side lot line(s) by the Development Authority having regard to the orientation of buildings within the block.
**Lot line, front** means the lot line abutting the street, or on a corner lot or lot with multiple street frontage, is the lot line deemed to be the front lot line by the Development Authority having regard to the orientation of buildings within the block.

**Lot line, rear** means the lot line opposite or approximately opposite the front parcel line, or on a corner lot or lot with multiple street frontage, is the lot line deemed to be the rear lot line by the Development Authority having regard to the orientation of buildings within the block.

**Lot line, side** means the lot line other than the front, corner side, or rear lot lines.

**Lot width** means the measurement between the side lot lines measured at the front setback line. (see Diagram 9.12)

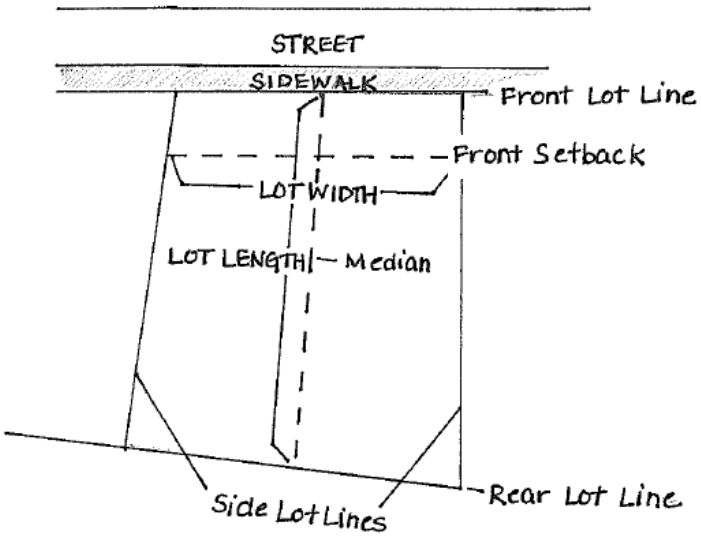



**DIAGRAM 9.12**

**Lumber yard/building supplies** means a commercial retail store where lumber, building materials, hardware and household accessories and other related goods are stored, offered or kept for sale and may include outdoor storage.

# M

**Manufactured home park** means an unsubdivided parcel of land where space(s) are provided, maintained and operated by an owner or a manager for the long-term parking and occupancy of manufactured homes including any accessory services and ancillary facilities including recreation area.
**Market garden** means 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 and dental office** means development providing medical, health, or dental care on an outpatient basis. Dispensaries are considered a retail store for the purposes of this bylaw.

**Mini storage** means a development which includes a series of enclosed storage bays or lockers, and may include outside storage sites for recreation vehicles, all of which are intended for rental or lease to the general public.

**Motor home** – see "**Holiday trailer**".

**Moved-in building** means a conventional, pre-constructed, previously occupied building which is physically removed from one site, transported and re-established on another site and does not include manufactured homes, modular homes, or ready-to-move homes.

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

**Municipal reserve** means the land specified to be municipal reserve by a subdivision approving authority pursuant to the Act.

**Municipal and school reserve** means the land specified to be municipal and school reserve by a subdivision approving authority pursuant to the Act.

**Municipality** means the Town of Vauxhall in the Province of Alberta.

# N

**Non-conforming building**, in accordance with the Act, means a building:

(a) that is lawfully constructed of 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 of 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** – see **Use, non-conforming**.

**Noxious or hazardous uses** are those land uses which may be detrimental to public health, safety and welfare because of toxic gases, noxious smells, wastes, noise, dust or smoke emissions which are incompatible with residential or other development.

**Nuisance** means any use, prevailing condition or activity which adversely effects the use or enjoyment of property or endangers personal health or safety.

# O

**Office** means development primarily for the provision of professional, managerial or consulting services; the administrative needs of businesses, trades, contractors and other organizations; and service-related businesses such as travel agents and insurance brokers. 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.

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

**Outdoor storage** means the open storage of goods, merchandise, materials, vehicles or equipment outside a building.

**Owner** means the Crown or the person(s) registered under the Land Titles Act as the owner(s) of the fee simple estate in the land.

# P

**Parcel** – see **Lot**.

**Park and playground** means land developed for public recreational activities that do not require major buildings or facilities, and includes picnic areas, playgrounds, pedestrian and bicycle paths, outdoor courts, landscaped areas and associated public washrooms and may include equipment for play purposes usually for children and any associated structures and uses.

**Park maintenance/service buildings** means a development or use related to the maintenance or operation of a manufactured home park and may include utility structures and/or maintenance or storage buildings or compounds.

**Parking** means off-street parking not located in the public roadway.

(a) **Parking area** means the designated area on a lot set aside for and capable of providing space for the off-street parking of vehicles. Examples of off-street parking areas include driveways, parking pads, parking lots and parking structures

(b) **Parking pad** means an off-street parking area located on a residential lot which provides parking space for a motor vehicle(s).

(c) **Parking space** means an on-site space set aside for and capable of being used for the parking of one motor vehicle exclusive of drive-ins, aisles, ramps or obstructions and in residential districts, attached or detached garages.

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

**Parking facilities** means a parking area that is intended to provide off-street parking of motor vehicles as a principal use and which may include a building(s) or structure(s) necessary for the operation of the parking area.

**Patio** means a paved, wooden, or other hard-surfaced area intended for outdoor living space that is less than 0.61 m (2 ft.) above grade. A patio is not included in site coverage calculations.

**Permitted use** – see **Use, permitted**.

**Personal services** means a development used for the provision of services related to personal care and appearance or the cleaning and repair of personal effects and may include the retail sale of associated products. Typical uses include but are not limited to beauty salons, barber shops, health spas, tailors and dressmakers, dry cleaners, laundromats and shoe repair shops but excludes household equipment repair establishments and the provision of medical or health services.

**Planning advisor** means the person or organization retained by the Town of Vauxhall to provide planning-related advice and services.

**Place of worship** means a building dedicated to the undertaking of religious practices and activities and includes churches, chapels, temples, parish halls, synagogues, convents, seminaries, monasteries, rectories, mosques and other similar uses and may include such accessory uses as offices for administration of the place of worship, a childcare facility, preschool, kindergarten, Sunday school, and after school programs, and space for social recreational and community activities.

**Porch** means a roofed, open structure projecting from the exterior wall of a building with walls which are open or screened to facilitate use as an outdoor living area. A porch shall be included in site coverage calculations.

**Principal building or use** means the building or use of land or buildings that constitutes the dominant structure or activity on the lot.

**Private nursing home** means a private health facility or institutional-type residential building with multiple accommodation or dwelling units or the care, supervision or rehabilitation of senior-aged individuals, and containing overnight or long term accommodation.

**Public and institutional** means a use of land or buildings for any of the following public or semi-public developments:

(a) a school or educational facility whether public or private, including preschools;

(b) medical facilities which provide both in-patient and out-patient services including hospitals, nursing homes and sanatoriums;

(c) government and municipal offices;

(d) libraries, museums and similar developments;

(e) protective services, including firehalls, police stations and ambulance services;

(f) cemeteries;

(g) community halls or centres; and

(h) such other uses as are considered similar in nature and character by the Development Authority to any of these uses.

**Public roadway, public road** means:

(a) the right-of-way of all or any of the following:
    (i) a local road;
    (ii) a service road;
    (iii) a street;
    (iv) an avenue;
    (v) a lane;
    (vi) that is or is intended for public use; or

(b) a road, street or highway pursuant to the Public Highways Development Act; or

(c) land that is shown as a road on a plan of survey that has been filed or registered in land titles or is used as a public road, and includes a bridge forming part of a public road and any structure incidental to a public road.

# 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.

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

**Recycling facility** means development used for the buying, collection, sorting and temporary storage of bottles, cans, newspapers, and similar household goods for reuse where most of the storage is contained within an enclosed building but may include limited outdoor storage.

**Reserve land** means environmental reserve, municipal reserve or school reserve or municipal and school reserve.

**Restaurant** means an establishment where food is prepared and served on the premises for sale to the public and may include supplementary alcoholic beverage service and 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 to any one of these.

