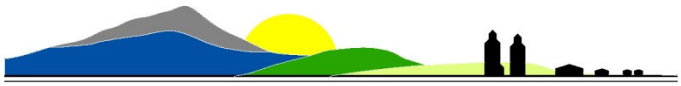
Land Use Bylaw No. 482-19



VILLAGE OF DUCHESS

Consolidated to Bylaw 522-24, February 2025

Prepared by



OLDMAN RIVER REGIONAL SERVICES COMMISSION

February 2020

VILLAGE OF DUCHESS
IN THE PROVINCE OF ALBERTA

BYLAW NO. 482-19

BEING a bylaw of the Village of Duchess in the Province of Alberta, adopt a land use bylaw pursuant to Section 639 of the Municipal Government Act, Chapter M-26, as amended and provide for its consideration at a public hearing;

AND WHEREAS, the Council of the Village of Duchess has determined the existing Land Use Bylaw is dated and wishes to adopt a new Land Use Bylaw for the purposes of:

- updating and establishing standards and procedures regarding the use and development of land within the municipality;
- incorporating new development standards for uses within the Village;
- adding, deleting and combining existing land use districts in the bylaw;
- incorporate changes to the bylaw as required by the Modernized Municipal Government Act; and
- to amend the existing Land Use District Map to reflect land use redesignation of municipal owned lands and new districts.

AND WHEREAS the purpose of proposed Bylaw No. 482-19 is to foster orderly growth and development in the Village;

AND WHEREAS, a public hearing was conducted in accordance with Section 692 of the Act;

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 duly assembled does hereby enact the following:

1. Bylaw No. 438-08, being the former Land Use Bylaw, and any amendments thereto, is hereby rescinded.
2. Bylaw No. 482-19 shall come into effect upon third and final reading thereof.
3. Bylaw No. 482-19 is hereby adopted.

READ a **first** time this 16th day of December, 2019.

Mayor – Tony Steidel | *Chief Administrative Officer – Yvonne Cosh*

READ a **second** time this 24th day of February 2020 as amended.

Mayor – Tony Steidel | *Chief Administrative Officer – Yvonne Cosh*

READ a **third** time and finally PASSED this 24th day of February 2020.

Mayor – Tony Steidel | *Chief Administrative Officer – Yvonne Cosh*

Village of Duchess Land Use Bylaw No. 482-19 – Amendments

Bylaw No.	Amendment Description	Legal Description	Passed
486-20	Amendments to address accessory building setbacks within the Residential – R district, add “outdoor storage” as a use in non-residential districts and add a definition for “parking stall”		15-Jun-2020
500-22	Amend Schedule 2 to include criteria for accessory buildings and structures. Amend Schedule 2 to include "Funeral Facility" and "Campground" as discretionary uses in Section 2.2 and "Cryptocurrency Mining Operation" as a prohibited use in Section 2.3 Amend Schedule 6 to add definitions for "Funeral Facility" and "Cryptocurrency Mining Operation", delete the definition for "Funeral Home", and update the definition of "Campground". Redesignation: "Residential - R" to “Business Industrial - BI"	Lot 1, Block 16, Plan 1682, within NE 1/4 29-20-14-W4M	25-Apr-2022
522-24	Remove application fee for residential housing units, add categories of additional dwelling units, and add those specific uses into the Residential Land Use District. Define distinct categories of solar development based on where the development is located on a parcel and add the uses to the appropriate land use districts for permitted and discretionary uses.		24-Feb-2025

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VILLAGE OF DUCHESS

LAND USE BYLAW NO. 482-19

ADMINISTRATION

GENERAL

SECTION 1 TITLE

1.1 This bylaw may be cited as the "Village of Duchess Land Use Bylaw."

SECTION 2 PURPOSE

2.1 The purpose of this bylaw is to, amongst other things:

(a) divide the municipality into districts;

(b) prescribe and regulate the use(s) for each district;

(c) establish a method for making decisions on applications for development permits and issuing development permits for a development;

(d) provide the manner in which notice of the issuance of a development permit is to be given; and

(e) implement the Village of Duchess Municipal Development Plan and other statutory plans of the municipality, as may be developed.

SECTION 3 EFFECTIVE DATE

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

SECTION 4 REPEAL OF FORMER BYLAW

4.1 Village of Duchess Land Use Bylaw No. 2-09 and amendments thereto are hereby repealed.

SECTION 5 SEVERABILITY

5.1 If any provision of this bylaw is held to be invalid by a decision of a court of competent jurisdiction, that decision will not affect the validity of the remaining portions.

SECTION 6 COMPLIANCE WITH THE LAND USE BYLAW

6.1 No development, other than those Development in Schedule 3 of this bylaw (Development Not Requiring a Development Permit), shall be undertaken within the Village unless a development application has been approved and a development permit has been issued.

6.2 Notwithstanding Section 6.1, while a development permit may not be required pursuant to Schedule 3, development shall comply with all regulations of this bylaw.

SECTION 7 COMPLIANCE WITH OTHER LEGISLATION

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

SECTION 8 RULES OF INTERPRETATION

8.1 Unless otherwise required by the context, words used in the present tense include the future tense; words used in the singular include the plural; and the word person includes a corporation as well as an individual. The *Interpretation Act, Chapter I-8, RSA 2000 as amended,* shall be used in the interpretation of this bylaw. Words have the same meaning whether they are capitalized or not.

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

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

SECTION 9 MEASURMENTS AND STANDARDS

9.1 All units of measure contained within this bylaw are metric (SI) standards. Imperial measurements and conversions are provided for information only.

SECTION 10 DEFINITIONS

10.1 Refer to Schedule 6, Definitions.

SECTION 11 FORMS AND FEES

11.1 For the purposes of administering the provisions of this bylaw, Council may authorize by separate resolution or bylaw as may be applicable, the preparation and use of such fee schedules, forms or notices as in its discretion it may deem necessary. Any such fee schedules, forms or notices are deemed to have the full force and effect of this bylaw in execution of the purpose for which they are designed, authorized and issued.

11.2 Application forms and notices are included in Appendix B.

11.3 Refund of application fees requires approval of the Village Council.

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

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

SECTION 12 APPENDICES

12.1 Appendices A, B and C attached hereto are for information purposes only and may be amended from time to time as they do not form part of the Village of Duchess Land Use Bylaw.

APPROVING AUTHORITIES

SECTION 13 DEVELOPMENT AUTHORITY

13.1 The Development Authority is established in accordance with Municipal Planning Commission and Subdivision and Development Authority Bylaw.

13.2 Council shall be the Development Authority within any Direct Control district, unless specifically delegated by bylaw to the Municipal Planning Commission or the Development Officer.

13.3 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 (MGA).*

13.4 The Development Officer is an authorized person in accordance with section 624 of the *MGA*.

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

(a) in the Village of Duchess Municipal Subdivision and Development Bylaw;

(b) in this bylaw;

(c) in the *MGA*; or

(d) where applicable, by resolution of Council.

SECTION 14 DEVELOPMENT OFFICER – POWERS AND DUTIES

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

14.2 The Development Officer:

(a) shall receive and process all applications for development permits and determine whether a development permit application is complete in accordance with Section 28;

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

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

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

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

(ii) permitted uses that request one (1) variance of a measurable standard not to exceed ten percent (10%) of any yard setback or site coverage;

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

(iv) discretionary uses identified under "Discretionary Uses Development Officer" in the applicable land use district;

(v) discretionary uses identified under "Discretionary Uses Development Officer" that request one limited variance of a measurable standard not to exceed twenty-five percent (25%) excluding height;

(vi) landscaping;

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

(viii) demolition;

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

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

(g) shall notify adjacent landowners and any persons who are likely to be affected by a proposed development in accordance with Section 39 of this bylaw;

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

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

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

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

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

(m) shall refer all development applications in a Direct Control District to Council for a decision, unless Council has specifically delegated approval authority to the Development Officer or the Municipal Planning Commission.

SECTION 15 SUBDIVISION AUTHORITY

15.1 The Subdivision Authority is authorized to make decisions on applications for subdivisions pursuant to the Subdivision Authority Bylaw, and may exercise only such powers and duties as are specified:

(a) in the Village of Duchess Subdivision Authority Bylaw;

(b) in this bylaw;

(c) in the *MGA*; or

(d) by resolution of Council.

15.2 The Subdivision Authority may delegate, through any of the methods described in Section 15.1(a), (b) or (d) above, to any individual, municipal staff, or a regional services commission, any of its required functions or duties in the processing of subdivision applications. In respect of this:

(a) the delegation of duties by the Subdivision Authority may include the authorized entity being responsible for determining the completeness of a submitted subdivision application;

(b) the Subdivision Authority delegate is authorized to carry out the application process with subdivision applicants as described in the Subdivision Application Rules and Procedures section of the bylaw, including the task of sending all required notifications to applicants as stipulated.

SECTION 16 MUNICIPAL PLANNING COMMISSION

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

16.2 The Municipal Planning Commission shall perform such powers and duties as are specified:

(a) in the Village of Duchess Municipal Planning Commission Bylaw;

(b) in this bylaw;

(c) in the *MGA*; or

(d) where applicable, by resolution of Council.

16.3 The Municipal Planning Commission shall be responsible for:

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

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

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

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

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

SECTION 17 COUNCIL

17.1 Council shall be responsible for considering and deciding upon development permit applications within any Direct Control district, except where the decision making authority has been delegated to the Municipal Planning Commission or the Development Officer.

SECTION 18 SUBDIVISION AND DEVELOPMENT APPEAL BOARD (SDAB)

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

DEVELOPMENT AND SUBDVISION IN GENERAL

SECTION 19 LAND USE DISTRICTS

19.1 The Village of Duchess is divided into those land use districts shown in Schedule 1 on the Land Use Districts Map.

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

(a) permitted uses in each district;

(b) discretionary uses in each district;

(c) prohibited uses in each district;

are described in Schedule 2.

19.3 A land use that is not listed as a permitted or discretionary use but which is reasonably similar in character and purpose to a permitted or discretionary use in that district may be deemed a similar use by the Development Authority in accordance with Section 35 (Similar Use).

19.4 A land use not listed as a permitted or discretionary use or not deemed a similar use in a district is a prohibited use and shall be refused.

SECTION 20 DEVELOPMENT IN MUNICIPALITY GENERALLY

20.1 A person who develops land or a building in the municipality shall comply with the standards of development specified in Schedules 4 and 5 in addition to complying with the use or uses prescribed in Schedule 2 and any conditions attached to a development permit, if one is required.

20.2 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.

SECTION 21 GENERAL SUBDIVISON PROVISIONS

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

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

(b) adequacy of road access;

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

(d) compatibility with adjacent land uses;

(e) accessibility to emergency services;

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

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

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

(a) the proposed lots meet the provisions of Schedule 2;

(b) the existing and proposed buildings meet the provisions of Schedule 2 based on the lot proposed layout;

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

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

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

(a) land;

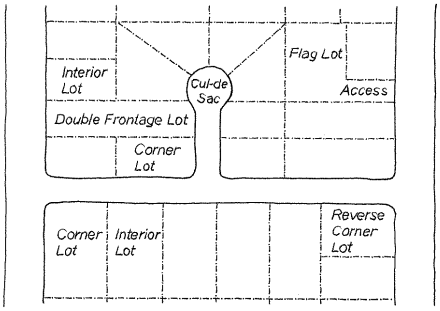
(b) land similar in quality to the land being proposed to be subdivided;

(c) money in lieu; or

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

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

SECTION 22 SUBDIVISION LOT DESIGN



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

22.2 Flag lots are prohibited.

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

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

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

22.6 When reviewing proposed lot and block arrangements, the Subdivision Authority shall consider the following factors:

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

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

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

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

SECTION 23 SUITABILITY OF SITES

23.1 Notwithstanding that a use of land may be permitted or discretionary or considered similar in nature to a permitted or discretionary use in a land use district, the Development Authority, as applicable, may refuse to approve a subdivision or issue a development permit if the Development Authority is made aware of, or if in their opinion, the proposed building or use is not safe or suitable if the site:

(a) does not have safe legal and physical access to a maintained road in accordance with the Land Use Bylaw, other municipal requirements, or those of Alberta Transportation if within 300 m (984 ft) of a provincial highway or 800 m (2,625 ft) from the centre point of an intersection of a controlled highway and a public road;

(b) has a high water table, drainage issues or soil conditions which make the site unsuitable for foundations 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 other applicable Statutory Plans;

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

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

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

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

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

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

23.2 Nothing in this section shall prevent the Development Officer or Municipal Planning Commission, as applicable, from issuing a development permit or approving a subdivision if the Development Officer or Municipal Planning Commission is satisfied that there is no risk to persons or property or that these concerns will be met by appropriate engineering measures or other mitigating measures and approvals from provincial and/or federal agencies have been obtained, as applicable.

Contaminated Lands and Brownfield Development

23.3 Any application for either subdivision or development that is proposed on lands or in an area known or deemed to potentially contain contaminated lands, or is the site of former chemical, pesticide, heavy industrial, railway associated, oil and gas processing or storage, gas station, automotive related uses or other similar type uses, may be subjected to special information requirements and conditions, including but not limited to, professional engineering and geotechnical studies, environmental assessments, water reports and soils analysis being submitted to the municipality in addition to the other bylaw requirements.

23.4 Notwithstanding that a use of land may be permitted or discretionary in a land use district, the Municipal Planning Commission may:

(a) refuse to issue a development permit or approve a subdivision, if the relevant Authority is of the opinion that the site of the proposed development or use is not safe or poses a potential health or liability risk, based on the information provided; or

(b) if approving a development permit or subdivision, place conditions on the approval to mitigate or address potential or identified hazards, health risks, contamination or site specific land concerns, including but not limited to:

(i) providing professional remediation, reclamation or clean-up of the parcel or site at the applicant or land owner's expense;

(ii) limiting or restricting development on the parcel or applying special setbacks to address the location of improvements on site;

(ii) providing professional engineering or geotechnical reports bearing the seal of a licensed engineer to support or verify any aspects of the proposal or condition of the land;

(iv) having the land owner or applicant post bonds or other security as it relates to the estimated costs of the reclamation or clean-up of the parcel;

(v) signing a legal agreement to indemnify and save harmless the municipality from all potential actions, suits, damages, or claims as it relates to the development of the land and any development permit being issued or subdivision approval;

(vi) any other reasonable conditions to ensure the development or subdivision may be approved as safe as reasonably possible and is suitable for the land.

SECTION 24 NUMBER OF DWELLING UNITS ON A PARCEL

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

SECTION 25 NON-CONFORMING BUILDINGS AND USES

25.1 If a development permit has been issued on or before the day on which this bylaw or a land use amendment bylaw comes into force in a municipality and the bylaw would make the development in respect of which the permit was issued a non-conforming use or non-conforming building, the development permit continues in effect in spite of the coming into force of the bylaw.

25.2 A non-conforming use of land or a building may be continued but if that use is discontinued for a period of six consecutive months or more, any future use of the land or building must conform with the Land Use Bylaw then in effect.

25.3 A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations shall be made to it or in it.

25.4 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.

25.5 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; or

(b) as the Development Officer considers necessary for the routine maintenance of the building, in accordance with the variance powers provided for in section 643(5)(c) of the *MGA*. Routine maintenance of the building may include the replacement of windows and doors, or adding attached uncovered steps.

25.6 If a non-conforming building is damaged or destroyed by more than 75 percent of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with this bylaw.

25.7 Questions regarding the interpretation and application of Sections 25.3 and 25.6 shall, if necessary, be referred to the Municipal Planning Commission for interpretation and a decision.

25.8 The land use or the use of a building is not affected by a change of ownership or tenancy of the land or building.

SECTION 26 NON-CONFORMING VARIANCES

26.1 Where a proposed lot contains different dimensions than those prescribed within the land use district in effect, or will result in an existing or future building not conforming with the height or setback requirements prescribed within the district in effect, it may be approved where, in the opinion of the Development Officer or Municipal Planning Commission, the non-compliance with the district regulations is:

(a) minor in nature;

(b) consistent with the general character of the area;

(c) does not interfere with the use, enjoyment or value of the neighbouring properties; and

(d) the permit issued indicates a waiver has been granted.

SECTION 27 DEVELOPMENT AGREEMENTS

27.1 The Development Authority may require, with respect to a development, as a condition of issuing a development permit, the applicant enter into an agreement with the municipality, pursuant to section 650(1) of the *MGA*, to do any or all of the following:

(a) to construct or pay for the construction of a road required to give access to the development;

(b) to construct or pay for the construction of a pedestrian walkway system to serve the development and/or connect with existing or proposed pedestrian walkway systems that serve adjacent development;

(c) to install or pay for the installation of public utilities, other than telecommunication systems or works, that are necessary to serve the development;

(d) to construct or pay for the construction of off-street, or other parking facilities and/or loading and unloading facilities;

(e) to pay an off-site levy or redevelopment levy;

(f) to give security to ensure that the terms of the agreement under this section are carried out.

27.2 The Subdivision Authority may require, with respect to a subdivision, that as a condition of issuing an approval for a subdivision, the applicant enter into an agreement with the municipality, pursuant to section 655(1)(b) of the *MGA*.

27.3 An agreement referred to in this section may require the applicant for a development permit or subdivision approval to oversize improvements in accordance with section 651 of the *MGA*.

27.4 A municipality may register a caveat under the *Land Titles Act* with respect to an agreement under this section against the Certificate of Title for the land that is the subject of the development, or for the parcel of land that is the subject of the subdivision.

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

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

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

DEVELOPMENT PERMIT RULES AND PROCEDURES

SECTION 28 DEVELOPMENT PERMIT – WHEN REQUIRED

28.1 Except as otherwise provided for in Section 29 (Development Not Requiring a Development Permit), no development shall be commenced unless a development permit application has been approved, a development permit issued, and the development is in accordance with the terms and conditions of a development permit issued pursuant to this bylaw.

28.2 In addition to meeting the requirements of this bylaw, it is the responsibility of the applicant to ascertain, obtain and comply with all other approvals and licenses that may be required by other federal, provincial or municipal regulatory departments or agencies.

SECTION 29 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

29.1 This section does not negate the requirement of obtaining all required permits, as applicable, under the *Safety Codes Act* and any other provincial or federal statute.

29.2 This section does not negate the requirement of obtaining a business license where required.

29.3 Developments not requiring a development permit are listed in Schedule 3.

29.4 If there is a question as to whether a development permit is required for a particular use, the matter shall be referred to the Municipal Planning Commission for a determination.

SECTION 30 DEVELOPMENT PERMIT APPLICATIONS

30.1 Except as provided in Schedule 3 (Development Not Requiring a Development Permit) no person shall commence a development unless he/she has been issued a development permit in respect of the proposed development.

30.2 An application for a development permit must be made by the registered owner of the land on which the development is proposed. An application may be made by a person who is not the registered owner of the land only with written consent of the owner. The Development Officer may request a current title documenting ownership and copies of any registered encumbrance, lien or interest registered on title.

30.3 An application for a development permit shall be made by submitting to the Development Officer the following, which must be of a quality adequate to properly evaluate the application:

(a) a completed application, signed by the registered owner or authorized by the owner pursuant to Section 30.2;

(b) the prescribed fee, as per the Fee Schedule or as per policy approved by Council which exempts specific development fees;

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

(d) a computer-generated site plan, not greater than 11" X 17", indicating:

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

(ii) existing and proposed parking and loading areas, driveways, abutting streets, avenues and lanes, and egress and ingress;

(iii) where applicable, the location of existing and proposed utilities, wells, septic tanks, disposal fields, culverts and surface drainage patterns;

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

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

(e) a copy of the approval letter from the appropriate authority stating that the proposal complies with the architectural controls caveat;

(f) computer-generated plans and color renderings acceptable to the Development Authority showing the interior development and exterior elevations including height, horizontal dimensions and finishing materials of all buildings, existing and proposed;

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

SECTION 31 DETERMINATION OF COMPLETE DEVELOPMENT PERMIT APPLICATION

31.1 A Development Officer shall, within 20 days after the receipt of an application in accordance with Section 30 for a development permit, determine whether the application is complete.

31.2 An application is complete if, in the opinion of the Development Officer, the application contains the documents and other information necessary to review the application.

31.3 The 20-day time period referred to in Section 31.1 may be extended by an agreement in writing between the applicant and the Development Officer, which would extend the time to determine completeness of the application.

31.4 If the Development Officer does not make a determination referred to in Section 31.1 within the time required under subsection 31.1 or 31.3, the application is deemed to be complete.

31.5 If a Development Officer determines that the application is complete, the Development Officer shall issue to the applicant a written Notice of Completeness acknowledging that the application is complete, delivered by hand, mail or electronic means or as part of the development permit approval package.

31.6 If the Development Officer determines that the application is incomplete, the Development Officer shall issue to the applicant a written notice indicating that the application is incomplete and specifying the outstanding documents and information to be provided, including but not limited to those required by Section 30. A submittal deadline for the outstanding documents and information shall be set out in the notice or a later date agreed on between the applicant and the Development Officer in order for the application to be considered complete.

31.7 If the Development Officer determines that the information and documents submitted under Section 31.6 are complete, the Development Officer shall issue to the applicant a written Notice of Completeness acknowledging that the application is complete, delivered by hand, mail or electronic means.

31.8 If the required documents and information under Section 31.6 have not been submitted to the Development Officer within the timeframe prescribed in the notice issued under Section 31.6, the Development Officer shall return the application to the applicant accompanied by a written Notice of Refusal stating the application is deemed refused and the reasons for refusal.

31.9 Despite issuance of a Notice of Completeness under Section 31.5 or 31.7, the development authority in the course of reviewing the application may request additional information or documentation from the applicant that the development authority considers necessary to review the application.

SECTION 32 PERMITTED USE APPLICATIONS

32.1 Upon receipt of a completed application for a development permit for a permitted use in accordance with Section 31 that conforms with this bylaw, the Development Officer:

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

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

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

(a) may grant the limited variance not to exceed 10% of one measurable standard of any yard setback or site coverage and approve the development permit with or without conditions if, in the opinion of the Development Officer, the variance would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land; or

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

(c) is not required to notify adjacent landowners or persons likely to be affected prior to issuance of a decision on a development permit granting a limited variance under this section.

