VILLAGE OF COWLEY

LAND USE BYLAW NO. 352

Prepared by the

OLDMAN RIVER REGIONAL SERVICES COMMISSION

September 1998

(Consolidated to Bylaw 434, July 2025)

Village of Cowley Land Use Bylaw No. 352 – Amendments

Bylaw No.	Amendment Description	Legal Description	Passed
370	"Public Institutional – PI" to "General Residential – R1"	Lot 10, Block 3, Plan 1559I	19-Apr-2004
376	"Highway and General Commercial – C2" to "General Residential – R1"	Portion of Lot 16, Block 2, Plan 7810351	20-Mar-2007
380	"Transitional/Urban Reserve – TUR" to "Direct Control – DC"	Lot 3, Block 12, Plan 0812201	16-Sep-2008
instructed by Planner Mike Burla	"Parks and Open Space – POS" to "General Residential – R1" "Parks and Open Space – POS" to No Zoning	Lots 23-34, Block 10 & Lots 108, Block 11, Plan 8610628 Portion of lane and Chinook Crescent in Plan 8610628	1-Nov-2018
	New Land Use Districts Map changing all Village street names to numbers		2-Mar-2020
431	Addition of definition for Recreational vehicle in Section 1. Amend definitions for Dwelling Unit and Single Family Dwelling in Section 1. Addition of Outside Storage to General Industrial and Warehousing – I as a Discretionary Use. Amend Schedule 5 to include use restrictions and development requirements for 5.8 Recreational Vehicle.		13-Jan-2025
432	"Parks and Open Space – POS" to "Direct Control 1 – DC1" Amend Schedule 1 to include Direct Control 1 to Land Use Districts. Addition of Direct Control 1 Land Use District to Schedule 2.	Lot 3, Block G, Plan 5529AA	13-Jan-2025
434	"Parks and Open Space – POS" to "General Residential – R1"	Lot 11, Block 3, Plan 1559I	14-July-2025

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VILLAGE OF COWLEY
IN THE PROVINCE OF ALBERTA
LAND USE BYLAW NO. 352

The Council of the Village of Cowley enacts as follows:

BEING A BYLAW OF THE VILLAGE OF COWLEY, IN THE PROVINCE OF ALBERTA, TO REGULATE THE USE AND DEVELOPMENT OF LAND AND BUILDINGS.

This bylaw may be cited as "The Village of Cowley Land Use Bylaw".

In this bylaw, words used in the singular include the plural, and words using the masculine gender include the feminine gender.

1. DEFINITIONS

In this bylaw:

Accessory building means any building:

(a) which is separate from the principal building on the lot on which both are located and the use of which the designated officer decides is normally subordinate and incidental to that of the principal building; or

(b) the use of which the designated officer decides is normally subordinate and incidental to that of the principal use of the site on which it is located.

Accessory use means a use of a building or site which the designated officer decides is normally subordinate and incidental to the principal use of the building or site.

Act means the Municipal Government Act, Statutes of Alberta, 1994, Chapter M-26.1, as amended.

Amenity area means an area or areas within the boundaries of a project intended for recreational purposes. These may include landscaped areas, patios, balconies, swimming pools and similar uses.

Amusement facility means development for amusement pastimes and may incorporate eating or drinking facilities as an accessory use.

Animal care service, large means development used for the care, treatment, boarding, breeding or training of animals and livestock within or outside buildings and includes the supplementary sale of associated products. This use includes veterinary offices or hospitals, animal shelters, boarding and breeding kennels, facilities for impounding and quarantining animals and related research facilities.

Animal care service, small means development for the on-site treatment or grooming of small animals such as household pets, where on-site accommodation is not normally provided and where all care and confinement facilities are enclosed within a building. This use includes off-site treatment of animals or livestock of any size and the supplementary sale of

associated products. Examples include pet grooming salons, pet clinics and veterinary offices.

Apartment dwelling means a building or a portion of a building which contains three or more dwelling units and where the primary access to each unit is provided through a common or shared entryway. This use also includes eightplexes or any building containing more than six dwelling units, where each unit is provided with its own primary access to the outside.

Approved use means a use of land and/or building for which a development permit has been issued by the designated officer or the Municipal Development Authority.

Apron means a flat-surfaced area that surrounds and lies adjacent to a mobile home pad.

Area redevelopment plan means a statutory plan in accordance with the Act and the municipal development plan 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 in accordance with the Act and the municipal development plan for the purpose of providing a framework for subsequent subdivision and development of an area of land in the municipality.

As required by the Municipal Development Authority means that a standard or requirement of the land use bylaw may be varied but not completely waived.

Auction mart means a use of land or buildings for the auctioning and related temporary storage of household effects, goods and equipment, except livestock.

Auto body and paint shop means a premise where the bodies, but not other parts of motor vehicles, are repaired, and where motor vehicle bodies and other metal machines, components or articles may be painted.

Auto sales and service means an enclosed building within which motor vehicles and parts are displayed for sale, and may include a new or used automobile sales lot, and may also include auto repairs, except for body work and painting.

Basement means any storey of a building of which the ceiling level is less than 1.8 m (6 ft.) above the average finished surface level of the surrounding ground.

Bed and breakfast means a home occupation which provides short-term accommodation, generally not exceeding one week, to the travelling public, tourists or members of the general public.

Berm means a dyke-like form used to separate incompatible areas or functions, or constructed to protect the site or district from vehicular road or other noise.

Boarding house means a building (other than a hotel or motel) containing not more than 15 sleeping rooms where meals or lodging for five or more persons are provided for compensation pursuant to previous arrangements or agreements.

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

Buildable area means that portion of a lot or parcel which remains after all setbacks, minimum yard dimensions and separation distances have been deducted.

Building has the same meaning as it has in the Act.

Building height means the vertical distance between grade and the highest point of a building excluding an elevator housing, a roof stairway entrance, 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 appointed by the municipality to be the chief building inspector in and for the Village of Cowley.

Carport means a partially enclosed structure intended for the shelter of one or more motor vehicles.

Child care service means a development providing provincially-approved care or education without overnight accommodation for more than six children at one time.

Club and fraternal organization means development for the assembly of members of non-profit clubs or organizations.

Commercial logging means the removal of existing timber stands within the municipality whereby the logs are removed from the site to be processed at a different location into dimensional lumber or other wood byproducts.

Commercial vehicle "A" means a vehicle not exceeding a rated load capacity of 907 kilograms (one ton), that is used for commercial or industrial purposes.

Commercial vehicle "B" means a vehicle exceeding a rated load capacity of 907 kilograms (one ton), that is used for commercial or industrial purposes.

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.

Community facilities means community halls, public libraries, parks, playgrounds, schools, hospitals, shopping, medical and dental clinics and other similar facilities.

Comprehensive development means planned residential development having a high standard of design, a variety of accommodation, and adequate amenity provisions.

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.

Construction supply and contractors means the use of land or buildings for the operation of a building trade or service or a materials supplier to the construction industry.

Council means the Council of the Village of Cowley in the Province of Alberta.

Designated officer means a person authorized by council to act as a development authority pursuant to section 624(2) of the Municipal Government Act and in accordance with the municipality's development authority bylaw.

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

Development Authority means the Municipal Development Authority, except in such instances whereby the designated officer may be the development authority, in accordance with this bylaw.

Development permit means a document issued pursuant to this bylaw authorizing a development.

Discretionary use means the one or more uses of land or buildings that are described in Schedule 2 as discretionary uses.

District means a district established under Schedule 1.

Double-wide mobile home means a mobile home that is permanently fixed to two chassis, or is permanently fixed to one chassis and has a section which can be expanded or telescoped from the mobile home for additional floor area. Double-wide mobile homes are typically not less than 6 metres (20 ft.) in width.

Drive-in business means an establishment with facilities for on-site service to customers who remain in their motor vehicles.

Drive-in restaurant means a restaurant which offers car attendant service or drive-through pick-up service.

Duplex means a building containing two separate dwelling units connected by a common floor or ceiling.

Dwelling unit means a room or a suite of rooms operated as a residence for family, containing cooking, sleeping and sanitary facilities. For the purpose of this bylaw, a recreational vehicle is not a dwelling unit.

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

Eaveline means the overhanging portion of a roof beyond the exterior walls of a building.

Environmental reserve means any parcel of land specified as environmental reserve by a subdivision approving authority pursuant to section 664 of the Act, as amended.

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.

Extensive agriculture means the production of crops or livestock or both by the expansive cultivation or open grazing of normally more than one parcel or lot containing 64.8 hectares (160 acres) more or less.

Existing lot means a lot that existed at the time this bylaw was adopted.

Family means one or more persons occupying a dwelling unit as a single housekeeping unit.

Farm/industrial machinery sales, rental and service means the use of land or buildings for the sale, service and/or rental of agricultural implements, vehicles over 5,900 kg (13,000 lbs.) tare weight and heavy machinery used in the operation, construction or maintenance of buildings, roadways, pipelines, oil fields, mining or forestry operations, and in freight hauling operations. Cleaning, repairing and sale of parts and accessories may be allowed as part of the principal use or as accessory uses.

Farm supplies and service means the use of land or buildings for the sale, storage and distribution of grain (including grain elevators), livestock feed, fertilizer and chemicals used in agriculture.

Fence means a roofless structure, wall or hedge used as an enclosure or screening on any part of a lot.

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.

Foundation means the supporting base structure of a building.

Fourplex means a form of cluster housing containing four dwelling units, where:

(a) each unit has two contiguous or abutting walls which provide fire separation from the adjacent dwelling units;

(b) two of the dwelling units ordinarily face the front yard, and two dwelling units ordinarily face the rear yard; and

(c) each unit is provided with its own separate primary access to the outdoors.

Frontage means the lineal distance measured along the front legal lot line.

Front property boundary, Principal means the front property boundary as shown in Figure 1.

Front property boundary, Secondary means the front property boundary as shown in Figure 1.

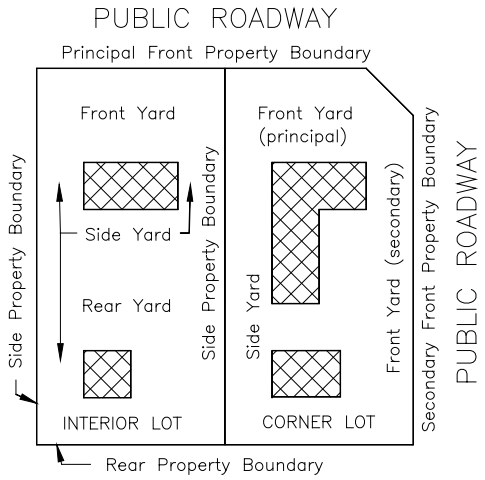

FIGURE 1

Garage (residential) means an accessory building designed and used for storage of motor vehicles.

Garden centre means the use of land or buildings for the sale, display, growing and storage of garden, household, and ornamental plants and trees provided that the retail sale and display of plants and trees remains the principal use. This use includes the supplementary retail sale of fertilizers, garden chemicals and implements as well as associated products.

Grade means the average elevation of the finished ground or street surface.

Grain elevator means a building normally located adjacent to a railway constructed for the purpose of storing harvested cereal crops until such time that the product can be transported to market.

Group home means development using a dwelling unit for a provincially-approved residential social care facility providing rehabilitative and supportive care for four or more persons. A "Group home" may incorporate accommodation for resident staff as an accessory use.

Highway means:

(a) a highway or proposed highway that is designated as a primary highway; or

(b) a road, street or highway designated as a secondary road and numbered between 500 and 999.

Highway commercial is a general term used to describe development, typically along a major roadway or highway that provides goods and services to the travelling public. Typical highway commercial uses include service stations, truck stops, motels, motor-hotels, drive-in and fast-food restaurants.

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

Hotel means a building used primarily for sleeping accommodation and ancillary services provided in rooms or suites of rooms which may contain bar/kitchen facilities. The building may also contain commercial or other uses and may offer such additional services as parking facilities, restaurant or dining room, room service or public convention facilities.

Improvement means any installation or physical change made to a property with a view to increasing its value, utility or beauty.

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.

Intensive horticultural operations or facilities means a use of land or buildings for the high yield production and/or sale of specialty crops. This use includes greenhouses, nurseries, hydroponic or market gardens, tree, mushroom and sod farms and such other uses that the Municipal Development Authority considers similar in nature and character to any one or all of these uses.

Home care service means the provision of food, lodging and care for up to three individuals conducted in a conventional single-family dwelling which has common cooking and washroom facilities.

Kennel means an establishment in which three or more dogs, more than one year old, are housed, groomed, bred, boarded or sold.

Lane means a public thoroughfare not exceeding 10 metres (33 ft.) in width.

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.

Loading space means a portion of a lot or parcel that is designated or used by a vehicle while loading or unloading goods or materials to a building or use on that parcel or lot.

Lot, in accordance with the Act, means:

(a) a quarter section;

(b) a river lot shown on an official plan referred to in section 32 of the Surveys Act that is filed or lodged in a land titles office;

(c) a settlement lot shown on an official plan referred to in section 32 of the Surveys Act that is filed or lodged in a land titles office;

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

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

Lot area means the area contained within the lot lines of a lot as shown on a plan of subdivision or described in a certificate of title.

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

Lot, double fronting means a lot with two front property boundaries, where the front property boundaries are situated at opposite or approximately opposite sides of the lot, as shown in Figure 2.

Lot, interior means a lot other than a corner lot as shown in Figure 2.

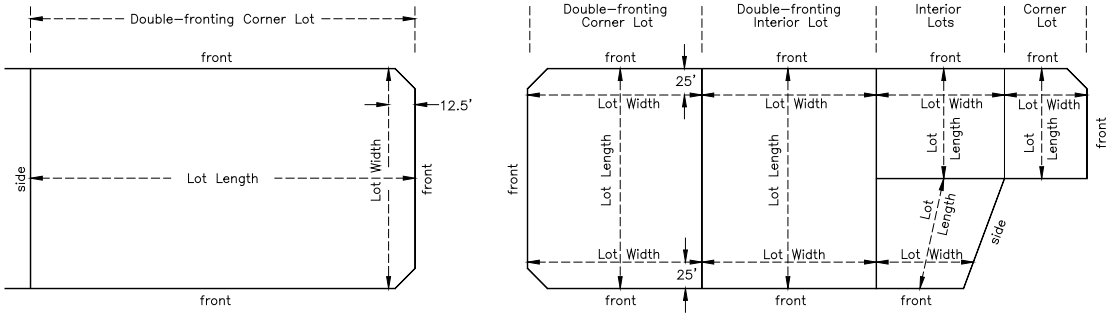

FIGURE 2

Lot length leans the horizontal distance between the shortest or principal front property boundary and the opposite property boundary, measured along the median between the side property boundaries as shown in Figure 2.

Lot width means the horizontal distance between opposite side property boundaries measured at a point 7.6 metres (25 ft.) from the shorter or principal front property boundary as shown in Figure 2.

Manufactured home means a newly-constructed, factory-built dwelling which may be transported to a new location and placed on a permanent foundation or constructed in prefabricated units at a factory or place other than that of its final assembly and are built to the CSA A277 certification standard.

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

Medical and dental office means development providing medical and health care on an outpatient basis. Examples of this use include medical and dental offices, clinics, occupational health and safety offices, counselling services, chiropractic and naturopathic services and such other uses as the Municipal Development Authority considers similar in character and nature to any of these uses, but this excludes dispensaries (which sell pharmaceutical and related medical supplies) as an accessory use.

Minimum building setback means the shortest distance between the wall of a building and a designated lot line.

Mobile home means a prefabricated dwelling unit that:

(a) is designed to be transported, and when placed on a foundation and connected to utilities is ready for occupancy; and

(b) is subject to the current provincial building requirements.

The term mobile home includes double-wide and single-wide mobile homes, but the term does not include motor homes, travel trailers, recreation vehicles and any similar vehicles that are neither intended for permanent residential habitation nor subject to the current provincial building requirements.

Mobile home park means a lot occupied by or intended for two or more single-wide and/or double-wide mobile homes, where each mobile home site is not subdivided into a separately titled lot.

Mobile home sales and service means development for the sale, rental or storage of new and used mobile homes, and includes supplementary maintenance services and the sale of parts and accessories.

Mobile home subdivision means lands divided into lots intended to be occupied by their owners for private residential purposes, and on which are erected permanent foundations for mobile or modular homes.

Modular construction means the construction of a building in prefabricated units at a factory or place other than that of its final assembly which:

(a) are assembled at the location where the building is to be permanently used;

(b) are transported from one point to another by being carried on a motor vehicle;

(c) are not constructed on a frame capable of being equipped with wheels and thus towed from one point to another; and

(d) are equipped at the factory with interior electrical and plumbing utilities and interior walls (if these elements are required in the modular building).

Motel means development primarily providing temporary sleeping accommodation in rooms or suites, where each room or suite may contain kitchen facilities. Each room or suite in a motel usually has its own private exterior access and is typically provided with an adjoining or conveniently-located parking stall. A motel may include eating and drinking facilities, entertainment, convention, sports, recreation, personal service and retail facilities as accessory uses.

Moved-in building means a conventional, preconstructed, previously occupied building which is physically removed from one site, transported and re-established on another site and does not include mobile homes.

Multi-family dwelling means a building (other than a rowhouse dwelling) containing three or more separate dwelling units.

Municipal Development Authority (MDA) means a committee appointed by council to act as a development authority pursuant to section 624(2) of the Municipal Government Act and in accordance with the municipality's development authority bylaw.

Municipal Government Act means the Municipal Government Act, Statutes of Alberta, 1994, Chapter M-26.1, and subsequent amendments.

Municipal development plan means a statutory plan, formerly known as a general municipal plan, adopted by bylaw in accordance with section 632 of the Act.

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

Municipality means the geographic area of the Village of Cowley in the Province of Alberta.

Municipal/school reserve means the land specified to be municipal and school reserve by a subdivision approving authority pursuant to section 666 of the Act.

Natural resource extractive uses means those uses of land or buildings which are governed by the location of a natural resource and which involve the extraction or on-site processing and/or storage of a natural resource, except those industries which are noxious or hazardous industries. Natural resource extractive uses include the following:

(a) cement and concrete batching plants;

(b) sand and gravel operations;

(c) logging and forestry operations, including sawmills; and

(d) such other uses as established by council or the Municipal Development Authority to be similar to any one or all of the above uses.

Non-conforming building, in accordance with the Act, means a building:

(a) that is lawfully constructed or lawfully under construction at the date 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, in accordance with the Act, means a lawful specific use:

(a) being made of land or a building or intended to be made of a building lawfully under construction, at the date 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.

Noxious or hazardous industry means development used for manufacturing, fabricating, processing, assembly, storage production or packaging of goods or products where:

(a) the industry may be detrimental to public health, safety or welfare beyond the boundaries of the site or activity,

(b) the industry may be incompatible with residential or other development because of toxic gases, smells, odours, waste, noise or emissions which are not confined to the site.

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

Office means development to accommodate:

(a) professional, managerial and consulting services;

(b) the administrative centres of businesses, trades, contractors and other organizations; and

(c) service-related businesses such as travel agents, insurance brokers, real estate agents or financial institutions.

Off-street parking space means a lot or parcel or portion thereof, excluding a public roadway, which is used or intended to be used as a parking area for motor vehicles.

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

Outside storage means the open storage of goods, merchandise or equipment outside a building.

Owner means the person or persons shown as the owner(s) of land on the assessment roll of a municipality.

Parcel, in accordance with the Act, means the aggregate of the one or more areas of land described in a certificate of title by reference to a plan filed or registered in a land titles office.

Parking facility includes parking areas, parking spaces and parking structures which are defined as follows:

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

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

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

Patio means an outdoor area of a lot developed and used for leisure and/or recreation purposes.

Permanent foundation means a foundation installed to provide structural support for a building or structure, for a period of at least 20 years including: concrete slab on grade, concrete strip footings, wood or concrete full basement and pile or pier footings.

Permitted use means:

(a) the one or more uses of land or buildings that are stated in Schedule 2 as permitted uses; and

(b) uses which, in accordance with and subject to the Act, shall be issued a development permit with or without conditions (unless the use is exempted from requiring a development permit) if the proposed development conforms with this bylaw.

Personal service use means a development providing services for personal care and appearance; services for cleaning, servicing, altering and maintenance of personal effects and accessories. Personal service use includes barber shops, beauty salons, tailors, diet centres, shoe repair shops, dry cleaners, upholstery and rug cleaners, laundromats, funeral homes and such other uses that the Municipal Development Authority considers similar to any one or all of these uses.

Planning advisor means the person or organization retained by the Village of Cowley to provide planning-related advice or services.

Principal building means a building which:

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

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

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

Provincial Land Use Policies means policies established by order of the Lieutenant Governor pursuant to section 622 of the Act.

Public and institutional use means a use of land or buildings for any of the following public or semi-public developments:

(a) a school or educational facility whether public or private;

(b) churches or places of worship;

(c) medical facilities which provide both in-patient and out-patient services including hospitals, nursing homes and sanatoriums;

(d) government and municipal offices, libraries and similar developments;

(e) protective services, including fire halls, police stations and ambulance services;

(f) cemeteries; and

(g) such other uses as the Municipal Development Authority considers similar in nature and character to any one of these.

Public open space means land which is not in private ownership and is open to use by the public.