**Retail store** means a building where goods, wares, merchandise, substances, articles or things are stored, offered or kept for sale at retail, and includes storage on or about the store premises of limited quantities of such goods, wares, merchandise, substances, articles or things, sufficient only to service such a store.

**Road, Roadway** – see Public roadway.

# S

**Salvage yard** – see **Auto wreckage**.

**School** means a place of instruction offering courses of study operated with public or private funds pursuant to the School Act.

**Screening** means a fence, wall, berm or hedge used to visually separate areas or functions which detract from the urban street or neighbouring land uses.

**Secondary residential use** means a residential use that is secondary to the commercial or public and institutional space and is typically limited to the rear of the building or second floor of the building so that the commercial or public and institutional space maintains frontage on a public street.

**Seniors housing** means development, including lodges, which is used as a residence for elderly individuals not requiring constant or intensive medical care and complies with the Alberta Housing Act, as amended.

**Service station/gas bar** means any lot or building used 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.

**Setback** means the minimum distance required between a property line of a lot and the nearest part of any building, structure, development, excavation or use on the lot and is measured at a right angle to the lot line. (see Diagram 9.13)

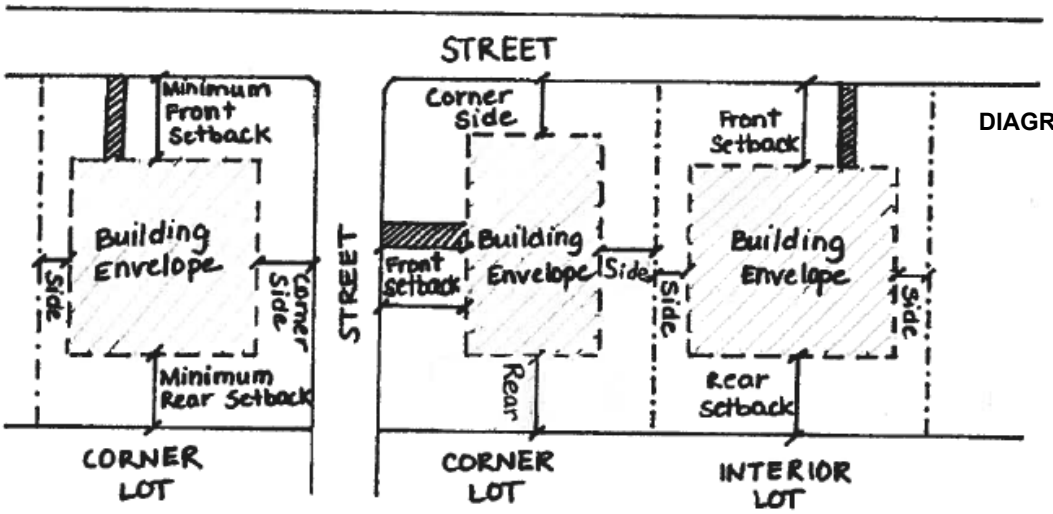



**DIAGRAM 9.13**

**Note: On a corner lot, the corner side setback is either assigned to the street frontage that does not provide the primary access to the building or development or the street frontage that is deemed to be the corner side setback by the Development Authority, having regard to the orientation of buildings within the block.

**Shipping container** means any container that was used for transport of goods by means of rail, air, truck or by sea. These containers are rectangular in shape and are generally made of metal. When used for any purpose other than transporting freight, a shipping container shall be considered a building and subject to the standards and requirements of the Land Use Bylaw.

**Sign** means a communication device, structure or fixture that incorporates graphics, symbols, or written copy intended to advertise the sale of a product, commodity or service or to provide identification or direction for a premises or facility.

**Sign, band** means a fascia sign which is used to advertise tenants of a shopping mall or group of retail stores, in a uniform manner. (see Diagram 9.14)

**Sign, canopy** means a sign attached to a non-retractable completely enclosed overhead, which is intended to be used for business identification and protection against the weather and is not supported independently of any other building or structure. (see Diagram 9.14)

**Sign, directional** means a sign providing directions necessary or convenient for visitors or clients coming onto a premises including signs marking entrances, exits, parking areas, loading zones, or circulation direction.

**Sign, fascia** means a sign placed flat and parallel to the face of the building so that no part projects more than one foot from the building. (see Diagram 9.14)

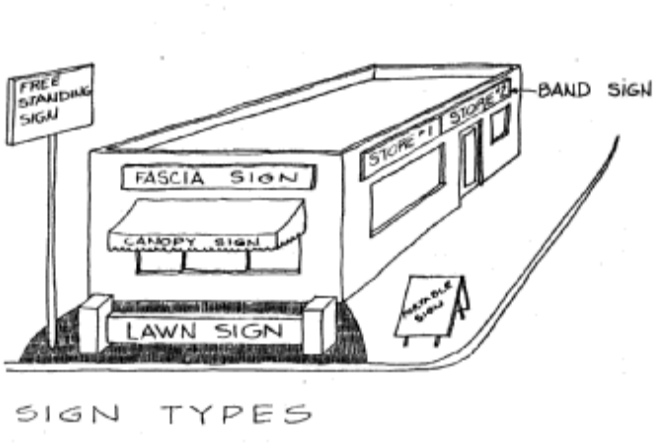



**DIAGRAM 9.14**

**Sign, free-standing** means a sign supported independently of a building, wall or other structure by way of a column or pole or other similar structure placed in or on the ground.

**Sign, identification** means a sign providing the nature, logo, trademark, or other identifying symbol, or combination of the name and symbol of a building, business, development or establishment on the premises where it is located.

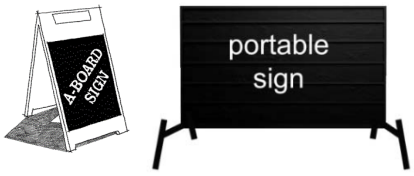
**Sign, information** means a sign located on the premises that provides a service, direction or courtesy information intended to assist the public/patrons in locating services such as hours of operation, list of businesses within a complex, service windows, restrooms, etc.

**Sign, lawn** means a sign where the base of the sign is located at grade or is mounted between two structures elevating the base of the sign above grade.

**Sign, mural** means a painting or other decorative work applied to and made integral with an outside wall surface of a building for the primary purpose of decoration or artistic expression and not created solely to display a commercial message or depiction.

**Sign, off-premise** means a sign advertising a use, service, facility or product that is not located, sold, or manufactured on the premises on which the sign is located, but does not include Alberta Transportation guide signs or other similar signs erected by the federal, provincial or municipal government.

**Sign, portable** means a sign that is not permanently affixed to a building, structure or the ground. See following illustrations for examples.




**Site** – see **Lot**.

**Site coverage** means the percentage of the lot area which is covered by all buildings and structures on the lot.

**Site coverage, accessory** means the percentage of the lot area which is covered by the combined area of all accessory buildings and structures.

**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, including but not limited to attached garages, verandas, covered balconies, decks, and porches.

**Site, density** means the average number of families, persons or dwelling units per unit of land.

**Solar collector** means a solar energy system using solar panels to collect solar energy from the sun and convert it to electrical, mechanical, thermal, or chemical energy that is primarily intended for use and consumption on-site. Solar panels may be affixed to the roof of a building (**solar collector roof mounted**), the wall of a building (**solar collector wall mounted**) or mounted to the ground as a free-standing structure (**solar collector ground mounted**). Solar energy systems primarily intended for off-site consumption and commercial connection to the provincial electrical grid or distribution system will be classified as **Utilities**.

**Stop order** means an order issued by the development authority pursuant to section 645 of the Act.

**Storey** means that portion of a building included between the top of any floor and the top of the floor next above, or of the ceiling if there is no floor above it.

**Street** means a public roadway not including lanes. Within a Manufactured Home Park, street typically means a private internal roadway(s) providing for access and circulation within the manufactured home park.

**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, and signs.

**Subdivision** means the division of a parcel by an instrument. **Subdivide** has a corresponding meaning.

**Subdivision and Development Appeal Board** means the tribunal established, by bylaw, to act as the municipal appeal body for subdivision and development.