32.3 Upon receipt of a completed application for a permitted use that requests more than one limited variance, a variance(s) exceeding 10 % of any yard setback or site coverage of this bylaw, or a variance of any other bylaw provision, the Development Officer shall refer the application to the Municipal Planning Commission for a decision pursuant to Section 37 (Processing Applications Requiring a Variance of Bylaw Provisions).

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

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

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

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

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

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

(f) easements and/or encroachment agreements;

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

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

(i) to give security to ensure the terms of the permit approval under this section are carried out which will be returned upon completion of the development to the satisfaction of the Village;

(j) time periods stipulating completion of development;

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

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

SECTION 33 DISCRETIONARY USE APPLICATIONS

33.1 Upon receipt of a completed application for a development permit for a discretionary use in accordance with Section 31 or a permitted use that requests more than one variance, a variance(s) exceeding 25% of any measurable standard of this bylaw (excluding height), or a variance of any other bylaw provision, the Development Officer shall:

(a) refer the application to the Municipal Planning Commission for a decision pursuant to Section 37;

(b) notify adjacent landowners and other persons likely to be affected in accordance with Section 39 (Notification of Adjacent Landowners and Persons Likely Affected).

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

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

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

33.3 The Municipal Planning Commission may place any of the conditions stipulated in Section 32.4 (Permitted Use Applications) on a development permit for a discretionary use in any land use district, in addition to any other conditions necessary to ensure the quality, suitability and compatibility of a development with other existing and approved uses in the area.

SECTION 34 DIRECT CONTROL DISTRICTS

34.1 Upon receipt of a completed application for a development permit in a Direct Control district, the Development Officer:

(a) shall refer the application to Council for a decision, except where the decision making authority has been delegated to the Municipal Planning Commission or the Development Officer; and

(b) may notify adjacent landowners and other persons likely to be affected in accordance with Section 39 (Notification of Adjacent Landowners and Persons Likely Affected).

34.2 After considering any response to notifications issued under Section 39, Council or the delegated decision making authority may:

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

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

34.3 In accordance with section 641(4)(a) of the *MGA*, there is no appeal to the Subdivision and Development Appeal Board for a decision on an application for a development permit in a Direct Control district.

SECTION 35 SIMILAR USE

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

35.2 Where a use has been classified similar to a permitted use, the Development Officer may process the application accordingly as a permitted use or refer the application to the Municipal Planning Commission for a decision. The notice of the decision shall be subject to Section 39.

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

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

(b) notify adjacent landowners and other persons likely to be affected in accordance with Section 39 (Notification of Adjacent Landowners and Persons Likely Affected).

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

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

(b) notify adjacent landowners and other persons likely to be affected in accordance with Section 39 (Notification of Adjacent Landowners and Persons Likely Affected).

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

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

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

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

SECTION 36 TEMPORARY USE

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

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

(a) the applicant or developer is liable for any costs involved in the cessation or removal of any development at the expiration of the permitted period;

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

(c) any other conditions as deemed necessary.

36.3 A use deemed temporary in nature shall be processed in accordance with the corresponding Sections 31 through 35 of this bylaw. Notification of adjacent landowners and other persons likely to be affected, including County of Newell, government departments and referral agencies, shall be in accordance with Section 39 of this bylaw.

SECTION 37 PROCESSING APPLICATIONS REQUIRING A VARIANCE OF BYLAW PROVISIONS

37.1 Upon receipt of an application for a development permit that does not comply with this bylaw but in respect of which the Municipal Planning Commission is requested to exercise discretion under Section 37.3, the Development Officer shall:

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

(b) notify adjacent landowners and other persons likely to be affected, including County of Newell, government departments and any other referral agency, in accordance with Section 39.

37.2 The Development Officer is authorized to exercise discretion for a permitted use where a limited variance to one applicable measurable standard (excluding height) not to exceed 25% is requested, in accordance with Section 32.2.

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

(a) the proposed development would not:

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

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

(b) the proposed development conforms with the use prescribed for that land or building within Schedule 2, Land Use Districts.

SECTION 38 LIMITATIONS ON VARIANCE PROVISIONS

38.1 In approving an application for a development permit, the Development Officer or Municipal Planning Commission shall adhere to the general purpose and intent of the appropriate land use district and to the following:

(a) a variance shall be considered only in cases of unnecessary hardship or practical difficulties particular to the use, character, or situation of land or building which are not generally common to other land in the same land use district;

(b) where a variance is considered that will reduce the setback from any road as defined in the *MGA*, the Development Authority shall consider all future road construction needs of the municipality as well as the transportation requirements of the parcel(s) or lot(s) affected.

SECTION 39 NOTIFICATION OF ADJACENT LANDOWNERS AND PERSONS LIKELY AFFECTED

39.1 Where notification of adjacent landowners and other persons likely to be affected is required, the Development Officer shall:

(a) mail (postal service or electronic) written notice of the application at least 10 days before the meeting of the Municipal Planning Commission to:

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

(ii) County of Newell 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 County or is adjacent to the County boundary and accordance with the policies of the Intermunicipal Development Plan; and

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

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

(c) publish a notice of the application in a newspaper circulating in the municipality or the Village newsletter at least 10 days before the meeting of the Municipal Planning Commission to the persons and agencies specified in subsection (a); or

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

(e) post a notice on the municipal website and official social media as authorized through a advertising bylaw approved by Council in accordance with section 606.1 of the *MGA*;

(f) any combination of the above.

39.2 In all cases, notification shall:

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

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

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

SECTION 40 NOTICE OF DECISION

40.1 Upon issuance of a development permit for a permitted use that complies with this bylaw, the Development Authority shall:

(a) mail, email or hand-deliver a written notice of decision to the applicant; and

(b) notify persons likely to be affected by either:

(i) posting a copy of the decision in a prominent place in the Village Office for at least 21 days; or

(ii) publishing a notice of the decision on the official municipal website or newspaper circulated within the municipality; or

(iii) any combination of the above.

40.2 Upon issuance of a development permit for a discretionary use, similar use, temporary use, or an application involving a waiver, the Development Authority shall:

(a) mail a written notice of decision to the applicant; and

(b) notify persons likely to be affected by either:

(i) mailing a copy of the decision to those persons, departments and agencies; or

(ii) publishing a notice of the decision in a newspaper circulated within the municipality; or

(iii) post a notice of the application in a conspicuous place on the property; or

(iv) any combination of the above.

40.3 The Development Officer will give or send a copy of the written decision, specifying the date on which the written decision was given and containing any other information required by the regulations the same day the written decision is given.

40.4 For the purposes of Section 40.3, the "date on which the decision was made" means:

(a) the date the Development Authority signs the notice of decision or development permit; or

(b) the date the decision is posted in the newspaper;

whichever occurs later.

SECTION 41 COMMENCEMENT OF DEVELOPMENT

41.1 Despite the issuance of a development permit, no development is authorized to commence within 21 days after the date on which the decision was made.

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

41.3 Any development occurring prior to the dates determined under Section 41.1 is at the risk of the applicant.

SECTION 42 DEVELOPMENT PERMIT VALIDITY

42.1 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.

42.2 An application to extend the validity of a development permit may be made at any time prior to the expiration of the approved permit in accordance with Section 42.3, except for a permit for a temporary use which shall not be extended.

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

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

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

42.4 When any use has been discontinued for a period of 12 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 *MGA*.

42.5 The Development Officer or the Municipal Planning Commission may place conditions on a development permit approval that stipulate a timeframe for the completion of a development.

SECTION 43 TRANSFERABILITY OF DEVELOPMENT PERMIT

43.1 A home occupation permit is non-transferable.

43.2 Any other valid development permit is transferable where the use remains unchanged and the development is affected only by a change of ownership, tenancy, or occupancy.

SECTION 44 OCCUPANCY PERMITS

44.1 The Development Officer or the Municipal Planning Commission, or in a Direct Control district the Council, may require that the holder of a development permit obtain an occupancy permit before a building or use that was the subject of a development permit is occupied and/or the approved use initiated.

SECTION 45 FAILURE TO MAKE A DECISION – DEEMED REFUSAL

45.1 In accordance with section 684 of the *MGA*, 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 an agreement with the Development Officer or the Municipal Planning Commission to extend the 40-day decision period.

SECTION 46 REAPPLICATION FOR A DEVELOPMENT PERMIT

46.1 If an application for a development permit is refused by the Development Officer, the Municipal Planning Commission, or on appeal the Subdivision and Development Appeal Board, the submission of another application for a development permit on the same parcel of land for the same or for a similar use of the land may not be accepted by the Development Officer for at least six months after the date of refusal.

46.2 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 31, the Development Officer may accept another application on the same parcel of land for the same or similar use before the time period referred to in Section 46.1 has lapsed, provided the application has been modified to comply with this bylaw.

SECTION 47 SUSPENSION OR CANCELLATION OF A PERMIT

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

(a) the application contained a misrepresentation;

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

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

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

the Development Officer or the Municipal Planning Commission may suspend or cancel the development permit by notice in writing to the holder of it stating the reasons for any suspension or cancellation.

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

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

47.4 If a development permit is suspended or cancelled, the Subdivision and Development Appeal Board shall review the application if an appeal is filed by the applicant and either:

(a) reinstate the development permit; or

(b) cancel the development permit if the Development Officer or the Municipal Planning Commission would not have issued the development permit if the facts subsequently disclosed had been known during the consideration of the application; or

(c) reinstate the development permit and may impose such other conditions as are considered necessary to ensure that this bylaw or any statutory plan is complied with.

SUBDIVISION RULES AND PROCEDURES

SECTION 48 SUBDIVISION APPLICATIONS

48.1 An applicant applying for subdivision shall provide the required material and information as requested by the Subdivision Authority or it's designate. A completed application shall consist of:

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

(b) the applicable fees paid; and

(c) an up-to-date and current copy of the Certificate of Title to the subject land; and

(d) a surveyors sketch or tentative subdivision plan professionally prepared with dimensions, structures, location of private sewage disposal system; and

(e) provincial abandoned gas well information; and

(f) for vacant parcels, a soils analysis which indicates the ability of the proposed parcel to be privately serviced if municipal services are not available; and

(g) any such other information as may be required at the discretion of the Subdivision Authority in order to accurately evaluate the application and determine compliance with the Land Use Bylaw or other government regulations. This may include but is not limited to the provision of geotechnical information, soil analysis reports, water reports, soil or slope stability analysis, drainage information, contours and elevations of the land, engineering studies or reports, wetland reports, environmental impact assessments, utility and servicing information, and/or the preparation of a conceptual design scheme or an area structure plan may be required from the applicant prior to a decision being rendered on a subdivision application to determine the suitability of the land for the proposed use; and

(h) the consent to authorize the Subdivision Authority or its designate to carry out a site inspection on the subject land as authorized in accordance with the *MGA* must also be provided on the submitted application form unless determined not to be needed by the Subdivision Authority.

48.2 In accordance with the *MGA*, the Subdivision Authority or those authorized to act on its behalf, shall provide notification to a subdivision applicant within the 20-day prescribed time period, on whether a submitted application is deemed complete, or if it is determined to be deficient what information is required to be submitted by a specified time period, by sending notification in the following manner:

(a) for an application deemed complete, the applicant shall be notified in writing as part of the formal subdivision application circulation referral letter;

(b) for an application determined to be incomplete, written notification shall be given to the applicant which may be in the form of a letter sent by regular mail to the applicant, or sent by electronic means, or both, or by any other method as may be agreed to between the applicant and Subdivision Authority;

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

48.3 Notwithstanding Section 48.2, the applicant and Subdivision Authority may agree and sign a time extension agreement in writing in accordance with section 653.1(3) of the *MGA* to extend the 20-day decision time period to determine whether the subdivision application and support information submitted is complete.

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

SECTION 49 INCOMPLETE SUBDIVISION APPLICATIONS

49.1 The Subdivision Authority may refuse to accept and process a subdivision application where the information required under Section 48 and/or as described in a Notification of Incompleteness has not been submitted, is determined to be deficient, is still incomplete, or in the opinion of the Subdivision Authority the quality of the material supplied is inadequate to properly evaluate the application.

49.2 If the Subdivision Authority makes a determination that the application is refused due to incompleteness, the applicant shall be notified in writing with reasons in the manner as described in Section 48.2.

49.3 The notification provided for in Section 48.2(b) shall include for the applicant the required information on the filing of an appeal and to which appeal board body the appeal lies, either the local appeal board or provincial Municipal Government Board, in accordance with the parameters of the *MGA*.

ENFORCEMENT AND APPEALS

SECTION 50 SUBDIVISON AND DEVELOPMENT APPEALS

50.1 Any person applying for a development permit or any other person affected by an order, decision or development permit made or issued by the Development Officer or the Municipal Planning Commission may appeal such an order or decision to the Subdivision and Development Appeal Board in accordance with the procedures described in the *MGA*.

50.2 The applicant may appeal a subdivision decision, and any condition attached to the subdivision decision, to the Subdivision and Development Appeal Board in accordance with the procedures described in the *MGA*.

50.3 An appeal to the Subdivision and Development Appeal Board shall be commenced by serving a written notice of the appeal with reasons to the Subdivision and Development Appeal Board and shall be accompanied by the applicable fees.

SECTION 51 GENERAL PROVISIONS

51.1 A Development officer may enforce the provisions of the *MGA* and its regulations, the conditions of a permit or subdivision approval, and this bylaw. Enforcement may be by notice of violation, stop orders, or any other authorized action to ensure compliance.

Right of Entry

51.2 After reasonable notice (generally to mean 48 hours notice) to the owner or occupant in accordance with the *MGA*, a Development officer may enter property at reasonable times (generally to mean 7:30 AM to 10:00 PM) to ascertain if bylaw requirements are being met.

51.3 A person shall not prevent or obstruct a Development officer from carrying out any official duty under this bylaw. If consent is not given, the Village of Duchess may apply for an authorizing order.

Contravention of Bylaw

51.4 Any owner, lessee, tenant or occupant of land, a building, a structure or a sign thereon, who, with respect to such land, building, structure:

(a) contravenes; or

(b) causes, allows or permits a contravention of any provision of this bylaw;

commits an offence.

51.5 It is an offence for any person to:

(a) construct a building or structure;

(b) make an addition or alteration thereto; or

(c) place a sign on land;

for which a development permit is required but has not been issued or is not valid under this bylaw.

51.6 It is an offence to use residential, agricultural, public, commercial or industrial property without a valid development permit where the use is listed as a permitted or discretionary use in the land use district.

51.7 It is an offence to use residential, agricultural, public, commercial or industrial property without a valid development permit where the use is not listed as a permitted or discretionary use in the land use district.

Warning Notice

51.8 A Development officer may issue a warning notice outlining the nature of the violation, corrective measures that may be taken, and the deadline for corrective measures.

SECTION 52 NOTICE OF VIOLATION

52.1 Once the Village has found a violation of this bylaw, a Development Officer may notify either the owner of the land, the building or the structure, the person in possession of the land, building or structure, the person responsible for the violation or any or all of them, of the contravention of this bylaw, by:

(a) delivering a Notice of Violation either in person or by ordinary mail to the owner of the land, building or structure at the address listed on the tax roll for the land in question; or

(b) delivering a Notice of Violation either in person or by ordinary mail to the owner of a sign, at a location where the owner carries on business.

52.2 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.

52.3 The appearance of the name of an individual, organization, corporation or ownership on a sign is prima facie proof that the individual, organization, corporation or owner named thereon caused, suffered or permitted the sign to be placed on land, and is responsible for any contravention of the provisions of this bylaw.

52.4 The Village is not required to issue a Violation Notice before commencing any other enforcement action under the *MGA*, or this bylaw, or at all.

SECTION 53 STOP ORDERS

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

53.2 A person who receives notice pursuant to Section 53 may appeal the order to the Subdivision and Development Appeal Board in accordance with the *MGA*.

53.3 Pursuant to section 646 of the *MGA*, if a person fails or refuses to comply with an order directed to the person under section 645 or an order of a subdivision and development appeal board under section 687, the Development officer may, in accordance with section 542, enter on the land or building and take any action necessary to carry out the order.

53.4 The Village may register a caveat under the *Land Titles Act* in respect of an order referred to in Section 53.1 against the Certificate of Title for the land that is the subject of an order.

53.5 If a caveat is registered under Section 53.4, the Village must discharge the caveat when the order has been complied with.

53.6 If compliance with a stop order is not voluntarily effected, the Village may undertake legal action, including but not limited to, seeking injunctive relief from the Alberta Court of Queen's Bench pursuant to section 554 of the *MGA*. In accordance with section 553 of the *MGA*, the expenses and costs of carrying out an order under section 646 of the *MGA* may be added to the tax roll of the parcel of land.

SECTION 54 PENALTIES AND RIGHT OF ENTRY

54.1 Any person who contravenes any provision of this bylaw is guilty of an offence in accordance with Part 13, Division 5, Offences and Penalties of the *MGA* and is liable to a fine of not more than $10,000 or to imprisonment for not more than one year or to both fine and imprisonment.

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

(a) enter on that land at a reasonable time and carry out inspection, enforcement, or action authorized or required by the enactment or bylaw;

(b) request anything to be produced to assist in the inspection, remedy, enforcement or action; and

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

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

AMENDMENTS

SECTION 55 AMENDMENTS TO THE LAND USE BYLAW

55.1 Any person or the Village may initiate amendments to the Village of Duchess Land Use Bylaw by submitting an application to the Development Officer.

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

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

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

55.5 The Development Officer shall forward the application to Council for consideration if he/she is satisfied sufficient information has been provided with the application.

55.6 Public hearing and notification requirements shall be in accordance with section 692 of the *MGA*.

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

55.8 Where an application has been significantly changed, Village Council may accept an application prior to the end of the 12-month period specified in Section 55.7.

SECTION 56 LAND USE REDESIGNATION APPLICATION REQUIREMENTS

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

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

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

(c) a narrative describing the:

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

(ii) consistency with the applicable statutory plans;

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

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

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

(vi) any potential impacts on public roads; and

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

(d) conceptual lot design, if applicable;

(e) a geotechnical report prepared by an engineer registered with the Association of Professional Engineers, Geologists, and Geophysicists of Alberta (APEGGA), addressing the following but not limited to:

(i) slope stability,

(ii) groundwater,

(iii) sewage,

(iv) water table, and

(v) flood plain analysis,

if deemed necessary by the Development Officer, or Council;

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

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

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

(a) redesignating land from Transitional – T to another district;

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

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

(a) industrial development;

(b) large-scale commercial development;

(c) manufactured home park;

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

(e) as required by Council.

SECTION 57 REDESIGNATION CRITERIA

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

(a) compliance with applicable standards and provisions of the Village of Duchess Land Use Bylaw;

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

(c) compatibility with adjacent uses;

(d) development potential/suitability of the site;

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

(f) cumulative impact to the Village;

(g) potential impacts on public roads;

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

(i) supply of suitably Development land;

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

(k) any other matters deemed pertinent.

ADMINISTRATION DEFINITIONS

SECTION 58 ADMINISTRATION DEFINITIONS

The following definitions shall apply to the entire bylaw.

A

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

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

ALTER or ALTERATION means any structural change to a building that results in an increase or decrease in the area or the volume of the building; any change in the area frontage, depth, or width of a lot that affects the required yard, landscaped open space, or parking requirements of this bylaw; structural change to a sign; and to discontinue or change the principal use of the site or building with a use defined as being distinct from the discontinued use.

AMENITY AREA means an area(s) within the boundaries of a development intended for recreational purposes. These may include landscaped areas, patios, balconies, swimming pools, beaches, and other similar items that are intended for public use.

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

AREA REDEVELOPMENT PLAN means a statutory plan, prepared in accordance with Sections 634 and 635 of the *MGA* for the purpose of all or any of the following:

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

(b) rehabilitating buildings in the area;

(c) removing buildings from the area;

(d) constructing or replacing buildings in the area;

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

(f) any other development in the area.

AREA STRUCTURE PLAN means a statutory plan prepared for the purpose of providing a framework for subsequent subdivision and development of an area of land (*MGA*, section 633) and that may be adopted by a Council by bylaw.

B

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

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

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

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

BUILDING has the meaning defined in the *MGA* and includes anything constructed or placed on, in, over or under land, but does not include a highway or road or a bridge that forms part of a highway or road.

BUILDING ENVELOPE means the space created on a lot or parcel within which a building may be constructed once the setback requirements for a specific zoning district have been considered.

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

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

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

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

BUILDING SETBACK means the shortest distance between the exterior foundation wall of the building and the nearest lot line. Depending on the zoning district, the minimum setback will vary.

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

BYLAW means the Land Use Bylaw of the Village of Duchess.

C

CERTIFICATE OF COMPLIANCE means a document signed by the Development Authority, certifying that a development complies with this bylaw with respect to yard requirements and insofar as represented on an Alberta Land Surveyor's Real Property Report.

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

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

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

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

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

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

CONDOMINIUM means a building or structure where there exists a type of ownership of individual units, generally in a multi-unit development or project where the owner possesses an interest as a tenant in common with other owners in accordance with the provisions of the *Condominium Property Act*.

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

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

COUNCIL means Council of the Village of Duchess.

D

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

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

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

DEVELOPMENT in accordance with the *MGA* means:

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

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

(c) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building; or

(d) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building.

DEVELOPMENT AGREEMENT means a contractual agreement completed between the municipality and an applicant for a development permit or subdivision approval which specifies the roadways, walkways, public utilities, and other services to be provided by the applicant as a condition of a development permit or subdivision approval, in accordance with the *MGA*.

DEVELOPMENT AUTHORITY means the body established by bylaw to act as the Development Authority in accordance with Sections 623(b) or (c) and 624 of the *MGA*.

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

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

DISTRICT – see **LAND USE DISTRICT**

E

EASEMENT means a right held by one part in land owned by another.

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

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

F

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

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

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

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

FOUNDATION means the supporting base structure of a building.

G

GEOTECHNICAL REPORT means a comprehensive site analysis and report prepared by a qualified and registered professional with the Association of Professional Engineers, Geologists, and Geophysicists of Alberta (APEGGA).