Public park or recreation use means a public park, playground, recreation area, indoor or outdoor rink, gymnasium, sportsfield, campground, historic or archaeological site or any similar facility or use of land or buildings provided that the park, playground, recreation area or similar facility is owned and/or administered by any level of government.

Public roadway means, in a city, town, new town, village or summer village, the right-of-way of all or any of the following:

(a) a local road,

(b) a service road,

(c) a street,

(d) an avenue, or

(e) a lane.

Public utility means the right-of-way for one or more of the following:

(a) telecommunications systems;

(b) waterworks systems;

(c) sewage systems;

(d) heating systems;

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

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

Railway means any use connected with the direct operation of a railway system.

Rear lane means service access, generally for vehicular traffic at the rear of properties.

Recreational Vehicle 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 and park model trailers. These units are not permitted as either temporary or permanent dwellings.

Recycling facility means the use of land or buildings for the purchasing, receiving and/or temporary storage of discarded articles or vegetation, 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. A recycling facility may involve supplementary production of by-products or materials and includes bottle, can, and paper recycling depots and composting sites.

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 purchaser 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.

Reserve land means environmental reserve, municipal reserve or school reserve or municipal and school reserve.

Residential streets means streets whose primary function is to allow access to residential lots. A collector street may be classified as a residential street, providing the volume of traffic is not detrimental to living conditions.

Resource development activity means the removal of natural resources including oil, gas, minerals or timber on a commercial basis.

Resource processing activity means the extraction, refining or other processing of natural resources including oil, gas, minerals or timber on a commercial basis.

Restaurant means development where food and beverages are prepared and served and includes supplementary alcoholic beverage service and supplementary on- or off-premises catering services. This term includes restaurants, cafes, lunch and tea rooms, ice cream parlours, banquet facilities, take-out restaurants and such other uses as the Municipal Development Authority considers similar in character and nature to any one of these uses.

Retail store means a building where goods, wares, merchandise, substances, articles or things are stored, offered or kept for sale at retail, and includes storage on or about the store premises of limited quantities of such goods, wares, merchandise, substances, articles or things sufficient only to service such a store.

Rowhouse dwelling or townhouse means a residential building containing three or more dwelling units, where each dwelling unit is joined in whole or in part at the side only and where no dwelling unit is located in whole or in part above another dwelling unit. Each dwelling unit in a rowhouse is separated from the abutting dwelling unit by a wall, generally extending from the foundation to the roof, and each dwelling unit is provided with its own direct access from grade.

Salvage or waste disposal facility means development for purchasing, receiving or transporting of spent materials or substances which may generate a detrimental impact or nuisance beyond the boundaries of the lot or parcel on which it is situated. This term includes uses such as autowreckers, salvage and scrap yards, garbage container services, effluence tanker services and such other uses as the Municipal Development Authority considers similar in character and nature to any one or all of these uses.

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

Semi-detached dwelling means a residential building containing only two dwelling units located side by side with separate access to each dwelling unit. Each dwelling unit in a semi-detached dwelling is joined to the other unit by at least one common wall which extends from the foundation to at least the top of the first storey of both dwelling units.

Senior citizen housing means development, including lodges, which is used as a residence for elderly individuals not requiring constant or intensive medical care.

Service station means premises or the portion thereof used or intended to be used for the servicing and minor repairing of motor vehicles and for the sale of gasoline, lubricating oils and minor accessories for motor vehicles.

Setback means the distance required between a building, development or use from a property line facing a street or other property line.

Shall means that the action is mandatory.

Should means that the action is recommended.

Sign has the same meaning as it has in the sign standards of this bylaw.

Similar use means a use which is not specifically considered in a land use district but, in the opinion of the Municipal Development Authority, is similar in character and purpose to another use that is permitted or discretionary in the land use district in which such use is proposed, the Municipal Development Authority may:

(a) rule that the proposed use is either a permitted or discretionary use in the land use district in which it is proposed; and

(b) direct that a development permit be issued in accordance with this bylaw.

Single family dwelling means a freestanding residential dwelling, other than a mobile home, not forming part of and not physically attached to any other dwelling or structure and is not a recreational vehicle.

Single-wide mobile home means a mobile home which is:

(a) typically not greater than 4.9 metres (16 ft.) in width; and

(b) permanently fixed to a single chassis; and

(c) not intended to be expanded, telescoped or twinned for additional floorspace.

Double-wide mobile home is a separate use.

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

Statutory plan means a municipal development plan, area structure plan or area redevelopment plan adopted under the Municipal Government Act.

Stop order means an order issued by the development authority pursuant to section 645 of the Act.

Storey means that portion of a building situated between the top of any floor and the top of the next floor above it or, if there is no floor above it, the ceiling above it. When the top of a floor directly above a basement is over 1.8 metres (6 ft.) above grade, that basement shall be considered a storey.

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

Structural alteration means a repair or alteration to the supporting members or fabric of a building which tends to either substantially prolong its use or alter its character.

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

Subdivision and Development Appeal Board means the tribunal established, by bylaw, to act as the municipal appeal body for subdivision and development.

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

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

Subdivision Authority means the person or body empowered to approve a subdivision.

Take-out service means the sale of food or beverages in a form ready for consumption from a restaurant or other premises where a significant portion of the consumption will take place off the premises.

Triplex means a single building comprised of three dwelling units, each unit having a separate, direct entrance from grade or a landscaped area.

Truck stop means a service station which caters to large commercial vehicles such as semi-trailer trucks as well as intermediate-sized vehicles and passenger vehicles. The use truck stop includes an accompanying restaurant or cafe as well as a card lock or key lock motor vehicle fuel dispensing facility. The use may also include general retail sales, vehicle towing services, limited vehicle sales or rentals and similar uses provided that any such uses are

clearly accessory uses and incidental to the operation of the truck stop in the opinion of the Municipal Development Authority.

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 sewage 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 sub-clauses (a) to (d) that are exempted by the Lieutenant Governor in Council by regulation.

Vehicle sales and rental use means a use of land or buildings for the sale of automobiles, vans, motorcycles, snowmobiles, tent and holiday trailers, boats and other recreational vehicles and craft and trucks with a tare weight not exceeding 5,900 kg (13,000 lbs.). This use includes supplementary vehicle maintenance and cleaning, sale of parts and accessories and dispensing of motor fuel.

Waiver means the relaxation or variance of a development standard established in the land use bylaw. For the purpose of this bylaw, only the Municipal Development Authority or, on appeal, the Subdivision and Development Appeal Board can waive provisions of the land use bylaw.

Warehouse means a building used or intended to be used predominantly for the indoor storage of goods and merchandise.

Wind Energy Conversion System (WECS) means a structure designed to convert wind energy into mechanical or electrical energy.

Yard means the minimum required open space, on a site, that lies between the principal and accessory building or structure and the nearest lot line.

Yard, front means a yard extending across the full width of the site and measured, as to depth, at the least horizontal distance between the front street line and the nearest projection of the principal building as shown in Figure 3.

Yard, rear means a yard which extends the full width of a site and measured, as to depth, at the least horizontal distance between the rear property line and the nearest projection of any building as shown in Figure 3.

Yard, side means a yard extending from the front yard to the rear yard, and measured as to width at the least horizontal distance between the side property line or side street line and the nearest projection of any building as shown in Figure 3.

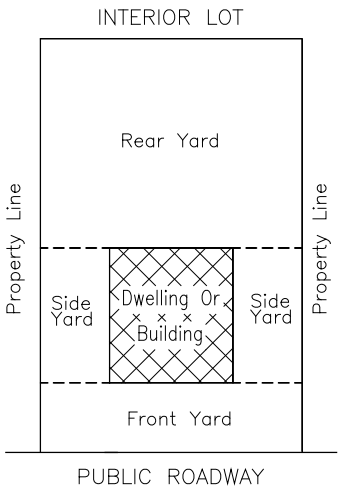

FIGURE 3

2. DESIGNATED OFFICER / DEVELOPMENT OFFICER *

(a) The office of "designated officer" is established.

(b) The council shall, by resolution, appoint a person or persons to the office of designated officer.

(c) For the purpose of this bylaw, the designated officer shall be the development officer.

(d) Each person appointed to the office of development officer:

  (i) may perform only such powers and duties as are specified in this bylaw or by resolution of council;

  (ii) is responsible for processing, deciding upon and referring applications for a development permit in accordance with this bylaw;

  (iii) shall be considered an "authorized person" pursuant to section 624 of the Act.

(e) The development officer is responsible for:

  (i) processing and referring all development permit applications in accordance with this bylaw;

  (ii) maintaining a register and recording therein all applications made for development permits and the decisions made with respect to them;

  (iii) requesting written comments from building inspectors, other municipal staff and other agencies, as appropriate, prior to issuing a development permit or referring an application to the Municipal Development Authority; and

  (iv) carrying out such other duties and responsibilities as may be assigned by the municipality.

3. MUNICIPAL DEVELOPMENT AUTHORITY (MDA)

The Municipal Development Authority may perform only such powers and duties as are specified:

(a) in the municipality's Development Authority Bylaw;

(b) in this bylaw,

(c) in the Act, or

(d) by resolution of council.

4. LAND USE DISTRICTS

(a) The municipality is divided into those districts specified in Schedule 1 and shown on the land use district map.

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

  (i) permitted uses in each district, with or without conditions; or

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

  are described in Schedule 2.

(c) A land use that is not listed as permitted or discretionary in a district, is prohibited.

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* **Note:** The Municipal Development Authority is empowered to act as a designated officer and may assume any authority or make any decisions delegated to the designated officer under this bylaw.

5. DEVELOPMENT PERMIT APPLICATIONS

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

(b) An application for a development permit must be made to the development officer or the Municipal Development Authority by submitting to him or them a completed application in Form A of Schedule 4, any prescribed fee and such other information as may be required by the development officer or the Municipal Development Authority.

(c) An application for a development permit must be made by *either* the owner of the land on which the development is proposed or, with the consent of the owner, by any other person.

6. PERMITTED USE APPLICATIONS

(a) Upon receipt of a completed application for a development permit for a permitted use, the development officer shall, if the application otherwise conforms with this bylaw, issue a development permit with or without conditions.

(b) As a condition of approval, the Municipal Development Authority may require that a development agreement be completed with the municipality.

7. DISCRETIONARY USE APPLICATIONS

(a) Upon receipt of a completed application for a development permit for a discretionary use, the development officer may initiate notification as detailed in section 7(b) hereof and shall submit the application to the Municipal Development Authority.

(b) Upon receipt of a completed application under section 7(a), the Municipal Development Authority or the development officer:

(i) may notify, or cause to be notified, in accordance with section 8(c), those persons likely to be affected by the issue of a development permit; and

(ii) may also notify the Municipal District of Pincher Creek No. 9 if, in the opinion of the Municipal Development Authority, the proposed development could have an impact on land uses in that municipality.

8. NOTIFICATION

(a) Upon receipt of a completed application for a development permit for a development that does not comply with this bylaw, but in respect of which the Municipal Development Authority is requested by the applicant to exercise discretion under section 15, the development officer shall submit the application to the Municipal Development Authority.

(b) Upon receipt of an application under section 7(b), and if the Municipal Development Authority is prepared to exercise its discretion under section 15, it may notify, or cause to be notified, in accordance with section 8(c), those persons likely to be affected by the issue of a development permit.

(c) Whenever notification is required under section 7(a) or 7(b), the development officer shall, at least five days before the meeting of the Municipal Development Authority:

(i) mail written notice of the application to any person who may be affected; or

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

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

(iv) any combination of the above.

(d) In all cases, notification shall:

(i) describe the nature and location of the use;

(ii) state the time and place where the Municipal Development Authority will meet to consider the application as well as any oral or written submissions by either the applicant, other affected parties, or both.

(e) After considering any response to the notification by those likely to be affected by the development, the Municipal Development Authority may issue a development permit with or without conditions or may refuse to approve it.

9. PROVISION OF SERVICES

No development permit shall be issued unless the development officer has confirmed that construction of all public roadways and utilities to the satisfaction of the municipality has either been completed or dealt with in a completed development agreement.

10. NOTIFICATION DEVELOPMENT PERMIT ISSUED

Upon the issuing of a development permit, the development officer shall immediately notify the applicant by mail and shall also notify any other person likely to be affected by the development either:

(a) by mail, or

(b) by placing an advertisement in a local newspaper circulating in the municipality, or

(c) by posting a notice in a conspicuous place on the property, or

(d) any combination of the above.

11. VALIDITY OF A DEVELOPMENT PERMIT

(a) Unless it is suspended or cancelled, a development permit remains in effect for 12 months from the date of issue.

(b) The validity of a development permit may be extended by the Municipal Development Authority for up to 18 months from the date of its issue.

12. REAPPLICATION

If an application for a development permit is refused by the development officer, the Municipal Development Authority or, on appeal, by the Subdivision and Development Appeal Board, another application for development:

(a) on the same lot, and

(b) for the same or a similar use,

may not be accepted for at least 6 months after the date of refusal.

13. COMMENCEMENT OF DEVELOPMENT

Notwithstanding the decision of a development application, no development is authorized to commence:

(a) until at least 14 days after the date of notification of the issuance of the development permit;

(b) if an appeal is made, until the appeal is decided upon; and

(c) upon the issuance of the development permit by the development officer.

14. TRANSFER OF DEVELOPMENT PERMIT

A valid development permit is transferable where the use remains unchanged and the development is affected only by a change in ownership or tenancy.

15. WAIVERS OF BYLAW PROVISIONS

At its discretion, the Municipal Development Authority may approve a development that does not comply with one or more provisions of this bylaw if, in its opinion:

(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 a use that has been prescribed for that land or building under Schedule 2.

16. DEEMED REFUSAL / FAILURE TO RENDER DECISION

In accordance with section 684 of the Act, an application for a development permit shall, at the option of the applicant, be deemed to be refused when the decision of the development officer or the Municipal Development Authority, as the case may be, is not made within 40 days of receipt of the completed application by the development officer, unless the applicant has entered into an agreement with the development officer to extend the 40-day period.

17. ADDITIONAL DEVELOPMENT REFERRALS

No application for a proposed development on a site overlying or in the vicinity of an abandoned underground coal mine or a sour gas pipeline corridor shall be accepted unless written comments from:

(a) the Alberta Energy and Utilities Board in accordance with the Subdivision and Development Regulation; and

(b) in the case of a sour gas pipeline, the utility owner or operator;

assessing the potential risks accompany the application.

18. ADDITIONAL CONDITIONS OF APPROVAL

In addition to the conditions that the Municipal Development Authority may impose on a development permit under one or more of the schedules to this bylaw, it may impose such additional conditions as it considers necessary to ensure that this bylaw and any statutory plan adopted by the Village of Cowley are complied with.

19. NUMBER OF DWELLING UNITS ON A PARCEL

No person shall construct or locate or cause to be constructed or located more than one dwelling unit on a parcel unless authorized by the Municipal Development Authority through the issuance of a development permit.

20. DEVELOPMENT AGREEMENTS

The Municipal Development Authority may require with respect to a development that as a condition of issuing a development permit, the applicant enter into an agreement to:

(a) construct or pay for the construction of public roadways or parking areas;

(b) install or pay for the installation of utilities, and/or any municipal service mutually agreed upon;

(c) pay for an off-site levy or redevelopment levy imposed by bylaw.

21. ADDITIONAL APPLICATION INFORMATION REQUIREMENTS

The development officer may require proof of ownership or right to land in question and may require a surveyor's certificate as proof of location of development on said land. The provision of geotechnical information, percolation tests, soil stability analysis and/or the preparation of an area structure plan may be required from the applicant prior to a decision being rendered on a development application.

22. DEVELOPMENT PERMIT SUSPENSION OR CANCELLATION

If, after a development permit has been issued, the development officer or the Municipal Development Authority becomes aware that:

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

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

(c) a development permit was issued in error;

the development officer or the Municipal Development Authority may suspend or cancel the development permit, as appropriate, by notice in writing to the holder of it.

23. STOP ORDERS

The development officer or the Municipal Development Authority are authorized to issue an order under section 645 of the Act whenever *either* considers it necessary to do so.

24. APPEALS

Any person applying for a development permit or anyone affected by any order, decision or development permit made or issued by the development officer or Municipal Development Authority has the right to appeal to the Village of Cowley Subdivision and Development Appeal Board in accordance with the procedures detailed in the Act.

25. NON-CONFORMING BUILDINGS AND USES

A non-conforming building or use may only be continued in accordance with the conditions detailed in the Act.

26. DEVELOPMENT IN MUNICIPALITY GENERALLY

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

27. PENALTIES

Every person who contravenes any provision of this bylaw is guilty of an offence under section 566 of the Act and is liable to a fine of not more than $10,000.00 or to imprisonment for not more than one year, or to both fine and imprisonment.

28. SIMILAR USES

Where a use is proposed which is not specifically shown in any land use district but is similar in character and purpose to other uses of land and buildings permitted by the bylaw in the land use district in which such use is proposed, the Municipal Development Authority may:

(a) rule that the proposed use is either permitted or discretionary development in the land use district in which it is proposed; and

(b) direct that a development permit be issued in accordance with section 8(e) of this bylaw.

29. LAND USE REDESIGNATIONS

If an application for a land use redesignation is refused by the council, another application for a redesignation:

(a) on the same lot, or

(b) for the same or a similar use,

may not be accepted for at least six months after the date of refusal.

30. SCHEDULES

Schedules 1 through 10, attached hereto, form part of this bylaw.

31. AMENDMENT OR REPEAL OF BYLAW

The procedure for amendment or repeal of this bylaw is prescribed under section 692 of the Act.

32. ADOPTION OF BYLAW

(a) The Village of Cowley Land Use Bylaw No. 317, as amended, is hereby repealed.

(b) This bylaw comes into effect upon the final passing thereof.

Schedule 1

LAND USE DISTRICTS AND MAP

Schedule 1

LAND USE DISTRICTS

1. The municipality is divided into those districts shown on the Land Use District Map (following this page).

2. The districts in this land use bylaw shall be known by the following identifying names, letters and numbers:

GENERAL RESIDENTIAL	– R1
MOBILE HOME RESIDENTIAL	– R2
DOWNTOWN / RETAIL COMMERCIAL	– C1
HIGHWAY AND GENERAL COMMERCIAL	– C2
GENERAL INDUSTRIAL AND WAREHOUSING	– I
PARKS AND OPEN SPACE	– POS
PUBLIC AND INSTITUTIONAL	– PI
TRANSITIONAL / URBAN RESERVE	– TUR
DIRECT CONTROL	– DC
DIRECT CONTROL 1	- DC1

Schedule 2

LAND USE DISTRICT REGULATIONS

GENERAL RESIDENTIAL – R1

1. INTENT

The intent of the General Residential (R1) district is to provide a district where conventional single-detached residences are encouraged, and other types of residential development may be allowed on a selective basis.

2. USES

2.1 Permitted Uses

Accessory buildings and uses
Single-family dwellings

2.2 Discretionary Uses

Apartment dwellings
Bed and breakfast
Boarding houses
Child care services
Double-wide mobile homes
Duplexes
Group homes
Home care service
Home occupations
Public and institutional uses
Public park or recreation uses
Public utilities
Rowhouse dwellings
Semi-detached dwellings
Senior citizen housing
Signs
Single-wide mobile homes

3. DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

Those developments which do not require a development permit are identified in Schedule 3.

4. USE RESTRICTIONS AND DEVELOPMENT REQUIREMENTS

4.1 **General** – See Schedule 5, Part 5.1.

4.2 **Accessory Structures** – See Schedule 5, Part 5.2.

4.3 **Mobile Homes** – See Schedule 5, Part 5.3.

4.4 **Signs** – See Schedule 5, Part 5.6.

5. MINIMUM LOT SIZE

5.1 Existing Lots

The following minimum lot sizes and dimensions apply to all existing lots:

Use	Width m	Width ft.	Length m	Length ft.	Area m^2	Area sq. ft.
Single-family dwellings	15.2	50	30.5	100	464.5	5,000
Single-wide or double-wide mobile homes	15.2	50	30.5	100	464.5	5,000
Duplexes or semi-detached dwellings	19.8	65	30.5	100	603.9	6,500
Apartments	19.8	65	30.5	100	603.9	6,500
Rowhouse dwelling unit:						
– interior unit	6.1	20	30.5	100	185.8	2,000
– end unit	10.1	33	30.5	100	306.6	3,300
All other dwellings and uses (including boarding houses, child care services, group homes, public and institutional uses, public park or recreational uses, public utilities and senior citizen housing)	Width, length and area as required by the MDA subject to the requirements of this bylaw.					

5.2 Proposed Lots

The minimum lot width and area of all proposed lots shall be in accordance with 5.1 above, subject to the following requirements:

(a) a proposed interior lot for a conventional single-detached residence shall be not less than 18.3 m (60 ft.) in width and a proposed corner lot for this use shall be at least 19.8 m (65 ft.) in width;

(b) the minimum lot length of all proposed lots shall be at least 36.6 m (120 ft.) and the MDA may require longer lots where the proposed use is a residential use containing 6 or more dwelling units or a non-residential use.