**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.

# T

**Temporary development** means a use and/or structure maintained for a designated time period as specified in a temporary development permit and ceased after that time.

**Townhouse** – see **Dwelling, townhouse/row**.

**Truck transportation dispatch/depot** means a facility for the purpose of storing and dispatching trucks and tractor-trailers for transporting goods.

**Truck wash** means 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.

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

**Use, non-conforming**, in accordance with the Act, 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.

**Use, permitted** means those uses as prescribed in Schedule 2 of this Bylaw for which a Development Permit shall be issued with or without conditions by the Development Authority upon application having been made to the Development Authority if the proposed development conforms with this Bylaw.

**Use, principal** means the main purpose or primary activity for which a site or its buildings are designed, arranged, developed or intended, or for which it is occupied or maintained.

**Use, similar** 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 Development Authority 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.

**Utility** means any one or more of the following:

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

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

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

(d) storm sewage drainage facilities;

(e) telecommunications systems;

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

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

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

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

# V

**Vehicle** has the same meaning as in the Traffic Safety Act and the regulations thereunder.

**Veranda** means a generally unenclosed, roofed structure adjoining a principal building or built as a structural part of it. A veranda shall be included in site coverage calculations.

**Veterinary clinic (1)** means a medical facility which treats animals of all sizes and can consist of inside and outside pens and may include associated office space.

**Veterinary clinic (2)** means a medical facility which treats only small animals with no provision for outside pens or cages and may include associated office space.

# W

**Waiver** or **variance** means a relaxation of the numerical standard(s) required of a development as established in the land use bylaw. A waiver cannot be granted for use.

**Warehousing** means the use of a building or portion thereof for the storage and distribution of materials, products, goods and merchandise but does not include a retail component.

**Wholesale trade** means establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional or professional business users or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to such individuals or companies.

**Workshop** means a development attached or unattached to the principal building of a retail store where the workshop is used for the purpose of small scale, on-site production or repair of goods or craftwork. This work may be carried on by an individual or proprietor with or without helpers or power machinery and the goods or articles produced or repaired are associated with the principal retail use on the lot. The production in the workshop must not generate any detrimental impact, potential health or safety hazard or any nuisance. This term includes but is not limited to uses such as cabinetmaking, woodworking, pottery, ceramic, jewelry, sculpture and artist studios.

# Y

**Yard** means the area between a lot line and the nearest part of any building, structure, development, excavation or use on the lot. (see Diagram 9.15)

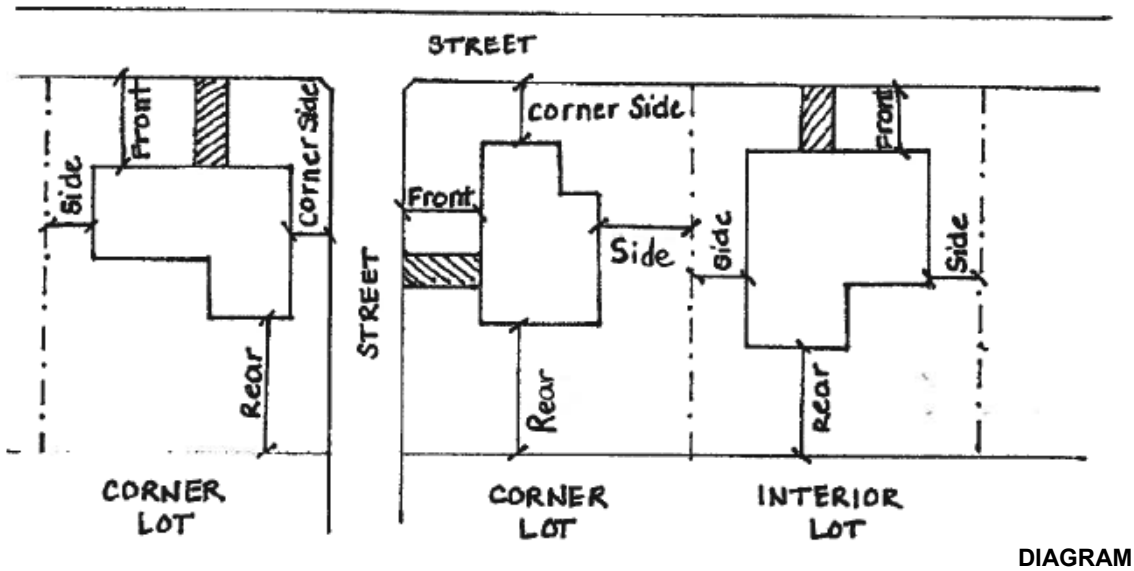



**DIAGRAM 9.15**

**Corner side yard** means either a yard on a corner lot with street frontage, but which is not the frontage where the main entrance to the building is oriented or the yard on a corner lot with street frontage that is deemed to be the corner side yard by the Development Authority, having regard to the orientation of buildings within the block. (see Diagram 9.15)

**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. On a corner lot, it is the yard associated with the front lot line. (see Diagram 9.15)

**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 Diagram 9.15)

**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 Diagram 9.15)

*All other words and expressions, not otherwise defined, have the same meaning as in the Act.*

**Schedule 10**

# DEMOLITION OR REMOVAL OF BUILDINGS OR STRUCTURES

**Schedule 10**

# DEMOLITION OR REMOVAL OF BUILDINGS OR STRUCTURES

**Intent:** The intent of this schedule is to provide regulations respecting the removal and/or demolition of buildings or structures to ensure that buildings are dismantled and removed in a safe manner and that the land will be left in a suitable state after removal.

All building removals or demolitions shall comply with the following:

1. A development permit must be obtained for the removal or demolition of any building or structure greater than 10.00 $m^2$ (108 sq. ft.). Plans (grading or for new development, as applicable) must be provided for the final state of the lot.

2. Whenever a development permit is issued for the removal or demolition of a building or structure it shall be a condition of the permit that the lot shall be cleaned, with all debris removed, and left in a graded condition after completion of the demolition or removal to the satisfaction of the Development Officer or the Municipal Planning Commission, as applicable.

3. When a development permit is to be approved for the removal or demolition of a building or structure, the Development Officer or the Municipal Planning Commission 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 costs of reclamation and damage to any public utility or Town property.

4. Whenever a removal or demolition 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, including those on neighbouring properties, from damage or displacement. Further, the person shall ensure that adequate measures are taken by way of fencing and screening to ensure public safety.

5. At least 48 hours before commencing removal or demolition, the applicant must arrange for an on-site consultation with the Public Works Director to establish the condition of Town property including streets, lanes, curbs, sidewalks, and curb stops; otherwise, the deposit or security may not be returned.

6. The applicant must show proof of disconnection of all services before removal or demolition may begin. Documentation of such shall be submitted to the Development Officer before removal or demolition begins.

7. Prior to any demolition work, the contractor or owner is to inspect the structure for the presence of asbestos. Should the contractor or owner encounter or suspect asbestos is present, Alberta Workplace Health & Safety is to be contacted immediately.

8. Demolition debris is to be disposed of at an Alberta Environment approved landfill site that accepts demolition debris. All demolition debris is to be cleaned up from the site within two (2) weeks of demolition to the satisfaction of the Development Officer. Disposal of debris at an unapproved landfill site requires approval from Alberta Environment and documentation of such must be submitted.

9. Upon completion of the removal or demolition, the applicant shall contact the Town of Vauxhall to arrange a site inspection. The Public Works Director and/or the Development Officer shall inspect the site and Town property including sidewalks, curbs, roads and lanes to determine the final condition. If the applicant has met all conditions of the permit and the state of Town property is

acceptable, the deposit or security will be returned to the applicant. If any repairs are required, some or all of the deposit or security may be held back to cover the cost of such repairs.

**Schedule 11**

# SHIPPING CONTAINER STANDARDS

**Schedule 11**

# SHIPPING CONTAINER STANDARDS

## 1. GENERAL STANDARDS

(a) Shipping containers shall only be allowed in land use districts where listed as a permitted or discretionary use within Schedule 2, Land Use District Regulations, in accordance with this Schedule.