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

L

LANDOWNER – see **REGISTERED OWNER**

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

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

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

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

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

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

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

M

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

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

MUNICIPAL DEVELOPMENT PLAN means a statutory plan, formerly known as a General Municipal Plan, adopted by bylaw in accordance with section 632 of the *MGA*.

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

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

MUNICIPAL/SCHOOL RESERVE means the land specified to be municipal and school reserve by a subdivision approving authority pursuant to section 666 of the *MGA*.

N

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

NON-CONFORMING BUILDING means a building:

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

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

NON-CONFORMING USE means a lawful specific use:

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

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

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

NUISANCE means any use, prevailing condition or activity which has a detrimental effect on living or working conditions.

O

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

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

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

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

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

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

P

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

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

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

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

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

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

PRINCIPAL BUILDING means a building which:

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

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

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

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

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

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

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

R

REAL PROPERTY REPORT (RPR) means a legal document that illustrates in detail the location of all relevant, visible public and private improvements relative to property boundaries prepared by a registered Alberta Land Surveyor.

REGISTERED OWNER means:

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

(b) in the case of any other land:

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

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

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

ROAD – see **PUBLIC ROADWAY**

S

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

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

SETBACK means the minimum distance required between a property line 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

T

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

TRANSLUCENT means allowing light to pass through but diffusing it so that persons, objects, etc. on the opposite side are not clearly visible.

U

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

UTILITIES means any one or more of the following:

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

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

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

(d) storm water drainage facilities;

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

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

V

VILLAGE means the Village of Duchess.

W

WAIVER means the relaxation or variance of a development standard as established in this bylaw.

Z

ZONING – see **LAND USE DISTRICT**

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

Schedule 1

LAND USE DISTRICTS

Schedule 1

LAND USE DISTRICTS

SECTION 1 LAND USE DISTRICTS

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

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

RESIDENTIAL	–	R
RESIDENTIAL MANUFACTURED HOME	–	RMH
GENERAL COMMERCIAL	–	GC
BUSINESS INDUSTRIAL	–	BI
PUBLIC AND INSTITUTIONAL	–	PI
PARKS AND OPEN SPACE	–	PO
URBAN RESERVE	–	TR
DIRECT CONTROL	–	DC

SECTION 2 LAND USE DISTRICTS MAP

2.1 Land Use Districts Map (following this page)

Schedule 2

LAND USE DISTRICTS REGULATIONS

Schedule 2

LAND USE DISTRICTS REGULATIONS

RESIDENTIAL – R

SECTION 1 PURPOSE

1.1 *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.*

SECTION 2 USES

2.1 **Permitted Uses**

Accessory building
Accessory structure
Accessory use
Dwelling:
- One-unit
- Ready-to-move

Home occupation A
Primary accessory buildings less than 65 m^2 (700 ft^2)
Solar energy system, individual – roof or wall mounted

2.2 **Discretionary Uses**

Accessory dwelling unit
Child care facilities
Clustered / Cottage housing / Dwelling Group
Clubs, sororities and fraternal organizations
Dwellings:
- Lodging or boarding house
- Modular
- Moved-in
- Multi-unit
- Townhouse/Row
- Two-unit

Home occupations B
Park and playground
Primary accessory buildings greater than 65 m^2 (700 ft^2)
Secondary accessory buildings
Seniors housing
Utility

2.3 **Prohibited Uses**

Primary accessory buildings greater than 139.4 m^2 (1500 ft^2)
Permanent Shipping Containers

SECTION 3 APPLICATION OF DEVELOPMENT STANDARDS FOR LOTS WITH EXISTING DEVELOPMENT

3.1 Uses listed under 2.1, excluding new single unit dwellings, proposed to be developed on an existing registered lot that does not meet the minimum requirements for lot length, width or area specified Section 5, may be permitted at the discretion of the Development Officer.

3.2 If a valid permit was issued for an existing dwelling prior to the passing of this bylaw, the Development Officer may utilize the front, side and rear yard setback requirement as stipulated in the permit for any addition to the principle dwelling (deck, addition, etc.).

3.3 Any accessory structures are required to meet the setbacks established in Section 6.

SECTION 4 APPLICATION OF DEVELOPMENT STANDARDS FOR VACANT LOTS

4.1 The Development Officer is authorized to permit new single unit dwellings on existing registered non-conforming sized lots if the setbacks can be meet the requirements in Section 6.

SECTION 5 MINIMUM LOT SIZE

5.1 Minimum lot sizes are as follows:

Use	Width		Length		Area	
	m	ft	m	ft	m^2	ft^2
One Unit:						
– interior lot	15.2	50	38.1	125	579.1	6,250
– corner lot	18.3	60	38.1	125	697.2	7,500
Two-unit	18.3	60	38.1	125	697.2	7,500
Multi-unit	30.5	100	38.1	125	1162.1	12,000
Row or town houses:						
– interior	12.2	40	38.1	125	464.8	5,000
– exterior	7.6	25	38.1	125	289.6	3,125
All other uses	As required by the Municipal Planning Commission					

SECTION 6 MINIMUM SETBACKS – PRINCIPAL AND ACCESSORY

6.1 Minimum setbacks are as follows:

Use	Front Yard		Side Yard		Secondary Front (Corner Lots)		Rear Yard	
	m	ft	m	ft	m	ft	m	ft
One Unit	7.6	25	1.5	5	3.5	11.5	4.5	15
Two-unit	7.6	25	1.5	5	3.5	11.5	7.6	25
Multi-unit	7.6	25	4.6	15	3.5	11.5	7.6	25
Row or town houses	7.6	25	3.0	10	3.5	11.5	7.6	25
Accessory building	Same as principal building		1.5	5	3.5	11.5	0.6	2
Detached garage:								
– lot with lane	Same as principal building		1.5	5	3.5	11.5	3.0	10
– laneless lot	Same as principal building		1.5	5	3.5	11.5	1.5	5
All other uses	As required by the Municipal Planning Commission							

6.2 The Development Authority may require increased building setbacks if such setbacks would:

(a) help avoid land use conflict;

(b) enhance the appearance of the area.

6.3 The Development Authority may waive the building setback requirement in a well-established residential area if, in his or their opinion, the setback is in accordance with the prevailing yard pattern.

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

(a) eaves, fireplaces, belt courses, bay windows, cornices, sills or other similar architectural features attached to the principal dwelling may project over a side setback as permitted under the relevant provisions of Safety Codes and over a front or rear setback a distance not to exceed 0.6 m (2 ft);

(b) unenclosed steps or unenclosed fire escapes may project over a side setback as permitted under the relevant provisions of Safety Codes and over a front or rear setback a distance not to exceed 2.0 m (7 ft);

(c) wheelchair ramps, fences or walls to the property line, driveways, curbs and sidewalks, off-street parking, cooling units not to exceed 0.9 m (3 ft), mailboxes, landscaping, fish ponds, ornaments, flagpoles [less than 4.6 m (15 ft) in height], temporary swimming pools and signs may project over a side, front or rear setback at the discretion of the Development Officer or the Municipal Planning Commission.

6.5 Where a laneway or roadway has reduced the size of a lot by cutting off a corner of the lot, the minimum setback requirements shall apply to the portions of the lot that have not been cut-off by the laneway or roadway.

SECTION 7 MAXIMUM SITE COVERAGE

7.1 Total lot coverage – 40%

(Inclusive of all dwellings, accessory buildings and structures)

7.2 Accessory buildings – 15%

The combined total of all accessory buildings shall cover not more than 15% of the surface area of a lot. Accessory building(s) must be subordinate to the principal dwelling.

7.3 Other development shall be at the discretion of the Development Authority.

7.4 Hard surfaced parking pads not supporting a garage or carport, walkway, and/or paving stones or similar impervious ground cover is limited to a maximum of 50% of the lot (front, side and rear) not covered by the dwelling and accessory buildings and structures, unless approved otherwise by a development permit.

SECTION 8 MINIMUM FLOOR AREA

8.1 Minimum floor area:

(a) One-unit and Ready-to-move dwelling – 92.9 m^2 (1000 ft^2)

(b) All other uses – As required by the Municipal Planning Commission

8.2 The total floor area of any accessory building or attached garage must be less than the total floor area of the principal building.

SECTION 9 MAXIMUM BUILDING HEIGHT

9.1 Maximum building height:

(a) Principal building – 10.1 m (33 ft)

(b) Accessory buildings – maximum sidewall height of 2.75 m (9 ft)

SECTION 10 ACCESSORY BUILDINGS AND STRUCTURES

10.1 Where a structure is attached to the principal building on a site by a roof, an open or enclosed structure, a floor or foundation, it is to be considered a part of the principal building and is not an accessory structure.

10.2 No accessory building, structure or use shall be allowed:

(a) on a lot without an approved principal dwelling or use;

(b) to be located in the front yard of the principal structure.

(c) that is constructed in part or in whole of fabric, canvas or like material; and

(d) that is not constructed with straight side walls. Curved walled buildings are prohibited.



10.3 The first accessory building, which is 9.2 m² (100 ft²) or less in area, placed on a lot does not require a development permit, but any second or subsequent accessory building shall require a development permit and the Development Authority may limit the number of accessory buildings on a lot. No more than three accessory buildings shall be permitted on a lot.

10.4 Accessory buildings, structures and uses that are not specifically included within a development permit require a separate development permit application.

10.5 No accessory building shall occupy more than 2/3 of the width of the rear yard.

10.6 Detached garages shall have a minimum separation of 1.5 m (5 ft) from the foundation of any dwellings or buildings and a minimum of 0.6 m (2 ft) from the roof overhang of a dwelling or structure.

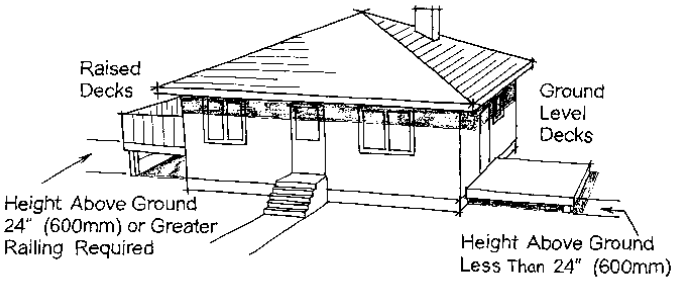
10.7 Accessory buildings shall be constructed such that eaves shall be no closer than 0.6 m (2 ft) from a side lot line or rear lot line and all drainage is conducted to the appropriate storm drain via the applicant's own property.

10.8 As a condition of a permit, if a development approval is required, the Development Authority may stipulate specific requirements for the type of foundation, fastening or tie-down system, finish, colour, roof pitch, and materials to be applied to the accessory building or structure to be compatible with the main dwelling in terms of materials and design.

SECTION 11 DECKS

11.1 A development permit is required for the construction of a deck if it will be constructed so that the decking is situated more than 0.6 m (24 in) above grade.

11.2 For the purpose of calculating yard setbacks and site coverage requirements as provided in this bylaw, where a structure is attached to the principal building by a roofed structure (open or enclosed), it shall be deemed to be part of the principal building and must meet the required side and rear yard setbacks.



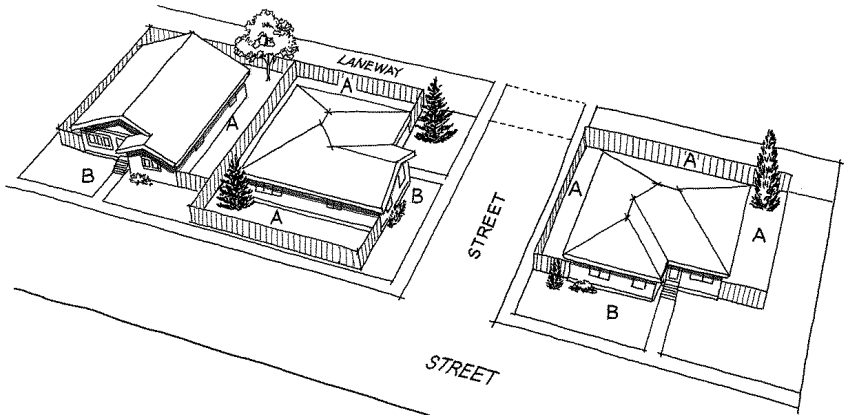
SECTION 12 FENCES

12.1 No fence, wall, gate, hedge or other means of enclosure shall extend more than 0.9 m (3 ft) above level grade and shall not be more than 0.3 m (1 ft) in width in any front yard without an approved development permit (labelled as area B on diagram), except in the case of corner lots where one yard is considered as the side yard.

12.2 Fences in the secondary front, rear and side yards must not exceed 2.0 m (6.5 ft) in height from level grade and shall not be more than 0.3 m (1 ft) in width without an approved development permit (labelled as area A on diagram).

12.3 Fencing shall not be permitted to be constructed within any developed or undeveloped roadway or laneway right-of-way. Removal of such fencing will be at the property owner's expense.

12.4 The Development Authority may regulate the material types and colours used for the fence. Regardless of fence height, barbed wire fencing or unconventional fencing materials, as determined by the Development Authority, are prohibited.



SECTION 12 TEMPORARY SHIPPING CONTAINERS

12.1 A shipping container may be placed temporarily on a construction site for the period of construction within this land use district without obtaining a development permit subject to the following provisions:

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

(b) the construction site is active (i.e. construction has commenced and is on-going or is about to commence within one week); placement of a shipping container on an inactive construction site is not permitted;

(c) no more than one shipping container is placed on the construction site (a development permit is required for additional shipping containers on a construction site);

(d) the exterior of the shipping container is kept clean and does not display any advertising other than the company owner's logo or trademark;

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

(f) the shipping container shall be placed a minimum of 3.0 m (10 ft) from the front property line and 1.5 m (5 ft) from the side property line. On corner lots, placement of the container shall also comply with the corner lot restrictions.

SECTION 13 HOME OCCUPATION

13.1 All home occupations require a development permit and business license.

13.2 Approval shall be for a period of one year with optional renewal and shall be limited to those uses which do not interfere with the rights of other residents to the quiet enjoyment of a residential neighbourhood.

13.3 No advertising or display of products shall be permitted on the property except for one indirectly illuminated sign of 0.28 m^2 (3 ft^2) placed flat against the building or fence.

13.4 All storage of materials shall be enclosed by a building.

13.5 Employment is limited to occupants of the dwelling plus not more than 5 employees working off site.

13.6 A maximum of one vehicle, used exclusively in the home occupation will be permitted, provided that there is sufficient off street parking, and the vehicle does not exceed one ton capacity.

13.7 The Development Officer may revoke the Business license at any time for non-compliance with these provisions.

SECTION 14 SWIMMING POOLS

14.1 These regulations are to cover all private swimming pools, in ground or above ground, having a depth greater than 0.5 m (1.64 ft) and a pool area greater than 10 m^2 (108 ft^2).

14.2 A plot plan shall be submitted to the Development Officer which indicates the location of the pool with regard to other structures and possible damage to property at a lower level due to seepage or rupture in the case of a surface built pool.

14.3 For safety reasons:

(a) the pool shall be enclosed with a 1.8 m high fence with a self-latching lockable gate with the latches located at least 1.2 m above grade;

(b) a life belt or other similar approved safety device is to be obtained and readily accessible;

(c) the pool area shall be appropriately lite; and

(d) public liability insurance shall be obtained to the satisfaction of the Village of Duchess, and the Village of Duchess will be supplied with a written copy of insurance.

14.4 All in-ground pools shall be connected to the municipal water system and a water meter shall be installed and shall have back flow preventers installed to prevent cross contamination of water supply. If the application is approved, detailed plans shall be submitted to a qualified building inspector. Plans shall include details and specifications on the filtration system, circulating system, drainage system, fill system, chlorinating system and all piping systems and shall be determined to be sufficient and acceptable to the building inspector.

SECTION 15 DEVELOPMENT NOT REQUIRING A PERMIT – See Schedule 3

SECTION 16 GENERAL STANDARDS OF DEVELOPMENT – See Schedule 4

SECTION 17 USE SPECIFIC STANDARDS OF DEVELOPMENT – See Schedule 5

SECTION 18 DEFINITIONS – See Schedule 9

RESIDENTIAL MANUFACTURED HOME– RMH

SECTION 1 PURPOSE

1.1 *To provide areas suitable for the location of individual manufactured homes, recognizing the special requirements of manufactured home development and the development of manufacture housing communities. These areas should provide for high-quality development that will be complementary to adjacent uses.*

SECTION 2 USES

2.1 **Permitted Uses**

Accessory buildings
Accessory structures
Accessory uses
Dwellings:
- Manufactured homes
- One-unit
- Modular home

Home occupations A
Primary accessory buildings less than 65 m^2 (700 ft^2)

2.2 **Discretionary Uses**

Manufactured home addition
Manufactured home park
Primary accessory buildings greater than 65 m^2 (700 ft^2)

2.3 **Prohibited Uses**

Primary accessory buildings greater than 139.4 m^2 (1500 ft^2)
Permanent Shipping Containers

SECTION 3 MINIMUM LOT SIZE

3.1 Minimum lot sizes are as follows:

Use	Width		Length		Area	
	m	ft	m	ft	m^2	ft^2
Dwellings on fee simple lots:						
Single-wide manufactured	15.2	50	38.1	125	579.1	6,250
Double-wide manufactured	15.2	50	38.1	125	579.1	6,250
One-unit / Modular Home	15.2	50	38.1	125	579.1	6,250
Dwellings located in approved housing community:						
Single-wide manufactured	12	40	38.1	125	464.5	5,000
Double-wide manufactured	15	50	38.1	125	579.1	6,250
All other uses	As required by the Municipal Planning Commission					

SECTION 4 MINIMUM SETBACKS

4.1 Minimum setbacks are as follows:

Use	Front Yard		Secondary Front (Corner Lots)		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft	m	ft
Manufactured dwellings on fee simple lots	6.0	20	4.6	12.5	1.5	5.	6.0	20
One-unit dwelling	7.6	25	1.5	5	3.5	11.5	4.5	15
Manufactured home in approved community	See 4.2							
Accessory buildings (including detached garage)	Same as principal building		3.5	12.5	1.5	5	0.6	2
All other uses	As required by the Municipal Planning Commission							

4.2. For manufactured units which are to be placed in an approved housing community on one parcel or title shall:

(a) be located so as to provide a minimum 1.5 m (5 ft) side yard on one side of the unit; and

(b) a minimum of 4.5 m (13 ft) on the opposite side; and

(c) the unit shall not be located less than 3.6 m (12 ft) from the adjacent manufactured home, roadway or property line.

SECTION 5 MAXIMUM SITE COVERAGE

5.1 Principal building – 40%

5.2 Accessory buildings – 10%

The combined total of all accessory buildings shall cover not more than 10% of the surface area of a lot. Accessory buildings must be subordinate to the principal dwelling.

5.3 Other development shall be at the discretion of the Development Authority.

SECTION 6 MINIMUM FLOOR AREA

6.1 All manufactured homes shall meet the Canadian Standards Association specifications. The Canadian Standards Association's seal will be displayed on the chassis of the manufactured home.

6.2 Minimum floor area:

(a) Single-wide manufactured home – 65.0 m^2 (700 ft^2)

(b) Double-wide manufactured home – 72.0 m^2 (775 ft^2)

(c) One unit dwelling / modular home – 74.3 m^2 (1000 ft^2)

(d) All other uses – As required by the Municipal Planning Commission

6.3 The total floor area of any accessory building or attached garage must be less than the total floor area of the principal building.

SECTION 7 MAXIMUM BUILDING HEIGHT

7.1 Maximum building height:

(a) Principal building – 10.1 m (33 ft)

(b) Accessory buildings – maximum sidewall height of 2.75 m (9 ft)

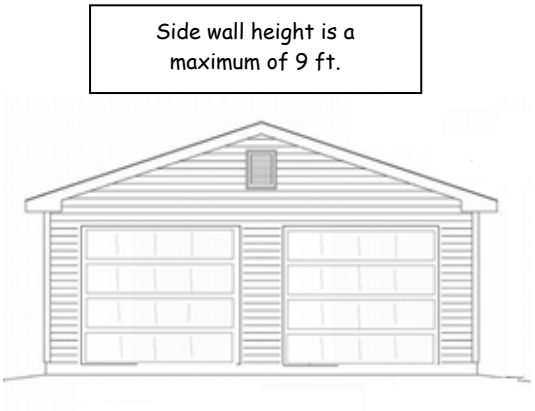
SECTION 8 ACCESSORY BUILDINGS AND STRUCTURES

8.1 Where a structure is attached to the principal building on a site by a roof, an open or enclosed structure, a floor or foundation, it is to be considered a part of the principal building and is not an accessory structure.

8.2 No accessory building, structure or use shall be allowed:

(a) on a lot without an approved principal dwelling or use;

(b) to be located in the front yard of the principal structure.



8.3 The first accessory building, which is 9.2 m² (100 ft²) or less in area, placed on a lot does not require a development permit but a placement approval by the Development Officer, but any second or subsequent accessory building shall require a development permit and the Development Authority may limit the number of accessory buildings on a lot.

8.4 Accessory buildings, structures and uses that are not specifically included within a development permit require a separate development permit application.

8.5 Detached garages shall have a minimum separation of 3.1 m (10 ft) from the foundation of any dwellings or buildings and a minimum of 0.6 m (2 ft) from the roof overhang of a dwelling or structure.

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

8.7 As a condition of a permit, if a development approval is required, the Development Authority may stipulate specific requirements for the type of foundation, fastening or tie-down system, finish, colour, roof pitch, and materials to be applied to the accessory building or structure to be compatible with the main dwelling in terms of materials and design.

SECTION 9 STANDARDS OF DEVELOPMENT

9.1 Corner lots in this land use district should be used for double-wide manufactured homes unless otherwise approved by the Municipal Planning Commission.

9.2 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.

Foundations and Basements

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

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

9.5 The maximum allowable height of the exposed portion of a concrete or block foundation shall not be more than 0.6 m (2 ft) above the average finished surface level of the surrounding ground.

9.6 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 Officer.