6. MINIMUM SETBACK REQUIREMENTS – Principal Buildings

6.1 Interior Lots

All principal buildings and uses on an interior lot shall be setback in accordance with the following:

Use	Front Yard m	Front Yard ft.	Side Yard m	Side Yard ft.	Rear Yard m	Rear Yard ft.
Single-family dwellings, double-wide mobile homes, duplexes, group homes, semi-detached dwellings	6.1	20	1.5	5	7.6	25
Child care services: – two storeys or less in height – more than two storeys in height	Same as conventional single-detached residence but the MDA may increase the rear yard requirement.					

Use	Front Yard m	Front Yard ft.	Side Yard m	Side Yard ft.	Rear Yard m	Rear Yard ft.
Single-wide mobile homes	6.1	20	See Schedule 5, Part 5.3.		7.6	25
Public park or recreational uses, public and institutional uses, and public utilities	As required by the MDA.					
Other dwellings and uses (including apartment dwellings, boarding houses, group homes, senior citizen housing and rowhouse dwellings):						
– two storeys or less in height	6.1	20	3.0	10	7.6	25
– more than two storeys in height	9.1	30	3.0	10	7.6	25

6.2 **Corner Lots**

(a) Setbacks for all principal buildings shall be the same as 6.1 above except that the setback from the secondary front property may be reduced by one-half, subject to 6.2(b) below where the principal building faces the principal front property boundary in the opinion of the MDA or the development officer.

(b) A setback from a secondary front property boundary may be reduced by one-half in accordance with 6.2(a) if:

(i) the principal building is a single-detached residence of any height;

(ii) the principal building is a single-wide or a double-wide mobile home and the setbacks are in accordance with section 6 in Schedule 5, Part 5.3; and

(iii) the principal building is any other principal building which does not exceed 1½ storeys in height.

6.3 **Prevailing Setbacks**

In the case of a development application for a single-family dwelling, the MDA or the development officer may require a greater or lesser setback than the 6.1 m (20 ft.) front property boundary setback prescribed in 6.1 above, where existing development on adjoining lots in a well-established area has, in the opinion of the MDA or the development officer, established a predominant and prevailing setback that differs from the stated setback.

6.4 **Encroachments into Yards or Setbacks**

(a) Where the MDA considers it reasonable and appropriate to do so, the MDA may allow portions of, or attachments to a principal building to encroach into a yard as established in 6.1 or 6.2 above, but the type and magnitude of the encroachment shall be in accordance with the following, subject to 6.4(b) below:

(i) an eave, chimney, cornice or sill may encroach 0.5 m (1.6 ft.) into a sideyard; and

(ii) an enclosed or unenclosed verandah, porch or balcony, or a chimney may project not more than 1.5 m (5 ft.) into a principal front yard or a rear yard.

(b) Where the MDA, on a corner lot, has allowed the setback from the secondary front property boundary to be reduced by one-half in accordance with 6.2 above, the MDA shall discourage further encroachments into the secondary front yard.

6.5 **Environmental Setbacks and Separation Distances** – See Schedule 5, Part 5.1.

7. MINIMUM SETBACK REQUIREMENTS – Other Buildings

7.1 Accessory Buildings

Detached accessory residential buildings and detached accessory buildings:

(a) shall maintain the same setbacks as the principal building from a principal or a secondary front property boundary; and

(b) shall maintain a minimum 1.5 m (5 ft.) setback from a side or a rear property boundary.

7.2 **Satellite Dishes and Radio or Television Towers** – See Schedule 5, Part 5.2.

8. MAXIMUM LOT COVERAGE

In the case of a single-family dwelling, the percentage of a lot that is occupied by buildings shall not exceed the following:

Principal building – 45 percent

Accessory buildings and accessory residential buildings – 10 percent

Principal building, accessory buildings and accessory residential buildings – 55 percent

9. MAXIMUM DENSITY

9.1 Apartment Dwellings

Unless otherwise required by the MDA, all apartment dwellings:

(a) shall provide at least 130.1 m^2 (1400 sq. ft.) of site area for each dwelling unit;

(b) shall not exceed 75 dwelling units per hectare (30 dwelling units per acre); and

(c) shall not exceed 150 people per hectare (60 people per acre) calculated in accordance with section 9.4 below.

9.2 Rowhouse Dwellings

Unless otherwise required by the MDA, all rowhouse dwellings:

(a) shall provide an average of 269.4 m^2 (2900 sq. ft.) of site area for each dwelling unit;

(b) shall not exceed 37 dwelling units per hectare (15 dwelling units per acre); and

(c) shall not exceed 125 persons per hectare (50 people per acre) calculated in accordance with section 9.4 below.

9.3 Senior Citizen Housing

The density of all senior citizen housing, shall be to the satisfaction of the MDA.

9.4 Residential Density Calculations

(a) The maximum density of residential development expressed in people per hectare shall be calculated in accordance with 9.4(b) and 9.4(c) below.

(b) All rowhouses containing 6 or fewer dwelling units shall be calculated in accordance with the following:

(i) one bedroom dwelling units: 1.8 people per dwelling unit

(ii) two bedroom dwelling units: 2.4 people per dwelling unit

(iii) three bedroom dwelling units: 3.6 people per dwelling unit

(iv) four bedroom dwelling units: 4.5 people per dwelling unit

(c) All apartment dwellings and rowhouses containing more than 6 dwelling units shall be calculated in accordance with the following:

(i) bachelor dwelling units: 1.0 people per dwelling unit

(ii) one bedroom dwelling units: 1.3 people per dwelling unit

(iii) two bedroom dwelling units: 1.9 people per dwelling unit

(iv) three bedroom dwelling units: 2.8 people per dwelling unit

10. MINIMUM FLOOR AREA

Unless otherwise allowed by the MDA, the first storey minimum gross floor area of all principal buildings shall be in accordance with the following:

Use	Minimum Area
Single-family dwellings	74.3 m^2 (800 sq. ft.)
Single-wide mobile homes	60.4 m^2 (650 sq. ft.)
All other buildings and uses	As required by the MDA.

11. MAXIMUM BUILDING HEIGHT

11.1 Principal Buildings

The maximum height of all principal buildings shall be in accordance with the following:

Use	Maximum Height
Single-family dwellings	2½ storeys or 9.1 m (30 ft.)
Apartment dwellings	3 storeys or 10.1 m (33 ft.)
All other buildings and uses	2½ storeys or 9.1 m (30 ft.) unless otherwise required by the MDA.

11.2 Accessory Residential Buildings and Accessory Buildings

Accessory residential buildings and accessory buildings shall not exceed 4.6 m (15 ft.) in height.

11.3 Fences and Gates

(a) Unless otherwise required by the MDA, but subject to 11.3(b) below, fences and gates in:

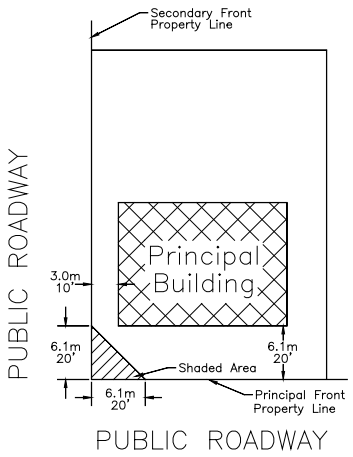
(i) a principal front yard shall not exceed 0.9 m (3 ft.) in height on an interior or corner lot;

(ii) a secondary front yard shall not exceed 1.8 m (6 ft.) in height on a corner lot; and

(iii) a side or rear yard shall not exceed 1.8 m (6 ft.) in height.

(b) Notwithstanding any provision of this bylaw or the schedules thereto, on a corner lot where two front property boundaries and two public roadways, other than a lane intersect, no fence or gate exceeding 0.9 m (3 ft.) in height shall be constructed if it lies within the shaded area shown in Figure 2.1.

Figure 2.1



11.4 **Vegetation – Corner Lots**

On a corner lot where two front boundaries and two public roadways other than a lane intersect, no hedge, shrub, tree or other vegetation shall be placed, planted or allowed to grow within the shaded area shown in Figure 2.1, if in the opinion of the MDA or the development officer, the vegetation obstructs vision from a public roadway through the shaded area from a height of 0.9 m (3 ft.) to 1.5 m (5 ft.), measured from the elevation of the centre line of either public roadway.

12. REFUSE SCREENING AND STORAGE

(a) Refuse and garbage shall be kept in suitably-sized containers until such time as collection or disposal is possible.

(b) Refuse and refuse containers shall be effectively screened and the MDA and the development officer shall ensure:

(i) that refuse container enclosures to screen refuse and refuse containers are provided for each principal use; and

(ii) that refuse container enclosures are located and designed to the satisfaction of the MDA or the development officer.

13. LANDSCAPING AND SCREENING – See Schedule 6.

14. ACCESS AND OFF-STREET PARKING AND LOADING – See Schedule 7.

15. SECURITIES – See Schedule 8.

16. HOME OCCUPATIONS – See Schedule 9.

MOBILE HOME RESIDENTIAL – R2

1. INTENT

The intent of the Mobile Home Residential (R2) district is to facilitate either:

(a) the development of serviced mobile home parks in accordance with an approved detailed design plan, where each mobile home site is not subdivided into a separately titled lot; or

(b) the development of serviced mobile home subdivisions where each mobile home is situated on its own separately titled lot.

2. USES

2.1 Permitted Uses

Accessory residential buildings
Accessory structures
Double-wide mobile homes
Single-wide mobile homes

2.2 Discretionary Uses

Accessory buildings and uses
Child care services
Home occupations
Public and institutional uses
Public park or recreation uses
Public utilities

3. DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

Those developments which do not require a development permit are identified in Schedule 3.

4. USE RESTRICTIONS AND DEVELOPMENT REQUIREMENTS

4.1 **General** – See Schedule 5, Part 5.1.

4.2 **Accessory Structures** – See Schedule 5, Part 5.2.

4.3 **Mobile Homes** – See Schedule 5, Part 5.3.

5. MINIMUM LOT OR SITE SIZE

The following minimum lot or site sizes shall apply to each lot or site intended to be occupied by one mobile home or any other principal building:

	Width		Length		Area	
Use	m	ft.	m	ft.	m^2	sq. ft.
Single-wide and double-wide mobile homes	15.2	50	36.6	120	557.4	6,000
Other uses	As required by the MDA.					

6. MINIMUM LOT OR SITE SIZE WAIVER

The minimum lot or site width for a single-wide mobile home may be reduced at the discretion of the MDA to not less than 12.2 m (40 ft.) provided that:

(a) each corner lot in a mobile home subdivision or park will remain at least 15.2 m (50 ft.) in width; and

(b) at least one-half of the lots in a mobile home park or subdivision shall be not less than 15.2 m (50 ft.) in width.

7. MINIMUM SETBACK REQUIREMENTS – Principal Buildings

7.1 **Mobile Homes**

A mobile home shall be setback from a property boundary in accordance with Schedule 5, Part 5.3, unless a detailed design plan establishes differing setbacks, in which case the setback established by that plan shall govern.

7.2 **Other Principal Buildings and Uses**

Principal buildings and uses other than a mobile home shall be setback from a property boundary to the satisfaction of the MDA, but where a detailed design plan establishes setbacks for these buildings and uses, the setbacks in the detailed design plan shall govern.

8. MINIMUM SETBACK REQUIREMENTS – Other Buildings

8.1 **Accessory Buildings**

Accessory residential buildings and accessory buildings shall maintain the same setbacks as the principal building except that the setback from a rear property boundary shall be 1.5 m (5 ft.).

8.2 **Satellite Dishes and Radio or Television Towers** – See Schedule 5, Part 5.2.

9. MINIMUM FLOOR AREA – See Schedule 5, Part 5.3.

10. MAXIMUM BUILDING HEIGHT

10.1 **Principal Buildings**

(a) The maximum height of all mobile homes shall be 1 storey and a mobile home shall not be located more than 0.9 m (3 ft.) above grade.

(b) The maximum building height for principal buildings other than a mobile home shall be as required by the MDA.

10.2 **Accessory Residential Buildings and Accessory Buildings**

The maximum building height of accessory residential buildings and accessory buildings shall be 4.6 m (15 ft.) or as allowed by the MDA.

10.3 **Fences and Gates**

(a) Unless otherwise required by the MDA, but subject to 10.3(b) below, fences, walls or gates in:

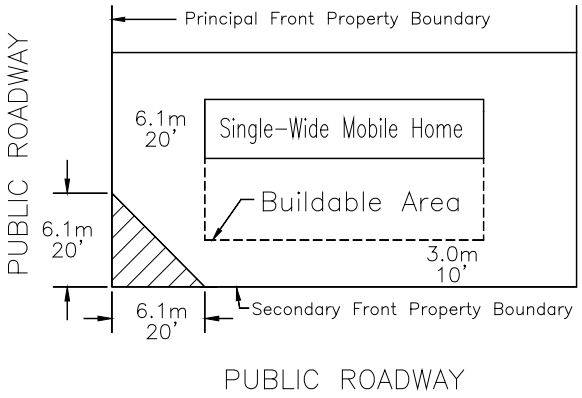
(i) a principal front yard shall not exceed 0.9 m (3 ft.) in height on an interior or corner lot or site;

(ii) a secondary front yard shall not exceed 1.8 m (6 ft.) in height on a corner lot or site; and

(iii) a side yard or rear yard shall not exceed 1.8 m (6 ft.) in height.

(b) Notwithstanding any provision of this bylaw or the schedules thereto, on a corner lot or site where two front property boundaries and two roadways (other than a lane for rear access) intersect, no fence or gate exceeding 0.9 m (3 ft.) in height shall be constructed if it lies within the shaded area shown in Figure 2.2.

Figure 2.2



10.4 **Vegetation – Corner Lots**

On a corner lot where two front boundaries and two public roadways other than a lane intersect, no hedge, shrub, tree or other vegetation shall be placed, planted or allowed to grow within the shaded area shown in Figure 2.2, if in the opinion of the MDA or the development officer, the vegetation obstructs vision from a public roadway through the shaded area from a height of 0.9 m (3 ft.) to 1.5 m (5 ft.), measured from the elevation of the centre line of either public roadway.

11. MAXIMUM LOT COVERAGE

Unless otherwise required by the MDA, the percentage of a lot that may be covered by principal and/or accessory buildings shall not exceed the following:

Principal building - 35 percent

Accessory building - 10 percent

Principal and accessory buildings - 45 percent

12. LANDSCAPING AND SCREENING

12.1 **General** – See Schedule 6.

12.2 **Perimeter Fencing**

Unless otherwise required by the MDA, the perimeter of a mobile home park or subdivision shall be fenced to the satisfaction of the MDA.

13. REFUSE SCREENING AND STORAGE

(a) Refuse and garbage shall be kept in suitably sized containers until such time as collection or disposal is possible.

(b) Refuse and refuse containers shall be effectively screened and the MDA may require:

(i) that refuse container enclosures to screen refuse and refuse containers are provided for each principal use; and

(ii) that refuse container enclosures are located and designed to the satisfaction of the MDA.

14. ACCESS AND OFF-STREET PARKING AND LOADING

14.1 **General** – See Schedule 7.

14.2 **Access Right-of-Way Width**

(a) All public roadways or residential streets, other than lanes, in a mobile home subdivision shall be at least 18.3 m (60 ft.) in width.

(b) All residential streets, excluding lanes, in a mobile home park shall be at least 18 m in width with a carriageway of at least 8.5 m (28 ft.) to facilitate proper servicing, principal building setbacks and future subdivision if desired.

(c) A rear-access laneway in either a mobile home subdivision or park shall be not less than 7.6 m (25 ft.) in width.

15. SECURITIES – See Schedule 8.

16. HOME OCCUPATIONS – See Schedule 9.

DOWNTOWN / RETAIL COMMERCIAL – C1

1. INTENT

The intent of the Downtown / Retail Commercial (C1) district is:

(a) to facilitate, in an orderly manner, the development or location of downtown commercial uses including financial institutions, offices, personal service uses, restaurants and retail stores; and

(b) to allow, where appropriate, the development or location of other selected uses.

2. USES

2.1 **Permitted Uses**

Accessory structures
Offices
Personal service uses
Restaurants
Retail stores
Signs

2.2 **Discretionary Uses**

Accessory buildings and uses
Amusement facilities
Animal care services, small
Apartment dwellings
Child care services
Club and fraternal organizations
Dwelling units as a secondary use to a permitted or discretionary principal use
Existing automotive repair and service
Home occupations
Medical and dental offices
Parking facilities
Public and institutional uses
Public park or recreation uses
Public utilities
Recycling facilities
Service stations
Signs

3. DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

Those developments which do not require a development permit are identified in Schedule 3.

4. USE RESTRICTIONS AND DEVELOPMENT REQUIREMENTS

4.1 **General** – See Schedule 5, Part 5.1.

4.2 **Accessory Structures** – See Schedule 5, Part 5.2.

4.3 **Apartment Dwellings**

Apartment dwellings shall comply with the maximum density restrictions established in the R1 district, unless otherwise allowed by the MDA.

4.4 **Dwelling Units as a Secondary Use**

Dwelling units may be approved as a secondary use to a permitted or discretionary use provided that:

(a) the units are wholly contained within the principal commercial building, unless otherwise allowed by the MDA;

(b) the units, unless otherwise allowed by the MDA, are wholly contained in the second or upper storey; and

(c) the main floor commercial frontage is utilized for commercial use.

4.5 **Signs** – See Schedule 5, Part 5.6.

5. MINIMUM LOT SIZE

The following minimum lot size and dimensions apply to all lots in this district:

Use	Width		Length		Area	
	m	ft.	m	ft.	m^2	sq. ft.
Public and institutional uses, public park or recreation uses, public utilities	Width, length and area as required by the MDA.					
Service stations	30.5	100	36.6	120	1114.8	12,000
All other uses	15.2	50	36.6	120	557.4	6,000

6. MINIMUM SETBACK REQUIREMENT – Principal Building

6.1 **General**

(a) Subject to 6.1(b) below, a principal building on a lot served by a lane shall be setback in accordance with the following:

Use	Front Yard		Side Yard		Rear Yard	
	m	ft.	m	ft.	m	ft.
Automotive repair and service Service station	15.2	50	3.0	10	3.0	10
All other uses	No requirement for front yard or side yard				7.6	25

(b) The 7.6 m (25 ft.) rear yard requirement in section 6.1(a) may be reduced or eliminated if the principal building provides adequate parking and loading spaces in accordance with Schedule 7.

6.2 **Environmental Setbacks and Separation Distances** – See Schedule 5, Part 5.1.

7. MINIMUM SETBACK REQUIREMENTS – Other Buildings

7.1 **Accessory Buildings**

Setbacks from property boundaries for accessory buildings shall be as required by the MDA.

7.2 **Satellite Dishes and Radio or Television Towers** – See Schedule 5, Part 5.2.

8. MAXIMUM BUILDING HEIGHT

Principal buildings – 2½ storeys

Accessory buildings – 4.6 m (15 ft.)

Fences and gates – 1.8 m (6 ft.) or as required by the MDA in a rear yard
– as required by the MDA in a front or side yard

9. REFUSE SCREENING AND STORAGE

(a) Refuse and garbage shall be kept in suitably-sized containers until such time as collection or disposal is possible.

(b) The MDA may require:

(i) that refuse container enclosures to screen refuse containers are provided for each principal use; and

(ii) that refuse container enclosures are located and designed to the satisfaction of the MDA.

10. LANDSCAPING AND SCREENING – See Schedule 6.

11. ACCESS AND OFF-STREET PARKING AND LOADING – See Schedule 7.

12. SECURITIES – See Schedule 8.

HIGHWAY AND GENERAL COMMERCIAL – C2

1. INTENT

The intent of the Highway and General Commercial (C2) district is to:

(a) facilitate and encourage the development of those highway or auto-oriented uses which provide necessary services to the motoring public;

(b) facilitate, where appropriate, the development of those highway-oriented uses which provide services to commercial traffic;

(c) facilitate, where appropriate, automotive or auto-oriented uses which require or may benefit from highway exposure;

(d) provide convenient highway proximate locations for the above uses; and

(e) allow other non-highway commercial uses, where appropriate, if other more suitable lands are not reasonably available.

2. USES

2.1 Permitted Uses

Accessory Structures
Drive-in restaurants
Hotels
Motels
Restaurants
Service stations
Signs
Vehicle sales and rental uses

2.2 Discretionary Uses

Accessory buildings and uses
Animal care services, small
Auction mart
Automotive repair and service
Bulk fuel stations
Construction supply and contractors
Dwelling unit as a secondary use to a permitted or discretionary principal use
Equipment sales, rental and service
Farm / industrial machinery sales, rental and service
Farm supplies and service
Light industrial/manufacturing
Medical and dental offices
Mobile home sales and service
Offices
Personal service uses
Public Utilities
Recycling facilities
Retail stores
Retail warehousing
Signs
Truck stops
Warehousing

3. DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

Those developments which do not require a development permit are identified in Schedule 3.

4. USE RESTRICTIONS AND DEVELOPMENT REQUIREMENTS

4.1 **General** – See Schedule 5, Part 5.1.

4.2 **Accessory Structures** – See Schedule 5, Part 5.2.

4.3 **Dwelling Units as a Secondary Use**

Dwelling units may be approved as a secondary use to a permitted or discretionary use provided that:

(a) the units are wholly contained within the principal commercial building, unless allowed by the MDA;

(b) the units, unless allowed by the MDA, are wholly contained in the second or upper storey; and

(c) the main floor commercial frontage is utilized for commercial use.

4.4 **Signs** – See Schedule 5, Part 5.6.