(b) An application for a development permit for a proposed shipping container(s) must be completed and submitted to the Development Officer along with the appropriate application fee. A minimum of two recent colour photographs of each container (one end view and one side view) must accompany the application.

(c) There shall be an approved primary use on the property where the shipping container is proposed.

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

(e) All shipping containers must be located in the rear or side yards only, and maintain the setbacks for accessory buildings in the applicable land use district, unless otherwise allowed by the Development Authority.

(f) The Development Authority may require as a condition of approval that any shipping container 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 to the satisfaction of the Development Authority.

(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 complimentary colour to match the existing building(s) on the property.

(i) Shipping containers shall not display advertising, company logos, names or other marketing without an approved sign permit.

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

(k) 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.

## 2. TEMPORARY SHIPPING CONTAINERS

(a) A shipping container may be placed temporarily on a construction site as a permitted or discretionary use, for the period of construction, in any land use district with an approved development permit, excepting shipping containers not requiring a development permit in accordance with Schedule 3, Section 2(n), subject to the following provisions:

(i) temporary shipping containers are subject to the provisions in Section 1 of this Schedule;

(ii) the shipping container is needed in connection with construction of a development for which a development permit has been issued or for construction activities that may not require a development permit, relating to repair or renovation, flood damage, sewer back-up, fire damage and other similar circumstances;

(iii) the construction site is active (i.e. construction has commenced and is on-going or is about to commence within 1 week); placement of a shipping container on an inactive construction site is prohibited;

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

## 3. PERMANENT SHIPPING CONTAINERS

(a) Permanent shipping containers are subject to the provisions in Section 1 of this Schedule.

**APPENDIX A**

# LAND USE BYLAW FEE SCHEDULE

**TOWN OF VAUXHALL**
**BYLAW NO 1015-26**
**RATES BYLAW**



## Schedule "H"

Schedule of Fees for Planning and Development Services
(GST & PST where applicable)

| Planning and Development Service | Permitted Uses | Discretionary Use or Use Requesting Waivers |
|---|---|---|
| **RESIDENTIAL** | | |
| Dwellings | $100.00 | $200.00 *** |
| Additions | $ 60.00 | $150.00 *** |
| Accessory Buildings greater than 10.00m2 | $ 60.00 | $150.00 *** |
| Home Occupations | $ 60.00 | $150.00 *** |
| **COMMERCIAL:** | | |
| Change of Use | $200.00 | $300.00 *** |
| All Other Development | $300.00 | $400.00 *** |
| **PUBLIC/INSTITUTIONAL:** | | |
| All uses | $200.00 | $300.00 *** |
| **SIGN PERMIT:** | $ 60.00 | $150.00 *** |
| **FENCES:** | N/A | $150.00 *** |
| **DRIVEWAYS:** | $ 60.00 | $150.00 *** |
| **DECKS:** | $ 60.00 | $150.00 *** |
| **LETTER OF COMPLIANCE:** | | |
| Residential | $ 85.00 *** | |
| Residential – 3-day rush | $125.00 *** | |
| Commercial | $100.00 *** | |
| Commercial – 3-day rush | $150.00 *** | |
| **DEMOLITION PERMIT:** | $ 50.00 *** | |
| **RECIRCULATION FEE:** | 50 % of the original application fee *** | |
| **LAND USE BYLAW AMENDMENTS:** | $500.00 *** | |
| **OTHER STATUTORY PLANS AND AMENDMENTS TO:** | $500.00 *** | |
| **REQUEST TO CONVENE A SPECIAL MEETING OF THE MUNICIPAL PLANNING COMMISSION:** | $300.00 *** | |
| **APPEAL TO THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD** | $300.00 *** | |

Whenever an application is received for a development or use not listed in this schedule, the amount of the fee shall be determined by the Development Officer or the Municipal Planning Commission and shall be consistent with those fees listed herein. Fees for building permits and inspections are assessed separately of this schedule

* Plus GST
** GST Included
*** GST Exempt

APPENDIX B

# APPLICATION FORMS

# Town of Vauxhall
# RESIDENTIAL DEVELOPMENT PERMIT APPLICATION

**Date of Application:** _____

| *Development Permit Application No.* | |
|---|---|

**Application deemed complete:** _____

***IMPORTANT NOTICE**: This application **does not** permit you to commence construction until such time as a notice of decision has been issued by the Development Authority. If approval has not been received within 40 days of the date the application is deemed complete, you have the right to file an appeal to the Subdivision and Development Appeal Board.*

***THIS DOES NOT CONSTITUTE A BUILDING PERMIT.***
***A SEPARATE BUILDING PERMIT MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS.***

## APPLICANT INFORMATION

**Name of Applicant:** _____

**Mailing Address:** _____ **Phone:** _____

_____ **Phone (alternate):** _____

**City:** _____ **Fax:** _____

**Postal Code:** _____

**Is the applicant the owner of the property?** ❑ Yes ❑ No

**IF "NO"**

**Name of Owner:** _____

**Mailing Address:** _____ **Phone:** _____

_____ **Phone (alternate):** _____

**City:** _____ **Fax:** _____

**Postal Code:** _____

**Applicant's interest in the property:**
- ❑ Agent
- ❑ Contractor
- ❑ Tenant
- ❑ Other _____

## PROPERTY INFORMATION

**Municipal Address:** _____

**Legal Description:** Lot(s) _____ Block _____ Plan _____

**Land Use District:** _____

**What is the existing use?** _____

## DEVELOPMENT INFORMATION

**This application is to:** (Check all that apply)

- ❑ Construct a new dwelling
  - The dwelling is a:
    - ❑ Single-detached dwelling
    - ❑ Duplex/semi-detached
    - ❑ Multi-unit
    - ❑ Other _____
- ❑ Alter/renovate the existing building
  - The renovation is a:
    - ❑ Addition
    - ❑ Deck(s)
    - ❑ Other _____
- ❑ Construct an accessory building
  - The accessory building is a:
    - ❑ Garage (detached)
    - ❑ Shed/workshop
    - ❑ Other _____
- ❑ Move in building
- ❑ Demolish existing building (attach completed ***Building Removal Form***)
- ❑ Other

**Describe the proposed use, any changes from existing use, and any work to be done.**

## BUILDING REQUIREMENTS

| | Principal Building | Accessory Building | *Office Use* |
|---|---|---|---|
| **Parcel Size** | ❑ $m^2$ ❑ sq. ft. | ❑ $m^2$ ❑ sq. ft. | |
| **Building Size** | ❑ $m^2$ ❑ sq. ft. | ❑ $m^2$ ❑ sq. ft. | |
| **Height of Building** | ❑ 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** | |

## ABANDONED WELL INFORMATION

This applies to developments that require a new permit from the municipality for:

- new buildings larger than 500 $ft^2$ (47 $m^2$), or
- additions to buildings that will result in the building being this size or larger.

**If your development proposal fits the criteria above, you are <u>required</u> to do the following:**

**1. Obtain map and well information**

Please go to the AER's Abandoned Well Viewer (viewer) on the AER website at www.aer.ca. The viewer will provide a map identifying all recorded abandoned well surface locations in the selected area and list any additional details that are available, including the licensee(s) of record and the latitude and longitude of each well's surface location.

If you do not have Internet access or have questions about the information provided by the viewer, you may contact:

- the AER Customer Contact Centre by telephone at: **1-855-297-8311 (toll-free),** or
- by e-mail at: Inquiries@aer.ca, or
- the AER Information Services by mail at: **Suite 1000, 250 – 5 Street SW, Calgary, Alberta T2P 0R4**.

**2. Submit the following as part of your development permit application**

- the AER information, including a map of the search area from the viewer and a statement that there are no wells in the project area or a list and map identifying the location of abandoned wells within the search area (including the surface coordinates, as provided by the viewer or AER Information Services); and
- if an abandoned well is present, a detailed site plan must be provided that accurately illustrates the actual well location (i.e. latitude, longitude) on the subject parcel as identified in the field and the setback established in the AER Directive 079 (a minimum 5 m radius around the well) in relation to existing or proposed building sites.

If there is an abandoned well located in the area of the proposed surface development, the applicant is advised to contact the well licensee of record for any additional information that may be needed or to physically locate the well, and to discuss the proposed development and abandoned well issue in more detail.