General Appearance

9.7 In order to maintain the residential character of the development:

(a) the wheels and hitches shall be enclosed or removed from a manufactured home immediately after placement of the home on its foundation;

(b) the underside of manufactured homes which are not provided with a basement shall be within 0.6 m (2 ft) of the finished grade;

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

(d) the foundation and skirting shall be in place immediately after placement of the manufactured home on the foundation.

SECTION 10 MANUFACTURED HOUSING COMMUNITY DESIGN CRITERIA AND DEVELOPMENT STANDARDS

10.1 The manufactured home park should incorporate detailed aesthetic consideration such as:

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

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

(c) imaginative handling of lamp standards, litter bins, street signs and things of this nature.

10.2 All manufactured housing communities must be connected to the Village of Duchess sewer and water systems and third parties shallow utilities that are available. All on-site servicing shall be built to the standards and requirements of the Village of Duchess and shall include:

(a) that each manufactured home stall shall have a sewer riser not less than 10 cm in diameter extending not less than 10 cm and not more than 12 cm from the surface of the ground;

(b) each sewer riser shall be centered in a concrete block and have a suitable cap when not in use.

10.3 All manufactured housing communities shall:

(a) be constructed in such a manner that no manufactured home fronts directly onto a public street; and

(b) be fenced or screened to a height of 1.5 m (5 ft).

10.4 All internal streets shall be constructed by the developer to a minimum width of 10 m (33 ft) and shall be surfaced with gravel or asphalt to provide an all-weather surface at all times.

10.5 The minimum area per manufactured home stall shall be 360 m^2 and minimum frontage shall be 12 m for single width and 15 m for double wide manufactured homes. All the lot corners shall be clearly defined by wooden pegs or other markers.

10.6 Each stall shall have a gravelled or paved pad compacted sufficiently to provide a firm foundation for the manufactured home and shall be connected directly to the park roadway system be an access no less than 3.6 m (12 ft) in width to permit moving the manufactured home.

10.7 Areas not used for buildings, roads or parking shall be sodded or landscaped.

10.8 The park management shall ensure that skirting for the manufactured home shall be installed within 30 days of its arrival and shall conform to the outward appearance of the manufactured home.

10.9 All additions shall conform to the outward appearance of the manufactured home, be constructed of a material no less fireproof than the exterior of the manufactured home and be completed within 30 days of the commencement of construction.

10.10 A minimum of one all-weather parking stall shall be provided per stall.

10.11 Each manufactured home pad shall be provided with anchors in the form of cast in place “dead men” eyelets embedded in concrete, screw augers or arrow head anchor at all corners of the manufactured home pad to secure the manufactured home against wind when secured to the home be a fastening system.

10.12 The manufactured housing community management shall provide for garbage disposal to the satisfaction of the Village of Duchess Public Works Department.

10.13 A centrally located, locked and fenced storage yard shall be provided by the park operators with not less than 20 m^2 of area allotted per unit.

10.14 When there are more than 10 manufactured homes situated within a community, recreation space suitably landscaped and equipped shall be provided at a ratio of 20 m^2 per unit at the discretion of the Village of Duchess Council.

10.15 Information required for a Development Application for a manufactured housing community, in addition to the normal requirement for a Development Permit, shall include complete engineering plans and a written description of the development.

10.16 An adequate street and walkway lighting system for the safety and security of all the residents shall be provided within the development.

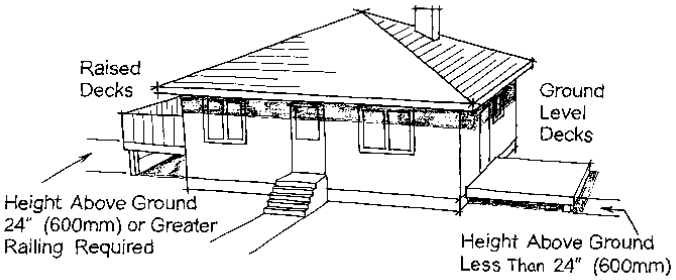
10.17 There shall be a manager, owner or caretaker in charge of the manufactured housing community and no permanent dwellings shall be erected within the community except that of the manager, owner or caretaker.

10.18 Utility easements as may be required shall be provided within the site and reasonable access to these easements shall be granted to the village and utility companies for the installation and maintenance of services.

SECTION 11 DECKS

11.1 A development permit is required for the construction of a deck if it will be constructed so that the decking is situated more than 0.6 m (24 in) above grade.

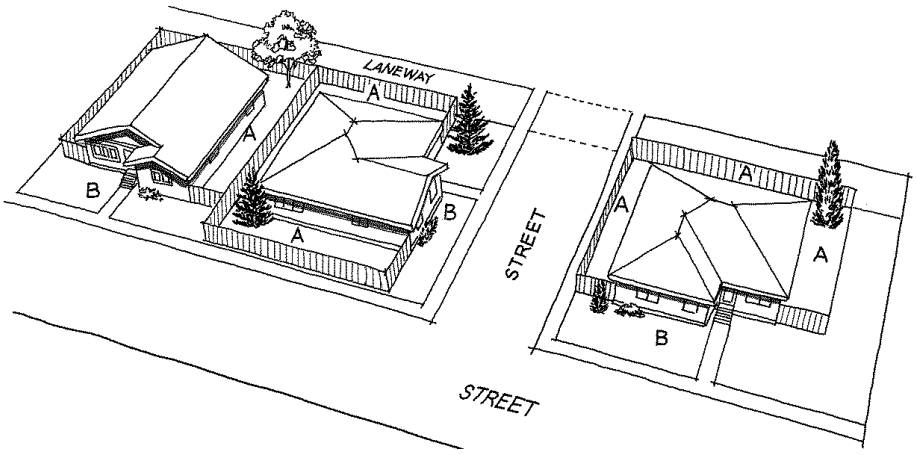
11.2 For the purpose of calculating yard setbacks and site coverage requirements as provided in this bylaw, where a structure is attached to the principal building by a roofed structure (open or enclosed), it shall be deemed to be part of the principal building and must meet the required side and rear yard setbacks.



SECTION 12 FENCES

12.1 For fee simple lots, no fence, wall, gate, hedge or other means of enclosure shall extend more than 0.9 m (3 ft) above level grade and shall not be more than 0.3 m (1 ft) in width in any front yard without an approved development permit (labelled as area B on diagram), except in the case of corner lots where one yard is considered as the side yard.

12.2 On fee simple lots, fences in the secondary front, rear and side yards must not exceed 1.8 m (6 ft) in height from level grade and shall not be more than 0.3 m (1 ft) in width without an approved development permit (labelled as area A on diagram).



12.3 Fencing shall not be permitted to be constructed within any developed or undeveloped roadway or laneway right-of-way. Removal of such fencing will be at the property owner's expense.

12.4 The Development Authority may regulate the material types and colours used for the fence. Regardless of fence height, barbed wire fencing or unconventional fencing materials, as determined by the Development Authority, are prohibited.

SECTION 13 TEMPORARY SHIPPING CONTAINERS

13.1 A shipping container may be placed temporarily on a construction site for the period of construction within this land use district without obtaining a development permit subject to the following provisions:

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

(b) the construction site is active (i.e. construction has commenced and is on-going or is about to commence within one week); placement of a shipping container on an inactive construction site is not permitted;

(c) no more than one shipping container is placed on the construction site (a development permit is required for additional shipping containers on a construction site);

(d) the exterior of the shipping container is kept clean and does not display any advertising other than the company owner's logo or trademark;

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

(f) the shipping container shall be placed a minimum of 3.0 m (10 ft) from the front property line and 1.5 m (5 ft) from the side property line. On corner lots, placement of the container shall also comply with the corner lot restrictions section 3 of this district.

SECTION 14 DEVELOPMENT NOT REQUIRING A PERMIT – See Schedule 3

SECTION 15 GENERAL STANDARDS OF DEVELOPMENT – See Schedule 4

SECTION 16 OFF-STREET PARKING/LOADING REQUIREMENTS – See Schedule 4, Design Standards

SECTION 17 USE SPECIFIC STANDARDS OF DEVELOPMENT – See Schedule 5

SECTION 18 DEFINITIONS – See Schedule 9

GENERAL COMMERCIAL – GC

SECTION 1 PURPOSE

1.1 *To provide for the development of a range of commercial and service uses which primarily cater to the daily needs of the residents of the Village of Duchess.*

SECTION 2 USES

2.1 **Permitted Uses**

Accessory building
Accessory structure
Accessory use
Contractors, limited
Business and professional office
Drive-in/drive-through restaurants
Financial institutions
Hotel/motel
Institutional
Government offices
Medical and dental office
Offices
Personal services
Public buildings
Restaurants
Retail stores
Sign – portable
Solar energy system, individual – roof or wall mounted

2.2 **Discretionary Uses**

Automotive sales and service
Bus depot
Car wash
Contractors, general
Farm machinery/industrial machinery sales, rental and service
Lumber yards/building supplies
Mixed use
Outdoor storage
Religious assembly
Residential accommodation in conjunction with an approved commercial use
Service station/gas bar
Shipping containers
Signs
Small wind energy system
Theatres
Utility

2.3 **Prohibited Uses**

Quonset structures

SECTION MINIMUM LOT SIZE

3.1 Permitted uses – as required by the Development Officer

3.2 Discretionary uses – as required by the Municipal Planning Commission

SECTION 4 MINIMUM SETBACKS

4.1 Permitted uses – as required by the Development Officer

4.2 Discretionary uses – as required by the Municipal Planning Commission

4.3 The Municipal Planning Commission may require special standards for setbacks, access and service roadways for those adjacent to Highways 873 and 550 in accordance with Alberta Transportation recommendations, permit requirements and provincial legislation.

SECTION 5 MAXIMUM SITE COVERAGE

5.1 Principal buildings and accessory building – 80%

5.2 Total floor area of all buildings on the site shall be not less than 10 % of the total site area.

SECTION 6 MAXIMUM BUILDING HEIGHT

6.1 Maximum building height:

(a) Principal building – 11.0 m (36 ft)

(b) Accessory buildings – maximum sidewall height of 2.75 m (9 ft)

SECTION 7 ACCESSORY STRUCTURES AND USES

7.1 No accessory structure or use shall be allowed on a lot without an approved principal structure or use.

7.2 Accessory structures and uses that are not specifically included within a development permit require a separate development permit application.

SECTION 8 PROJECTIONS OVER PUBLIC LAND

8.1 No projections are to be over public lands.

8.2 Signs, awnings or other projections shall be designed so that drainage or snow melt will be contained on the property.

SECTION 9 ROAD FRONTAGE AND ACCESS

9.1 All newly created lots shall have frontage on a public roadway which enables direct physical and legal access onto that public road. Frontage on a laneway alone will not be permitted. The minimum frontage requirements shall be as defined by the minimum lot dimensions in the applicable land use district.

9.2 All new development shall have frontage on and direct physical and legal access to a maintained public roadway, except for:

(a) development internal to a condominium plan containing private roadways; and

(b) development internal to a manufactured home community or multi-use development containing internal roadways as approved by the Development Authority.

9.3 Every vehicular entrance and exit shall be located at least 7.6 m (25 ft) from the intersection of two streets, and a greater distance where reasonable and appropriate by the Development Authority.

9.4 The Development Authority may require access to be located so that it can be shared with an adjoining lot or development.

SECTION 10 LIGHTING

10.1 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 neighbouring properties or traffic safety on public roadways.

SECTION 11 UTILITIES AND SERVICING

11.1 The erection of a building on any site may be prohibited where it would otherwise be permitted when, in the opinion of the Development Authority, satisfactory arrangements have not been made for the supply of water, gas, electric power, sewage, street access or other services or facilities necessary to serve the development.

11.2 All development shall be required to connect to both the municipal water supply and sewerage system, except where in the opinion of the Development Authority, the development does not require water and sewer.

SECTION 12 FENCES

12.1 No fence, wall, gate, hedge or other means of enclosure shall extend more than 0.9 m (3 ft) above level grade and shall not be more than 0.3 m (1 ft) in width in any front yard without an approved development permit, except in the case of corner lots where one yard is considered as the side yard.

12.2 Fences in the secondary front, rear and side yards must not exceed 2.4 m (8 ft) in height from level grade and shall not be more than 0.3 m (1 ft) in width without an approved development permit.

12.3 Fencing shall not be permitted to be constructed within any developed or undeveloped roadway or laneway right-of-way. Removal of such fencing will be at the property owner's expense.

12.4 The Development Authority may regulate the material types and colours used for the fence. Regardless of fence height, barbed wire fencing is prohibited.

12.5 Any business with outside storage must have a locked perimeter fence of a minimum of 1.8 m (6 ft) and a maximum of 2.4 m (8 ft).

12.6 The Development Authority may regulate the material types and colours used for the fence. Regardless of fence height, unconventional fencing materials, as determined by the Development Authority, are prohibited.

SECTION 13 SHIPPING CONTAINER STANDARDS

13.1 An application for a development permit for all proposed shipping container(s) must be completed and submitted to the Development Officer along with the appropriate application fee. At least two recent colour photographs of the container(s) (one end view and one side view) must accompany the application.

13.2 There shall be a primary use on the property where the shipping container is proposed.

13.3 The front, rear and side setback requirements shall be regulated by the Development Authority as per the accessory building requirements in the applicable land use district.

13.4 The maximum number of shipping containers permitted on a lot shall be regulated by the Development Authority.

13.5 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.

13.6 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.

13.7 The exterior of all shipping containers must be kept clean and regularly painted.

13.8 Shipping containers shall not display advertising, company logos, names or other marketing without an approved sign permit.

13.9 The Development Authority may require as a condition of approval the posting of a bond or a security guaranteeing compliance with the conditions of the permit.

SECTION 14 DEVELOPMENT NOT REQUIRING A PERMIT – See Schedule 3

SECTION 15 GENERAL STANDARDS OF DEVELOPMENT – See Schedule 4

SECTION 16 OFF-STREET PARKING/LOADING REQUIREMENTS – See Schedule 4, Design Standards

SECTION 17 USE SPECIFIC STANDARDS OF DEVELOPMENT – See Schedule 5

SECTION 18 DEFINITIONS – See Schedule 9

BUSINESS INDUSTRIAL – BI

SECTION 1 PURPOSE

1.1 *To allow for the development of light manufacturing, assembly operations, warehousing, business services, sales for goods produced on-site and other commercial uses which are compatible with each other and with uses in adjacent districts.*

SECTION 2 USES

2.1 **Permitted Uses**

Accessory building
Accessory structure
Accessory use
Animal care, small
Auto sales and service
Building and trade contractor
Contractor, general
Contractor, limited
Equipment sales, rental and service
Fitness facility
Garden centre or greenhouse
General warehousing and storage
Light fabrication shop
Light industrial/manufacturing
Lumber yard
Mini-storage
Office
Recycling facility
Service station
Shipping container
Sign
Solar energy system, individual – roof or wall mounted
Transportation/delivery service

2.2 **Discretionary Uses**

Campground
Funeral facility
Moved-in building
Outdoor storage
Restaurant
Small wind energy system
Solar energy system, individual – ground mounted

2.3 **Prohibited Uses**

Cryptocurrency mining operation
Noxious or hazardous use
Auto wreckage and salvage yard

SECTION 3 MINIMUM LOT SIZE

3.1 Minimum lot sizes are as follows:

Use	Servicing	Width		Length		Area	
		m	ft	m	ft	m^2	ft^2
All uses	sewer / water	22.8	75	30.5	100	695.4	7,500
	water only	30.5	100	61.0	200	1860.5	20,000
	unserviced	61.0	200	61.0	200	3721.0	40,000

SECTION 4 MINIMUM SETBACKS

4.1 Minimum setbacks are as follows:

Use	Front Yard		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft
All uses	6.1	20	4.6	15	7.6	25

4.2 Structures that are attached to a principal building are subject to the principal setbacks.

4.3 The Development Authority may require increased building setbacks if, in his or their opinion, such setbacks would:

(a) help avoid land use conflict;

(b) enhance the appearance of the area.

4.4 The Municipal Planning Commission may require special standards for setbacks, access and service roadways for parcels adjacent to Highway 3 in accordance with Alberta Transportation recommendations, permit requirements and the *Public Highways Development Act*.

SECTION 5 MAXIMUM SITE COVERAGE

5.1 Principal buildings and accessory building – 60%

SECTION 6 MAXIMUM BUILDING HEIGHT

6.1 Maximum building height:

(a) Principal building – 11.0 m (36 ft)

(b) Accessory buildings – maximum sidewall of 4.87 m (16 ft)

SECTION 7 ACCESSORY STRUCTURES AND USES

7.1 No accessory structure or use shall be allowed on a lot without an approved principal structure or use.

7.2 Accessory structures and uses that are not specifically included within a development permit require a separate development permit application.

SECTION 8 LANDSCAPING STANDARDS AND SCREENING

8.1 Parking lots shall be landscaped and/or screened as required by the Development Authority.

8.2 The Development Authority may impose additional landscaping or screening requirements on a development approval for a permitted or discretionary use to improve the quality or compatibility of the proposed development.

SECTION 9 SHIPPING CONTAINER STANDARDS

9.1 An application for a development permit for all proposed shipping container(s) must be completed and submitted to the Development Officer along with the appropriate application fee. At least two recent colour photographs of the container(s) (one end view and one side view) must accompany the application.

9.2 There shall be a primary use on the property where the shipping container is proposed.

9.3 The front, rear and side setback requirements shall be regulated by the Development Authority as per the accessory building requirements in the applicable land use district.

9.4 The maximum number of shipping containers permitted on a lot shall be regulated by the Development Authority.

9.5 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.

9.6 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.

9.7 The exterior of all shipping containers must be kept clean and regularly painted.

9.8 Shipping containers shall not display advertising, company logos, names or other marketing without an approved sign permit.

9.9 The Development Authority may require as a condition of approval the posting of a bond or a security guaranteeing compliance with the conditions of the permit.

SECTION 10 DEVELOPMENT NOT REQUIRING A PERMIT – See Schedule 3

SECTION 11 GENERAL STANDARDS OF DEVELOPMENT – See Schedule 4

SECTION 12 OFF-STREET PARKING/LOADING REQUIREMENTS – See Schedule 4, Design Standards

SECTION 13 USE SPECIFIC STANDARDS OF DEVELOPMENT – See Schedule 5

SECTION 14 DEFINITIONS – See Schedule 9

PUBLIC AND INSTITUTIONAL – PI

SECTION 1 PURPOSE

1.1 *To designate areas for the development of government, educational, medical, social and other public and institutional uses.*

SECTION 2 USES

2.1 **Permitted Uses**

Accessory building
Accessory structure
Accessory use
Clubs, lodges and community hall
Day care centre
Government services
Libraries and museum
Park and playground
Recreation and sports field
Rodeo grounds
School
Sign – portable
Solar energy system, individual – roof or wall mounted
Utility

2.2 **Discretionary Uses**

Cemetery
Commercial recreation
Hospital
Medical and dental office
Outdoor storage
Places of worship
Private nursing homes
Protective services
Public indoor recreational facilities
Religious assembly
Seniors citizen housing
Shipping container
Signs
Small wind energy system
Solar energy system, individual – ground mounted
Special care facility
Utility

SECTION 3 MINIMUM LOT SIZE

3.1 Permitted uses – As required by the Development Officer

3.2 Discretionary uses – As required by the Municipal Planning Commission

SECTION 4 MINIMUM SETBACKS

4.1 Permitted uses – As required by the Development Officer

4.2 Discretionary uses – As required by the Municipal Planning Commission

4.3 The Municipal Planning Commission may require special standards for setbacks, access and service roadways for those adjacent to Highways 3 and 3A in accordance with Alberta Transportation recommendations, permit requirements and provincial legislation.

SECTION 5 SHIPPING CONTAINERS

5.1 A shipping container may be placed temporarily on a construction site for the period of construction within this land use district without obtaining a development permit subject to the following provisions:

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

(b) the construction site is active (i.e. construction has commenced and is on-going or is about to commence within one week); placement of a shipping container on an inactive construction site is not permitted;

(c) no more than one shipping container is placed on the construction site (a development permit is required for additional shipping containers on a construction site);

(d) the exterior of the shipping container is kept clean and does not display any advertising other than the company owner's logo or trademark;

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

(f) the shipping container shall be placed a minimum of 3.0 m (10 ft) from the front property line and 1.5 m (5 ft) from the side property line. On corner lots, placement of the container shall also comply with the corner lot restrictions section 3 of this district.

5.2 An application for a development permit for permanent shipping container(s) must be completed and submitted to the Development Officer along with the appropriate application fee. At least two recent colour photographs of the container(s) (one end view and one side view) must accompany the application.

5.3 There shall be a primary use on the property where the shipping container is proposed.

5.4 The front, rear and side setback requirements shall be regulated by the Development Authority as per the accessory building requirements in the applicable land use district.

5.5 The maximum number of shipping containers permitted on a lot shall be regulated by the Development Authority.

5.6 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.

5.7 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.

5.8 The exterior of all shipping containers must be kept clean and regularly painted and shall not display advertising, company logos, names or other marketing without an approved sign permit.

5.9 The Development Authority may require as a condition of approval the posting of a bond or a security guaranteeing compliance with the conditions of the permit.

SECTION 6 DEVELOPMENT NOT REQUIRING A PERMIT – See Schedule 3

SECTION 7 GENERAL STANDARDS OF DEVELOPMENT – See Schedule 4

SECTION 8 USE SPECIFIC STANDARDS OF DEVELOPMENT – See Schedule 5

SECTION 9 DEFINITIONS – See Schedule 9

PARKS AND OPEN SPACE – PO

SECTION 1 PURPOSE

1.1 *To designate areas for the development of open space, parks and recreational areas and facilities.*

SECTION 2 USES

2.1 **Permitted Uses**

Accessory building
Accessory structure
Accessory use
Parks and playgrounds
Recreation, public
Solar energy system, individual – roof or wall mounted

2.2 **Discretionary Uses**

Amusement facility
Campground
Cemetery and interment service
Child care facility
Community association building
Exhibition centre
Golf course
Institutional
Museum
Recreation, private
Shipping Containers
Signs
Solar energy system, individual – ground mounted

SECTION 3 MINIMUM LOT SIZE

3.1 Permitted uses – As required by the Development Officer

3.2 Discretionary uses – As required by the Municipal Planning Commission

SECTION 4 MINIMUM SETBACKS

4.1 Permitted uses – As required by the Development Officer

4.2 Discretionary uses – As required by the Municipal Planning Commission

4.3 The Municipal Planning Commission may require special standards for setbacks, access and service roadways for those adjacent to Highways 3 and 3A in accordance with Alberta Transportation recommendations, permit requirements and provincial legislation.