5. MINIMUM LOT SIZE

The following minimum lot area and dimensions shall apply to all lots in this district:

Use	Width		Length		Area	
	m	ft.	m	ft.	m^2	sq. ft.
Public utilities	Width, length and area as required by the MDA.					
Truck stops	100.6	330	45.7	150	4598.6	49,500
All other uses	30.5	100	45.7	150	1393.5	15,000

6. MINIMUM SETBACK REQUIREMENT – Principal Building

6.1 **General Requirement**

Subject to the parking and loading requirements in Schedule 7, and subject to sections 6.2, 6.3, 6.4, 6.5 and 6.6 below, a principal building shall maintain the following minimum setbacks:

Use	Front Yard		Side Yard		Rear Yard	
	m	ft.	m	ft.	m	ft.
Automotive repair and service Service station	15.2	50	3.0	10	3.0	10
Truck stops	19.8	65	3.0	10	3.0	10
All other uses	9.1	30	3.0	10	3.0	10

6.2 **Access to Rear Yard**

Where a lot is not serviced by a lane so that direct legal access to the rear yard is not possible, an on-site laneway of not less than 7.6 m (25 ft.) in width shall be provided, to ensure access to the rear yard, unless otherwise allowed by the MDA.

6.3 **Vehicle-Oriented Uses**

The MDA or the development officer may require:

(a) a 30.5 m (100 ft.) long queing aisle for drive-in restaurants;

(b) a 12.2 m (40 ft.) long queing aisle for each pump lane or service bay associated with a service station or an automotive repair and service use; and

(c) a 35.1 m (115 ft.) queing aisle for each pump or service bay associated with a truck stop.

6.4 **Corner Lots**

The 9.1 m (30 ft.) setback referred to in section 6.1 shall be maintained from the principal front property boundary, but the MDA may reduce the setback to 6.1 m (20 ft.) in the case of a secondary front property boundary.

6.5 **Commercial Lots Adjacent to Residential Districts**

Where a lot in this district adjoins a lot in a residential district with or without an intervening lane, the principal building shall be located at least 4.6 m (15 ft.) from the laneway or the residential lot, whichever distance is greater, unless otherwise required by the MDA.

6.6 **Environmental Setbacks and Separation Distances** – See Schedule 5, Part 5.1.

7. MINIMUM SETBACK REQUIREMENTS – OTHER BUILDINGS

7.1 **Accessory Buildings**

An accessory building shall maintain the same setbacks from a property boundary as the principal building, unless otherwise allowed by the MDA.

7.2 **Satellite Dishes and Radio or Television Towers** – See Schedule 5, Part 5.2.

8. MAXIMUM BUILDING HEIGHT

8.1 **Principal Buildings**

The maximum height of all principal buildings shall be 3½ storeys unless otherwise required by the MDA.

8.2 **Accessory Buildings**

Accessory buildings shall not exceed 4.6 m (15 ft.) in height.

8.3 **Fences and Gates**

(a) Unless otherwise required by the MDA, but subject to 8.3 (b) below, fences and gates in:

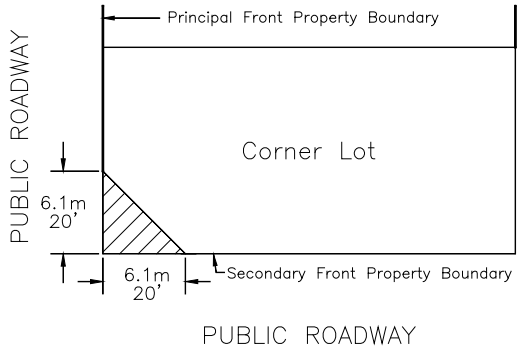
(i) a principal front yard shall not exceed 0.9 m (3 ft.) in height or an interior or corner lot;

(ii) a secondary front yard shall not exceed 1.8 m (6 ft.) in height on a corner lot;

(iii) a side or rear yard shall not exceed 1.8 m (6 ft.) in height.

(b) Notwithstanding any provision of this bylaw or the schedules thereto, on a corner lot where two front property boundaries and two public roadways, other than a lane intersect, no fence or gate exceeding 1.8 m (6 ft.) in height shall be constructed if it lies within the shaded area shown in Figure 2.3.

Figure 2.3



8.4 **Vegetation – Corner Lots**

On a corner lot where two front boundaries and two public roadways other than a lane intersect, no hedge, shrub, tree or other vegetation shall be placed, planted or allowed to grow within the shaded area shown in Figure 2.3, if in the opinion of the MDA or the development officer, the vegetation obstructs vision from a public roadway through the shaded area from a height of 0.9 m (3 ft.) to 1.5 m (5 ft.), measured from the elevation of the centre line of either public boundary.

9. LANDSCAPING AND SCREENING

9.1 **General** – See Schedule 6.

9.2 **Minimum Landscaping**

(a) At least 10 percent of a lot within this district shall be landscaped to the satisfaction of the MDA, and a portion of this landscaping shall be provided in the form of a landscaped strip not less than 3.0 m (10 ft.) in width which abuts the front property boundary of an interior lot or both front property boundaries of a corner lot.

(b) The 3.0 m (10 ft.) strip referred to in 9.2 (a) above shall not be used to park, store or display any materials, vehicles, goods or equipment but:

(i) a sign may be located on the strip subject to Schedule 5, Part 5.6; and

(ii) one or more access driveways may traverse the strip provided that the number and location of access driveways is to the satisfaction of the MDA.

9.3 **Screening Adjacent to Residential Districts**

Any side or rear yard areas that abut a residential district with or without an intervening lane shall be screened to a minimum height of 1.8 m (6 ft.) by fences or landscaping to the satisfaction of the MDA.

10. REFUSE SCREENING AND STORAGE

(a) Refuse and garbage shall be kept in suitably sized containers until such time as collection and disposal is possible.

(b) Refuse and refuse containers shall be effectively screened and the MDA and the development officer shall ensure:

(i) that refuse container enclosures to screen refuse containers are provided for each principal use; and

(ii) that refuse container enclosures are located and designed to the satisfaction of the MDA or the development officer.

11. ACCESS AND OFF-STREET PARKING AND LOADING

11.1 **General** – See Schedule 7.

11.2 **Parking Location**

No off-street parking space shall be located:

(a) within 6.1 m (20 ft.) of a principal front yard boundary, in that portion of the principal front yard which lies between the front wall of the principal building and the property boundary; and

(b) within 3.0 m (10 ft.) of a secondary front yard property boundary, in that portion of the secondary front yard which lies between the wall of the principal building and the secondary front property boundary.

11.3 **Surfacing of Parking Areas**

(a) Unless otherwise allowed by the MDA, all parking areas, including parking stalls and attendant circulation aisles within a principal or secondary front yard shall be paved or otherwise hard-surfaced to the satisfaction of the MDA.

(b) The MDA may require, as a condition of issuing a development permit, that all parking areas, including parking stalls and attendant circulation aisles shall be paved or otherwise hard-surfaced to its satisfaction.

11.4 **Surfacing of Access Driveways**

Unless otherwise allowed by the MDA, all access and exit driveways to a public roadway shall be paved or otherwise hard surfaced to the satisfaction of the MDA.

12. SECURITIES – See Schedule 8.

GENERAL INDUSTRIAL AND WAREHOUSING – I

1. INTENT

The intent of the General Industrial and Warehousing (I) district is to:

(a) accommodate a wide range of predominantly light industrial and warehousing uses;

(b) accommodate selected commercial uses; and

(c) accommodate where possible other industrial uses which may:

(i) be considered noxious or hazardous since they involve operations, processes or substances which require safety or other precautions;

(ii) require special precautions and/or siting to minimize land use conflicts;

(iii) require exceptionally large lots; or

(iv) require careful consideration because they require services beyond those which are readily available.

2. USES

2.1 **Permitted Uses**

Automotive repair and service
Farm/industrial machinery sales, rental and service
Signs
Vehicle sales and rental uses
Warehousing

2.2 **Discretionary Uses**

Accessory buildings and uses
Amusement facilities
Animal care service, large and small
Auction marts
Autobody and/or paint shops
Bulk fuel stations
Construction supply and contractors
Equipment sales, rental and service
Farm supplies and service
Garden centres
Intensive horticultural operations or facilities
Light industrial/manufacturing
Mobile home sales and service
Natural resource extractive uses
Noxious or hazardous industries
Outside Storage
Public and institutional uses
Public utilities
Recycling facilities
Salvage or waste disposal facilities
Service stations
Signs
Truck stops
Warehousing
Wind energy conversion systems (WECS)

3. DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

Those developments which do not require a development permit are identified in Schedule 3.

4. USE RESTRICTIONS AND DEVELOPMENT REQUIREMENTS

4.1 **General**

(a) See Schedule 5, Part 5.1.

(b) The MDA or the development officer may require that industrial lots which face or adjoin:

(i) a service roadway;

(ii) a major collector or arterial roadway; or

(iii) a residential, commercial, public and institutional or open space district, with or without an intervening roadway or lane;

shall be developed either with permitted uses or discretionary uses which are building intensive in the opinion of the MDA or the development officer, to provide an attractive perimeter to the industrial area. Non-perimeter lots, or those which face other industrial development shall, where required by the MDA or the development officer, be developed with land intensive uses, namely those uses involving extensive storage with relatively small buildings.

(c) The MDA and the development officer shall ensure that industrial lots which face or adjoin:

(i) a service roadway;

(ii) a major collector or arterial roadway; or

(iii) a residential, commercial, public and institutional or open space district with or without an intervening roadway or lane;

are as attractive as possible and that such lots are developed with those uses that are least likely to have a detrimental impact on adjoining development. Conversely, non-perimeter lots or those facing other industrial development shall be developed for those uses which are less attractive and more likely to have a detrimental impact on adjoining development.

(d) A use which may have a noxious or hazardous impact on adjoining or nearby uses, or a use which may pose an appearance problem, shall not be approved unless the use is located and/or developed so that the noxious, hazardous or unsightly impact is minimized or eliminated to the satisfaction of the MDA or the development officer. Without limiting the uses which may have a noxious, hazardous or unsightly impact on nearby or adjoining development, the following uses may have one or more of these impacts: animal care services, large; auction marts; autobody and/or paint shops; bulk fuel station; construction supply and contractors; exterior storage uses; farm supplies and service; natural resource extractive industries; public utilities; and salvage or waste disposal facilities.

4.2 **Accessory Structures** – See Schedule 5, Part 5.2.

4.3 **Natural Resource Extractive Uses** – See Schedule 5, Part 5.4.

4.4 **Noxious or Hazardous Industries** – See Schedule 5, Part 5.5.

4.5 **Signs** – See Schedule 5, Part 5.6.

4.6 **Wind Energy Conversion Systems** – See Schedule 5, Part 5.7.

5. MINIMUM LOT SIZE

5.1 Serviced Lots

The following minimum lot area and dimensions apply to lots that are serviced with a municipal water and a municipal sewage system:

Use	Width		Length		Area	
	m	ft.	m	ft.	m^2	sq. ft.
Public utilities	Width, length and area as required by the MDA.					
Truck stops	100.6	330	45.7	150	4598.6	49,500
All other uses	30.5	100	45.7	150	1393.5	15,000

5.2 Unserviced Lots

The following minimum lot area and dimensions apply to lots that will not be serviced with the municipal water supply and a municipal sewage system:

(a) all lots for all uses, except Public utilities and truck stops shall be at least 1858.0 m^2 (20,000 sq. ft.) with a minimum width of 30.5 m (100 ft.) and a minimum length of 45.7 m (150 ft.);

(b) lots for public utilities and truck stops shall be in accordance with section 5.1 above.

6. MINIMUM SETBACK REQUIREMENTS – Principal Buildings

6.1 General Requirements

Subject to 6.2, 6.3 and 6.4 below, a principal building in this district shall be setback:

(a) at least 6.1 m (20 ft.), or such greater distance as the development officer or the MDA considers reasonable and appropriate, from a principal or a secondary front property boundary;

(b) at least 3.0 m (10 ft.) or such greater distance as the development officer or the MDA considers reasonable and appropriate from a side property boundary; and

(c) such distance from a rear property boundary as the MDA may require subject to the parking and loading area requirements in Schedule 7.

6.2 Access to Rear Yard

Unless otherwise required by the MDA, an on-site laneway not less than 7.6 m (25 ft.) in width shall be provided to ensure access to the rear yard, where a lot is not serviced by a lane so that direct legal access to the rear yard of the lot is not possible.

6.3 Vehicle-Oriented Uses

The MDA may require at least 2 vehicle-queing spaces for each pump lane or service bay associated with an automotive repair or service use, a bulk fuel station, a fleet and transportation service, major or minor, a service station or a truck stop.

6.4 **Environmental Setbacks and Separation Distances** – See Schedule 5, Part 5.1.

7. MINIMUM SETBACK REQUIREMENTS – Other Buildings

7.1 Accessory Buildings

An accessory building shall maintain the same setbacks from a property boundary as the principal building, unless otherwise required by the MDA.

7.2 **Satellite Dishes and Radio or Television Towers** – See Schedule 5, Part 5.2.

7.3 **Wind Energy Conversion Systems** – See Schedule 5, Part 5.7.

8. MAXIMUM BUILDING HEIGHT

8.1 Principal and Accessory Buildings

The maximum height of all principal and accessory buildings shall be as required by the MDA or the development officer.

8.2 Fences and Gates

(a) Fences and gates shall be:

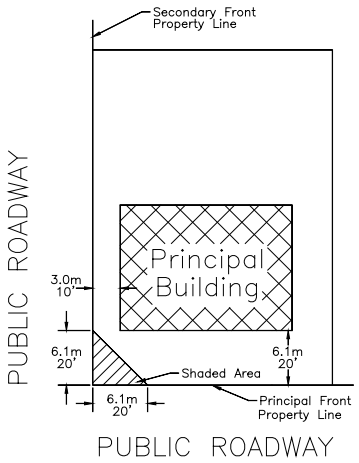
(i) not more than 2.4 m (8 ft.) in height or less than 1.8 m (6 ft.) in height from grade in a front yard where outdoor storage of goods, materials or equipment is approved for the front yard area or portion thereof;

(ii) not more than 1.2 m (4 ft.) in height from grade in the front yard where outdoor storage is not approved for the front yard area or portions thereof; and

(iii) not more than 2.4 m (8 ft.) in height nor less than 1.8 m (6 ft.) in height in the side or rear yard.

(b) Notwithstanding any provision of this bylaw or the schedules thereto, on a corner lot where two front property boundaries and two public roadways, other than a lane intersect, no fence or gate exceeding 0.9 m (3 ft.) in height shall be constructed if it lies within the shaded area shown in Figure 2.4 unless otherwise required by the MDA.

Figure 2.4



8.3 **Vegetation – Corner Lots**

On a corner lot where two front boundaries and two public roadways other than a lane intersect, no hedge, shrub, tree or other vegetation shall be placed, planted or allowed to grow within a shaded area shown in Figure 2.4 if, in the opinion of the MDA or the development officer, the vegetation obstructs vision from a public roadway through the shaded area from a height of 0.9 m (3 ft.) to 1.5 m (5 ft.), measured from the elevation of the centre line of either public roadway.

9. LANDSCAPING AND SCREENING

9.1 **General** – See Schedule 6.

9.2 **Front Yard Landscaping**

(a) A landscaped strip not less than 3.0 m (10 ft.) in depth shall be provided adjacent to a principal or a secondary front property boundary, if that boundary abuts:

(i) a service roadway;

(ii) an arterial or major collector roadway;

(iii) a residential, commercial and institutional or open space land use district.

(b) A landscaped strip not less than 3.0 m (10 ft.) in depth or width shall also be provided along the alternate front property boundary, where the principal or secondary front yards of a corner lot are required to be landscaped in accordance with 9.2 (a) above.

(c) As an alternative to providing the landscaped strip referred to above, where the principal or secondary front property boundary of an industrial lot abuts any of the locations described in 9.2 (a)(i), (ii) or (iii) the MDA or the development officer may require that:

(i) at least 5 percent of the area of the industrial lot shall be landscaped; and

(ii) such landscaping shall be located in the front yard.

9.3 **Outdoor Storage and Display**

(a) The outdoor display of goods, materials and equipment solely for advertising purposes in a front yard may be allowed by the MDA, provided that such display is not located on a landscaped area that has been provided in accordance with section 9.2 above.

(b) Goods, materials and equipment shall not be stored in a front yard unless:

(i) the MDA has given express permission to allow such storage; and

(ii) the goods, materials or equipment are screened from public view to a minimum height of 1.8 m (6 ft.) by fences or landscaping.

9.4 **Side and Rear Yard Screening**

Unless otherwise required by the MDA where the side and/or rear property boundaries of an industrial lot adjoins, with or without an intervening lane:

(a) a residential or commercial lot; or

(b) lands that will likely be developed for residential or commercial purposes in the opinion of the MDA;

then the side and/or rear yards of that industrial lot shall be screened to a minimum height of 1.8 m (6 ft.) by fences or landscaping.

10. REFUSE SCREENING AND STORAGE

(a) Refuse and garbage shall be kept in suitably-sized containers until such time as collection or disposal is possible.

(b) Refuse and refuse containers shall be effectively screened and the MDA and the development officer shall ensure:

(i) that refuse container enclosures to screen refuse and refuse containers are provided for each principal use; and

(ii) that refuse container enclosures are located and designed to the satisfaction of the MDA or the development officer.

11. ACCESS AND OFF-STREET PARKING AND LOADING

11.1 **General** – See Schedule 7.

11.2 **Location of Loading Spaces**

Unless otherwise expressly allowed by the MDA, a loading space shall not face or adjoin a front property boundary or a front yard, if that yard or boundary abuts:

(a) a service roadway;

(b) an arterial or a major collector roadway;

(c) a residential, commercial, public and institutional or open space land use district, with or without an intervening roadway or lane.

11.3 **Surfacing of Access Driveways**

Where an access driveway abuts any of the roadways or locations described in 11.2(a), (b) or (c) above, the MDA may require that the access driveway is paved or otherwise hard surfaced to its satisfaction.

12. SECURITIES – See Schedule 8.

PARKS AND OPEN SPACE – POS

1. INTENT

The intent of the Parks and Open Space (P0S) district is to:

(a) identify public parks and recreation areas and facilitate their development;

(b) identify lands dedicated as Environmental and Municipal and/or School Reserve under the Act and lands dedicated as Community Reserve under the previous Act; and

(c) provide a means whereby buffer strips and public open space may be readily identified.

2. USES

2.1 **Reserve Land**

Notwithstanding the permitted and discretionary uses listed below, lands dedicated as Environmental or Municipal and/or School Reserve pursuant to the Act, or Community Reserve pursuant to the previous Act, shall be used and administered in accordance with the Act.

2.2 **Permitted Uses**

Accessory structures
Public park and recreation uses

2.3 **Discretionary Uses**

Accessory buildings and uses
Club and fraternal organizations
Commercial/private recreation uses
Public and institutional uses
Public utilities
Signs
Wind energy conversion systems

3. DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

Those developments which do not require a development permit as identified in Schedule 3.

4. USE RESTRICTIONS AND DEVELOPMENT REQUIREMENTS

4.1 **General** – See Schedule 5, Part 5.1.

4.2 **Accessory Structures** – See Schedule 5, Part 5.2.

4.3 **Signs** – See Schedule 5, Part 5.6.

4.4 **Wind Energy Conversion Systems** – See Schedule 5, Part 5.7.

5. MINIMUM LOT SIZE

The minimum lot size and dimensions shall be as required by the MDA.

6. MINIMUM SETBACK REQUIREMENTS – Principal buildings

6.1 **General**

A principal building in this district shall be setback at least 9.1 m (30 ft.) from a principal and a secondary front property boundary. Setbacks from a side and rear property boundary shall be as required by the MDA.

6.2 **Environmental Setbacks and Separation Distances** – See Schedule 5, Part 5.1.

7. MINIMUM SETBACK REQUIREMENTS – Other buildings

7.1 **Accessory Buildings**

An accessory building shall maintain the same setbacks from a property boundary as the principal building.

7.2 **Satellite Dishes and Radio or Television Towers** – See Schedule 5, Part 5.2.

7.3 **Wind Energy Conversion Systems** – See Schedule 5, Part 5.7.

8. MAXIMUM BUILDING HEIGHT

8.1 **Principal Buildings**

The maximum height of all principal buildings shall be as required by the MDA.

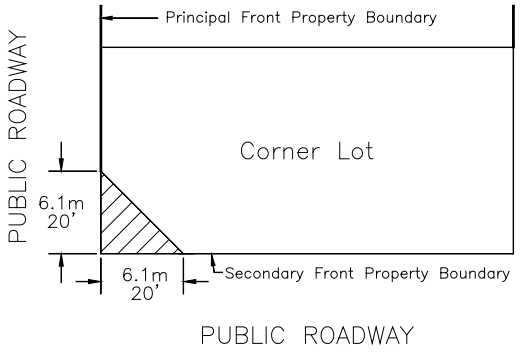
8.2 **Accessory Buildings**

The maximum height of all accessory buildings shall be 4.6 m (15 ft.), or as required by the MDA.

8.3 **Fences and Gates**

The maximum height of fences and gates shall be 2.4 m (8 ft.) or as required by the MDA, but on a corner lot where two front property boundaries and two public roadways other than a lane intersect, the MDA may limit the height of any fence or gate to a maximum of 0.9 m (3 ft.) in height if it lies within the shaded area shown in Figure 2.5 below.