## DECLARATION OF APPLICANT/AGENT

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 also consent to an authorized person designated by the municipality to enter upon the subject land and buildings 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).*

APPLICANT

Registered Owner (if not the same as applicant)

DATE

Town of Vauxhall

# RESIDENTIAL DEVELOPMENT PERMIT APPLICATION

## DEVELOPMENT APPLICATION SUBMISSION REQUIREMENTS

The following items shall be attached to all Development Permit Applications for new buildings or exterior changes to existing buildings. This is not an exhaustive list and the Development Officer may request additional information that is required to assess the application.

- ❑ **Copy of Site Plan.** Site plan shall provide the following information:
  (May be provided on a survey plan or a sketch on the following page)
  - ❑ Legal Description and Municipal Address of Subject Property
  - ❑ Scale, North Arrow & Land Use District
  - ❑ Adjacent roadways & lanes
  - ❑ Lot Dimensions, Lot Area, and Percentage of Lot Coverage for all structures
  - ❑ Existing residence and/or any other buildings with dimensions of foundation and projections including decks (indicate using a solid line ——— )
  - ❑ Proposed residence and/or any other buildings with dimensions of foundation and projections including decks (indicate using a dashed line - - - - - )
  - ❑ The proposed distances from the front, side, and rear property lines
  - ❑ Location of Lot Access, Existing Sidewalk(s) and Curbs
  - ❑ Location of Fire Hydrant, Street Light, Power/Telephone/Cable Pedestal(s) (if located within property frontage)
  - ❑ Location of any Registered Utility Right of Ways or easements
  - ❑ Number of off-street parking spaces
  - ❑ Location of abandoned wells

- ❑ **Copy of Building Plans.** Plans shall be to scale and contain the following information:
  - ❑ Scale and Dimensions of Exterior Walls and Interior Rooms
  - ❑ Floor Plan of all living space proposed to be developed
  - ❑ Building Elevations including Front, Sides, and Rear elevations, Building Height (From Finished Grade), Roofing Material, and Roof Pitch

- ❑ **If applicant is not the registered owner**, a written statement (or this application) signed by the registered owner consenting to this application.

- ❑ **Application Fee Payable to the Town of Vauxhall.**

## SKETCH OF PROPOSED DEVELOPMENT

Where development involves **BUILDING** and not just a change in use, please provide a sketch of the proposed development. Be sure to include any existing structure(s) (indicate using a **solid line**) and the proposed addition(s) or new building(s) (indicated using a **dashed line**). Include the information required for a site plan.



# Town of Vauxhall
# NON-RESIDENTIAL DEVELOPMENT PERMIT APPLICATION

| *Development Permit Application No.* | |
|---|---|

**Date of Application:** _____

**Application deemed complete:** _____

***IMPORTANT NOTICE**: This application **does not** permit you to commence construction until such time as a notice of decision has been issued by the Development Authority. If a decision has not been received within 40 days of the date of application and no extension agreement has been entered into, you have the right to deem the application refused and file an appeal to the Subdivision and Development Appeal Board.*

***THIS DOES NOT CONSTITUTE A BUILDING PERMIT.***
***A SEPARATE BUILDING PERMIT MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS.***

## APPLICANT INFORMATION

**Name of Applicant:** _____

**Mailing Address:** _____ **Phone:** _____

_____ **Phone (alternate):** _____

**City:** _____ **Fax:** _____

**Postal Code:** _____

**Is the applicant the owner of the property?** ❑ Yes ❑ No

**IF "NO"**

**Name of Owner:** _____

**Mailing Address:** _____ **Phone:** _____

_____ **Phone (alternate):** _____

**City:** _____ **Fax:** _____

**Postal Code:** _____

**Applicant's interest in the property:**
- ❑ Agent
- ❑ Contractor
- ❑ Tenant
- ❑ Other _____

## PROPERTY INFORMATION

**Municipal Address of Development:** _____

**Legal Description:** Lot(s) _____ Block _____ Plan _____

**Land Use District:** _____

**What is the existing use?** _____

## DEVELOPMENT INFORMATION

**This application is to:** (Check all that apply)

- ❑ Construct a new building

  The building is for:

  - ❑ Commercial Use
  - ❑ Industrial Use
  - ❑ Public/Institutional Use

- ❑ Alter/renovate the existing building
- ❑ Construct an accessory building
- ❑ Demolish existing building (attach completed ***Building Removal Form***)
- ❑ Change in or intensification of use

**Describe the proposed use, any changes from existing use, and any work to be done.**

## BUILDING REQUIREMENTS

| | Principal Building | Accessory Building | *Office Use* |
|---|---|---|---|
| Parcel Size | ❑ $m^2$ ❑ sq. ft. | ❑ $m^2$ ❑ sq. ft. | |
| Building Size | ❑ $m^2$ ❑ sq. ft. | ❑ $m^2$ ❑ sq. ft. | |
| Height of Building | ❑ 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 | |

## ABANDONED WELL INFORMATION

This applies to developments that require a new permit from the municipality for:

- new buildings larger than 500 $ft^2$ (47 $m^2$), or
- additions to buildings that will result in the building being this size or larger.

**If your development proposal fits the criteria above, you are <u>required</u> to do the following:**

**1. Obtain map and well information**

Please go to the AER's Abandoned Well Viewer (viewer) on the AER website at www.aer.ca. The viewer will provide a map identifying all recorded abandoned well surface locations in the selected area and list any additional details that are available, including the licensee(s) of record and the latitude and longitude of each well's surface location.

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**2. Submit the following as part of your development permit application**

- the AER information, including a map of the search area from the viewer and a statement that there are no wells in the project area or a list and map identifying the location of abandoned wells within the search area (including the surface coordinates, as provided by the viewer or AER Information Services); and
- if an abandoned well is present, a detailed site plan must be provided that accurately illustrates the actual well location (i.e. latitude, longitude) on the subject parcel as identified in the field and the setback established in the AER Directive 079 (a minimum 5 m radius around the well) in relation to existing or proposed building sites.

If there is an abandoned well located in the area of the proposed surface development, the applicant is advised to contact the well licensee of record for any additional information that may be needed or to physically locate the well, and to discuss the proposed development and abandoned well issue in more detail.

## DECLARATION OF APPLICANT/AGENT

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 also consent to an authorized person designated by the municipality to enter upon the subject land and buildings 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).*

APPLICANT

Registered Owner (if not the same as applicant)

DATE

Town of Vauxhall

# NON-RESIDENTIAL DEVELOPMENT PERMIT APPLICATION

## DEVELOPMENT APPLICATION SUBMISSION REQUIREMENTS

The following items shall be attached to all Development Permit Applications for new buildings or exterior changes to existing buildings. This is not an exhaustive list and the Development Officer may request additional information that is required to assess the application.

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  (May be provided on a survey plan or a sketch on the following page)
  - ❑ Legal Description and Municipal Address of Subject Property
  - ❑ Scale, North Arrow & Land Use District
  - ❑ Adjacent roadways & lanes
  - ❑ Lot Dimensions, Lot Area, and Percentage of Lot Coverage for all structures
  - ❑ Any buildings with dimensions of foundation and projections
  - ❑ The proposed distance from the front, side, and rear property lines
  - ❑ Location of Lot Access, Existing Sidewalk(s) and Curbs
  - ❑ Location of Fire Hydrant, Street Light, Power/Telephone/Cable Pedestal(s) (if located within property frontage)
  - ❑ Location of any Registered Utility Right of Ways and easements
  - ❑ Landscaping plan
  - ❑ Lighting plan
  - ❑ Number and location of parking spaces, both on and off-street
  - ❑ Location of abandoned wells

- ❑ **Copy of Building Plans.** Plans shall be to scale and contain the following information:
  - ❑ Scale and Dimensions of Exterior Walls and Interior Rooms
  - ❑ Floor Plan of the space proposed to be developed
  - ❑ Building Elevations including Front, Sides, and Rear elevations, Building Height (From Finished Grade), Roofing Material, and Roof Pitch

- ❑ **If applicant is not the registered owner**, a written statement (or this application) signed by the registered owner consenting to this application.