SECTION 5 SHIPPING CONTAINERS

5.1 A shipping container may be placed temporarily on a construction site for the period of construction within this land use district without obtaining a development permit subject to the following provisions:

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

(b) the construction site is active (i.e. construction has commenced and is on-going or is about to commence within one week); placement of a shipping container on an inactive construction site is not permitted;

(c) no more than one shipping container is placed on the construction site (a development permit is required for additional shipping containers on a construction site);

(d) the exterior of the shipping container is kept clean and does not display any advertising other than the company owner's logo or trademark;

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

(f) the shipping container shall be placed a minimum of 3.0 m (10 ft) from the front property line and 1.5 m (5 ft) from the side property line. On corner lots, placement of the container shall also comply with the corner lot restrictions section 3 of this district.

5.2 An application for a development permit for permanent shipping container(s) must be completed and submitted to the Development Officer along with the appropriate application fee. At least two recent colour photographs of the container(s) (one end view and one side view) must accompany the application.

5.3 There shall be a primary use on the property where the shipping container is proposed.

5.4 The front, rear and side setback requirements shall be regulated by the Development Authority as per the accessory building requirements in the applicable land use district.

5.5 The maximum number of shipping containers permitted on a lot shall be regulated by the Development Authority.

5.6 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.

5.7 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.

5.8 The exterior of all shipping containers must be kept clean and regularly painted and shall not display advertising, company logos, names or other marketing without an approved sign permit.

5.9 The Development Authority may require as a condition of approval the posting of a bond or a security guaranteeing compliance with the conditions of the permit.

SECTION 6 DEVELOPMENT NOT REQUIRING A PERMIT – See Schedule 3

SECTION 7 GENERAL STANDARDS OF DEVELOPMENT – See Schedule 4

SECTION 8 USE SPECIFIC STANDARDS OF DEVELOPMENT – See Schedule 5

SECTION 9 DEFINITIONS – See Schedule 9

URBAN RESERVE – UR

SECTION 1 PURPOSE

1.1 *To be applied to larger parcels of land usually on the periphery of existing development. The district restricts uses and maintains parcels in larger sizes to allow maximum flexibility for use and development when the land is required for urban development.*

SECTION 2 USES

2.1 **Permitted Uses**

Accessory building
Accessory structure
Accessory use
Cultivation and grazing of land
Home occupation A
One-unit dwelling
Primary accessory buildings up to 65 m^2 (700 ft^2)
Solar energy system, individual – roof or wall mounted

2.2 **Discretionary Uses**

Clubs, sororities and fraternal organizations
Home occupation B
Institutional
Parks and playgrounds
Primary accessory buildings greater than 65 m^2 (700 ft^2)
Recreation and sports fields
Shipping container
Small wind energy system
Solar energy system, individual – ground mounted
Utility

SECTION 3 MINIMUM LOT SIZE

3.1 2.0 hectares (5 acres).

SECTION 4 MINIMUM SETBACKS

4.1 As required by the Development Officer or Municipal Planning Commission.

SECTION 5 ACCESSORY BUILDINGS

5.1 Primary accessory building – maximum floor area is at the discretion of Municipal Planning Commission which shall consider location and parcel size.

5.2 Any secondary accessory buildings are considered to be discretionary.

5.3 Accessory buildings and structures must be compatible with the main dwelling in terms of materials and design.

5.4 The total site coverage of all accessory buildings should not exceed 278.8 m^2 (3000 ft^2).

SECTION 6 SPECIAL DEVELOPMENT REQUIREMENTS

6.1 All discretionary use applications may be considered only in conjunction with a Comprehensive Development Plan approved by the Municipal Planning Commission.

6.2 The Municipal Planning Commission may require special standards such as, but not limited to, access, setback, siting and servicing in order to ensure the compatibility of any proposed development with an existing or approved adjacent development.

6.3 Generally the applicable standards, requirements and guidelines of the appropriate land use district and all other relevant portions of the bylaw schedules shall apply to each conditional use application for development in the Agricultural District unless otherwise determined by the Municipal Planning Commission.

SECTION 7 KEEPING OF ANIMALS – See Animal Control Bylaw, Appendix C

SECTION 8 TEMPORARY SHIPPING CONTAINERS

8.1 A shipping container may be placed temporarily on a construction site for the period of construction within this land use district without obtaining a development permit subject to the following provisions:

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

(b) the construction site is active (i.e. construction has commenced and is on-going or is about to commence within one week); placement of a shipping container on an inactive construction site is not permitted;

(c) no more than one shipping container is placed on the construction site (a development permit is required for additional shipping containers on a construction site);

(d) the exterior of the shipping container is kept clean and does not display any advertising other than the company owner's logo or trademark;

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

(f) the shipping container shall be placed a minimum of 3.0 m (10 ft) from the front property line and 1.5 m (5 ft) from the side property line. On corner lots, placement of the container shall also comply with the corner lot restrictions Section 3 of this district.

SECTION 9 DEVELOPMENT NOT REQUIRING A PERMIT – See Schedule 3

SECTION 10 GENERAL STANDARDS OF DEVELOPMENT – See Schedule 4

SECTION 11 USE SPECIFIC STANDARDS OF DEVELOPMENT – See Schedule 5

SECTION 12 DEFINITIONS – See Schedule 9

DIRECT CONTROL – DC

SECTION 1 PURPOSE

1.1 *To allow Council considerable flexibility for approval of uses on suitable sites that have potential for a number of different land uses. On sites Development as Direct Control, Council is willing to consider proposals that do not infringe on adjacent uses.*

SECTION 2 PERMITTED USES

2.1 Any use Council considers suitable.

SECTION 3 MINIMUM LOT SIZE

3.1 As Council determines necessary, but not less than the requirements of the Subdivision and Development Regulation.

SECTION 4 STANDARDS OF DEVELOPMENT

4.1 As Council considers necessary having regard to Schedule 4.

SECTION 5 SIGNS

5.1 As Council considers necessary having regard to Schedule 5.

SECTION 6 OTHER STANDARDS

6.1 Council may require additional standards having regard to statutory plans, and comments from referral agencies contacted under Section 7.3 of this district.

SECTION 7 APPROVAL PROCEDURE

7.1 Before Council considers an application for a use in the Direct Control district, they shall:

(a) cause notice to be issued by the Development Officer in accordance with Section 39 of this bylaw;

(b) hear any persons that claim to be affected by the decision on the application.

7.2 Council may then approve the application with or without conditions or refuse the application.

7.3 When applicable, Council should seek comments from other government agencies, such as:

- Alberta Health Services,
- Planning Advisor,
- Alberta Transportation,
- Alberta Environment, and
- any other agency Council considers necessary.

Schedule 3

DEVELOPMENT NOT REQUIRING A PERMIT

Schedule 3

DEVELOPMENT NOT REQUIRING A PERMIT

SECTION 1 GENERAL STANDARDS

1.1 This schedule does not negate the requirement of obtaining all required permits, as applicable, under the *Safety Codes Act* and any other municipal, provincial or federal statute.

1.2 This schedule does not negate the requirement of obtaining a business license where required.

1.3 Developments that shall not require a development permit must otherwise comply with all provisions of this bylaw including:

(a) the development must conform to the uses in the land use district in which the development is proposed; and

(b) the development must meet or exceed the applicable development standards including but not limited to setbacks from property lines, height, site coverage as stated in the applicable land use district.

1.4 If there is a doubt to whether a development is exempt from obtaining a development permit, the matter shall be decided by the Municipal Planning Commission.

SECTION 2 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT BUT MUST OBTAIN MUNICIPAL SITING APPROVAL

2.1 The following developments shall not require a development permit, but must obtain municipal approval from the Development Officer for the placement of the following on a residential or non-residential lot:

(a) any accessory storage building, garden shed or structure placed on a lot which is 9.3 m^2 (100 ft^2) or less in area and that is not on a permanent foundation which must meet the yard setbacks stipulated in the applicable land use district;

(b) the erection, maintenance or alteration of a fence, gate, wall, hedge or other means of enclosure as specified regarding height and location in accordance with Schedule 2;

(c) the construction of uncovered decks or patios 24 inches or lower to ground level in accordance with the land use district front, side and rear setback requirements. Any covered deck shall require a development permit;

(d) landscaping that was not required as part of the original development permit.

SECTION 3 RESIDENTIAL DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

3.1 The following residential developments shall not require a development permit, but must otherwise comply with all other provisions of this bylaw and other legislation in accordance with Section 1 of this schedule:

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

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

(i) create another dwelling unit,

(ii) increase parking requirements, or

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

(c) any satellite dish less than 1 m (3.3 ft) in diameter;

(d) stand-alone temporary inflatable outdoor swimming pools and above ground hot tubs. Shade structures or decks for access to the pool or hot tub require permits;

(e) the installation of cement or other hard surface material that is not to be covered or partially covered by a roof or other shelter and does not exceed 50% of the total landscaped area;

(f) one shipping container may remain on site for a single period not exceeding 14 days in a calendar year (i.e. a single period is allowed, regardless of the total number of days – once the shipping container leaves the site it may not return without the benefit of an approved development permit);

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

(h) the completion of a building that did not require a development permit under the previous Land Use Bylaw and which was lawfully under construction prior to the adoption of this bylaw, and provided the building is completed within 12 months from the date this bylaw came into effect.

SECTION 4 NON- RESIDENTIAL DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

4.1 The following developments shall not require a development permit, but must otherwise comply with all other provisions of this bylaw and other legislation in accordance with Section 1 of this schedule:

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

(b) temporary and directional signs;

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

(d) one shipping container may remain on site for a single period not exceeding 14 days in a calendar year (i.e. a single period is allowed, regardless of the total number of days – once the shipping container leaves the site it may not return without the benefit of an approved development permit);

(e) seasonal sales that are not permanent, but may require a Village of Duchess Business License, (e.g. farmers' market, outdoor amusement park, fruit and vegetable stands, Christmas tree sales, etc.) if in the opinion of the Development Authority, such sales, activities and special events would not adversely affect:

(i) parking,

(ii) traffic flow,

(iii) the appearance of the site,

(iv) public safety, and/or

(v) the seasonal outside sale, activity or special event is in operation for a period not to exceed 30 days;

(f) in all land use districts, heavy machinery excavation (i.e. stripping or stockpiling of topsoil, and rough grading of land), when such operations are performed in accordance with a valid Development Agreement made with the municipality which authorizes such work;

(g) despite subsection (f) above, where no development agreement for heavy machinery excavation (i.e. stripping or stockpiling of topsoil and rough grading of land) exists, an application for a development permit is required;

(h) in the Urban Reserve land use district the cultivation of land or extensive agriculture use;

(i) the installation and maintenance of new or replacement playground facilities in public parks that are owned and operated by the Village of Duchess;

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

(k) the completion of a building that did not require a development permit under the previous Land Use Bylaw and which was lawfully under construction prior to the adoption of this bylaw, and provided the building is completed within 12 months from the date this bylaw came into effect.

SECTION 5 MUNICIPAL, PROVINCIAL AND FEDERAL DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

5.1 The following developments shall not require a development permit:

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

(b) municipal signs on public land;

(c) the installation and maintenance of new or replacement playground facilities in public parks that are owned and operated by the Village of Duchess;

(d) any use or development exempted under section 618(1) of the *MGA*;

(e) any use or development exempted by the Lieutenant Governor in Council pursuant to section 618(4) of the *MGA*;

(f) telecommunication antenna systems that are regulated by Industry Canada subject to Schedule 8, Telecommunication Antenna Siting Process;

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

(h) the completion of a building that did not require a development permit under the previous Land Use Bylaw and which was lawfully under construction prior to the adoption of this bylaw, and provided the building is completed within 12 months from the date this bylaw came into effect.

Schedule 4

GENERAL STANDARDS OF DEVELOPMENT

Schedule 4

GENERAL STANDARDS OF DEVELOPMENT

Except for more specific, alternative, or contradictory standards as may be set forth within an individual land use district, the following standards apply to all uses in all districts.

SECTION 1 STREET CORNER VISIBILITY

1.1 On a corner lot, nothing shall be erected, placed, planted or allowed to grow in a manner which may restrict traffic visibility at street intersections, between 0.9 m (3 ft) and 3.0 m (10 ft) above the centre line grades of the intersecting streets in the area bounded by the property lines of such corner lots and a line joining points along the said property line 6.1 m (20 ft) from the point of intersection. (see Figures 4.1 and 4.2)

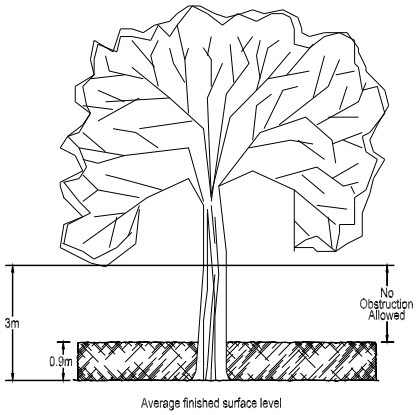


Figure 4.1

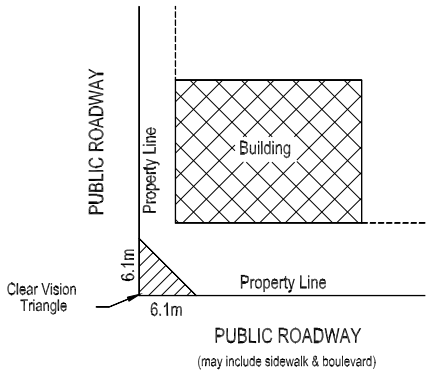


Figure 4.2

SECTION 2 ROAD ACCESS

2.1 All newly created lots shall have frontage on a public roadway which enables direct physical and legal access onto that public road. Frontage on a laneway alone will not be permitted. The minimum frontage requirements shall be as defined by the minimum lot dimensions in the applicable land use district.

2.2 Vehicular access to a corner lot shall generally be limited to locations along the minor residential street and access will be determined by the Development Authority at the time of development approval.

2.3 The Development Authority may require access to be located so that it can be shared with an adjoining lot or development.

SECTION 3 DRIVEWAYS

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

3.2 Driveways shall be a minimum of 3.0 m (10 ft) and a maximum of 7.6 m (25 ft) in width, unless otherwise approved by the Municipal Planning Commission on the basis of merit.

3.3 In laneless subdivisions, and when not already included in laned subdivisions, all one-unit and two-unit dwellings should provide for the future construction of an attached garage or carport for one or more vehicles.

3.4 Only one driveway per lot should be permitted for one-unit residential development, including single-wide and double-wide manufactured homes.

3.5 Driveways shall be a minimum of 3.0 m (10 ft) from the entrance to a lane, and 4.6 m (15 ft) from the intersection of two public roadways. (see Figure 4.3)

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

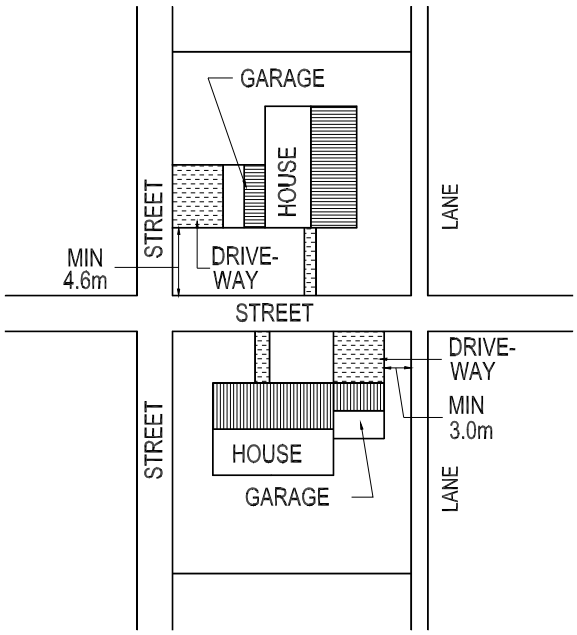


Figure 4.3

SECTION 4 RETAINING WALLS, GRADING AND DRAINAGE

4.1 The Municipal Planning Commission 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.

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

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

SECTION 5 FENCES

5.1 No fence, wall, hedge or any combination thereof shall extend more than 0.9 m (3 ft) above the ground in any front yard area, as illustrated in Figure 4.4 labelled as B, without a development permit approved by the Municipal Planning Commission.

5.2 Fences in the corner side, rear and side yards shall be 1.8 m (6 ft) in height or less [see Figure 4.4 where Dimension A = 1.8 m (6 ft)] and must adhere to the Street Corner Visibility standards found in Section 1 of this schedule.

5.3 The Development Authority may regulate the material types and colour used for the fence. Regardless of fence height, barbed wire fencing or unconventional fencing materials, as determined by the Development Authority, are prohibited

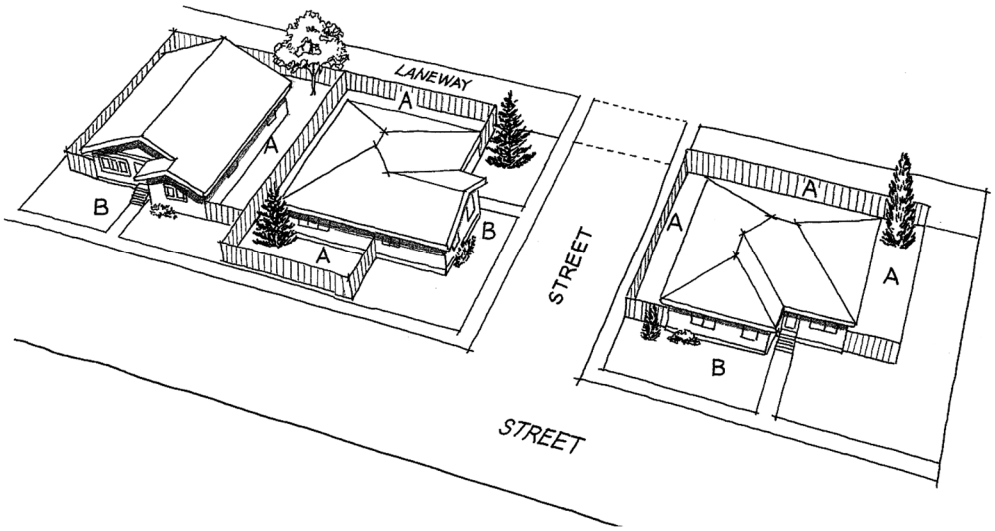


Figure 4.4

SECTION 6 DESIGN AND ORIENTATION OF BUILDINGS, STRUCTURES AND SIGNS

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

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

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

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

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

6.6 The Municipal Planning Commission may require increased building setbacks if, in their opinion, such setbacks would:

(a) help avoid land use conflict;

(b) enhance the appearance of the area.

SECTION 7 EASEMENTS

7.1 All buildings shall be located a minimum of 3.0 m (10 ft) from an easement unless otherwise permitted.

SECTION 8 PERMITTED PROJECTIONS INTO SETBACKS

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

(a) unenclosed steps or unenclosed fire escapes;

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

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

(d) driveways, curbs and sidewalks;

(e) off-street parking;

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

(g) mailboxes;

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

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

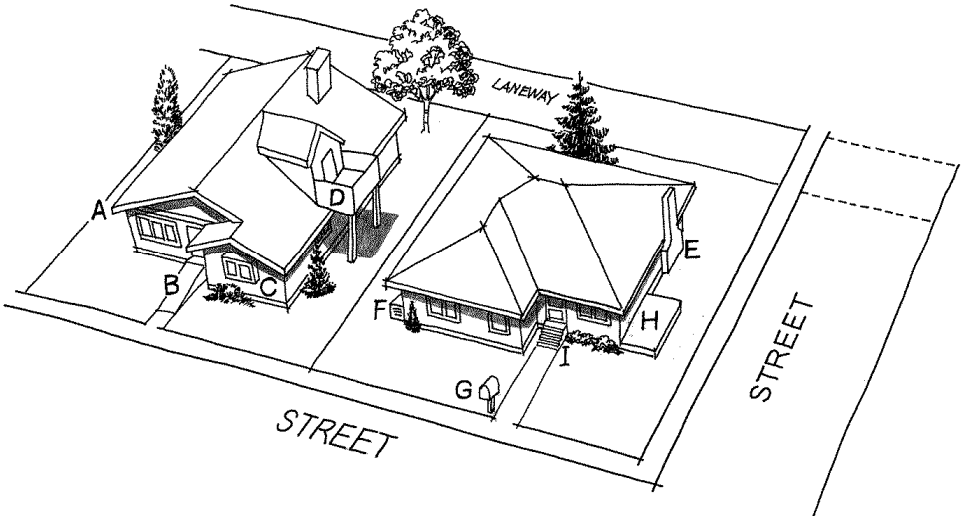
(j) signs in accordance with Schedule 5.

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

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

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

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



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

Figure 4.5

SECTION 9 LANDSCAPING STANDARDS AND SCREENING

9.1 The Municipal Planning Commission 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.

9.2 The front yard and corner side yard on corner lots shall be comprehensively landscaped, except for those areas occupied by sidewalks or driveways, to the satisfaction of the Municipal Planning Commission.