Figure 2.5



8.4 **Vegetation – Corner Lots**

On a corner lot where two front boundaries and two public roadways other than a lane intersect, no hedge, shrub, tree or other vegetation shall be placed, planted or allowed to grow within the shaded area shown in Figure 2.5, if in the opinion of the MDA or the development officer, the vegetation obstructs vision from a public roadway through the shaded area from a height of 0.9 m (3 ft.) to 1.5 m (5 ft.), measured from the elevation of the centre line of either public roadway.

9. MAXIMUM LOT COVERAGE

The maximum percentage of all lots that may be covered by principal and accessory buildings shall not exceed 50 percent, unless otherwise allowed by the MDA.

10. REFUSE SCREENING AND STORAGE

(a) Refuse and garbage shall be kept in suitably-sized containers until such time as collection or disposal is possible.

(b) Refuse and refuse containers shall be effectively screened and the MDA may require:

(i) that refuse container enclosures to screen refuse and refuse containers are provided for each principal use; and

(ii) that refuse container enclosures are located and designed to the satisfaction of the MDA.

11. LANDSCAPING AND SCREENING – See Schedule 6.

12. ACCESS AND OFF-STREET PARKING AND LOADING – See Schedule 7.

13. SECURITIES – See Schedule 8.

PUBLIC AND INSTITUTIONAL – PI

1. INTENT

The intent of the Public and Institutional (PI) district is to:

(a) identify lands used for, or intended to be used for, public and institutional uses and facilitate the development of these uses at suitable locations; and

(b) accommodate, where appropriate, the development of other selected uses.

2. USES

2.1 Permitted Uses

Accessory structures
Public and institutional uses

2.2 Discretionary Uses

Accessory buildings and uses
Child care services
Clubs and fraternal organizations
Group homes
Medical and dental offices
Public park or recreation uses
Public utilities
Senior citizen housing
Signs
Wind energy conversion systems

3. DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

Those developments which do not require a development permit are identified in Schedule 3.

4. USE RESTRICTIONS AND DEVELOPMENT REQUIREMENTS

4.1 **General** – See Schedule 5, Part 5.1.

4.2 **Accessory Structures** – See Schedule 5, Part 5.2.

4.3 **Signs** – See Schedule 5, Part 5.6.

4.2 **Wind Energy Conversion Systems** – See Schedule 5, Part 5.7.

5. MINIMUM LOT SIZE

The minimum lot size and dimensions shall be as required by the MDA.

6. MINIMUM SETBACK REQUIREMENTS

6.1 Principal and Accessory Buildings

The setback of a principal or an accessory building from front, side and rear property boundaries shall be to the satisfaction of the MDA subject to 6.2 below.

6.2 **Environmental Setback and Separation Distances** – See Schedule 5, Part 5.1.

6.3 **Satellite Dishes and Radio or Television Towers** – See Schedule 5, Part 5.2.

7. MAXIMUM BUILDING HEIGHT

7.1 Principal Buildings

The height of all principal buildings shall be to the satisfaction of the MDA.

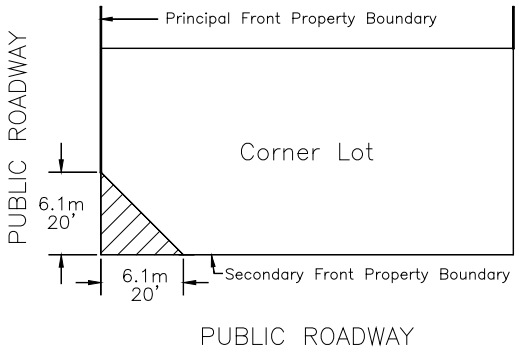
7.2 Accessory Buildings

The maximum height of an accessory building shall be 4.6 m (15 ft.) unless otherwise required by the MDA.

7.3 Fences and Gates

The maximum height of fences and gates shall be as required by the MDA, but on a corner lot where two front property boundaries and two public roadways other than a lane intersect, the MDA may limit the height of any fence or gate to a maximum of 0.9 m (3 ft.) in height if it lies within the shaded area shown in Figure 2.6 below.

Figure 2.6



7.4 Vegetation – Corner Lots

On a corner lot where two front boundaries and two public roadways other than a lane intersect, the MDA or the development officer may prohibit the planting or placing of any hedge, shrub, tree or other vegetation within the shaded area shown in Figure 2.6, if in the opinion of the MDA or the development officer, the vegetation obstructs vision from a public roadway through the shaded area from a height of 0.9 m (3 ft.) to 1.5 m (5 ft.), measured from the elevation of the centreline of either public roadway.

8. REFUSE SCREENING AND STORAGE

(a) Refuse and garbage shall be kept in suitably-sized containers until such time as collection or disposal is possible.

(b) Refuse and refuse containers shall be effectively screened and the MDA and the development officer shall ensure:

(i) that refuse container enclosures to screen refuse and refuse containers are provided for each principal use; and

(ii) that refuse container enclosures are located and designed to the satisfaction of the MDA or the development officer.

9. LANDSCAPING AND SCREENING – See Schedule 6.

10. ACCESS AND OFF-STREET PARKING AND LOADING – See Schedule 7.

11. SECURITIES – See Schedule 8.

TRANSITIONAL / URBAN RESERVE – TUR

1. INTENT

The intent of the Transitional / Urban Reserve (TUR) district is to:

(a) provide an interim land use classification for lands adjoining the built-up area of the village, which may be subdivided and developed for urban uses in the future, but are presently essentially agricultural or unurbanized; and

(b) prevent disorderly, incompatible or premature development and subdivision of essentially agricultural or unurbanized lands until they are needed or suited for suitable, economical and orderly urban development.

2. USES

2.1 Permitted Uses

Accessory structures
Extensive agriculture
Primary farm residence

2.2 Discretionary Uses

Accessory buildings and uses
Accessory residential buildings
Conventional single-detached residences on existing lots
Farm buildings and structures
Home occupations
Mobile homes on existing lots
Public park or recreation uses
Public utilities
Second residence
Signs

3. DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

Those developments which do not require a development permit are identified in Schedule 3.

4. USE RESTRICTIONS AND DEVELOPMENT REQUIREMENTS

4.1 General

(a) The MDA shall not approve a discretionary use in this district if, in the opinion of the MDA:

  (i) the use is likely to become a non-conforming use on subsequent reclassification of the lands in accordance with the municipal development plan or, an area structure plan which affects the lands which are the subject of the development application; and/or

  (ii) approval of the discretionary use would be premature.

(b) The MDA shall ensure, to its satisfaction, that all proposed development is located or developed so that it:

(i) does not conflict with nor jeopardize the implementation of an adopted detailed design plan, or an area structure plan, where either one or both of these affect the lands which are the subject of a development application;

(ii) does not compromise the orderly subdivision or subsequent development of lands;

(iii) does not, in the case of a permitted or discretionary use, substantially conflict with the provisions of the land use district which will likely apply, in the opinion of the MDA, on subsequent reclassification of the lands.

(c) Where a detailed design plan or an area structure plan has not been adopted for the lands that are the subject of a development application, the MDA may require, subject to 4.1(d) below, that:

(i) a detailed design plan or an area structure plan or both be prepared by the applicant and adopted by council; and

(ii) the lot or parcel which is the subject of the development application shall be reclassified in the land use bylaw and subdivided in accordance with the detailed design plan or the area structure plan;

before the MDA approves the development application.

(d) Before the MDA requires the preparation of a detailed design plan or an area structure plan, in accordance with 4.1(c) above the MDA shall solicit and consider the comments of the staff of the planning advisor.

(e) Also see Schedule 5, Part 5.1.

4.2 **Accessory Structures** – See Schedule 5, Part 5.2.

4.3 **Mobile Homes**

Schedule 5, Part 5.3, Mobile Homes does not apply in this district.

4.4 **Signs** – See Schedule 5, Part 5.6.

5. MINIMUM LOT SIZE

(a) The minimum lot size for an extensive agricultural use shall be not less than 32.4 ha (80 acres).

(b) The minimum lot size for a public park or recreation uses and public utilities shall be as required by the MDA.

(c) The minimum lot size for all other uses shall be not less than 1,858.0 m^2 (20,000 sq. ft.) in area and 30.5 m (100 ft.) in width or such greater area and/or width as the MDA may require having regard to setbacks and the minimum site area of the lot which is developable.

6. MINIMUM SETBACK REQUIREMENTS

(a) Minimum principal and accessory building setbacks shall be as required by the MDA, subject to 6(b) below.

(b) In establishing setbacks for principal and accessory buildings the MDA shall have regard to the following:

(i) the setbacks which may apply, in the opinion of the MDA, on reclassification and/or subdivision of the lot, in the future;

(ii) the maintenance of adequate setbacks from existing and proposed roadways, including service roadways and lanes;

(iii) the Environmental Setbacks and Separation Distances in Schedule 5, Part 5.1; and

(iv) such other matters as the MDA considers appropriate.

7. MAXIMUM BUILDING HEIGHT

7.1 **Principal and Accessory Buildings**

(a) The maximum building height of principal buildings shall be as required by the MDA having regard to the maximum building height which may apply, in the opinion of the MDA, on reclassification of the lot in the future.

(b) The maximum height of all accessory buildings and accessory residential buildings shall be 4.6 m (15 ft.) unless otherwise required by the MDA.

7.2 **Fences and Gates**

The maximum height of fences and gates shall be as required by the MDA.

8. REFUSE SCREENING AND STORAGE

(a) Refuse and garbage shall be kept in suitably-sized containers until such time as collection or disposal is possible.

(b) Refuse and refuse containers shall be effectively screened and the MDA may require:

(i) that refuse container enclosures to screen refuse and refuse containers are provided for each principal use; and

(ii) that refuse container enclosures are located and designed to the satisfaction of the MDA.

8. LANDSCAPING AND SCREENING – See Schedule 6.

10. ACCESS AND OFF-STREET PARKING AND LOADING REQUIREMENTS – See Schedule 7.

11. SECURITIES – See Schedule 8.

12. HOME OCCUPATIONS – See Schedule 9.

DIRECT CONTROL – DC

1. INTENT

The intent of the Direct Control (DC) district, in accordance with the Act, is to:

(a) provide a means whereby council may exercise particular control over the use and development of land or buildings within an area of the municipality; and

(b) provide a means whereby council may regulate and control the use or development of land or buildings in any manner it considers necessary.

2. USES

2.1 Permitted Uses

Accessory structures

2.2 Discretionary Uses

Subject to the provisions of the municipal development plan, an applicable area structure plan, or an applicable area redevelopment plan, the discretionary uses within this district are:

(a) Accessory buildings and uses;

(b) Accessory residential buildings, where the principal use is a residential use; and

(c) such other uses that council considers suitable.

3. DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

Except as provided in Schedule 3, no person shall commence a development unless he has been issued a development permit in respect of the development.

4. DIRECT CONTROL ADMINISTRATIVE PROCEDURES

(a) The development officer shall refer all development applications in this district to either:
   (i) the MDA, if the MDA is composed exclusively of council members; or
   (ii) council.

(b) If council is in receipt of a development application in this district, council shall process that application in accordance with the administrative procedures of this bylaw as if council were the MDA.

(c) If council or the MDA considers it appropriate to do so, they may solicit and consider the comments of the following agencies or organizations before they give final consideration to a development application:
   (i) Alberta Agriculture, Food and Rural Development;
   (ii) Alberta Environmental Protection;
   (iii) Alberta Transportation and Utilities;
   (iv) Chinook Regional Health Authority,
   (v) planning advisor;
   (vi) any other agency council or the MDA considers appropriate.

5. USE RESTRICTIONS AND DEVELOPMENT REQUIREMENTS

5.1 General

Subject to the provisions or requirements of this district, council or the MDA may regulate a use or a development in any manner either considers necessary having regard to:

(a) the provisions of an applicable statutory plan;

(b) the applicable use restrictions and development requirements in Schedule 5;

(c) the comments of any agency contacted under section 4(c); and

(d) any of the requirements or provisions of any other district in this bylaw.

5.2 Accessory Structures

(a) See Schedule 5, Part 5.2.

(b) In addition to the requirements in Schedule 5, Part 5.2, council or the MDA may impose height, locational or other restrictions on an accessory structure having regard to the requirements or provisions of any other district in this bylaw.

5.3 Accessory Buildings

The height, location, size, design, character and appearance of all accessory buildings shall be to the satisfaction of council or the MDA having regard to the requirements or provisions of any other district in this bylaw.

5.4 Accessory Residential Buildings

The height, location, size, design, character and appearance of all accessory residential buildings shall be to the satisfaction of council or the MDA having regard to the requirements of the R1 or R2 district.

6. MINIMUM LOT SIZE

The minimum lot size in this district shall be as required by council or the MDA, provided that the lot size meets or exceeds the minimum prescribed by the Subdivision and Development Regulation.

7. LANDSCAPING AND SCREENING

Landscaping and screening shall be to council's or the MDA's satisfaction having regard to Schedule 6.

8. REFUSE SCREENING AND STORAGE

(a) Refuse and garbage shall be kept in suitably-sized containers until such time as collection or disposal is possible.

(b) Council or the MDA may require:

(i) that refuse container enclosures to screen refuse containers are provided for each principal use; and

(ii) that refuse container enclosures are located and designed to the satisfaction of council or the MDA.

9. ACCESS AND OFF-STREET PARKING AND LOADING

As council or the MDA considers necessary having regard to Schedule 7.

10. SECURITIES

As council or the MDA considers necessary having regard to Schedule 8.

DIRECT CONTROL 1 – DC1

1. INTENT

The intent of the Direct Control 1 (DC1) district, in accordance with the Act, is to facilitate development on the subject parcel in consideration of Council being the development authority to allow for development of an accessory building prior to establishment of a principal use.

2. USES

2.1 **Permitted Uses**

Single-family dwellings

2.2 **Discretionary Uses**

Subject to the provisions of the municipal development plan, an applicable area structure plan, or an applicable area redevelopment plan, the discretionary uses within this district are:

(a) Accessory buildings and uses;

(b) Accessory structures;

(c) Double-wide mobile homes;

(d) Single-wide mobile homes; and

(e) such other uses that Council considers suitable.

3. DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

Except as provided in Schedule 3, no person shall commence a development unless he has been issued a development permit in respect of the development.

4. DIRECT CONTROL ADMINISTRATIVE PROCEDURES

(a) The development officer shall refer all development applications in this district to either:

(i) the MDA, if the MDA is composed exclusively of Council members; or

(ii) Council.

(b) If Council is in receipt of a development application in this district, Council shall process that application in accordance with the administrative procedures of this bylaw as if council were the MDA.

(c) If Council or the MDA considers it appropriate to do so, they may solicit and consider the comments of the following agencies or organizations before they give final consideration to a development application:

(i) Alberta Agriculture, Food and Rural Development;

(ii) Alberta Environmental Protection;

(iii) Alberta Transportation and Utilities;

(iv) Chinook Regional Health Authority,

(v) planning advisor;

(vi) any other agency Council or the MDA considers appropriate.

5. USE RESTRICTIONS AND DEVELOPMENT REQUIREMENTS

5.1 General

Subject to the provisions or requirements of this district, Council or the MDA may regulate a use or a development in any manner either considers necessary having regard to:

(a) the provisions of an applicable statutory plan;

(b) the applicable use restrictions and development requirements in Schedule 5;

(c) the comments of any agency contacted under section 4(c); and

(d) any of the requirements or provisions of any other district in this bylaw.

5.2 Accessory Structures

(a) See Schedule 5, Part 5.2.

(b) In addition to the requirements in Schedule 5, Part 5.2, Council or the MDA may impose height, locational or other restrictions on an accessory structure having regard to the requirements or provisions of any other district in this bylaw.

5.3 Accessory Buildings

Accessory Buildings may be permitted prior to the development of a principal residential building provided that the building is sited in a manner that allows for the development of a dwelling.

The height, location, size, design, character and appearance of all accessory buildings shall be to the satisfaction of Council or the MDA having regard to the requirements or provisions of any other district in this bylaw.

5.4 Accessory Residential Buildings

The height, location, size, design, character and appearance of all accessory residential buildings shall be to the satisfaction of Council or the MDA having regard to the requirements of the R1 or R2 district.

6. MINIMUM LOT SIZE

The minimum lot size in this district shall be as required by Council or the MDA.

7. MINIMUM SETBACK REQUIREMENTS – Principal Buildings

7.1 All principal buildings and uses on an interior lot shall be setback in accordance with the following:

	Front Yard		Side Yard		Rear Yard	
Use	**m**	**ft.**	**m**	**ft.**	**m**	**ft.**
Single-family dwellings, double-wide mobile homes	6.1	20	1.5	5	7.6	25
Single-wide mobile homes	6.1	20	See Schedule 5, Part 5.3.		7.6	25

7.2 **Prevailing Setbacks**

In the case of a development application for a single-family dwelling, the MDA or the development officer may require a greater or lesser setback than the 6.1 m (20 ft.) front property boundary setback prescribed in 7.1 above, where existing development on adjoining lots in a well-established area has, in the opinion of Council or the MDA, established a predominant and prevailing setback that differs from the stated setback.

7.3. **Encroachments into Yards or Setbacks**

Where Council or the MDA considers it reasonable and appropriate to do so, Council or the MDA may allow portions of, or attachments to a principal building to encroach into a yard as established in 7.1 above, but the type and magnitude of the encroachment shall be in accordance with the following, subject to 6.4(b) below:

(a) an eave, chimney, cornice or sill may encroach 0.5 m (1.6 ft.) into a side yard; and

(b) an enclosed or unenclosed veranda, porch or balcony, or a chimney may project not more than 1.5 m (5 ft.) into a principal front yard or a rear yard.

8. MINIMUM SETBACK REQUIREMENTS – Other Buildings

8.1 **Accessory Buildings**

Accessory buildings:

(a) shall maintain the same setbacks as the principal building from a principal or a secondary front property boundary; and

(b) shall maintain a minimum 1.5 m (5 ft.) setback from a side or a rear property boundary; and

(c) where an accessory building is permitted prior to the development of a principal building, the front property setback for the accessory building shall be defined by Council or the MDA to ensure adequate space for the future development of a dwelling in front of the accessory building.

8.2 **Satellite Dishes and Radio or Television Towers – See Schedule 5, Part 5.2.**

9. MAXIMUM LOT COVERAGE

Principal building, accessory buildings and accessory residential buildings – 55 percent (combined)

10. MINIMUM FLOOR AREA

Unless otherwise allowed by Council or the MDA, the first storey minimum gross floor area of all principal buildings shall be in accordance with the following:

Use	Minimum Area
Single-family dwellings	74.3 m^2 (800 sq. ft.)
Single-wide mobile homes	60.4 m^2 (650 sq. ft.)
All other buildings and uses	As required by the MDA.

11. LANDSCAPING AND SCREENING

Landscaping and screening shall be to Council's or the MDA's satisfaction having regard to Schedule 6.

11. REFUSE SCREENING AND STORAGE

(a) Refuse and garbage shall be kept in suitably-sized containers until such time as collection or disposal is possible.

(b) Council or the MDA may require that refuse container enclosures are located and designed to the satisfaction of Council or the MDA.

12. ACCESS AND OFF-STREET PARKING AND LOADING

As Council or the MDA considers necessary having regard to Schedule 7.

13. SECURITIES

As Council or the MDA considers necessary having regard to Schedule 8.

Schedule 3

DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

Schedule 3

DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

1. GENERAL

A development permit is not required for:

(a) extensive cultivation or grazing of land;

(b) uses or development listed in the Act or any exemption regulations;

(c) the erection or maintenance of agricultural fences associated with the extensive cultivation or grazing of land, or an extensive agriculture use;

(d) the erection or construction of temporary buildings, works, plants or machinery that are needed in the opinion of the development officer or the MDA to erect or construct a development;

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

(f) the maintenance or repair of any building including interior and exterior renovations provided that:

  (i) such works do not include structural alterations or additions which affect changes in the exterior size, dimensions or design of the building;

  (ii) such works on the exterior of a building are in accordance with Schedule 5, Part 5.1;

(g) storage, garden or tool sheds and similar accessory residential buildings provided that:

  (i) these do not exceed 9.3 m^2 (100 sq. ft.) in area;

  (ii) only one such building may be located on a lot or parcel without a development permit; and

  (iii) any matter pertaining to the development of such a building including its height, location and appearance complies with the provisions of this bylaw and the schedules thereto;

(h) the construction, erection, maintenance or alteration of an accessory structure (namely a fence, gate, satellite dish or a television or a radio tower) provided that any matter pertaining thereto including its height, location and finish complies with this bylaw and the schedules thereto, and the accessory structure is to the satisfaction of the development officer or the MDA; and

(i) a change of occupancy or ownership of a conforming use of land or buildings, unless that change results in a change of use from one separately defined use or use class to a different and separately defined use or use class.