- ❑ **Application Fee Payable to the Town of Vauxhall.**

## SKETCH OF PROPOSED DEVELOPMENT

Where development involves **BUILDING** and not just a change in use, please provide a sketch of the proposed development. Be sure to include any existing structure(s) (indicate using a **solid line**) and the proposed addition(s) or new building(s) (indicated using a **dashed line**). Include the information required for a site plan.



Town of Vauxhall

# HOME OCCUPATION DEVELOPMENT PERMIT APPLICATION

**Date of Application:** _____

| *Home Occupation Permit Application No.* | |
|---|---|

**Application deemed complete:** _____

***IMPORTANT NOTICE**: This application **does not** permit you to operate the business until such time as a notice of decision has been issued by the Development Authority. If a decision has not been received within 40 days of the date of application and no extension agreement has been entered into, you have the right to deem the application refused and file an appeal to the Subdivision and Development Appeal Board.*

## APPLICANT INFORMATION

**Name of Applicant:** _____

**Mailing Address:** _____ **Phone:** _____

_____ **Phone (alternate):** _____

**City:** _____ **Fax:** _____

**Postal Code:** _____

**Is the applicant the owner of the property?** ❑ Yes ❑ No

**IF "NO"**

**Name of Owner:** _____

**Mailing Address:** _____ **Phone:** _____

_____ **Phone (alternate):** _____

**City:** _____ **Fax:** _____

**Postal Code:** _____

**Applicant's interest in the property:**
- ❑ Agent
- ❑ Contractor
- ❑ Tenant
- ❑ Other _____

## PROPERTY INFORMATION

**Municipal Address of Home Occupation:** _____

**Legal Description:** Lot(s) _____ Block _____ Plan _____

## BUSINESS DESCRIPTION

**(1) Describe the primary function of your business. What goods and/or services are provided?** Attach an additional sheet describing the business.

**(2) Is there another home occupation already operating out of the residence?** ❑ Yes ❑ No

**(3) Where will the business operate from?** ❑ In-home ❑ Accessory building

**(4) 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 ❑ Internet/Email

**(5) How many parking spaces for any client visits, deliveries, etc. will be available?** _____

**(6) What will the days of operation be?** ❑ Mon-Fri ❑ Weekends ❑ 7 days/wk ❑ Part-time

**(7) Will there be any employees that are not residents of the dwelling?** ❑ Yes ❑ No

If YES:

**How many employees will come to the residence?** _____

**Will more than 1 employee come to the residence at a time?** ❑ Yes ❑ No

**(8) Will there be any equipment or materials stored outside the dwelling that will be used in conjunction with the business?**

❑ Yes (list materials & quantities) _____

❑ No

**(9) Will any vehicles/machinery/tools be used to operate the business?** Please list.

_____

**(10) Will there be any flammable or hazardous materials on the premises as a result of the business?**

❑ Yes (list materials & quantities) _____

❑ No

**(11) Will any goods be displayed at the residence?** ❑ Yes ❑ No

**(12) Will there be a sign for the business?** ❑ Yes ❑ No

## DECLARATION OF APPLICANT/AGENT

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 Home Occupation. I also consent to an authorized person designated by the municipality to enter upon the subject land and buildings 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).*

_____ _____

APPLICANT Registered Owner (if not the same as applicant)

_____

DATE

Town of Vauxhall

# HOME OCCUPATION DEVELOPMENT PERMIT APPLICATION

## GENERAL STANDARDS

The following general standards apply for home occupations. This is not necessarily an exhaustive list and the Development Authority may impose additional conditions if it deems them necessary.

- ❑ **General Standards.**
  - ❑ The business operator must be a full-time resident of the home.
  - ❑ Only one home occupation shall be permitted per dwelling.
  - ❑ The use shall not generate more traffic (pedestrian or vehicular) or vehicular parking than normal within the district.
  - ❑ No commercial vehicle (great than 681 kg/ ¾ ton) shall be parked or maintained on a public road right-of-way or lane.
  - ❑ No offensive noise, vibration, electrical interference, smoke, dust, odours, heat or glare shall be produced by the use.
  - ❑ The use cannot cause an increased demand on any one or more utilities such that the combined total consumption exceeds normal demand for residents in the area.
  - ❑ A sign (maximum 0.37 $m^2$/4 sq. ft.) may be located in the structure window advertising the home occupation for Home Occupation A.
    - ❑ Home Occupation B may propose a sign. If Home Occupation B, please attach any plans for signs other than a window sign as applicable for Home Occupation A (above).

# Town of Vauxhall
# APPLICATION FOR A LAND USE BYLAW AMENDMENT

| *Bylaw No.* | |
|---|---|

**Date of Application:**

**Application Deemed Complete:** _____

***IMPORTANT NOTE***: Although the Development Officer 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.

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 6 months after the date of refusal.

## APPLICANT INFORMATION

**Name of Applicant:** _____

**Mailing Address:** _____ **Phone:** _____

_____ **Phone (alternate):** _____

**City:** _____ **Fax:** _____

**Postal Code:** _____

**Is the applicant the owner of the property?** ❑ Yes ❑ No

**IF "NO"**

**Name of Owner:** _____

**Mailing Address:** _____ **Phone:** _____

_____ **Phone (alternate):** _____

**City:** _____ **Fax:** _____

**Postal Code:** _____

**Applicant's interest in the property:**
- ❑ Agent
- ❑ Contractor
- ❑ Tenant
- ❑ Other _____

## PROPERTY INFORMATION

**Municipal Address:** _____

**Legal Description:** Lot(s) _____ Block _____ Plan _____

OR Quarter _____ Section _____ Township _____ Range _____

## AMENDMENT INFORMATION

**What is the proposed amendment?** ❑ Text Amendment ❑ Land Use Redesignation

IF TEXT AMENDMENT:

For text amendments to the *Land Use Bylaw*, attach a description including:

- The section to be amended;
- The change(s) to the text; and
- Reasons for the change(s).

IF LAND USE REDESIGNATION:

**Current Land Use Designation:** _____

**Proposed Land Use Designation (if applicable):** _____

Section 38 of the *Land Use Bylaw* regulates the information required to accompany an application for redesignation. Please attach a descriptive narrative detailing:

- The proposed designation and future land use(s);
- If and how the proposed redesignation is consistent with applicable statutory plans;
- The compatibility of the proposal with surrounding uses and zoning;
- The development suitability or potential of the site, including identification of any constraints and/or hazard areas (e.g. easements, soil conditions, topography, drainage, etc.);
- 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; and
- Any potential impacts on public roads.

In addition to the descriptive narrative, an Area Structure Plan or Conceptual Design Scheme may be required in conjunction with this application where:

- redesignating land from Urban Reserve to another district;
- multiple parcels of land are involved;
- more than four lots could be created;
- several pieces of fragmented land are adjacent to the proposal;
- internal public roads would be required;
- municipal services would need to be extended; or
- required by Council or the Subdivision and Development Authority.

The Development Officer or the Municipal Planning Commission may also require a:

- geotechnical report; and/or
- evaluation of surface drainage and any other information

if deemed necessary by the Development Officer or the Subdivision and Municipal Planning Commission.

## SITE PLAN

Plans and drawings, in sufficient detail to enable adequate consideration of the application, must be submitted in **duplicate** with this application, together with a plan sufficient to identify the land. It is desirable that the plans and drawings should be on a scale appropriate to the development. However, unless otherwise stipulated, it is not necessary for plans and drawings to be professionally prepared. Council may request additional information.