9.3 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 Municipal Planning Commission may require satisfactory screening by buildings, fences, hedges, trees, berming or other landscaping features. (see Figure 4.6)

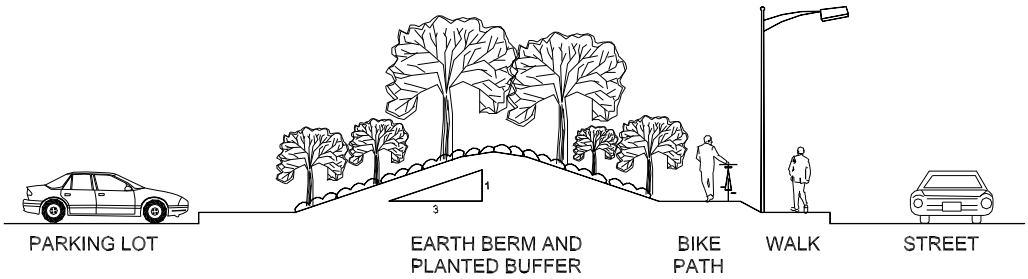


Figure 4.6

9.4 Parking lots shall be landscaped and/or screened as required by the Municipal Planning Commission.

SECTION 10 EXTERIOR BUILDING FINISHES AND EXPOSED FOUNDATIONS

10.1 The Municipal Planning Commission may require that specific finishing materials and colour tones be utilized to maintain the compatibility of any:

(a) proposed development with surrounding or adjacent developments;

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

10.2 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 Officer or the Municipal Planning Commission.

SECTION 11 DECKS AND AMENITY SPACES

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

11.2 Decks not attached to a building that do not exceed 0.6 m (2 ft) in height, do not require a development permit provided they meet the minimum setback requirements for accessory buildings.

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

11.4 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.

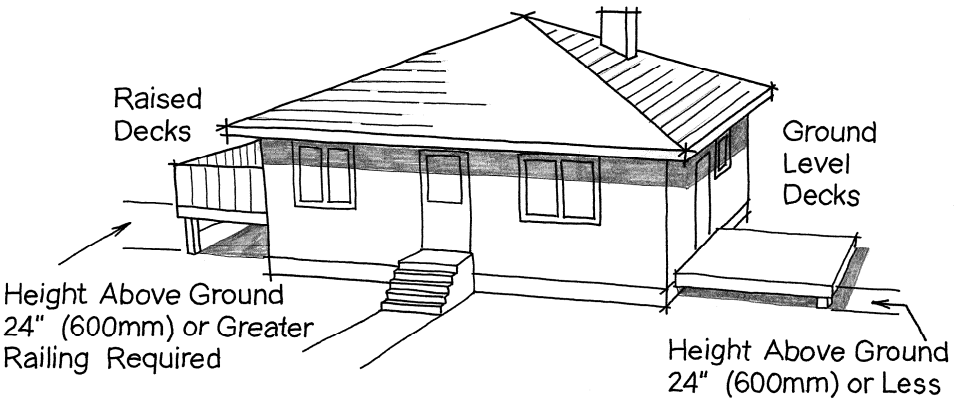


Figure 4.7

SECTION 12 SITE LIGHTING

12.1 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.

SECTION 13 REFUSE COLLECTION AND STORAGE

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

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

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

SECTION 14 SERVICING

14.1 All development shall be required to connect to both the municipal water supply and sewerage system where the municipal services are, in the opinion of the Municipal Planning Commission, reasonably available.

14.2 Where no municipal servicing is reasonably available, development approval shall be subject to compliance with Alberta Health Services and Municipal Affairs standards for unserviced parcels. Prior to development approval, the applicant shall be required to submit a soils analysis/ percolation tests and report to demonstrate the suitability of the site for on-site private disposal.

SECTION 15 DEVELOPMENT AGREEMENTS

15.1 Where a development is proposed in any land use district which would require servicing and additional improvements beyond that which the municipality might normally supply, the Municipal Planning Commission shall require that a development agreement which would establish the responsibilities of each of the involved parties be entered into by the developer(s) and the municipality, registered by caveat against the title at the expense of the developer.

SECTION 16 FUEL AND HAZARDOUS CHEMICAL STORAGE

16.1 In residential land use districts:

(a) storage of gas or diesel fuel is limited to fuel storage containers no greater than 60 litres (23 imperial gallons); and

(b) shall be stored in locked garages or shed.

16.2 In residential land use districts portable fuel tanks, truck box tanks or slip tanks are prohibited.

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

SECTION 17 DEMOLITION

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

SECTION 18 OFF-STREET PARKING AREA REQUIREMENTS

18.1 Parking areas shall be accessible and laid out and delineated in a manner which will provide for orderly parking.

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

18.3 The Municipal Planning Commission will require that parking areas or portions thereof be paved.

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

18.5 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 percent of the total parking requirement for the development shall be provided in accordance with Section 2 of this schedule.

18.6 All parking spaces provided shall be on the same lot as the building or use, except that the Municipal Planning Commission may permit parking spaces to be on a lot within 152.4 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.

18.7 The following shall be used to calculate the off-street parking spaces required for a proposed development. Calculation of parking requirements resulting in a fractional number shall be rounded to the next highest number.

Use	No. of Stalls Required
Dwellings:	
One unit, modular, moved-in, ready-to-move and manufactured dwellings	1 per dwelling unit
Two unit dwelling	2 per dwelling unit
Multi-family dwellings	*2* per dwelling unit
Secondary suites	*2* per dwelling unit
All others	As required by the MPC
Licensed premises	1 per 2 seating spaces
Retail stores and personal service shops	1 per 55.7 m^2 (600 ft^2) of gross floor area
Banks and offices	1 per 65.0 m^2 (700 ft^2) 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 and public utility structures	1 per 65.0 m^2 (700 ft^2) of gross floor area; or per 3 employees, whichever is greater, with a minimum of 2 spaces
All other uses	As required by the MPC

SECTION 19 LOADING AREA REQUIREMENTS

19.1 There shall be a minimum of one off-street loading area per building in the Industrial land use district, except as provided for in Section 19.5 of this schedule.

19.2 The Municipal Planning Commission may require that off-street loading areas be provided in other land use districts, including General Commercial and Business Park.

19.3 All loading areas shall provide a doorway into a building sufficient to meet the needs of the use within the building.

19.4 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.

19.5 The Municipal Planning Commission 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.

19.6 The Municipal Planning Commission may require additional loading areas or doors if, in his or their opinion, such additional areas or doors are deemed necessary.

Schedule 5

USE SPECIFIC STANDARDS OF DEVELOPMENT

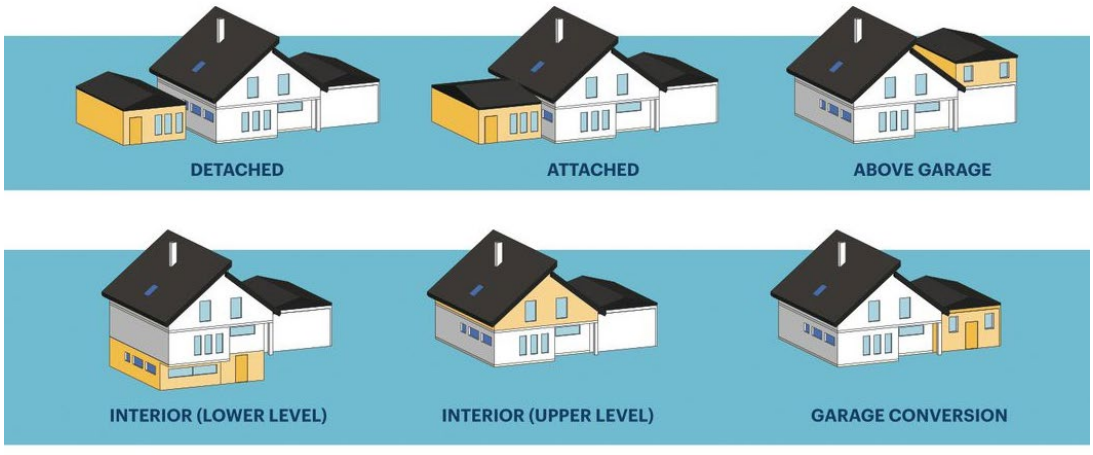
Schedule 5

USE SPECIFIC STANDARDS OF DEVELOPMENT

The standards in this schedule establish additional requirements for specific uses or structures. The General Standards of Development in Schedule 4 and the requirements of the applicable land use district also apply unless otherwise stated.

SECTION 1 ACCESSORY DWELLING UNITS STANDARDS

1.1 An Accessory Dwelling Unit (ADU), in accordance with the applicable land use district, may be inside an existing dwelling (such as a basement suite or loft suite), attached to a dwelling addition unit, a separate standalone unit (such as a garden suite), converted from a detached or attached garage or carport, or located above a garage either attached or detached (carriage or laneway house). This use does not include a two-unit dwelling (semi-detached/duplex), multi-unit dwelling, or rowhouse.



Accessory Dwelling Units (ADUs) come in many shapes and styles. Illustrations by RPA, based on AARP's ABCs of ADU's Guide.

1.2 Accessory Dwelling Unit (ADU) shall have cooking facilities including a stove, food preparation area, sleeping and sanitary facilities, which are contained in an area which is physically separate from those of the principal dwelling within the structure. A secondary suite shall also have an entrance separate from the entrance to the principal dwelling, either from a common indoor landing or directly from the side or rear of the structure.

1.3 Only one accessory dwelling unit (ADU) per lot may be developed in conjunction with a principal single-unit residential dwelling.

1.4 A detached accessory dwelling unit (ADU) is subject to the maximum area site coverage requirements for an accessory building of the applicable land use district of the bylaw.

1.5 An accessory dwelling unit (ADU) shall not be developed within the same principal dwelling containing a Home Occupation B, unless it is demonstrated to the satisfaction of the Development Authority that the amount of traffic generated is limited and adequate parking is available for all combined uses without adversely affecting the neighbourhood.

1.6 The maximum floor area of the accessory dwelling unit (ADU) shall be as follows:

(a) in the case of a unit located completely below the first storey of a single-unit dwelling (other than stairways or a common landing), the floor area (excluding the area covered by stairways) shall not exceed the floor area of the first storey of the associated principal dwelling;

(b) in the case of a unit developed completely or partially above grade, the floor area (excluding the area covered by stairways) shall not exceed 40 percent (40%) of the total floor area above grade of the building containing the associated principal dwelling.

1.7 The minimum floor area for an accessory dwelling unit (ADU) shall be not less than 46.4 m² (500 sq ft).

1.8 Variances or waivers of yard setbacks shall not exceed 10% to be granted to develop a secondary suite.

1.9 The approval of an accessory dwelling unit (ADU) is subject to the availability and ability to obtain municipal services. The unit shall have full utility services through service connections from the principal dwelling unit and all metering and utility billing shall be to the principal owner.

(a) The approval of a suite may be denied if the municipal servicing plan is not deemed suitable by the Development Authority or is determined to be unfeasible.

(b) The applicant/developer is responsible for the full costs of providing and connecting to the municipal services and utility meters required to service the secondary suite.

1.10 Development of an accessory dwelling unit (ADU) shall meet all Fire and Safety Codes requirements and adhere to the *National Building Code – Alberta Edition* as a condition of approval.

1.11 The accessory dwelling unit (ADU) shall not be permitted to legally separate from the principal residential dwelling through a condominium conversion or subdivision process to create separate titles.

1.12 An accessory dwelling unit (ADU) developed above a detached garage is subject to the height and site coverage restrictions of the applicable residential land use district.

(carriage house / laneway house)



Image source: behmdesign

1.13 A secondary suite shall be developed in such a manner that the exterior of the principal building containing the secondary suite shall appear as a single dwelling.

SECTION 2 ALTERNATIVE ENERGY SOLAR

1.1 A solar collector attached a roof of a building in any residential district may be permitted subject to the following:

(a) may project a maximum of 0.5 m (20 inches) from the surface of the roof and shall not exceed the maximum height requirements of the applicable land use district; and

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

1.2 A free-standing solar collector or a solar collector mounted to any structure other than a roof or wall of a building shall following the setbacks for an accessory use subject to the applicable land use district and the following additional standards:

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

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

SECTION 3 CANNABIS RETAIL STORE

2.1 A cannabis retail store shall not be approved if any portion of an exterior wall of the store is located within 100 m (328 ft) of:

(a) the boundary of a parcel of land on which a provincial health care facility is located;

(b) the boundary of a parcel of land containing a school and school grounds/sports fields (public or private);

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

(d) the boundary of a parcel of land developed for a playground on lands not Development as municipal reserve but owned by the municipality.

2.2 A cannabis retail store shall not be approved if any portion of the exterior wall of the store is located within 150 m (492 ft) of another cannabis retail store (measured to the exterior wall).

SECTION 4 CHILD CARE FACILITY

3.1 If determined by the Development Officer, prior to the Municipal Planning Commission meeting, the applicant for a child care facility may be required to meet and consult with all adjacent land owners in the vicinity of where the use is proposed.

3.2 In any residential district, no exterior alterations shall be undertaken to a dwelling or former dwelling which would be inconsistent with the residential character of the building or property.

3.3 Signage for child care facilities must comply with the following:

(a) a maximum of one sign;

(b) sign must be no greater than 0.7 m^2 (8 ft^2) in size; and

(c) sign must be located in the structure window.

Request for more than one sign or a sign greater than 0.7 m^2 (8 ft^2) requires a separate development permit application.

3.4 The use shall not generate traffic problems within the district.

3.5 The use requires a minimum of one on-site parking space per employee at any given time and a minimum of one on-site pick-up and drop-off space for every 10 children. The location of passenger loading zones for child care facilities may be specified by condition of a development permit.

3.6 Any outdoor play areas must have screening to the satisfaction of the Municipal Planning Commission.

3.7 All applications for child care facilities shall, as a condition of approval, obtain the necessary approvals required from regulatory agencies.

SECTION 5 CLUSTERED/COTTAGE HOUSING/DWELLLNG GROUP

5.1 The Development Authority may approve cluster or cottage housing as a preplanned residential development that features a cluster of smaller dwelling units built around a common open space, on either a single parcel of land or on a site in such manner that the units may be individually titled through a condominium plan, subject to the following:

(a) The use must be listed as either permitted or discretionary in the Land Use District.

(b) The minimum dwelling unit size of each unit shall be 46.5 m² (500 sq ft) in size.

(c) There must be a minimum of 232 m² (2,500 sq ft) of lot area provided for each individual dwelling unit to form the combined total lot size. (Example: A lot 1394 m² (15,000 sq ft) in size could accommodate 6 dwelling units sited on the title.)



(d) The use must be determined to be compatible with the general height, building design and nature of adjacent existing dwellings.

(e) The types of dwellings that can be used for cluster housing developments may consist of stick-built, manufactured or prefabricated (modular/panelized) dwellings.

(f) The site must be able to be adequately serviced with municipal utilities to accommodate the proposed density of development and stormwater drainage must be addressed.

5.1 A conceptual design scheme or comprehensive site plan being submitted to and approved by the Development Authority, illustrating the location and sizes of different residential dwellings, accessory buildings or uses, garbage/refuse bin area, required parking areas, landscaping, and access/egress from the site.

SECTION 6 GROUP CARE FACILITIES

6.1 A group care facility must be compatible with the character of the surrounding neighbourhood.

6.2 A landscaping plan shall be submitted with the development permit application. The Development Authority may require that a landscaping plan be prepared by a professional. An irrigation plan may also be required.

6.3 Minimum common open space requirements shall be as required by the Development Authority.

6.4 A minimum 1.5 m (5 ft) wide landscaped buffer strip is required between the parking lot and an adjacent residential lot. The Development Authority, depending on the intensity of the development, may increase the minimum required width of the landscaped buffer strip.

6.5 A landscaped buffer strip between a group care facility and an adjacent residential lot may be required at the discretion of the Development Authority.

6.6 The Development Authority may regulate the maximum density of group care facilities within a block or subdivision based on consideration of:

(a) density of existing development within the block;

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

(c) adequacy of utilities to accommodate the proposed use;

(d) impacts on future land uses and the street system; and

(e) any other matters deemed pertinent by the Development Authority.

6.7 The applicant shall be responsible for complying with applicable provincial standards and obtaining all necessary approvals required from regulatory agencies.

6.8 The issuance of a development permit in no way exempts the applicant from obtaining a business license from the Village and any other Provincial approvals that may be required.

SECTION 7 HOME OCCUPATIONS

7.1 The intent of this schedule is to provide regulations respecting home occupations 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.

7.2 Home Occupation A – a home-based occupation that involves the establishment of a small-scale business incidental to the primary use of the residence and which does not involve:

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

(b) non-resident employees; and/or

(c) customer/client visits to the residence.

7.3 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:

(a) the use of an accessory building;

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

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

(d) 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 seven children may be classified as a Home Occupation B in compliance with the applicable standards.

7.4 The following standards apply to Home Occupations A and B:

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

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

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

(d) 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.

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

(f) 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.

(g) 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.

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

(i) 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 Municipal Planning Commission, the use is or has become detrimental to the residential character or the amenities of the neighbourhood.

(j) Home occupations shall not include:

(i) activities that use or store hazardous materials;

(ii) any use that would, in the opinion of the Municipal Planning Commission, 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.

(k) Only one home occupation shall be permitted per dwelling.

(l) Signage advertising a Home Occupation A is limited to one sign located in the structure window up to a maximum of 0.4 m^2 (4 ft^2) in size. Signage advertising a Home Occupation B shall be as approved by the Municipal Planning Commission.

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

7.5 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.

SECTION 8 MANUFACTURED HOMES

Standards and Requirements Applicable to Manufactured Homes

8.1 Standards of Development – Schedule 4.

8.2 Any special manufactured home development standards adopted by Council.

8.3 Except where noted, all standards, requirements and guidelines shall apply to both single-wide and double-wide units located in manufactured home parks.

8.4 The Development Officer or Subdivision and Development Authority may require a bond or irrevocable letter of credit of a minimum $5000.00 to a maximum value of up to 50 percent of the assessed value of the building to ensure the conditions of the development permit for a principal building are met.

Eligible Manufactured Homes

8.5 New factory-built units.

8.6 Used factory-built units in a good state of repair (to the satisfaction of the Municipal Planning Commission). Any application for a development permit to locate a used manufactured home:

(a) shall include recent colour photographs of all elevations including additions; and

(b) may require a personal inspection by the Development Officer to determine the unit's suitability.

8.7 Canadian Standards Association (CSA) certified units or units bearing the Alberta Building Label (CSA A-277 or Z-240 building labels).

8.8 Manufactured homes bearing the original home certification.

Foundations, roof lines and additions

8.9 All single-wide manufactured homes shall be skirted with compatible materials and satisfactorily enclosed to the satisfaction of the Development Officer.

8.10 All double-wide units shall be placed on concrete block foundations capable of supporting the maximum anticipated load in conformity with the provincial building requirements and Canada Mortgage and Housing regulations.

8.11 Any portion of a concrete block foundation above grade shall be parged unless otherwise finished with an approved material.

8.12 The maximum height of the exposed portion of a concrete block foundation shall be not more than 0.6 m (2 ft) above the average finished grade level of the surrounding ground.

8.13 To ensure compatibility of housing types, the variation of roof lines between double-wide manufactured homes and conventional homes may be limited. Generally, the double-wide unit should not be more than 0.6 m (2 ft) higher or lower than an adjacent home, whether conventional or double-wide. Generally, single-wide units shall not be encouraged to locate adjacent to or among conventional dwellings.

8.14 All manufactured home additions shall be of a design and finish which will complement the unit.

General Appearance

8.15 The wheels, hitches and other running gear shall be removed from a manufactured home immediately after the placement of the home.

8.16 The yard area of each lot shall be developed and landscaped.

SECTION 9 MODULAR AND READY-TO-MOVE (RTM) HOMES

9.1 The approval authority shall issue a development permit for a modular or ready-to-move (RTM) home provided that:

(a) the dwelling is a factory-built unit that meets the manufactured housing industry and CSA standards and the building code;

(b) the dwelling is securely fastened and placed on a basement/slab;

(c) the minimum roof pitch shall not be less than a 4/12 pitch;

(d) the minimum floor area of the principal dwelling not including attached garage shall not be less than 92.9 m^2 (1000 ft^2);

(e) the dwelling shall be a minimum 7.3 m (24 ft) in width and not greater than 20.0 m (66 ft) in length;

(f) the unit is CSA certified (meets CSA A-277 Standards) and will meet all safety code requirements;

(g) the design, character, and appearance (including roof lines/material and exterior finish) of modular homes shall be consistent with the purpose of the district in which the building is located and shall take into account any other buildings existing in the vicinity;

(h) at the discretion of the Development Officer or the Municipal Planning Commission, the exterior finish, colour and roofing material may be stipulated as a condition of approval;

(i) the dwelling shall conform to any architectural controls that may apply.

9.4 As a condition of approval, the Development Officer or the Municipal Planning Commission, at their discretion, may place other conditions on a development permit including the requirement that the developer provide landscaping, fencing, address drainage issues, or other such matters it considers necessary if, in his or its opinion, they would serve to improve the quality or compatibility of any proposed development.

9.5 The building and the land upon which it is to be located shall be subject to all conditions and regulations specified for the particular land use district set out in the Land Use Bylaw.

9.6 The building, when completed, shall meet or exceed provincial building requirements.

9.7 The applicant/developer must submit professional building plans illustrating the exterior design, floor plan, elevations and setbacks.

9.8 The quality of the completed building shall be at least equal to the quality of the other buildings in the area.

9.9 If there is any doubt as to the required standards being met, the Development Officer may refer the application to the Municipal Planning Commission for a decision.

9.10 The Development Officer or Subdivision and Development Authority may require a bond or irrevocable letter of credit of a minimum $5000.00 to a maximum value of up to 50 percent of the assessed value of the building to ensure the conditions of the development permit for a principal building are met.

SECTION 10 MOVED-IN BUILDINGS AND MOVED-IN DWELLINGS

10.1 The building and the land upon which it is to be located shall be subject to all conditions and regulations specified for the particular land use district set out in the Land Use Bylaw.

10.2 The building shall comply with all provincial and municipal health and fire regulations prior to occupancy and release of cash deposit.

10.3 The quality of the completed building shall be at least equal to or better than the quality of the other buildings in the area.

10.4 The requirements of the building shall be established by the Municipal Planning Commission at the time of approval of the application and shall form a part of the conditions of the development permit.

10.5 A report by a certified building inspector regarding each application may be required to be filed before any such application shall be considered.

10.6 A limit of the time of completion and full compliance with all stipulated requirements shall be established by the Municipal Planning Commission at the time of the approval of the application.