2. SIGNS

(a) A development permit is not required for the following signs if they comply with this bylaw and are not animated or equipped with flashing lights:

(i) official signs, namely election signs and any sign or billboard erected by a public authority, agency or department;

(ii) identification or memorial signs in any district for any use except home occupations provided that:
- the sign does not exceed 0.2 m^2 (2 sq. ft.) in area, and
- not more than one identification sign is located along a street frontage for each business or occupant;

(iii) on-site signs in any district advertising the sale, rental or lease of land or buildings provided that:
- such signs do not exceed 0.7 m^2 (7 sq. ft.) in area in a residential district,
- such signs do not exceed 2.8 m^2 (30 sq. ft.) in area in a district other than a residential district, and
- such signs are not illuminated;

(iv) on-site signs identifying an approved construction project and/or the parties involved in that project provided that such signs are removed within 14 days after construction is complete;

(v) on-site signs for the guidance, warning or restraint of people provided that such signs do not exceed 0.5 m^2 (5 sq. ft.) in area;

(vi) signs indicating on-site traffic circulation and parking restrictions provided that such signs do not exceed 0.9 m^2 (10 sq. ft.) in area; and

(vii) temporary signs (other than portable signs) on lots or parcels in commercial or industrial districts advertising a special promotion on the premises provided that the sign is removed within seven days of the end of the special promotion;

(b) A development permit is not required for the maintenance of any lawful sign or for a copy change on a lawful sign provided that the location, height, dimensions and structural framework of the sign are not altered.

3. UNCERTAINTY – ROLE OF MDA

If there is any doubt as to whether or not a development requires a development permit, the matter shall be referred to the MDA, whose decision shall be final.

Schedule 4

DEVELOPMENT APPLICATION, INFORMATION REQUIREMENTS AND FORMS

Schedule 4

FORMS AND APPLICATIONS

1. MANDATORY INFORMATION – ALL DISTRICTS AND USES

An application for a development permit shall be made to the development officer by sending to him:

(a) a completed development application form - see Form A; and

(b) evidence satisfactory to the development officer that the application is authorized by the registered owner(s) of the lot or parcel.

2. ADDITIONAL INFORMATION – ALL DISTRICTS AND USES

2.1 Site Plan – Information

The development officer or the MDA, in addition to the information required in section 1 above, may also require the following information:

(a) one or more copies of an accurate site plan drawn to scale as specified in section 2.2 below, showing and labelling:

(i) a north arrow and scale;

(ii) the legal description of the lot and municipal address where relevant;

(iii) the lot boundaries;

(iv) the location of existing and proposed buildings and structures, including accessory buildings and structures, in relation to lot boundaries;

(v) the location and dimensions of existing and proposed easements, driveways, vehicular entrances and exits, parking areas, loading bays and garbage confinement areas;

(vi) the location of public utility service connections;

(vii) the location and extent of existing and proposed private sewage disposal systems, if applicable;

(viii) the location of important topographic and physical features, including hills, depressions, waterbodies, and watercourses, if applicable;

(ix) proposed and existing grades, contours and on-site drainage;

(x) the location and extent of all existing and proposed landscaping and physical features;

(xi) the location of existing and proposed signs;

(b) a surveyor's sketch, or a real property report showing any or all of the information indicated in 2.1(a) above;

(c) a landscaping plan, professionally prepared by a landscape architect, showing the location and extent of all existing and proposed landscaping, topographic contours, the species, height and spacing of proposed vegetative landscaping and other relevant matters;

(d) the height of all proposed development, buildings and structures including signs, accessory buildings, accessory residential buildings, fences and other accessory structures.

(e) a set of plans to the satisfaction of the development officer or the MDA showing:

(i) the front, rear and side elevations of any proposed principal building, accessory building or accessory residential building;

(ii) the elevations and height of any proposed structure, including fences and signs;

(iii) the colour and materials proposed for the exterior finish of any building or structure, and

(iv) the floor plans of any proposed principal or accessory building and the proposed uses of the floor area;

(f) a description of the proposed development;

(g) such other information as may be required, in the opinion of the development officer, to enable complete evaluation of the proposal.

2.2 **Site Plan – Scale**

Unless otherwise required by the development officer, site plans referred to in 2.1 above shall be drawn at the following scales:

Lot Size	SI Scale	Imperial Scale
0-2 ha (0-5 acres)	1:200 or 1:300	1" = 20'
2-4 ha (5-10 acres)	1:500 or 1:1000	1" = 50' or 1" = 200'
4 or more ha (10 or more acres)	1:2000	1" = 200'

3. ADDITIONAL INFORMATION – SPECIFIC USES

In addition to the information which may be required in accordance with this schedule, specific uses may be subject to mandatory or discretionary information requirements as specified for that use in Schedule 5.

VILLAGE OF COWLEY

APPLICATION FOR A DEVELOPMENT PERMIT

SCHEDULE 4 **DEVELOPMENT APPLICATION NO. _____**

FORM A **DATE RECEIVED BY DEVELOPMENT OFFICER _____**

APPLICANT'S NAME: _____ PHONE NO. _____

APPLICANT'S ADDRESS: _____

REGISTERED OWNER'S NAME: _____ PHONE NO. _____

REGISTERED OWNER'S ADDRESS: _____

APPLICANT'S INTEREST IF NOT THE REGISTERED OWNER: _____

(option, lease, purchase agreement, etc.)

PROPOSED DEVELOPMENT

LEGAL DESCRIPTION OF LAND PROPOSED FOR DEVELOPMENT: Lot(s) _____ Block _____ Plan _____

STREET ADDRESS OF PROPOSED DEVELOPMENT: _____

STATE PRESENT LAND USE: _____

IF DEVELOPMENT OR LAND USE IS TEMPORARY, STATE FOR WHAT PERIOD: _____

LOT DIMENSIONS: Width: _____ Length: _____ Area: _____

MAIN BUILDING: Floor Area: _____ Total Finished Living Area: _____

Percentage of Lot Occupied: _____ Floor Area Ratio: _____

Setback: Front Yard: _____ Rear Yard: _____ Side Yards: _____ and _____

ACCESSORY BUILDINGS: Total Floor Area: _____ Percentage of Lot Occupied: _____

Setback: Rear Yard: _____ Side Yard: _____ and _____

OFF-STREET PARKING SPACES: Size: _____ Number: _____

OFF-STREET LOADING SPACES: Size: _____ Number: _____

PROVIDE DESCRIPTION OF PROPOSED DEVELOPMENT BELOW, ON REVERSE OR SEPARATELY:

ESTIMATED COMMENCEMENT DATE: _____ ESTIMATED COMPLETION DATE: _____

IMPORTANT: See Reverse

I have read and understand the terms noted on the reverse side of this form and hereby apply for permission to carry out the development described above and/or on the attached plans and specifications. I further certify that the owner of the land described above is aware of this application.

DATE OF APPLICATION: _____

_____ _____

Applicant's Signature Development Officer's Signature

TERMS:

1. Subject to the provisions of the Land Use Bylaw No. 352 of the Village of Cowley, the term "development" includes the making of any change in the use of buildings or land.

2. The decision on the subject 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 the subject application.

3. Although the development officer is in a position to advise on the principle or details of any proposal, such advice must not be taken in any way as official consent, and is without prejudice to the decision in connection with the formal application. It must be clearly understood that any action taken by the applicant before a development permit is received, is at his own risk.

4. The applicant may also be required to supply additional information (site plans, building elevations, etc.) on the request of the development officer or the MDA, in accordance with Schedule 4 of this bylaw.

5. Unless otherwise required by the development officer or the MDA, site plans shall be drawn at the following scales:

Lot Size	SI Scale	Imperial Scale
0-2 ha (0-5 ac)	1:200 or 1:300	1" = 20'
2-4 ha (5-10 ac)	1:500 or 1:1000	1" = 50' or 1" = 100'
4 or more ha (10 or more ac)	1:2000	1" = 200'

6. An application for a development permit shall, at the option of the applicant, be deemed to be refused when the decision of the MDA or development officer is not made within 40 days from the receipt of the application in its complete and final form, or within such longer period of time as the applicant may approve in writing.

7. If an application is refused, deemed refused or approved with conditions, the applicant may appeal to the Subdivision and Development Appeal Board in accordance with the Act.

8. A development permit is not a building permit, plumbing permit, electrical permit, or a permit to install underground or above-ground fuel tanks. A separate building, plumbing or electrical permit, and a permit to install fuel tanks may be required pursuant to the provincial building requirements and other provincial legislation.

9. Issuance of a development permit does not relieve an applicant from complying with any applicable provincial or federal legislation or regulations.

VILLAGE OF COWLEY

NOTICE OF DECISION

(FOR DISCRETIONARY USE OR NON-COMPLYING APPLICATIONS)

SCHEDULE 4

FORM B **DEVELOPMENT APPLICATION NO. _____**

NAME: _____

ADDRESS: _____

In the matter of development of property located at: _____

The development as specified in Development Application No. _____ has been: (check ☐ one)

☐ APPROVED

☐ APPROVED subject to the following conditions:

☐ REFUSED for the following reasons:

DATE OF DECISION: _____

A DEVELOPMENT PERMIT WILL BE ISSUED ON _____, 17 DAYS FROM THE DATE OF THIS DECISION, UNLESS THIS DECISION IS APPEALED.

DATE: _____ **SIGNED:** _____

Development Officer

NOTES: See Reverse

NOTES:

1. This form is to be used for discretionary use applications and non-complying applications.

2. Where this Notice of Decision has the effect of approving a development application, with or without conditions, a development permit shall not be issued:
   (i) until at least 17 days after the issue of the Notice of Decision; or
   (ii) if an appeal is made, until the appeal is decided upon.

3. Notice of approval or receipt of a development permit does not relieve an applicant from complying with any applicable provincial or federal legislation or regulations. A development permit is not a building permit, plumbing permit, electrical permit, a permit to install underground or above-ground fuel tanks, or a permit issued by a Public Health Inspector. These and other separate permits may be required by municipal or provincial authorities .

VILLAGE OF COWLEY

DEVELOPMENT PERMIT

(FOR PERMITTED COMPLYING APPLICATIONS)

SCHEDULE 4 **DEVELOPMENT APPLICATION NO. _____**

FORM C **DEVELOPMENT PERMIT NO. _____**

A development permit is hereby issued to:

NAME: _____

ADDRESS: _____

In respect of works consisting of: _____

On land located at:_____

and described on Application for Development No. _____, and is subject to the following conditions:

DATE: _____ **SIGNED:** _____

Development Officer

IMPORTANT:

1. The development authorized by this permit shall not commence until at least 17 days after the issue of this permit, or if an appeal is made until the appeal is decided upon in accordance with the administrative procedures of the land use bylaw. Anyone commencing development prior to these times does so exclusively at his own risk.

2. This permit expires 12 months from the date of its issue, if the development or use authorized by this permit has not been commenced or carried out with reasonable diligence within 12 months from the date of its issue, in accordance with the administrative procedures of the land use bylaw.

3. 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 the administrative procedures of the land use bylaw), provided that the MDA or the development officer issues a written consent which authorizes the transfer.

4. This 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.

5. A development permit is not a building permit, plumbing permit, electrical permit, a permit to install underground or above-ground fuel tanks, or a permit issued by a Public Health Inspector. These and other separate permits may be required by municipal or provincial authorities.

VILLAGE OF COWLEY

DEVELOPMENT PERMIT

(FOR DISCRETIONARY USE OR NON-COMPLYING APPLICATIONS)

SCHEDULE 4 **DEVELOPMENT APPLICATION NO. _____**

FORM D **DEVELOPMENT PERMIT NO. _____**

A development permit is hereby issued to:

NAME: _____

ADDRESS: _____

In respect of works consisting of: _____

On land located at: _____

and described on Application for Development No. _____, and as plans submitted by the applicant.

This permit refers only to works outlined in the Application No. _____, and is subject to the conditions contained in the Notice of Decision dated: _____

DATE: _____ **SIGNED:** _____

Development Officer

IMPORTANT:

1. This permit expires 12 months from the date of its issue, if the development or use authorized by this permit has not been commenced or carried out with reasonable diligence within 12 months from the date of its issue, in accordance with the administrative procedures of the land use bylaw.

2. 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 the administrative procedures of the land use bylaw) provided that the MDA or the development officer issues a written consent which authorizes the transfer.

3. This 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.

4. A development permit is not a building permit, plumbing permit, electrical permit, a permit to install underground or above-ground fuel tanks, or a permit issued by a Public Health Inspector. These and other separate permits may be required by municipal or provincial authorities.

VILLAGE OF COWLEY

NOTICE OF SUBDIVISION AND DEVELOPMENT AUTHORITY MEETING

SCHEDULE 4

FORM E **APPLICATION NO. _____**

Notice is hereby given that an application is being made for a development permit with regard to the following:

NAME OF APPLICANT:

TYPE OF DEVELOPMENT:

LEGAL DESCRIPTION OF SITE:

PLACE OF MEETING: _____

TYPE OF MEETING: _____

DATE OF MEETING: _____

Any person affected by the said proposal has the right to present a written brief prior to the hearing and/or to be present and be heard at the meeting.

Persons requesting to be heard at the meeting shall submit a written request to be heard to the Village of Cowley not later than:

_____

DATE: _____ **SIGNED:** _____

Development Officer

VILLAGE OF COWLEY

NOTICE OF SUBDIVISION AND DEVELOPMENT APPEAL BOARD HEARING

SCHEDULE 4

FORM F **APPLICATION NO. _____**

NAME: _____

ADDRESS: _____

A Public Hearing in the matter of the appeal of _____

of _____ to the decision of the development officer / Subdivision and Development Authority on Development Application No. _____ , being the application for a development permit for _____

_____

at _____ by _____

shall be heard on the _____ day of _____, _____ at _____ o'clock (a.m./p.m.)

The hearing will be held in the Village of Cowley council chambers.

DATE: _____ **SIGNED:** _____

Secretary, Subdivision and Development Appeal Board

VILLAGE OF COWLEY

NOTICE OF DECISION OF SUBDIVISION AND DEVELOPMENT APPEAL BOARD

SCHEDULE 4

FORM G **APPLICATION NO. _____**

NAME: _____

ADDRESS: _____

In the matter of the appeal of _____

of _____ to the decision of the development officer / Subdivision and Development Authority on Development Application No. _____ , being the application for a development permit for _____

_____

at _____ by _____

the Subdivision and Development Appeal Board, duly convened on the _____ day of _____ , _____ decided to:

For the following reasons:

DATE: _____ **SIGNED:** _____

Secretary, Subdivision and Development Appeal Board

IMPORTANT: This decision of the Subdivision and Development Appeal Board is final and binding on all parties and all persons, subject only to appeal pursuant to the provisions of the Municipal Government Act.

VILLAGE OF COWLEY

AGREEMENT FOR TIME EXTENSION

SCHEDULE 4
FORM H **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:

_____
Signature of Witness

DATE: _____ _____
Signature of Development Officer – Village of Cowley

_____
Signature of Witness

VILLAGE OF COWLEY

STOP ORDER

SCHEDULE 4

FORM I **APPLICATION NO. _____**

TO THE REGISTERED OWNER:_____

ADDRESS:_____

LEGAL DESCRIPTION: Lot(s) _____ Block _____ Plan _____

Quarter_____ section _____ Township _____ Range _____

PLEASE TAKE NOTICE that in accordance with the Municipal Government Act, section 645, you are HEREBY ORDERED TO:

_____

_____

_____

_____

_____

BE ADVISED that pursuant to sections 557 and 566 of the Municipal Government Act, a person who contravenes an order under section 645, is guilty of an offense 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; and be FURTHER ADVISED that pursuant to section 685 of the Municipal Government Act, you may appeal this order by serving a written notice of the appeal on the Subdivision and Development Appeal Board within 14 days after receiving this order, in care of the secretary, Subdivision and Development Appeal Board, Village of Cowley, Box 40, Cowley, Alberta, T0K 0P0.

DATE: _____ **SIGNED:** _____

Development Officer

VILLAGE OF COWLEY

APPLICATION FOR A LAND USE BYLAW AMENDMENT

SCHEDULE 4

FORM J **APPLICATION NO. _____**

APPLICANT: _____

ADDRESS:_____

REGISTERED OWNER:_____

ADDRESS:_____

LEGAL DESCRIPTION: Lot(s) _____ Block _____ Plan _____

Quarter_____ section _____ Township _____ Range _____

PROPOSED AMENDMENT:

FROM: _____

_____

TO: _____

_____

APPLICANT'S SUBMISSION:

Please state your reasons for applying for this amendment. Attach a separate sheet if necessary.

_____

_____

_____

REGISTERED OWNER OR PERSON ACTING ON BEHALF OF:

I certify that I am the registered owner or that the registered owner(s) of the land described above is aware of this application.

Fees Submitted $ _____

Receipt No. _____

DATE: _____ **SIGNED:** _____

Applicant

VILLAGE OF COWLEY

APPLICATION FOR A HOME OCCUPATION

SCHEDULE 4

FORM K **APPLICATION NO. _____**

APPLICANT: _____

ADDRESS: _____ TELEPHONE: _____

REGISTERED OWNER: _____

ADDRESS: _____ TELEPHONE: _____

LEGAL DESCRIPTION: Lot(s) _____ Block _____ Plan _____

Quarter _____ section _____ Township _____ Range _____ W_____M

EXISTING USE: _____

PROPOSED USE BEING APPLIED FOR: _____

HOURS OF OPERATION: _____ to _____

NOISE GENERATED: ☐ Yes ☐ No

OFF-STREET PARKING AVAILABLE: ☐ Yes ☐ No No. of Spaces_____

STORAGE OF GOODS ON PROPERTY: ☐ Yes ☐ No

ANTICIPATED INCREASE IN VEHICULAR TRAFFIC: ☐ Yes ☐ No

ODOURS OR NOXIOUS EFFLUENTS: ☐ Yes ☐ No

ADDITIONAL VEHICLES REQUIRED: ☐ Yes ☐ No

APPLICANT'S SUBMISSION: Please state your reasons for applying for this home occupation. (Attach a separate sheet if necessary.)

_____

_____

REGISTERED OWNER OR PERSON ACTING ON BEHALF OF:

I certify that I am the registered owner or that the registered owner(s) of the land described above is aware of this application.

DATE: _____ **SIGNED:** _____

Applicant

VILLAGE OF COWLEY

APPLICATION FOR A TEMPORARY DEVELOPMENT PERMIT

SCHEDULE 4 **APPLICATION NO. _____**

FORM L **FEES SUBMITTED $_____**

APPLICANT: _____

ADDRESS: _____ TELEPHONE:_____

REGISTERED OWNER: _____ TELEPHONE:_____

LEGAL DESCRIPTION: Lot(s) _____ Block _____ Plan _____

Quarter _____ section _____ Township _____ Range _____ W_____M

EXISTING USE: _____

PROPOSED USE: _____

PROPOSED DURATION: from _____ to _____

PARTICULARS OF PROPOSED DEVELOPMENT: _____

_____

_____

_____

_____

_____

Additional information or clarification can be helpful in processing the application without delay. You may wish to use the back of this form, or attach a separate sheet with such information.

Please fill out the Right of Entry authorization on reverse.

REGISTERED OWNER OR PERSON ACTING ON BEHALF OF:

I have submitted particulars concerning the completion of the proposed development and agree to comply in all respects with any conditions that may be attached to any development permit that is issued and with any other bylaws that are applicable. I am aware that I may be required to pay for all local improvement costs, which include drainage, sidewalks, road construction, street lighting, water and sewer main extensions, utility connection fees and installation costs at the present established rate.

I have read and understand the terms noted on the reverse side of this form and hereby apply for permission to carry out the development described above and/or on the attached plans and specifications. I further certify that the registered owner(s) of the land described above is aware of this application.

DATE: _____ **SIGNED: _____**

Applicant

IMPORTANT: See Over

ADDITIONAL INFORMATION:_____

_____

_____

_____

IMPORTANT:

1. Subject to the provisions of the land use bylaw of the Village of Cowley, the term "development" includes any change in the use of buildings or land.

2. Although the development officer is in a position to advise on the principal or details of any proposals, such advice must not be taken in any way as an official consent, and is without prejudice to the decision in connection with the formal application. It must be clearly understood that any development by the applicant within 14 days after receipt of a Development Permit, is at his own risk.

3. Please submit a plan or drawing showing location of existing and proposed buildings, roads, services, boundaries, etc. in sufficient detail to ensure proper consideration of the application. Measurements may be metric or imperial units. It is desirable that the plans and drawings should be on scale appropriate to the development, that is:

   Site plans – ratio of 1:1000 or 1:1500
   Other drawings – ratio of 1:100 or 1:200

   or as required by the development officer.

   However, unless otherwise stipulated, it is not necessary for plans and drawings to be professionally prepared.

4. If a decision is not made within 40 days from the date of the receipt of the application in its complete and final form, the applicant may exercise his right of appeal as though he had been mailed a refusal at the end of the 40 day period unless an agreement for a time extension has been entered into with the municipality.

RIGHT OF ENTRY:

I hereby authorize representatives of the Village of Cowley to enter my land for the purpose of conducting a site inspection in connection with this application.

This right is granted pursuant to section 542(1) of the Municipal Government Act.

DATE: _____ **SIGNED:** _____
Registered Land Owner(s)

NOTE: When, in the opinion of the Municipal Development Authority, a proposed use is of a temporary or discretionary nature, it may issue a temporary development permit valid for such a period as it considers appropriate. It shall be a condition of every temporary development permit that the Village of Cowley shall not be liable for any costs involved in the cessation or removal of any development at the expiration of the permitted period. The Municipal Development Authority may require the applicant to post a guarantee for the cessation or removal of the use and any associated development.