## DECLARATION OF APPLICANT/AGENT

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 also consent to an authorized person designated by the municipality to enter upon the subject land and buildings 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).*

APPLICANT

Registered Owner (if not the same as applicant)

DATE

# Town of Vauxhall
# DEVELOPMENT PERMIT – SIGN APPLICATION

| | |
|---|---|
| *Sign Permit Application No.* | |

**Date of Application:** _____

**Application deemed complete:** _____

***IMPORTANT NOTICE**: This application **does not** permit you to install the sign until such time as a notice of decision has been issued by the Development Authority. If a decision has not been received within 40 days of the date of application and no extension agreement has been entered into, you have the right to deem the application refused and file an appeal to the Subdivision and Development Appeal Board.*

## APPLICANT INFORMATION

**Name of Applicant:** _____

**Mailing Address:** _____ **Phone:** _____

_____ **Phone (alternate):** _____

**City:** _____ **Fax:** _____

**Postal Code:** _____

**Is the applicant the owner of the property?** ❑ Yes ❑ No

**IF "NO"**

**Name of Owner:** _____

**Mailing Address:** _____ **Phone:** _____

_____ **Phone (alternate):** _____

**City:** _____ **Fax:** _____

**Postal Code:** _____

**Applicant's interest in the property:**
- ❑ Owner of Business
- ❑ Owner of Land Where Sign is Proposed
- ❑ Designated Agent

## SIGN INFORMATION

**TYPE OF WORK:** ❑ New Permanent Sign ❑ Changes to Existing Sign ❑ Temporary Sign

**Sign Location (Civic Address):** _____

**Are there any other signs at this location?** ❑ Yes ❑ No

**SIGN TYPE:**

- ❑ Wall (fascia)
- ❑ Freestanding
- ❑ Canopy
- ❑ Sandwich Board
- ❑ Banding sign
- ❑ Lawn

**SIGN CHARACTERISTICS:**

- ❑ Electrified
- ❑ Non-electrified
- ❑ Indirect Illumination
- ❑ Internal Illumination
- ❑ Direct Illumination
- ❑ Animated
- ❑ Awning
- ❑ Portable
- ❑ Electronic Variable Messages
- ❑ Lettering

| | | *Office Use* |
|---|---|---|
| Length of Sign: | ❑ m ❑ ft. | |
| Height of Sign: | ❑ m ❑ ft. | |
| Sign Face Area (length x height): | ❑ $m^2$ ❑ sq. ft. | |
| Top of Sign Height: | | |
| from Grade: | ❑ m ❑ ft. | |
| from Roof: | ❑ m ❑ ft. | |

If the sign is only for **temporary** use:

How many days is the sign proposed to be displayed? _____ days

## SITE PLAN

**Please attach a plan drawn to a suitable scale and photographs, if available, illustrating:

- ❑ Location of all existing and proposed sign(s)
- ❑ Size, height, and other dimensions of the proposed sign(s), including any supporting structures
- ❑ Location of the property boundaries of the parcel upon which the proposed sign(s) are to be located
- ❑ Setbacks from property lines of proposed sign(s) and existing building(s)

## DECLARATION OF APPLICANT/AGENT

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 Sign.

*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).*

_____ _____

APPLICANT Registered Owner (if not the same as applicant)

_____

DATE

## SKETCH OF PROPOSED SIGN(S)

Please provide a sketch of the proposed signs. Be sure to include the location of the sign compared to the building, the location of any existing sign(s), the location of the sign and buildings on the subject property with distances from property lines, and the dimensions of the sign, including support structures.



# Town of Vauxhall
# BUILDING REMOVAL FORM

## DEMOLITION/REMOVAL INFORMATION

A development permit is required to demolish or remove a building or structure from a site. The demolition/removal permit process ensures that buildings are dismantled and removed in a safe manner and that the land will be left in a suitable state after removal. The following is not an exhaustive list and the Development Officer may request additional information that is required to assess the application.

### STRUCTURES TO BE REMOVED

Description of Building/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 ❑ ft. # of storeys _____

### DEMOLITION PLAN

Timeframe Expected start date: _____ Expected completion date: _____

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.**

Name of Contractor responsible for removal/demolition _____

## APPLICANT IS RESPONSIBLE FOR:

❑ **Disconnection of all services** including (if applicable):

Signature from agency verifying services disconnected (or attach letter):

- ❑ Electrical power _____
- ❑ Natural gas _____
- ❑ Oil lines _____
- ❑ Telephone cables _____
- ❑ Communications cables (includes cable tv) _____
- ❑ Water lines _____
- ❑ Storm & sanitary sewer _____
- ❑ Septic _____

- ❑ **On-site consultation with Public Works Director**. The applicant shall schedule a consultation with the Public Works Director a minimum of 48 hours prior to demolition or removal commencing to determine the state of affected public property.

- ❑ **Final plan for property after building removed or demolished and reclamation complete.** As applicable:
  - ❑ **Copy of grading plans** if property will be vacant after removal or demolition
  - ❑ **Complete development application for new development** where building is being replaced

- ❑ **A completed Development Application**. This form shall accompany a complete development application with the consent of the registered owner and any other required documentation.

- ❑ **Application Fee and any applicable deposit or security required payable to the Town of Vauxhall.**

**NOTE: A building permit is also required before proceeding with demolition.

APPENDIX C

# EXCERPTS FROM THE MUNICIPAL GOVERNMENT ACT

# Appendix C

## Excerpts from the Municipal Government Act
### Statutes of Alberta, 2000, Chapter M-26, as amended

**Non-conforming use and non-conforming buildings**

**643 (1)** If a development permit has been issued on or before the day on which a land use bylaw or a land use amendment bylaw comes into force in a municipality and the bylaw would make the development in respect of which the permit was issued a non-conforming use or non-conforming building, the development permit continues in effect in spite of the coming into force of the bylaw.

**(2)** A non-conforming use of land or a building may be continued but if that use is discontinued for a period of 6 consecutive months or more, any future use of the land or building must conform with the land use bylaw then in effect.

**(3)** A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made to it or in it.

**(4)** A non-conforming use of part of a lot may not be extended or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed on the lot while the non-conforming use continues.

**(5)** A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except

**(a)** to make it a conforming building,

**(b)** for routine maintenance of the building, if the development authority considers it necessary, or

**(c)** in accordance with a land use bylaw that provides minor variance powers to the development authority for the purposes of this section.

**(6)** If a non-conforming building is damaged or destroyed to the extent of more than 75% of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with the land use bylaw.

**(7)** The land use or the use of a building is not affected by a change of ownership or tenancy of the land or building.

**Stop order**

**645 (1)** Despite section 545, if a development authority finds that a development, land use or use of a building is not in accordance with

**(a)** this Part or a land use bylaw or regulations under this Part, or

**(b)** a development permit or subdivision approval,

the development authority may act under subsection (2).

**(2)** If subsection (1) applies, the development authority may, by written notice, order the owner, the person in possession of the land or building or the person responsible for the contravention, or any or all of them, to

**(a)** stop the development or use of the land or building in whole or in part as directed by the notice,

**(b)** demolish, remove or replace the development, or

**(c)** carry out any other actions required by the notice so that the development or use of the land or building complies with this Part, the land use bylaw or regulations under this Part, a development permit or a subdivision approval,

within the time set out in the notice.

**(3)** A person who receives a notice referred to in subsection (2) may appeal to the subdivision and development appeal board in accordance with section 685.

## DEVELOPMENT APPEALS

### Permit

**683** Except as otherwise provided in a land use bylaw, a person may not commence any development unless the person has been issued a development permit in respect of it pursuant to the land use bylaw.

### Permit deemed refused

**684** An application for a development permit is, at the option of the applicant, deemed to be refused if the decision of a development authority is not made within 40 days after receipt of the application unless the applicant has entered into an agreement with the development authority to extend the 40-day period.

### Grounds for appeal

**685 (1)** If a development authority

**(a)** fails or refuses to issue a development permit to a person,

**(b)** issues a development permit subject to conditions, or

**(c)** issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.

**(2)** In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal to the subdivision and development appeal board.

**(3)** Despite subsections (1) and (2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied or misinterpreted.

**Appeals**

**686 (1)** A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board within 14 days,

**(a)** in the case of an appeal made by a person referred to in section 685(1), after

**(i)** the date on which the person is notified of the order or decision or the issuance of the development permit, or

**(ii)** if no decision is made with respect to the application within the 40-day period or within any extension under section 684, the date the period or extension expires,

or

**(b)** in the case of an appeal made by a person referred to in section 685(2), after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

**(2)** The subdivision and development appeal board must hold an appeal hearing within 30 days after receipt of a notice of appeal.