10.7 The application should be accompanied by recent colour photographs of all elevations of the moved-in building.

10.8 The Development Officer or Municipal Planning Commission may require a minimum of $5,000 in cash to ensure the conditions of the development permit are met. If the cost to complete the work in the conditions of approval is greater than the cash deposit, construction may be completed by the Village and additional costs may be charged against the property taxes.

10.9 Return of the posted bond is contingent on the Development Officer verifying the completion of all the conditions of this schedule and the development permit.

10.10 The minimum roof pitch shall not be less than a 4/12 pitch.

SECTION 11 SATELLITE DISHES AND RADIO OR TELEVISION ANTENNA

11.1 In all residential land use districts and the transitional district:

(a) satellite dishes greater than 1 m (3 ft) in diameter or radio or television antenna shall be classified as an accessory structure and shall be placed in the rear or side yard;

(b) satellite dishes greater than 1 m (3 ft) in diameter shall not be mounted or attached to the roof of any dwelling or accessory building and shall not be illuminated or contain advertising other than the manufacturer's trademark or logo.

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

(a) constitute a public safety hazard;

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

(c) may be unreasonably obtrusive.

11.3 Radio and television antennas, which are not regulated by Industry Canada, are classified as an accessory structure.

SECTION 12 SHIPPING CONTAINERS

TEMPORARY SHIPPING CONTAINERS

12.1 A shipping container may be placed temporarily on a construction site for the period of construction within a residential land use district without obtaining a development permit subject to the following provisions:

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

(b) the construction site is active (i.e. construction has commenced and is on-going or is about to commence within one week); placement of a shipping container on an inactive construction site is not permitted;

(c) no more than one shipping container is placed on the construction site (a development permit is required for additional shipping containers on a construction site);

(d) the exterior of the shipping container is kept clean and does not display any advertising other than the company owner's logo or trademark;

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

(f) the shipping container shall be placed a minimum of 3 m (10 ft) from the front property line and 1.5 m (5 ft) from the side property line. On corner lots, placement of the container shall also comply with the corner lot restrictions section 3 of this district.

PERMANENT SHIPPING CONTAINER STANDARDS

12.2 An application for a development permit for all permanent shipping container(s) must be completed and submitted to the Development Officer along with the appropriate application fee. At least two recent colour photographs of the container(s) (one end view and one side view) must accompany the application.

12.3 There shall be a primary use on the property where the shipping container is proposed.

12.4 The front, rear and side setback requirements shall be regulated by the Development Authority as per the accessory building requirements in the applicable land use district.

12.5 The maximum number of shipping containers permitted on a lot shall be regulated by the Development Authority.

12.6 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.

12.7 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.

12.8 The exterior of all shipping containers must be kept clean and regularly painted.

12.9 Shipping containers shall not display advertising, company logos, names or other marketing without an approved sign permit.

12.10 The Development Authority may require as a condition of approval the posting of a bond or a security guaranteeing compliance with the conditions of the permit.

SECTION 13 SIGNS

13.1 Signs and billboards shall be prohibited except for signs advertising the principal use of the premises or the principal products offered for sale on the premises, unless otherwise approved or exempted by the Municipal Planning Commission.

13.2 Lawn, fascia and freestanding signs only shall be permitted subject to the following limitations:

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

(b) No sign shall be in excess of 1.8 m^2 (20 ft^2) in area, but the areas of the two permitted signs may be combined and the total area shall not exceed 1.8 m^2 (20 ft^2). Each sign may be double-faced.

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

(d) No advertisement or commercial sign shall be attached to fences, poles or trees or allowed to stand in a public place or on public property.

(e) The maximum height of any freestanding sign shall be 6.1 m (20 ft).

(f) The maximum height of any lawn sign shall be 1.5 m (5 ft).

(g) The location of any sign shall be such that it does not become a visual obstruction to traffic (see Schedule 4) or interfere with any authorized traffic control device.

13.3 Directional and informational signs may be permitted if warranted by the merits of each case.

13.4 Variances may be considered by the Municipal Planning Commission in exceptional circumstances if warranted by the merits of each case.

13.5 All signs shall be maintained in a safe and tidy manner to the satisfaction of the Municipal Planning Commission.

13.6 Portable signs only shall be permitted subject to the following limitations:

(a) All portable signs require a development permit but may be allowed without a permit for the announcement of special events, sales, or circumstances where a sign is needed for short specified time periods at the discretion of the Development Authority.

(b) Portable signs projected using animation, digital or electronic changeable copy shall be at the discretion of the Municipal Planning Commission.

(c) A development permit for a portable sign will be valid for a period of no longer than 60 days.

(d) Once the permit has expired for a portable sign at a location address, application for another portable sign on the same site shall not occur until 30 days has elapsed from the expiration of the previously approved permit or 30 days from the date at which the portable sign is removed, whichever is the later of the two dates.

(e) Portable signs shall not be allowed in any residential land use district unless placed on Village boulevards and permission has been obtained from the Development Authority.

(f) No more than one portable sign per business frontage or where there are two (2) or more frontages, a total of two (2) portable signs may be located on a single lot or premises, except in a Development tourism signage area where more than two (2) portable signs may be located at the discretion of the Municipal Planning Commission.

(g) No portable sign (including electrical cords) shall be placed on or extend over or project into any municipal property or beyond the boundaries of the private lot or premises upon which it is sited without the written authorization of the Development Authority.

(h) All portable signs shall be located within the property lines of the location address shown on the development permit application.

(i) The proposed advertising copy and/or business shall be indicated at the time of the development permit application.

(j) The Development Authority may require the posting of a security with the Village to ensure compliance with any and all conditions of approval and the removal of the sign on or before the date of expiry of the permit.

(k) A portable sign shall not be allowed to locate or remain on a site without a development permit, whether the sign displays any advertising or not.

(l) The Development Authority must only approve the location of the portable sign on the premises after having given due consideration for the location of power supply, sight lines visibility, parking pattern on the site and/or any other site specific development constraints that the Development Authority considers relevant.

SECTION 14 SMALL WIND ENERGY SYSTEMS

Permit Requirements

14.1 Small Wind Energy Systems shall require a development permit depending on their location, as provided in the regulations for the land use districts in which they are allowed.

(a) ***Small Wind Energy System Type A***: This use is defined as a Small Wind Energy System that is either roof mounted or has a tower which does not exceed 12.2 m (40 ft) in height.

(b) ***Small Wind Energy System Type B***: This use is defined as a Small Wind Energy System that has a tower which is greater than 12.2 m (40 ft) in height but does not exceed 24.4 m (80 ft) in height.

Information Requirements

14.2 Applications for Small Wind Energy Systems shall include the following information where applicable:

(a) all proposed Small Wind Energy Systems shall be commercially manufactured and applications shall include the manufacturers make and model number;

(b) the manufacturer's specifications indicating:
- the SWES rated output in kilowatts;
- safety features and sound characteristics;
- type of material used in tower, blade, and/or rotor construction;

(c) potential for electromagnetic interference;

(d) nature and function of over speed controls which are provided;

(e) specifications on the foundations and/or anchor design, including location and anchoring of any guide wires;

(f) information demonstrating that the system will be used primarily to reduce on-site consumption of electricity; and

(g) location of existing buildings or improvements.

Referrals

14.3 Prior to making a decision on a development application for a Small Wind Energy System, the Municipal Planning Commission may refer and consider the input of the following agencies and departments:

(a) Alberta Utilities Board,

(b) Transport Canada,

(c) NavCanada,

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

Setbacks

14.4 A Small Wind Energy System shall comply with all the setbacks that govern the principal use in the district in which it is located.

14.5 No part of the wind system structure, including guy wire anchors, may extend closer than 3.0 m (10 ft) to the property boundaries of the installation site.

Development standards

14.6 There shall be a limit of one Small Wind Energy System per parcel.

14.7 The system's tower shall be set back a minimum distance equal to the height of the tower from all parcel lines, and a minimum distance of 3.0 m (10 ft) from any other structure on the parcel on which the system is located. On parcels 4.0 ha (10 acres) or more, the parcel line setback may be reduced if the applicant demonstrates that:

(a) because of topography, strict adherence to the setback requirement would result in greater visibility of the system's tower than a reduced setback; and

(b) the system's tower is set back a minimum distance equal to the height of the tower from any structure on adjoining parcels.

14.8 The system's tower shall not exceed a maximum height of 12.2 m (40 ft) on a parcel of less than 0.4 ha (1 acre), a maximum of 19.8 m (65 ft) on a parcel of 0.4 ha (1 acre) to less than 2.0 ha (5 acres), and maximum height of 24.4 m (80 ft) on a parcel 2.0 ha (5 acres) or more.

14.9 The system's tower and supporting structures shall be painted a single, neutral, non-reflective, non-glossy (for example, earth-tones, grey, black) that, to the extent possible, visually blends the system with the surrounding natural and built environments. Brand names or advertising associated with the system or the system's installation shall not be visible from any public place.

14.10 The system shall be located in the rear or side yard and the system's utility lines shall be underground where economically practical.

14.11 The system's tower-climbing apparatus and blade tips shall be no closer than 4.6 m (15 ft) from ground level unless the system is enclosed by a 1.8 m (6 ft) high fence.

14.12 Upon abandonment or termination of the system's use, the entire facility, including the system's tower, turbine, supporting structures and all equipment, shall be removed and the site shall be restored to its pre-construction condition.

Schedule 6

DEFINITIONS

Schedule 6

DEFINITIONS

In this bylaw, words importing the singular number of the masculine gender may include the plural number of the masculine gender, the singular number or plural number of the feminine gender, or may also refer to corporate bodies, and the context requires.

A

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

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

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

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

ADULT ESTABLISHMENT means commercial establishments in which a significant portion of the business is to:

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

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

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

AGRICULTURAL BUILDING means a structure associated with and generally essential to an agricultural operation. Such structures or facilities may include, but are not limited to, the following: machine sheds, storage sheds, granaries, grain bins, silos, animal housing and/or feeding facilities, repair shops, corrals, pens, and other ancillary farm structures.

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

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

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

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

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

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

AUTO WRECKAGE AND SALVAGE YARD means a facility or operation specifically intended for the dismantling of automotive vehicles and the sale of those parts to the general public. Such a facility may include an administrative office, work areas, and outdoor storage. The parcel of land on which the facility exists must be completely fenced according to Village standards.

B

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

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

BUILDING AND TRADE CONTRACTORS means a facility for the provision of electrical, plumbing, heating, painting and similar contractor services primarily to individual households and the accessory sale of goods normally associated with such contractor services where all materials are kept within an enclosed building, and where there are no associated manufacturing activities.

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

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

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

C

CAMPGROUND means a use where Recreational Vehicles, tents or similar short-term accommodations, are used for recreation, and is not normally used as year-round vehicle storage or as permanent dwellings.

CARD LOCK means a facility for the wholesale or retail sale of oil and gas products by means of a prearranged and managed account card. Such a facility may include an office and retail establishment for the sale of convenience items.

CARPORT means a roofed, partially enclosed structure intended for the shelter of one or more motor vehicles.

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

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

CHILD CARE FACILITY means a 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 child-care centres, day cares, nurseries and after-school or baby-sitting programs which meet the conditions of this definition. Group homes and day homes are separate uses.

CHURCH means a building or facility whose primary purpose is to facilitate meetings of a group of people for public worship or religious services. Also see **RELIGIOUS ASSEMBLY**.

CLUB OR FRATERNAL ORGANIZATION means a development for the assembly of members of non-profit clubs or organizations, including charitable, social service, ethnic, athletic, business or fraternal organizations. This use may include eating, drinking, entertainment, sports, recreation and amusement facilities as accessory uses but "campground" is a separate use.

COMMERCIAL ESTABLISHMENT means the use of land and/or building for the purpose of display, storage, and sale of goods and/or services to the general public. Any on-site manufacturing, processing or refining of goods shall be incidental to the sales operation. If outdoor storage or display is required for the operation, the parcel shall be completely fenced according to Village standards.

COMMERCIAL VEHICLE means a motor vehicle used in the operation of a commercial business or home occupation operation for the transport of goods and/or equipment incidental to the operation of the business. Typically the vehicle will have a commercial license plate and an identifiable logo design on it.

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

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

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

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

CRYPTOCURRENCY MINING OPERATION means a heavy industrial facility consisting of a building or group of buildings housing powerful, highly specialized computers that are used to verify digital transactions and require 24/7 climate control. This use may include an on-site power plant.

CULTIVATION OF LAND means the commercial agricultural production of field crops and the associated crop preparation and harvesting activities including mechanical soil preparation, irrigation system operation, and spraying.

D

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

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

DETACHED GARAGE means an accessory building designed and used primarily for the storage of motor vehicles that is not attached or is separate from the principal building.

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

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

Single-unit dwelling means a residential building containing only one dwelling unit and may include site-built, modular and ready-to-move homes.

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

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

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

Apartment building means a structure with several self-contained dwellings, each of which occupies a portion of the same building. Such a building will typically consist of five or more apartments for rent including an area for tenant and visitor parking and have a common entrance.

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

Modular dwelling – see **MODULAR HOME A** and **MODULAR HOME B**.

Moved-in dwelling – see **MOVED-IN DWELLING**.

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

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

E

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

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

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

F

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

FARMSTEAD means the accessory part of an agricultural parcel developed with dwellings, structures, shelter belts, dugouts, storage areas for farm equipment, produce and fertilizer, etc. necessary to the extensive cultivation and/or grazing use of the major portion of the land.

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

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.

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

FUNERAL FACILITY means a commercial operation for the preparation of the deceased for burial or cremation, and for holding funeral services and may incorporate a crematorium and/or a columbarium within the building.

G

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

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

GARDEN SHED means an accessory structure to store household and garden equipment and supplies that is not more than 9.29 m^2 (100 ft^2) in size.

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

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

GOVERNMENT SERVICES 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.

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

H

HOLIDAY TRAILER – see **RECREATIONAL VEHICLE**

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

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

I

INSTITUTIONAL means a use by or for an organization or society for public or social purposes and, without restricting the generality of the term, includes senior citizen housing, nursing homes, day care centres, places of worship, museums, libraries, schools, service and fraternal organizations, and government buildings.

K

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 an "animal care service".

L

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

LIGHT INDUSTRIAL/MANUFACTURING 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. Full walls must physically separate the premises from any other business.

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

M

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

MANUFACTURED HOME – see **DWELLING, MANUFACTURED HOME**

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

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

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

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

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

MIXED USE BUILDING means a building used partly for residential and partly for commercial use.

MIXED USE DEVELOPMENT means a parcel of land or building or structures developed for two or more different uses that may include uses such as residential, office, manufacturing, retail, public or entertainment.

MOBILE HOME – see **MANUFACTURED HOME**

MODULAR HOME A means a dwelling unit built at an off-site manufacturing facility in conformance with CSA standards designed in two or more modules or sections. The dwelling is transported by transport trailer in sections and delivered to the site where it is assembled and placed on a concrete basement.

MODULAR HOME B means a dwelling unit built at an off-site manufacturing facility in conformance with CSA standards designed in two or more modules or sections. The dwelling is transported by transport trailer in sections and delivered to the site where it is assembled and placed on approved foundation other than a concrete basement.

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

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

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

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

N

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.

O

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

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

P

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

PARK MODEL TRAILER means a recreational vehicle that is either:

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

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

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

PAWNSHOP means any business that engages, in whole or in part, in the business of loaning money on the security of pledges of personal property, or deposits or conditional sales of personal property, or the purchase or sale of personal property.

PAYDAY LENDER means a person who offers, arranges or provides a payday loan to a borrower.

PAYDAY LOAN means a use where the advancement of money with a principal of $1,500 or less and term of 62 days or less is made in exchange for a post-dated cheque, a pre-authorized debit or a future payment of a similar nature, but not for any guarantee, suretyship, overdraft protection or security on property, and not through a margin loan, pawn brokering, a line of credit or a credit card.

PAYDAY LOAN BUSINESS means the activity of offering, arranging or providing payday loans by a payday lender as defined in the Alberta Payday Loan Regulation.

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

PRIVACY WALL AND/OR SCREEN means a structure that provides a screen or visual barrier between a window of a habitable room or an outdoor area on a lot and an adjoining lot.

Q

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

R

RAILWAY AND RAILWAY RELATED USES means a railway line and any use connected with the direct operation or maintenance of a railway system and also includes any loading or unloading facilities, but excludes feed mills/grain elevators or bulk oil depots which are separate uses.

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

RECREATIONAL VEHICLE STORAGE – see **OUTDOOR STORAGE**

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

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

RECYCLING FACILITY means the use of land or buildings for the purchasing, receiving and/or temporary storage of discarded and recyclable articles, provided that the use does not generate a detrimental effect or nuisance beyond the boundaries of the lot or site on which it is situated. Such a facility may include supplementary production of by-products or materials and includes bottle, can and paper recycling depots.

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

RESTAURANT means a commercial development where food and beverages are prepared and served. The development may include supplementary alcoholic beverage service and catering services. This term will include restaurants, cafes, diners, lunch and tea rooms, ice cream parlors, banquet facilities, and take-out restaurants.

RETAIL means a commercial premise where goods, merchandise, substances, articles, and other materials, are offered for sale to the general public and includes limited on-site storage or limited seasonal outdoor sales to support that store's operations. Typical uses include but are not limited to grocery, bakery, hardware, pharmaceutical, appliance, clothing, and sporting goods stores. These uses exclude warehouse sales and the sale of gasoline, heavy agricultural and industrial equipment, alcoholic beverages, or retail stores requiring outdoor storage.

S

SALES AND/OR RENTALS means the sale or rental of various goods including but not limited to vehicles, construction equipment, farm equipment or machinery, or recreational vehicles.

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

SATELLITE DISH means a structure designed specifically to receive television signals.

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

SECONDARY SUITE means a facility containing cooking facilities, food preparation area, sleeping and sanitary facilities, which is self-contained from those of the principal dwelling within the structure by way of an entrance separate from the entrance to the principal dwelling, either from a common indoor landing or directly from the side or rear of the structure with no interior connection between the dwellings.

SENIOR CITIZENS HOUSING means a dwelling unit or accommodation sponsored and administered by any public agency or any non-profit organization, either of which obtains its financial assistance from federal, provincial, or municipal governments or agencies or public subscriptions or donation or any combinations thereof. Senior citizen accommodation may include lounge, dining, health care, and recreation facilities.

SERVICE STATION 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.

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

SIGN means any development:

(a) constructed and permanently affixed directly or indirectly to any building, structure, window or a parcel of land; and/or

(b) which is used to advertise, identify or display a commercial or non-commercial activity, product, place, organization, institution, person, service, event or location, by any means, including words, letters, figures, design, symbols, fixtures, colours, illumination or projected images and in such a manner as to be visible from any public place, but does not include any real estate sign, window display, political poster, flags, graffiti, athletic scoreboards or any traffic or directional and information signage erected by the Village, the provincial or federal governments and their agencies.

SMALL WIND ENERGY CONVERSION SYSTEM means a wind energy conversion system consisting of a single system, either mounted on a roof or placed on a self-supporting structure, with the capacity to generate electricity primarily for the property owner for on-site use or selling into the market.

SOLAR ENERGY SYSTEM, ROOF OR WALL MOUNTED means a photovoltaic 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 sole use and consumption on-site by the landowner, resident, or occupant attached to the roof or wall of a dwelling or accessory building.

SOLAR ENERGY SYSTEM, GROUND MOUNTED means a photovoltaic system using solar panels to collect solar energy from the sun and convert it to electrical, mechanical, thermal, or chemical energy that is ground-mounted using a self-supporting racking or supporting system that may or may not be connected to the interconnected electric system for on-site use or selling into the market.

SURVEILLANCE SUITE means a dwelling unit or sleeping unit, not exceeding 46.5 m^2 (500 ft^2) in size, that is developed in conjunction with a principal use so that the dwelling is a supplementary use to the principal use, and which is used solely to accommodate a person or persons, whose function is to provide surveillance, maintenance and/or security.

T

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

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

TOURIST HOME means a dwelling unit that is managed, advertised and leased by an individual or professional property manager, who uses a system of reservations, deposits and confirmations, collects G.S.T., and accepts credit cards. The accommodation unit is not leased for more than 28 days at a time.

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

TRAVEL TRAILER – see **RECREATIONAL VEHICLE**

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

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

U

UTILITY means any one or more of the following:

(a) systems for the distribution of gas, whether artificial or natural;
(b) facilities for the storage, transmission, treatment, distribution or supply of water;
(c) facilities for the collection, treatment, movement or disposal of sanitary sewage;
(d) storm sewage drainage facilities;
(e) telecommunications systems;
(f) systems for the distribution of artificial light or electric power;
(g) facilities used for the storage of telephone, cable, remote weather stations or internet infrastructure;
(h) any other things prescribed by the Lieutenant Governor in Council by regulation.

V

VARIANCE – see **WAIVER**

VETERINARY CLINIC – see **ANIMAL CARE SERVICE**

W

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

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

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

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

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

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

Schedule 7

TELECOMMUNICATION ANTENNA SITING PROTOCOL

Schedule 7

TELECOMMUNICATION ANTENNA SITING PROTOCOL

The intent of this schedule is to guide the telecommunications industry and amateur radio operators through the process of tower siting within the municipality. This guide was developed in accordance with Industry Canada siting protocols.

SECTION 1 MUNICIPAL APPROVAL

1.1 Proposals for freestanding telecommunication antennas shall not be required to obtain a development permit but shall be required to make a submission to the Municipal Planning Commission including:

(a) the information as listed in section 2; and

(b) complete the notification and public consultation process found in Section 3.

1.2 Concurrence with the proponent's project will be measured against the requirements of each district's requirements and criteria listed below. If all requirements are met, the Village of Duchess will provide concurrence in the form of a written letter to the proponent.

1.3 The following are excluded from submitting information for review:

(a) an antenna mounted on a building that projects less than 2 m (6.6 ft) in height above the top of the building;

(b) commercial or Business Industrial Development lands which are a minimum of 150 m (492 ft) from residential Development lands or lands Development for public purpose.

SECTION 2 INFORMATION REQUIREMENTS

Co-utilization (Co-location)

2.1 All proponents for freestanding antenna structures will be requested to identify any other such structures within a radius of 500 m of the proposed location and to provide documentary evidence that co-utilization of the existing or new structure is not a viable alternative to a second structure.