Schedule 5

USE RESTRICTIONS AND DEVELOPMENT REQUIREMENTS

Schedule 5

USE RESTRICTIONS AND DEVELOPMENT REQUIREMENTS

PART 5.1 – GENERAL RULES FOR ALL DISTRICTS

1. DESIGN CHARACTER AND APPEARANCE OF BUILDINGS

Regardless of whether the proposed use of a building is permitted or discretionary in the district in which the building is proposed to be located, the design, character and appearance of all buildings shall:

(a) be consistent with the purpose of the district in which the building is proposed to be located, to the satisfaction of the MDA; and

(b) take into account and be consistent with other buildings existing in the vicinity to the satisfaction of the MDA.

2. RELOCATION OF USED BUILDINGS OR MOVED-IN BUILDINGS

(a) Subject to 2(b) and (c) below, a development application which proposes to relocate a used building from another location shall be refused unless:

  (i) the design, character and appearance of the building is to the satisfaction of the MDA in accordance with section 1 above; and

  (ii) the age and repair of the building to the satisfaction of the MDA.

(b) All development applications which propose to locate a used building shall be accompanied by recent colour photographs showing the front, side and rear elevations of the building to the satisfaction of the MDA.

(c) The MDA or the development officer shall solicit and consider the comments of a provincial building inspector before the MDA approves a development application for a used building that is proposed to be relocated.

(d) Prior to issuing a development permit for the relocation of a used building the MDA may require a security in accordance with Schedule 8.

3. GRADING AND RUNOFF

(a) The MDA or the development officer, as a condition of issuing a development permit, may require such measures as either considers necessary, including grading to:

  (i) control or direct surface drainage;

  (ii) reduce or eliminate grade differences between adjacent lots; and

  (iii) minimize potential erosion or slope instability;

(b) Roof and surface runoff:

  (i) shall be directed to the public roadway abutting a principal or a secondary front property boundary;

  (ii) may be directed to a rear property boundary with the approval of the MDA or development officer, unless prohibited by a restrictive covenant affecting the subject lot; and

(iii) shall not be directed towards a sideyard unless expressly allowed by the development officer or the MDA.

4. RETAINING WALLS

(a) As a condition of issuing a development permit the MDA or the development officer may require the applicant to design and construct a retaining wall whenever, in the opinion of the MDA or the development officer, significant differences in grade exist between the lot or parcel being developed and any adjacent area of land.

(b) Where a retaining wall is required by the MDA or the development officer, the applicant shall supply the development officer with plans showing the design and specifications of the retaining wall and the development officer shall refer these to a provincial building inspector for evaluation.

5. ENVIRONMENTAL SETBACKS AND SEPARATION DISTANCES

5.1 Unstable Lands or Steep Slopes

(a) Before giving final consideration to a development application on or near lands which the MDA or the development officer considers unstable, the development officer or the MDA may:

(i) refer the development application to Alberta Environmental Protection and/or the planning advisor for comment,

(ii) require the applicant to submit a geotechnical soil survey, subject to 5.1(b) below, or

(iii) take such other action as the MDA or the development officer considers reasonable and appropriate.

(b) If the MDA or the development officer requires an applicant to submit a geotechnical soil survey, that survey shall:

(i) be prepared by a qualified geotechnical engineer,

(ii) shall state whether the lot or parcel which is the subject of the application is suitable for the proposed development, and if so, under what circumstances, and

(ii) shall be referred to Alberta Environmental Protection for review before the MDA or the development officer gives final consideration to the development application.

5.2 Railway and Primary Highway Setbacks

(a) Except in the case of in-fill development, where a development containing dwelling units or sleeping units is proposed to be located within:

(i) 76.2 m (250 ft.) of the centre line of a railway, or

(ii) 45.7 m (150 ft.) of the right-of-way of Highway No. 3,

then the development application for that use may be referred to the planning advisor for comment.

(b) Unless otherwise allowed by the MDA, noise levels between proposed residential development and the railway and Highway No. 3, shall not exceed the maximum acceptable levels of road and rail traffic noise.

PART 5.2 – ACCESSORY STRUCTURES

1. FENCES AND GATES

1.1 Fence and Gate Height

Notwithstanding any provision in this bylaw, where a principal building on a corner lot, in the opinion of the MDA or the development officer faces the secondary front property boundary, the height of any fences or gates shall not exceed the fence height prescribed for the principal front yard.

1.2 Appearance and Design

The design, character and appearance of all fences and gates shall be to the satisfaction of the MDA or the development officer.

2. SATELLITE DISHES AND RADIO OR TELEVISION TOWERS

2.1 Application

The provisions of this section respecting satellite dishes and radio and television towers shall not apply to public or commercial broadcasting facilities.

2.2 General Locations

Satellite dishes and radio and television towers or antennae shall be located in a rear yard or a side yard, but the MDA or the development officer may approve a location in a front yard where the MDA or the development officer is satisfied that a rear or sideyard location is impractical or impossible.

2.3 Satellite Dishes – Roof Installation

(a) Given the stresses placed on roof components and possible aesthetic considerations, a satellite dish shall not be attached to the roof of any conventional single-detached residence; mobile home or accessory residential building, unless the MDA or the development officer, in consultation with a provincial building inspector, expressly allow the installation.

(b) The MDA or the development officer may disallow the installation of a satellite dish on the roof of any building and the MDA may disallow a satellite dish to be attached to a canopy awning, parapet or marquee of any building where in the opinion of the MDA such installation:

(i) may constitute a public safety hazard;

(ii) is intended for advertising or display purposes;

(iii) may compromise the structural integrity of the building; or

(iv) add to the obtrusive impact of the satellite dish.

PART 5.3 – MOBILE HOMES

1. INFORMATION REQUIREMENTS – INDIVIDUAL MOBILE HOMES

In addition to the information that may or shall accompany a development application in accordance with Schedule 4:

(a) a development application for a mobile home shall indicate its exterior dimensions and whether it is a single-wide or double-wide mobile home;

(b) a development application for a new mobile home shall be accompanied by floor and elevation plans;

(c) a development application for a used mobile home shall be accompanied by recent colour photographs showing the front, side and rear elevations of the mobile home to the satisfaction of the MDA.

2. INFORMATION REQUIREMENTS – MOBILE HOME PARKS

In addition to the information that may or shall accompany a development application in accordance with Schedule 4, a development application for a mobile home park, where each mobile home is not located on a separately titled lot shall be accompanied by a detailed design plan. This design plan shall show:

(a) the proposed lot or site dimensions for each mobile home lot or site;

(b) the proposed location of each mobile home on each site or lot;

(c) the total number and type of mobile homes, whether single or double-wide;

(d) minimum setback dimensions; and

(e) such other information as the MDA considers necessary.

3. ELIGIBLE MOBILE HOMES

Unless otherwise required by the MDA:

(a) the minimum gross floor area of a mobile home shall be 60.4 m^2 (650 sq. ft.);

(b) new or used factory built mobile homes may be allowed provided that:

(i) any new or used mobile home was constructed after 1972 and meets or exceeds the CSA mobile home standards for the year it was constructed; and

(ii) any used mobile home has been well maintained to the satisfaction of the MDA.

4. REFERRALS

(a) All development applications for mobile homes may be referred to the building inspector to ensure that electrical. plumbing and gas systems as well as foundations, basements and anchorage are in accordance with provincial requirements and regulations.

(b) Where a development application proposes to develop a mobile home park, the development application and the mandatory detailed design plan referred to in section 2 above, shall be referred to the planning advisor for comment.

5. ADDITIONS AND APPEARANCE

(a) All additions or structural alterations to a mobile home require a development permit. Without limiting the generality of the preceding, the following additions or structural alterations require a development permit: enclosed or partially enclosed patios or balconies, entrance porches, carports, attached storage areas and additional rooms and any wholly or partially-roofed addition.

(b) Unless otherwise required by the MDA, but subject to the requirements of the land use district, the materials used on the exterior finish of an addition to a mobile home:

(i) shall be of a colour, quality and style which will match or complement the mobile home to the satisfaction of the MDA; and

(ii) shall not include chipboard, aspenite, wallboard or any other material that the MDA considers uncomplementary or unsuitable.

(c) All single-wide mobile homes not placed on permanent foundations of continuous concrete or masonry shall be skirted to the satisfaction of the MDA.

6. SETBACK REQUIREMENTS AND SITING GUIDELINES FOR MOBILE HOMES – SERVICED LOTS

6.1 Siting Guidelines

The siting guidelines contained in sections 6.2 and 6.3 and shown in Figures 5.3.1 and 5.3.2 apply to serviced lots or sites, and more specifically:

(a) to mobile home subdivisions where each mobile home has its own separately titled lot;

(b) to mobile home parks where each mobile home site is not subdivided into a separately titled lot; and

(c) to in-fill situations where mobile homes are interspersed with or adjoin conventional single-detached residences.

6.2 Single-wide Mobile Homes

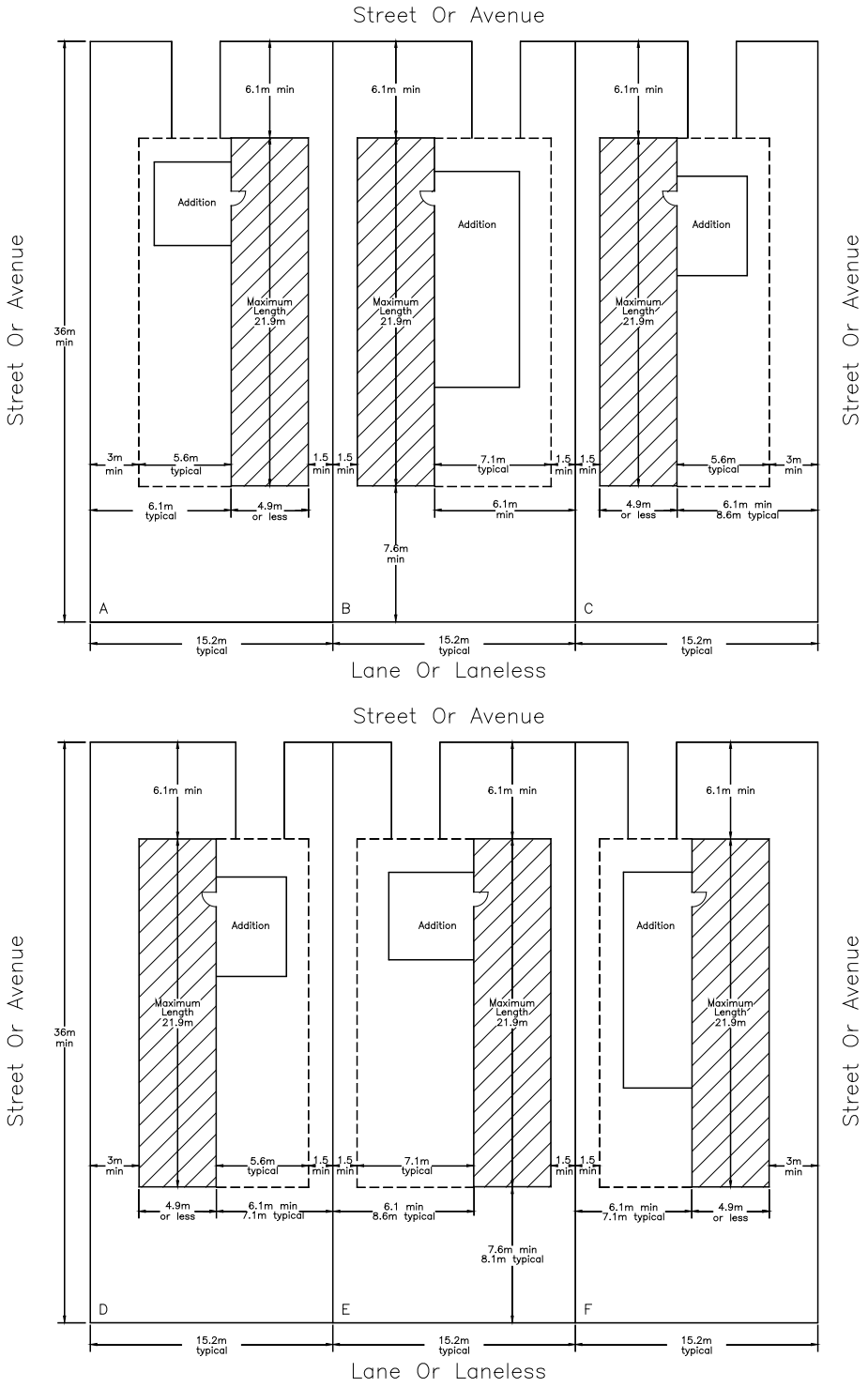
(a) Unless otherwise required by the MDA, single-wide mobile homes shall be situated on a lot shown in A, B, C or E of Figure 5.3.1. On interior lots B and E, the siting of the mobile homes are interchangeable so that B may replace E or vice versa.

(b) Where a vacant corner lot may be occupied by either a single-wide or double-wide mobile home the MDA shall encourage a double-wide unit to locate on that lot in accordance with section 6.3(b) below, but if a single-wide unit is located on a corner lot the MDA or the development officer may encourage the lot A or C siting as shown in Figure 5.3.1 instead of the D or F siting, if:

(i) the access driveway to the corner lot is located at least 6.1 m (20 ft.) from the street intersection, and

(ii) a D or F siting would result in a comparatively featureless wall facing a street or avenue in the opinion of the development officer or the MDA.

FIGURE 5.3.1
SINGLE WIDE MOBILE HOME SETBACKS
YARD DIMENSIONS AND SITING PLAN



6.3 **Double-wide Mobile Homes**

(a) Unless otherwise required by the MDA, double-wide mobile homes shall be situated on a lot as shown in A, B, C or E of Figure 5.3.2. On interior lots B and E the siting of the mobile homes are interchangeable so that B may replace E or vice versa.

(b) Where a vacant corner lot may be occupied by either a single-wide or a double-wide unit, the MDA shall encourage a double-wide unit to locate on that lot.

(c) The MDA may encourage a double-wide mobile home to be located on a corner lot so that is main entrance, as shown in A and C of Figure 5.3.2, faces a street or an avenue. The orientation of the main entrance as shown in D or F may be discouraged.

Figure 5.3.1 Notes:

1. Figure 5.3.1 depicts the widest and longest single-wide mobile home that is presently available, that is a 4.9 m (16 ft.) by 21.9 m (72 ft.) unit excluding hitch.

2. Lot depth of 36 m (118 ft.) accommodates a 21.9 m (72 ft.) long single-wide mobile home while providing a standard 6.1 m (20 ft.) deep front yard and a 7.6 m (25 ft.) deep rear yard. The rear yard is intended to provide a screened location, respective to the street, for garden sheds or similar accessory residential buildings, private outdoor amenity areas, and a screened location for storage of incidental belongings. Where no appreciable rear yard is provided these tend to be located in the side yard. Where a lane is provided 7.6 m (25 ft.) rear yard could also be used for vehicle parking.

3. "Addition" may include a carport, deck, porch or similar structure.

4. The broken line (i.e. ---) depicts the maximum buildable area for an addition subject to the site coverage requirements of the relevant land use district. Any addition must be kept within, but may not necessarily fill the area within the broken line.

5. Minimum dimensions are shown in Figure 5.3.1 as "min" with a numerical value in metres.

6. Typical dimensions assume lot and mobile home lot size and location as illustrated.

7. The main entrance and the corresponding main orientation of the mobile home is shown.

8. Minimum lot width, length and area for single-wide mobile homes is specified in the relevant land use district.

FIGURE 5.3.2
DOUBLE WIDE MOBILE HOME SETBACKS
YARD DIMENSIONS AND SITING PLAN

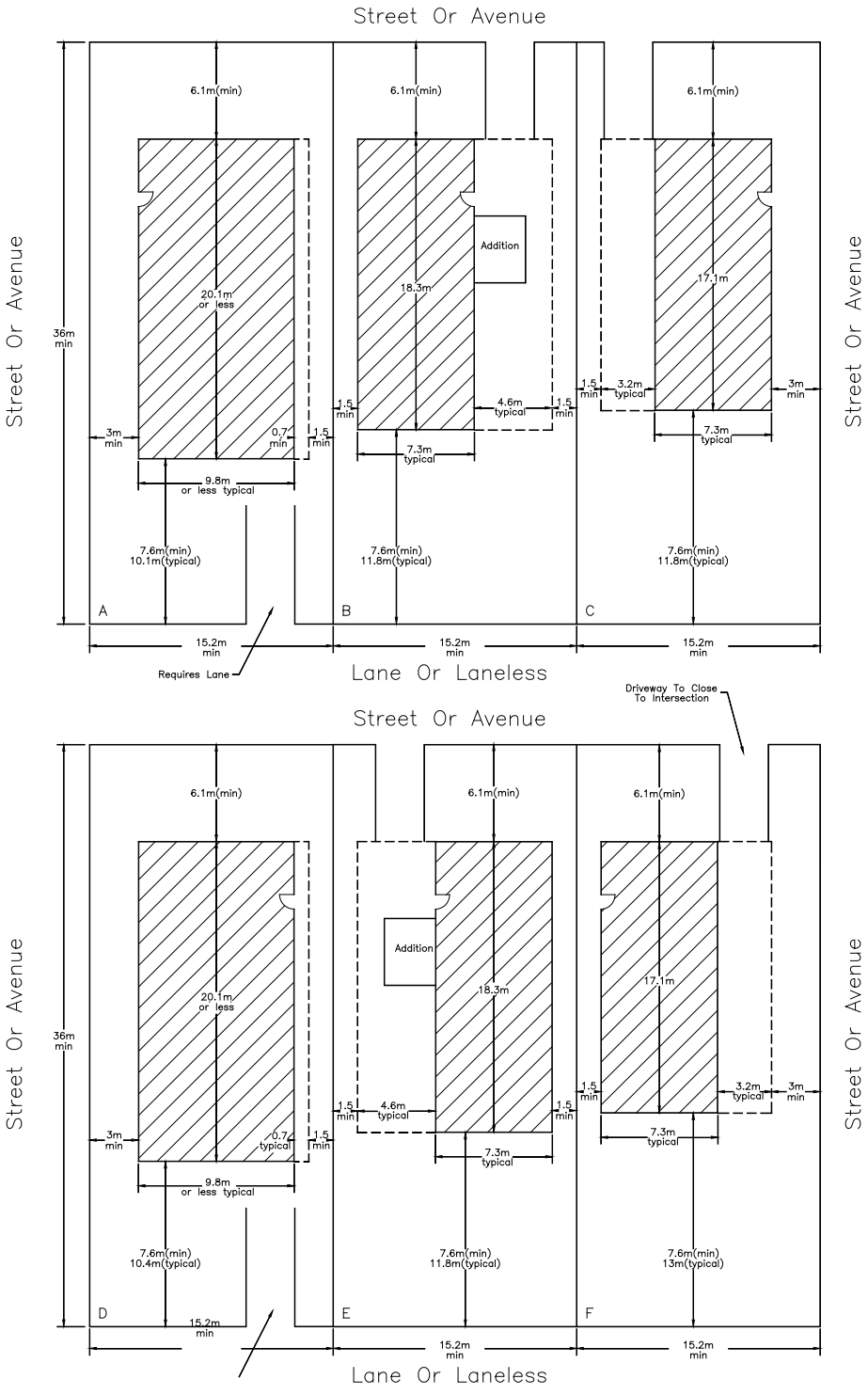


Figure 5.3.2 Notes:

1. A double-wide mobile home as shown on lot A of Figure 5.3.2 seldom exceeds 20.1 m (66 ft.) in length. The double-wide unit on lot A measures 9.8 m (32 ft.) wide by 20 m (66 ft.) in length, the widest double-wide unit presently available. Because of its width, and a lot width of 15.2 m (50 ft.) the double-wide unit on lot A leaves negligible area, 0.7 m in width, for additions (see broken line lot A, Figure 5.3.2). Narrower units as shown on lot E and F provide wider areas for additions. Where a wide double-wide unit is located on a corner lot, accessory residential buildings such as garages must be located in the rear yard. Access may be either from the adjoining street or avenue or, a lane where one is provided. In the case of a 20.1 m (66 ft.) long unit, the lot depth must be at least 33.5 m (110 ft.) to accommodate the front and rear yard requirements. Units of 16.5 m (54 ft.) or less in length can be accommodated on a 30.5 m (100 ft.) lot.

2. "Addition" may include a carport, deck, porch or similar structure.

3. The broken line (i.e. ---) depicts the maximum buildable area for an addition subject to the site coverage requirements of the relevant land use district. Any addition must be kept within, but may not necessarily fill the area within the broken lines.

4. Minimum dimensions are shown in Figure 5.3.2 as "min" with a numerical value in metres.

5. Typical dimensions assume lot and mobile home size and location as depicted.

6. The main entrance and the corresponding main orientation of the mobile home is shown.

7. Minimum lot width, length and area for double-wide mobile homes is specified in the relevant land use district.

PART 5.4 – NATURAL RESOURCE EXTRACTIVE USES

1. SAND AND GRAVEL

(a) All development applications for a sand or gravel pit shall be referred to Alberta Environmental Protection for comment and review, if the application proposes to develop a pit which will disturb 2 ha (5 acres) or more of land.