**(3)** The subdivision and development appeal board must give at least 5 days' notice in writing of the hearing

**(a)** to the appellant,

**(b)** to the development authority whose order, decision or development permit is the subject of the appeal, and

**(c)** to those owners required to be notified under the land use bylaw and any other person that the subdivision and development appeal board considers to be affected by the appeal and should be notified.

**(4)** The subdivision and development appeal board must make available for public inspection before the commencement of the hearing all relevant documents and materials respecting the appeal, including

**(a)** the application for the development permit, the decision and the notice of appeal, or

**(b)** the order under section 645.

**(5)** In subsection (3), "owner" means the person shown as the owner of land on the assessment roll prepared under Part 9.

**Hearing and decision**

**687 (1)** At a hearing under section 686, the subdivision and development appeal board must hear

**(a)** the appellant or any person acting on behalf of the appellant,

**(b)** the development authority from whose order, decision or development permit the appeal is made, or a person acting on behalf of the development authority,

**(c)** any other person who was given notice of the hearing and who wishes to be heard, or a person acting on behalf of that person, and

**(d)** any other person who claims to be affected by the order, decision or permit and that the subdivision and development appeal board agrees to hear, or a person acting on behalf of that person.

**(2)** The subdivision and development appeal board must give its decision in writing together with reasons for the decision within 15 days after concluding the hearing.

**(3)** In determining an appeal, the subdivision and development appeal board

**(a)** must act in accordance with any applicable ALSA regional plan;

**(a.1)** must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;

**(b)** must have regard to but is not bound by the subdivision and development regulations;

**(c)** may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;

**(d)** may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,

**(i)** 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 parcels of land,

and

**(ii)** the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

# SUBDIVISION AUTHORITY / DEVELOPMENT AUTHORITY / MUNICIPAL PLANNING COMMISSION BYLAW

# TOWN OF VAUXHALL
# IN THE PROVINCE OF ALBERTA

## SUBDIVISION AUTHORITY / DEVELOPMENT AUTHORITY / MUNICIPAL PLANNING COMMISSION BYLAW NO. 951-19

BEING a bylaw of the Town of Vauxhall in the Province of Alberta, to establish a municipal Subdivision Authority and Development Authority and Municipal Planning Commission;

AND WHEREAS, the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 as amended requires the municipality to adopt a bylaw to establish a municipal Subdivision Authority and a municipal Development Authority;

AND WHEREAS, the Subdivision Authority is authorized to exercise subdivision powers and duties on behalf of the Town of Vauxhall;

AND WHEREAS, the Development Authority is authorized to exercise development powers and duties on behalf of the Town of Vauxhall;

AND WHEREAS, the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 as amended permits the Town of Vauxhall to establish a Municipal Planning Commission to act as a municipal Subdivision Authority and Development Authority;

AND WHEREAS, this bylaw may be cited as the Town of Vauxhall Subdivision Authority / Development Authority / Municipal Planning Commission Bylaw;

NOW THEREFORE, the Council of the Town of Vauxhall in the Province of Alberta duly assembled, enacts as follows:

1. DEFINITIONS:
   (a) **Authorized Person** means a person, organization, or regional services commission authorized by the Council to which the Municipality may delegate any of its subdivision and development authority powers, duties or functions.
   (b) **Council** means the Municipal Council of the Town of Vauxhall.
   (c) **Development Authority** means the person or persons authorized to exercise development powers and duties on behalf of the Municipality as are specified:
      (i) in the Act; or
      (ii) in the Town of Vauxhall Land Use Bylaw; or
      (iii) in this bylaw; or
      (iv) by resolution of council.
   (d) **Development Officer** means a person or persons authorized to act as the Development Officer for the municipality as established in the Town of Vauxhall Land Use Bylaw.
   (e) **Members** means the persons appointed to the Municipal Planning Commission.
   (f) **Municipal Government Act** means the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended from time to time.
   (g) **Municipality** means the Town of Vauxhall in the Province of Alberta.
   (h) **Secretary** means the person or persons assigned to act as secretary of the Municipal Planning Commission.
   (i) **Subdivision Authority** means the person or persons authorized to exercise subdivision powers and duties on behalf of the Municipality as are specified:

(i) in the Act; or
(ii) in the Town of Vauxhall Land Use Bylaw; or
(iii) in this bylaw; or
(iv) by resolution of council.

(j) All other terms used in this bylaw shall have the meaning as is assigned to them in the Municipal Government Act.

2. A Subdivision Authority and Development Authority and Municipal Planning Commission are hereby established in accordance with the Municipal Government Act.

3. The Subdivision Authority for the Municipality shall be the Municipal Planning Commission.

4. The Development Authority for the Municipality shall be the Municipal Planning Commission and the Development Officer.

5. The Municipal Planning Commission is authorized to exercise subdivision powers and duties on behalf of the Municipality as are specified in the Municipal Government Act, the Town of Vauxhall Land Use Bylaw, in this bylaw, or by resolution of Council.

6. The Municipal Planning Commission and the Development Officer are authorized to exercise development powers and duties on behalf of the Municipality as are specified in the Municipal Government Act, the Town of Vauxhall Land Use Bylaw, in this bylaw, or by resolution of Council.

7. The Municipal Planning Commission shall be comprised of not more than three (3) persons, whom shall be elected members of Council.

8. Council shall appoint one (1) alternate Member to the Municipal Planning Commission from the elected members of Council.

9. Two (2) Members of the Municipal Planning Commission shall constitute a quorum.

10. Members of the Municipal Planning Commission shall not be members of the Subdivision and Development Appeal Board.

11. Appointments to the Municipal Planning Commission shall be made by resolution of Council.

12. Members of the Municipal Planning Commission shall be appointed for a term of one (1) year.

13. Council may remove, and/or reappoint a Member of the Municipal Planning Commission at their sole discretion.

14. When a person ceases to be a Member of the Municipal Planning Commission before the expiration of his/her term, Council may, by resolution, appoint another person for the unexpired portion of that term.

15. Should an elected official not remain as a member of Council then he/she ceases to be a Member of the Municipal Planning Commission.

16. After the organizational meeting of Council each year, the Members of the Municipal Planning Commission shall elect one of themselves as chairman, and one of themselves as vice-chairman to hold office for a term of one (1) year.

17. Each Member of the Municipal Planning Commission 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 Vauxhall.

18. The Municipal Planning Commission shall hold regular meetings at least 6 times per year on a date to be determined by the Municipal Planning Commission unless there are no agenda items, and it may also hold special meetings at any time at the call of the chairman or vice-chairman.

19. The Municipal Planning Commission may make rules to govern its meetings.

20. The decision of the majority of the Members present at a meeting shall be deemed to be the decision of the whole Municipal Planning Commission.

21. The Secretary for the Municipal Planning Commission shall be the Development Officer, or any other employee(s) of the Municipality assigned by the Chief Administrative Officer, or an Authorized Person. The Secretary shall attend all meetings of the Municipal Planning Commission, but shall not vote on any matter before the Municipal Planning Commission.

22. The Secretary of the Municipal Planning Commission shall carry out the administrative duties of preparing agendas, minutes, record retention, and other duties assigned by the Municipal Planning Commission or the Chief Administrative Officer as required.

23. The Subdivision Authority and Development Authority (Municipal Planning Commission) may make orders, decisions, and approvals, and may issue orders, decisions, and approvals with or without conditions.

24. Decisions on subdivision applications shall be signed by the chairman or vice-chairman of the Municipal Planning Commission.

25. Orders, decisions, notices and approvals for matters other than decisions on subdivision applications may be signed by the chairman or vice-chairman of the Municipal Planning Commission, the Development Officer, an Authorized Person, or a Designated Officer.

26. The Municipality may delegate any of its subdivision authority or development authority powers, duties or functions to an Authorized Person.

27. This bylaw shall come into effect upon third and final reading thereof.

28. Bylaw 901-16 and amendments thereto is hereby rescinded.

READ a **first** time this 20th day of August, 2019.

READ a **second** time this 20th day of August, 2019.

READ a **third** time and finally PASSED this 20th day of August, 2019.

*Mayor*

*Chief Administrative Officer*