Appearance

2.2 All proponents for antenna structures which are visible from residential areas may be requested to employ innovative design measures to mitigate the visual impact of these structures. The proponent shall provide stealth structure options when requested by the municipality. Stealth structure options will be based on an evaluation of the massing, form, colour, material, and other decorative elements, that will blend the appearance of the facility into and with the surrounding lands.

Lighting and signage

2.3 Lighting in addition to that which is required by applicable federal agencies shall be avoided. Security lighting may be considered provided it meets the requirements of the applicable land use district.

2.4 Only signage that is required by applicable federal agencies is permitted. No advertising signage shall be permitted.

SECTION 3 NOTIFICATION AND PUBLIC CONSULTATION PROCESS

3.1 At the expense of the applicant, the municipality will notify all land owners within a distance of 500 m (1640 ft) of the proposed structure.

3.2 With each notification, the proponent will be responsible to submit a letter providing notification of the location of the tower, physical details of the tower, the time and location of the public meeting, and a contact name and phone number of someone employed by the proponent who can answer questions regarding the proposal. The notifications should be sent 25 days prior to the public meeting.

3.3 The proponent shall be prepared to hold an open house regarding their development proposal and should proactively explain all aspects of the siting, technology and appearance of the proposed structure.

3.4 From the public meeting, the proponent will be responsible to provide the Municipal Planning Commission with a copy of the agenda and the minutes indicating the topics discussed, additional concerns raised with resolutions, and any outstanding issues that the proponent and/or landowners could not resolve.

3.5 Where the public process has raised unresolved concerns about public health and related effects of wireless communication technology, the Village of Duchess will request a ruling by Industry Canada prior to the issuance of a letter of concurrence.

APPENDIX A

FEE SCHEDULE

APPENDIX B

FORMS

VILLAGE OF DUCHESS

RESIDENTIAL DEVELOPMENT PERMIT APPLICATION

Development Permit Application No.	

Date of Application: _____

Date Deemed Complete for Processing: _____

❑ Notice of Completeness

THIS DOES NOT CONSTITUTE A BUILDING PERMIT.
A SEPARATE BUILDING PERMIT MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS.

APPLICANT & LAND INFORMATION

Applicant's Name: _____

Mailing Address: _____

Phone: _____ Cell Phone: _____ Email: _____

Registered Owner's Name: _____

Mailing Address: _____

Phone: _____ Cell Phone: _____ Email: _____

Applicant's interest in the proposed development if not the registered owner:

❑ Agent ❑ Contractor ❑ Tenant ❑ Other: _____

PROPERTY INFORMATION

Municipal Address: _____

Legal Description: Lots(s) _____ Block _____ Plan _____

Land Use District: _____ Existing use of land: _____

DEVELOPMENT INFORMATION

This application is to: (Check all that apply)

❑ Construct a **NEW** dwelling *(if greater than 500 ft² see abandoned well information section)*

❑ Single-unit/manufactured home ❑ 2 Unit ❑ Multi-unit ❑ Other _____

❑ Move-in a **USED** Dwelling (describe development): _____

❑ Alter/renovate the existing building *(if greater than 500 ft² see abandoned well information section)*

❑ Addition ❑ Deck(s) ❑ Other _____

❑ Construct an accessory building or structure *(if greater than 500 ft² see abandoned well information section)*

❑ Garage ❑ Shed /Workshop ❑ Other _____

❑ Move-in building *(if greater than 500 ft² see abandoned well information section)*

❑ Demolish existing building (attach a copy of a completed ***Demolition Form***)

Exterior Finish, Fencing & Landscaping

❑ Not applicable to this development

❑ Applicable – Describe generally the types, colors, and materials, as applicable, of:

Exterior finishes of the proposed building(s): _____

Proposed fencing and height: _____

Proposed landscaping: _____

Services

Indicate the existing or proposed sewer system and potable water supply:

Sewer System: ❑ Municipal ❑ Private Septic

Water Supply: ❑ Municipal ❑ Other _____

Details of Vehicle Parking and Access (Indicate locations of same on a scaled PLOT PLAN.)

Number of parking spaces (existing or proposed): _____

Size of parking spaces (existing or proposed): _____

Number of driveways (existing or proposed): _____

Width of driveway (existing or proposed): _____

Waivers

Is a waiver (variance) to one or more standards in the Land Use Bylaw being requested? ❑ No ❑ Yes

If yes, please specify: _____

BUILDING REQUIREMENTS

	Principal Building	Accessory Building	*Office Use*
Parcel Size	❑ m^2 ❑ ft^2	❑ m^2 ❑ ft^2	
Building Size	❑ m^2 ❑ ft^2	❑ m^2 ❑ ft^2	
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			

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)

VILLAGE OF DUCHESS
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 Designated Officer may request additional information that is required to assess the application.

- ❑ **Copy of Site Plan.** Site plan shall provide the following information not greater than 11" X 17":
  (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 and Land Use District
  - ❑ Adjacent roadways and 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 Rights-of-Way or easements
  - ❑ Number of off-street parking spaces

- ❑ **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

- ❑ **Map or additional information from the AER regarding location of abandoned wells.**

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**.

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.

- ❑ **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 Village of Duchess.**

VILLAGE OF DUCHESS

NON-RESIDENTIAL DEVELOPMENT PERMIT APPLICATION

Development Permit Application No.	

Date of Application: _____

Date Deemed Complete for Processing: _____

❑ Notice of Completeness

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 deemed complete for processing 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 & LAND INFORMATION

Applicant's Name: _____

Mailing Address: _____

Phone: _____ Cell Phone: _____ Email: _____

Registered Owner's Name: _____

Mailing Address: _____

Phone: _____ Cell Phone: _____ Email: _____

Applicant's interest in the proposed development if not the registered owner:

❑ Agent ❑ Contractor ❑ Tenant ❑ Other: _____

PROPERTY INFORMATION

Municipal Address: _____

Legal Description: Lots(s) _____ Block _____ Plan _____

Land Use District: _____ Existing use of land: _____

DEVELOPMENT INFORMATION

This application is to: (Check all that apply)

❑ Construct a **NEW** building *(if greater than 500 ft² see abandoned well information section)*

❑ Commercial Use ❑ Industrial Use ❑ Public/Institutional Use ❑ Other _____

❑ Move-in a **USED** building (describe development): _____

❑ Alter/renovate the existing building *(if greater than 500 ft² see abandoned well information section)*

❑ Addition ❑ Other _____

❑ Construct an accessory building or structure *(if greater than 500 ft² see abandoned well information section)*

❑ Garage ❑ Shed/Workshop ❑ Other _____

❑ Demolish existing building (attach a copy of a completed ***Demolition 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	❑ m² ❑ ft²	❑ m² ❑ ft²	
Building Size	❑ m² ❑ ft²	❑ m² ❑ ft²	
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			

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)

VILLAGE OF DUCHESS
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 Designated Officer may request additional information that is required to assess the application.

- ❑ **Copy of Site Plan.** Site plan shall provide the following information and be no larger than 11" X 17":
  (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 and Land Use District
  - ❑ Adjacent roadways and 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 Rights-of-Way and easements
  - ❑ Landscaping plan
  - ❑ Lighting plan
  - ❑ Number and location of parking spaces, both on and off-street

- ❑ **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

- ❑ **Map or additional information from the AER regarding location of abandoned wells.**

  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**.

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.

- ❑ **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 Village of Duchess.**

VILLAGE OF DUCHESS

HOME OCCUPATION
DEVELOPMENT PERMIT APPLICATION

Development Permit Application No.	

Date of Application: _____

Date Deemed Complete for Processing: _____

❑ Notice of Completeness

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 complete for processing 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*

A SEPARATE BUILDING PERMIT MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS.

APPLICANT & LAND INFORMATION

Applicant's Name: _____

Mailing Address: _____

Phone: _____ Cell Phone: _____ Email: _____

Registered Owner's Name: _____

Mailing Address: _____

Phone: _____ Cell Phone: _____ Email: _____

Applicant's interest in the proposed development if not the registered owner:

❑ Agent ❑ Contractor ❑ Tenant ❑ Other: _____

PROPERTY INFORMATION

Municipal Address: _____

Legal Description: Lots(s) _____ Block _____ Plan _____

Land Use District: _____ Existing use of land: _____

BUSINESS DESCRIPTION

Describe the primary function of your business. What goods and/or services are provided? Attach an additional sheet describing the business.

Is there another home occupation already operating out of the residence? ❑ Yes ❑ No

Where will the business operate from? ❑ In-home ❑ Accessory building

How will you interact or do business with your clients or customers?

- ❑ In person. Clients/customers 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

How many on-site parking spaces for any client visits, deliveries, etc. will be available? _____

What will the days of operation be? ❑ Mon-Fri ❑ Weekends ❑ 7 days/week ❑ Part-time

What will be the hours of operation? _____

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

Will there be any equipment or materials stored outside the dwelling that will be used in conjunction with the business?

- ❑ Yes (list materials and quantities) _____
- ❑ No

Will any vehicles/machinery/tools be used to operate the business? Please list.

_____

Will there be any flammable or hazardous materials on the premises as a result of the business?

- ❑ Yes (list materials and quantities) _____
- ❑ No

Will any goods be displayed at the residence? ❑ Yes ❑ No

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)

VILLAGE OF DUCHESS

SIGN DEVELOPMENT PERMIT APPLICATION

Development Permit Application No.	

Date of Application: _____

Date Deemed Complete for Processing: _____ ❑ Notice of Completeness

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 deemed complete for processing 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.* ***A SEPARATE BUILDING PERMIT MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS.***

APPLICANT & LAND INFORMATION

Applicant's Name: _____

Mailing Address: _____

Phone: _____ Cell Phone: _____ Email: _____

Registered Owner's Name: _____

Mailing Address: _____

Phone: _____ Cell Phone: _____ Email: _____

Applicant's interest in the proposed development if not the registered owner:

❑ Agent ❑ Contractor ❑ Tenant ❑ Other: _____

PROPERTY INFORMATION

Municipal Address: _____

Legal Description: Lots(s) _____ Block _____ Plan _____

Land Use District: _____ Existing use of land: _____

SIGN INFORMATION

TYPE OF WORK: ❑ New Permanent Sign ❑ Changes to Existing Sign ❑ Temporary Sign ❑ Portable Sign

SIGN TYPE*:	**PROJECTION STYLE:**	**ILLUMINCATION:**
❑ Temporary ❑ Canopy ❑ Window ❑ Freestanding ❑ Fascia ❑ Mural ❑ Projecting ❑ Other **Billboard signs are not permitted in the Village	*Mark any or all that apply* ❑ Lettering / logo ❑ Manual changeable lettering content ❑ Electronic changeable lettering content ❑ Animation ❑ Movement / rotation	*Mark any or all that apply* ❑ No illumination ❑ Direct illumination ❑ Internal illumination ❑ Flashing

				Office Use
Length of Sign:		❑ m^2	❑ ft^2	
Height of Sign:		❑ m^2	❑ ft^2	
Sign Face Area (length x height):		❑ m	❑ ft.	
Top of Sign Height:				
from Grade:		❑ m	❑ ft.	
from Roof:		❑ m	❑ ft.	

If the sign is only for **temporary** use:

For 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) on the property
- ❑ Size, height, and other dimensions of the proposed sign(s), including any supporting structures
- ❑ Details of sign content (wording, lettering, graphics, colour and design scheme, materials, etc.)
- ❑ 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)

VILLAGE OF DUCHESS

DEVELOPMENT PERMIT

Application No. _____ **Permit No.** _____

THIS DOES NOT CONSTITUTE A BUILDING PERMIT.
A SEPARATE BUILDING PERMIT MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS.

This permit, respecting development involving: _____

_____

(as further described in Application No. _____) is hereby issued to _____

with: ❑ no conditions

❑ the following conditions:

No development authorized by the issue of this permit shall commence:

(a) less than 21 days after the issue of this permit plus, or

(b) if an appeal is filed, until the appeal is decided upon.

After the appeal period, if no appeal is filed, you are hereby authorized to proceed with the development specified, provided that any stated conditions are complied with, the development is in accordance with the application and plans as approved, and that a building permit is obtained if construction is involved. If an appeal is filed regarding this permit to the Subdivision and Development Appeal Board, this permit shall be null and void. Anyone commencing development before this permit becomes valid does so at his or her own risk.

This permit is issued on _____ , _____ and becomes valid 21 days after the date of its issue

on _____, _____.

Notification to Applicant: _____ , _____ **Signed:** _____

Designated Officer – Village of Duchess

SEE IMPORTANT INFORMATION ON REVERSE

TERMS APPLICABLE TO DEVELOPMENT PERMIT

CONDITIONS OF DECISION

The decision on this application applies only to the use and development described in the decision. A separate application is required for the extension or amendment of a development permit, or any other development (e.g. signs) not included in this application.

APPEAL

The Municipal Government Act provides that any person affected by the issue of a development permit may appeal to the Subdivision and Development Appeal Board by serving written notice to the secretary of the Subdivision and Development Appeal Board within 21 days of the date this permit was issued.

PERMIT EXPIRY

A development permit expires 12 months from the date of its issue, if the development or use authorized by the permit has not been commenced or carried out with reasonable diligence within 12 months from the date of its issue, in accordance with administrative procedures of the Land Use Bylaw.

PERMIT NOT TRANSFERABLE

A development permit is valid only for the location for which it is issued, but a development permit may be transferred to another person in certain instances (subject to and in accordance with administrative procedures of the Land Use Bylaw) provided that the designated officer issues a written consent which authorizes the transfer.

PERMIT AUTHORITY

A development permit indicates that only the development to which it relates is authorized in accordance with the provisions of the Land Use Bylaw and in no way relieves or excuses the applicant from complying with the Land Use Bylaw or any other bylaw of the municipality or any applicable provincial or federal legislation.

OTHER PERMITS AND LICENCES

A development permit is not a building permit, plumbing permit, electrical permit, a permit to install underground or above-ground fuel tanks, a permit issued by a Public Health Inspector, or a business license. These and other separate permits or licenses may be required by municipal, provincial or federal authorities.

VILLAGE OF DUCHESS

AGREEMENT FOR TIME EXTENSION

Development Permit Application No.	

I/We _____

being the registered owner or person authorized to act on behalf of the registered owner with respect to:

Application No.: _____

For: _____

Located on (legal description): _____

_____

Do hereby agree to a time extension of: _____ days, until

_____

_____

On the understanding that if a decision has not been made by this time, I may deem the application refused and appeal to the Subdivision and Development Appeal Board in accordance with the provisions of the Municipal Government Act.

Date: _____ _____

Signature of Registered Owner/Person Acting on behalf of Registered Owner

_____

Signature of Witness

Date: _____ _____

Signature of Designated Officer – Village of Duchess

_____

Signature of Witness

VILLAGE OF DUCHESS

APPLICATION FOR A STATUTORY PLAN AMENDMENT

Bylaw No.	

Date of Application: _____

Date Deemed Complete: _____

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.

IMPORTANT NOTE: Although the Designated 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.

APPLICANT & LAND INFORMATION

Applicant's Name: _____

Mailing Address: _____

Phone: _____ Cell Phone: _____ Email: _____

Registered Owner's Name: _____

Mailing Address: _____

Phone: _____ Cell Phone: _____ Email: _____

Applicant's interest in the proposed development if not the registered owner:

❑ Agent ❑ Contractor ❑ Tenant ❑ Other: _____

PROPERTY INFORMATION

Municipal Address: _____

Legal Description: Lots(s) _____ Block _____ Plan _____

Land Use District: _____ Existing use of land: _____

AMENDMENT INFORMATION

What is the proposed amendment? ❑ Text Amendment ❑ Land Use Redesignation

IF TEXT AMENDMENT:

For text amendments, 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): _____

- ❑ **Map Attached**
- ❑ **Description of Proposal Attached**
- ❑ **Area Structure Plan / Design Concept Attached**

SITE PLAN

Plans and drawings, in sufficient detail to enable adequate consideration of the application, must be submitted 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)

VILLAGE OF DUCHESS

VOLUNTARY WAIVER OF CLAIMS

DEVELOPMENT COMMENCEMENT FORM

Development Permit Application No.	

Date of Approval: _____

Date of 21 Day Appeal Period: _____

PROPERTY INFORMATION

Municipal Address: _____

Legal Description: Lots(s) _____ Block _____ Plan _____

Land Use District: _____

What is the existing use? _____

"VOLUNTARY WAIVER OF CLAIMS" (OPTIONAL)

For Development Approvals of Discretionary Uses and/or Approvals Granting a Waiver of Development Standards

This "Voluntary Waiver of Claims" allows you to commence your development at your own risk in advance of the date of validity on your Development Permit. The permit's valid date is the date at which the appeal period for the public has expired.

By agreeing to this "Voluntary Waiver of Claims" you agree that should an appeal be made you will immediately cease the development pending the outcome of the appeal and will waive all claims to compensation from the Village of Barnwell for costs associated with the cessation and/or costs resulting from the outcome of the appeal, including the removal of improvements and restoration of disturbances to the land/buildings to their former state.

Agreement to this "Voluntary Waiver of Claims" does not nullify your own right to an appeal. You may appeal any condition of approval on the Development Permit to the Subdivision and Development Appeal Board by the date identified on your permit.

Agreement to this "Voluntary Waiver of Claims" and possession of the released Development Permit does not eliminate the need for a Business License, Building Permit or other permits. Do not commence development without first obtaining all the necessary permits.

I have read, understood, and agree to this "Voluntary Waiver of Claims".

_____ _____

APPLICANT Registered Owner (if not the same as applicant)

VILLAGE OF DUCHESS

DEMOLITION FORM

Application No.	

Date of Application: _____

Date Deemed Complete: _____

APPLICANT & LAND INFORMATION

Applicant's Name: _____

Mailing Address: _____

Phone: _____ Cell Phone: _____ Email: _____

Registered Owner's Name: _____

Mailing Address: _____

Phone: _____ Cell Phone: _____ Email: _____

Applicant's interest in the proposed development if not the registered owner:

❑ Agent ❑ Contractor ❑ Tenant ❑ Other: _____

PROPERTY INFORMATION

Municipal Address: _____

Legal Description: Lots(s) _____ Block _____ Plan _____

DEMOLITION/REMOVAL INFORMATION

Description of building / structure: _____

Type of Work: ❑ Removal to another site (no demolition) ❑ Demolition of building/structure

Building Size: _____ ❑ m^2 _____ ❑ ft^2 Height of Building: _____ ❑ m _____ ❑ ft

Expected start date: _____ Expected completion date: _____

Method of Demolition:

- ❑ Manual (no heavy equipment)
- ❑ Using heavy equipment
- ❑ Other – please explain _____

Dump site location: _____

Name of Contractor responsible for removal/demolition: _____

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)

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 Village of Duchess**.

**NOTE: A building permit is also required before proceeding with demolition.

VILLAGE OF DUCHESS

TELECOMMUNICATION SITING PROTOCOL APPLICATION & CHECKLIST

Date of Application: _____

APPLICANT & LAND INFORMATION

Applicant's Name: _____

Mailing Address: _____

Phone: _____ Cell Phone: _____ Email: _____

Registered Owner's Name: _____

Mailing Address: _____

Phone: _____ Cell Phone: _____ Email: _____

Applicant's interest in the proposed development if not the registered owner:

❑ Agent ❑ Contractor ❑ Tenant ❑ Other: _____

PROPERTY INFORMATION

Municipal Address: _____

Legal Description: Lots(s) _____ Block _____ Plan _____

Land Use District: _____ Existing use of land: _____

DETAILS OF THE PROPOSED DEVELOPMENT

What currently exists on the parcel? _____

What will the tower be used for? _____

TOWER SIZE

Overall tower height _____ ❑ m ❑ ft Commencement Date: _____

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. 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)

VILLAGE OF DUCHESS

TELECOMMUNICATION SITING
PROTOCOL APPLICATION & CHECKLIST

TELECOMMUNICATION SITING PROTOCOL CHECKLIST

A COMPLETED APPLICATION REQUIRES:

1. A completed checklist
2. Non-refundable application fee
3. Signature of ALL landowners
4. Any additional information requested by the Development Authority

CHECKLIST INFORMATION:

- Failure to complete the Application or supply the required information, plans or fees may cause delays in application processing.
- The Development Authority may refuse to accept your application if the required information has not been supplied or if the quality of the information is inadequate to properly evaluate the application.
- Once the information has been reviewed, the Village of Duchess will either:
    - Issue a municipal concurrence letter to the applicant, or
    - Issue a letter which outlines the municipality's concerns and/or conditions to the applicant and Industry Canada
- Construction permits may be required for buildings/tower foundations, plumbing, private sewage systems, and gas or electrical installations.

FEES		
Copying and distribution of required notification letters	$2.50/letter	Payment required for distribution of letters will be the application fee
Distribution of required notification letters	$1.50/letter	
If the applicant can prove that notification to all required adjacent landowners has been done, then no fee is required.		
For fees not listed here, please see the full Fee Schedule		

CHECKLIST

Please attach a description of the project summarizing the information required in the following table.

REQUIREMENT	IS THIS REQUIRED? YES OR NO	SUBMITTED? YES, NO OR N/A
Co-utilization: Are there any other such structures within a radius of 500 m (1640 ft) of the proposed location?		
If YES, please provide a site plan showing the locations of these and provide documentary evidence that co-utilization of the existing structure(s) is not a viable alternative to a second structure		
Stealth Structure Options/Screening: If this structure will be visible from residential areas stealth structure options must be used and a description of the stealth structure options must be submitted to the satisfaction of the Village.		
Lighting and Signage: Is there additional lighting planned in addition to what is required by federal agencies? Please provide a description of all lighting, required or not required.		
What signage will be used? Please describe. No advertising signage shall be permitted.		
Notification & Public Consultation Process: All landowners within a distance of 3.2 km (2 miles) from the proposed structure must be notified. Please provide a letter that the Village can circulate on your behalf.		
The fee for copying and distributing these letters is $2.50/letter. _____ x $2.50/letter = _____ total The fee for only distributing these letters is $1.50/letter _____ x $1.50/letter = _____ total		