(b) The MDA may require an applicant to submit a reclamation plan to its satisfaction before the MDA makes a decision respecting a development application for a sand or gravel pit which will disturb less than 2 ha (5 acres) of land.

(c) If the MDA requires a reclamation plan in accordance with 1(b) above, the MDA may refer the plan to Alberta Environmental Protection for comment and review before the MDA makes a final decision on the development application.

PART 5.5 – NOXIOUS OR HAZARDOUS INDUSTRIES

1. REFERRALS

The MDA shall solicit and consider the comments of the planning advisor before the MDA gives final consideration to a development application concerning a noxious or hazardous industry.

2. SPECIFIC USES

2.1 Bulk Ammonia Storage Facilities

The MDA shall consider the comments of Alberta Environmental Protection before the MDA makes a decision on a development application concerning a bulk ammonia storage facility.

PART 5.6 – SIGNS AND BILLBOARDS

1. DEFINITIONS

The following definitions apply to this part:

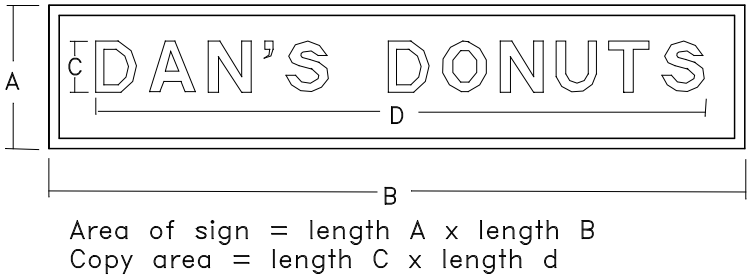
Area of a sign means:

(a) the area of the face of a sign, including any framing, trim or moulding, but not including the supporting structure, as shown in Figure 5.6.1;

(b) in the case of a sign comprising individual letters or symbols, the sum total of the smallest squares and/or rectangles that enclose the individual letters or symbols of the sign;

(c) in the case of a sign comprising two or more faces, one-half of the total area of all the faces of the sign.

Figure 5.6.1



Billboard means a large visual device, its structure and component parts which is intended to advertise or call attention to any matter, object, event or person, where the copy is usually leasable, where the subject matter is not necessarily related to a use at or around the lot or parcel upon which the billboard is located, and where the copy is intended to be viewed for some distance from a public roadway.

Canopy, marquee or awning sign means a sign placed on a permanent and fixed projection of a building (namely a canopy or a marquee) or a permanent but moveable projection (namely an awning).

Copy means the message on the sign face.

Copy area means the area of the real or imaginary square or rectangle which would enclose all of the letters or symbols on the sign as shown in Figure 5.6.1.

Face means the surface contained within the perimeter of one side of a sign on which copy is, or may be, placed.

Fascia sign means:

(a) any sign where the face containing copy is parallel to and projects not more than 0.3 m (1 ft.) horizontally from the exterior wall of the building to which the sign is attached; and

(b) a sign where the sign's area projects not more than 50 percent above the exterior wall to which the sign is attached.

Freestanding sign means any sign supported on a structure independent of a principal or accessory building and permanently attached to the ground.

Identification sign means a sign where the copy contains only the following information:

(a) the name and/or address of a building, use or person; and/or

(b) the activity carried out by that person, or at that location.

Item of information means:

(a) a syllable of a word, provided that the letters comprising the syllable are greater than 8 cm (3 inches) in height;

(b) an abbreviation of a word or words, provided that the letters are greater than 8 cm (3 inches) in height;

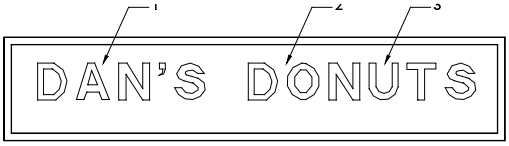
(c) a symbol, logo, trademark or an emblem;

(d) any unconnected or discontinuous parts of a sign, regardless of their shape; and

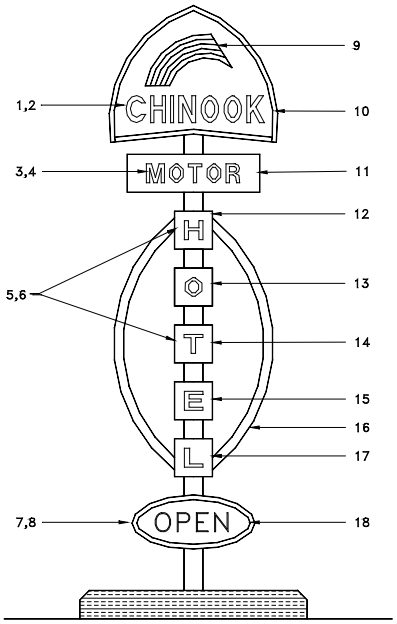
(e) an irregular shape namely, a shape other than a square or a rectangle, if that irregular shape forms the perimeter of the entire sign.

Where a square or rectangle forms the entire perimeter of a sign that square or rectangle shall not be treated as an item of information as shown in Figure 5.6.2.

Figure 5.6.2



Regular continuous shape.
3 items of information, as shown,
since "donuts" contains 2 syllables.



Irregular and discontinuous shape.
18 items of information in total;
i.e. – 8 items in words (nos. 1 to 8) since each word contains 2 syllables
– 1 item arch symbol (no. 9)
– 9 items of discontinuous or irregular shapes (nos. 10 to 18)

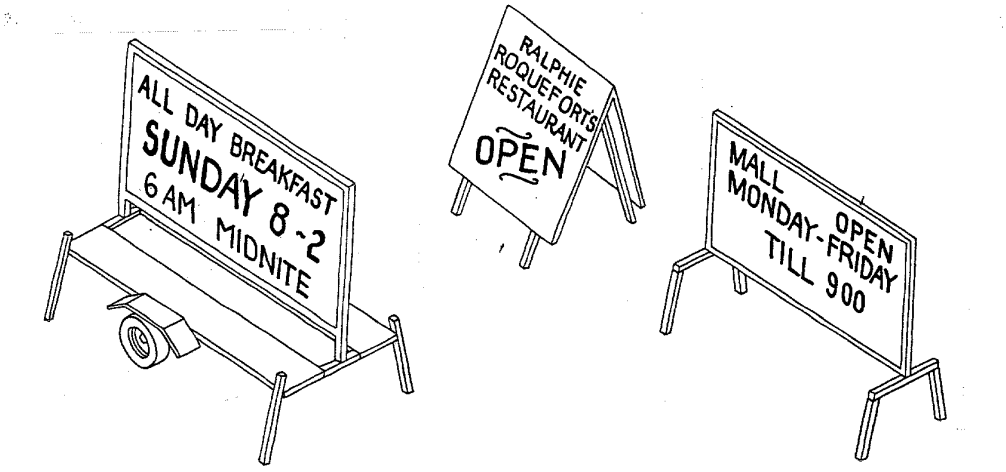
Memorial sign means a tablet, plaque or sign commemorating a person, event, structure or site.

Official sign means an election sign or a sign erected by a public authority or a government agency or department.

Off-premise sign means a sign pertaining to a use, development or activity, where the sign is located on an area of land that is different and separate from the lot or parcel upon which the use, development, or activity is located.

Portable sign means a sign supported on a structure or a trailer so that it can be easily and readily moved. Three common examples of a portable sign are shown in Figure 5.6.3 below.

Figure 5.6.3



Principal frontage wall means the facade or exterior wall of a building that faces or adjoins a principal front property boundary.

Projecting sign means:

(a) any sign except a canopy sign which extends more than 0.3 m (1 ft.) horizontally from the wall of the building to which it is attached; and

(b) a sign where the sign area projects not more than 50 percent above the exterior wall to which the sign is attached.

Roof sign means any sign which is placed on, above, or is incorporated as part of a roof, or which projects more than 50 percent in area, above the roof or parapet of a building.

Signable wall area means a continuous portion of the exterior wall of a building that is unbroken by doors or windows.

Sign means an outdoor visual device and its structure and component parts, intended to identify, advertise or call attention to any matter, object, event or person having to do with a use on the lot or parcel on which the sign is located.

Window sign means a permanent sign that is stencilled, painted or otherwise attached to the interior of a window so that it can be seen from the exterior of a building through a window.

2. APPLICATION AND SIGNS NOT REQUIRING A DEVELOPMENT PERMIT

(a) Part 5.6 of Schedule 5 applies to all signs and billboards except:

(i) those signs and billboards which do not require a permit in accordance with Schedule 3, and

(ii) signs in respect of a Home Occupation which are addressed in Schedule 9.

(b) All signs require a development permit except those signs and billboards which are described in Schedule 3.

3. INFORMATION REQUIREMENTS

(a) In addition to the information which may be or shall be submitted with a development application in accordance with Schedule 4, the MDA or the development officer may require that a development application for a sign be accompanied by photographs and/or drawings drawn to a scale of 1:100 or larger showing:

(i) the size, height and dimensions of the sign including the size, height and dimensions of any supporting structure;

(ii) the extent of the sign's projection, if any, from its supporting structure;

(iii) the manner and nature of the sign's illumination and/or animation, if any;

(iv) the proposed finish of the sign; and

(v) the method of supporting or attaching the sign to a building or structure.

(b) Unless otherwise required by the development officer or the MDA a development application for a freestanding sign shall be accompanied by a site plan drawn at a scale of 1:100 or 1:200 showing the location of the proposed sign with respect to property boundaries.

4. BILLBOARDS PROHIBITED

Billboards shall be prohibited within the Village of Cowley, unless the billboard is an official sign, as defined in section 1 above.

5. PROJECTING SIGNS PROHIBITED

Projecting signs shall be prohibited within the Village of Cowley.

6. GENERAL RESTRICTIONS – ALL SIGNS

(a) Unless expressly exempted by section 6(b), a sign shall not be:

(i) placed on the ground or attached to any object in a public roadway;

(ii) allowed if, in the opinion of the development officer or the MDA, the sign:

- obstructs the vision of vehicular traffic, or
- confuses or interferes with the interpretation of any traffic sign, signal or device;

(iii) allowed if it utilizes or employs revolving or flashing or intermittent lights or beacons, or emits amplified sounds or music;

(iv) allowed if it is attached to a vehicle or trailer which is parked or located for the primary purpose of displaying the sign in the opinion of the MDA or the development officer, or

(v) allowed unless the message on the sign relates to the use of the lot or parcel on which the sign is located.

(b) Flashing lights may be allowed on a sign, provided that the sign:

(i) complies with this schedule and would otherwise be allowed by the MDA,

(ii) pertains to an entertainment establishment which features live entertainment or motion pictures, and

(iii) the sign is appropriate for its location, in the opinion of the MDA having regard to nearby safe traffic movements and land use, especially residential land use.

(c) The development officer or the MDA may require that any sign shall be unilluminated and an identification sign only.

(d) The design of all signs and their quality of construction shall be satisfactory to the development officer or the MDA.

(e) Not more than the maximum number of signs per use or development as stated below, shall be allowed in association with a conforming use:

District	Maximum No. of Signs Interior Lot	Maximum No. of Signs Corner Lot
C1	3	4
C2	3	4
I	3	4
R1	1	2
R2	1	1
POS	As required by the MDA.	As required by the MDA.
PI	1	2
TUR	As required by the MDA.	As required by the MDA.
DC	As required by Council.	As required by Council.

(f) Where more than one sign is proposed or associated with a use or development in a C1, C2, or I district, the total area of all signs shall not exceed the following:

District	Maximum Area Interior Lot		Maximum Area Corner Lot	
	m^2	sq. ft.	m^2	sq. ft.
C1	15	161.5	18	193.8
C2	21	226.0	23	247.6
I	15	161.5	18	193.8

7. GENERAL GUIDELINES – ALL SIGNS

(a) Prior to issuing a development permit for a sign the development officer or the MDA shall have regard to the following guidelines:

(i) as a general rule, but subject to section 7(b) below, a sign should not contain nor convey more than 12 items of information;

(ii) not more than 12 items of information should be conveyed via signage to any given public roadway; and

(iii) except where a sign is comprised of individual letters, the copy area of a sign should not exceed 60 percent of the area of a sign, and the remaining area should be background.

(b) The guideline stated in sections 7(a)(i) and (ii) does not apply to:

(i) an entertainment establishment which features live entertainment or motion pictures, or

(ii) a use or a development which has a particularly long name, in which case the total items of information should not exceed fifteen.

8. ENCROACHMENT AGREEMENT

Where a sign will project more than 0.3 m (1 ft.) from a building onto a public roadway, lane or sidewalk, no development permit shall be issued unless the owner of the sign has entered into an encroachment agreement with the village.

9. CANOPY, MARQUEE OR AWNING SIGNS

9.1 Permitted and Discretionary Canopy, Marquee or Awning Signs

(a) Canopy, marquee or awning signs shall be permitted in association with conforming uses in the C1, C2, and I districts only, and provided that:

(i) such signs are attached to the principal frontage wall, and

(ii) they comply with the requirements in section 9.2.

(b) Canopy, marquee or awning signs shall be discretionary in all other districts and circumstances not identified in section 9.1(a) above, and these signs may be approved provided they comply with the requirements in sections 9.2 and 9.3.

9.2 Regulations for All Canopy, Marquee or Awning Signs

(a) Canopy, marquee or awning signs shall be identification signs only.

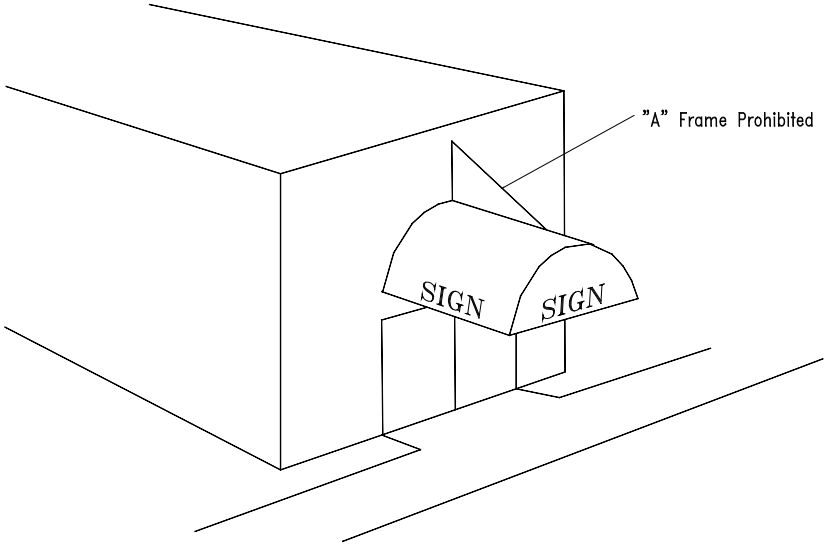
(b) Canopy, marquee or awning signs shall be painted, stencilled or otherwise form an integral part of the canopy, marquee or awning to which they are attached.

(c) If a canopy, marquee or awning encroaches or will encroach onto public property, the canopy, marquee or awning, or the sign attached to any of them, shall not be approved unless the applicant has entered into an encroachment agreement in accordance with section 8.

(d) A canopy, marquee or awning shall not project more than 1.8 m (6 ft.) over a public sidewalk nor within 0.9 m (3 ft.) of a curb adjoining the carriageway of a public roadway.

(e) A canopy or similar structure shall be at least 2.4 m (8 ft.) above grade and shall not be supported by an "A" frame as shown in Figure 5.6.4.

Figure 5.6.4



9.3 **Regulations for Discretionary Canopy, Marquee or Awning Signs**

Subject to section 9.2 and the provisions of this schedule, a discretionary canopy, marquee or awning sign may be allowed, and such signs may be attached to a wall other than a principal frontage wall provided that, in the opinion of the MDA:

(a) the use for which the sign is proposed requires or merits identification, and

(b) the canopy, marquee or awning and the attendant sign are appropriate for their intended location.

10. FASCIA SIGNS

10.1 **Permitted and Discretionary Fascia Signs**

(a) Fascia signs shall be permitted in association with conforming uses in the C1, C2, and I districts only, and provided that:

(i) such signs are attached to the principal frontage wall,

(ii) such signs pertain to a use or a development located on the first storey of a building, and

(iii) such signs comply with the requirements in section 10.2.

(b) Fascia signs shall be discretionary in all other districts and circumstances not identified in section 10.1(a) above, and these signs may be approved provided they comply with the requirements in sections 10.2 and 10.3.

10.2 **Regulations for All Fascia Signs**

(a) A fascia sign shall be located within a signable wall area.

(b) Not more than one fascia sign shall be located on an exterior frontage wall for each particular use, subject to 10.2(c), (d) and (e) below.

(c) If a use only occupies a second or subsequent storey of a building, a fascia sign for that use above the first storey shall be discouraged and a window sign shall be encouraged but if it is impractical or impossible to provide a window sign or a fascia sign below the second storey, then a fascia sign above the first storey may be approved provided that:

(i) the sign shall be located no higher than 5.5 m (18 ft.) above grade or the sill of the third storey window, whichever is greater,

(ii) the sign does not exceed 40 percent of the signable wall area between the bottom of the second storey and the height referred to in 10.2(c)(i) above, and

(iii) the MDA considers it reasonable and appropriate to approve the sign.

(d) The total area of one or more fascia signs shall not exceed 15 percent of the exterior wall of a building or 40 percent of the signable wall area, whichever is less if the use pertaining to the sign is located:

(i) on the first floor of a single-storey building, or

(ii) on the first and subsequent storeys of a multi-storey building.

(e) If a building is divided into units so that some or all of the units have individual frontages, individual fascia signs for each individual unit shall not exceed 15 percent of the wall area of that particular unit or 40 percent of that unit's signable wall area, whichever is less.

10.3 **Regulations for Discretionary Fascia Signs**

Subject to section 10.2 and the provisions of this schedule, a discretionary fascia sign may be allowed, and such signs may be attached to a wall other than a principal frontage wall provided that, in the opinion of the MDA:

(a) the use for which the sign is proposed requires or merits identification, and

(b) the sign is appropriate for its intended location.

11. FREE-STANDING SIGNS

11.1 **Permitted and Discretionary Free-Standing Signs**

(a) Free-standing signs shall be permitted in association with conforming uses in the C2, and I districts only provided that:

(i) not more than one free-standing sign shall be allowed per building,

(ii) no part of a free-standing sign shall overhang or project beyond the lot boundary to which it relates,

(iii) the sign complies with the requirements in section 11.2.

(b) Free-standing signs shall be discretionary in all other districts and circumstances not identified in section 11.1(a) above, and these signs may be approved provided they comply with the requirements in sections 11.2 and 11.3.

11.2 **Regulations for All Free-Standing Signs**

(a) Free-standing signs, in the district specified, shall not exceed the following height and area limitations:

	Maximum Height		Maximum Area	
District	**m**	**ft.**	**m^2**	**sq. ft.**
C1	1.2	4	3.0	32
C2	10.1	33	14.9	160
I	7.6	25	10.2	110
R1	1.2	4	3.0	32
R2	1.2	4	3.0	32
POS	1.5	5	3.0	32
PI	1.2	4	3.0	32
TUR	As required by the MDA.			
DC	As required by council.			

(b) The area of pylons, supports and structural members shall be computed as part of the area of a free-standing sign if in the opinion of the development officer or the MDA:

(i) they carry copy,

(ii) they are constructed so that they form part of the message or advertisement, or

(iii) they add unnecessarily to the size or bulk of the sign or its structure.

(c) Copy on a free-standing sign shall not be located within 2.4 m (8 ft.) of grade if the sign exceeds 6.1 m (20 ft.) in height.

(d) In the C1 district, notwithstanding section 11.2(a) a free-standing sign exceeding 1.2 m (4 ft.) in height shall be allowed provided that:

(i) the building to which the sign relates is setback at least 9.1 m (30 ft.) from a public roadway other than a lane, and

(ii) the sign shall not exceed 4.9 m (16 ft.) in height and 5.1 m^2 (55 sq. ft.) in area.

(e) Free-standing signs in the R1, R2, POS and PI districts:

(i) shall be identification signs only, and

(ii) may be artificially illuminated provided that light colour is white, and illumination is to the satisfaction of the development officer or the MDA.

11.3 **Regulations for Discretionary Free-Standing Signs**

(a) Subject to section 11.2 and the provisions of this schedule, a discretionary free-standing sign may be allowed provided that, in the opinion of the MDA:

(i) the use for which the sign is proposed requires or merits identification, and

(ii) the sign is appropriate for its intended location.

(b) Notwithstanding section 11.1(a)(i) a second free-standing sign may be allowed on a corner lot provided that not more than one free-standing sign shall be allowed along each frontage.

12. PORTABLE SIGNS

12.1 Portable Signs – Discretionary Use

A portable sign shall be treated as a discretionary use, and may be allowed in association with a conforming use in the C1, C2, and I districts only provided that:

(a) such a sign complies with the provisions in section 12.2 and the provisions of this schedule, and

(b) the MDA considers it reasonable and appropriate to approve such a sign.

12.2 Portable Sign Regulations

(a) A development permit for a portable sign shall be valid for not more than 30 days from the date of its issue notwithstanding any other provision of this bylaw.

(b) On the expiry of a development permit for a portable sign, the sign shall be removed within 5 days.

(c) Following the expiry of a development permit for a portable sign, another permit on the same parcel or lot shall not be issued for at least 60 days, even if the lot or parcel contains more than one use or development.

(d) Not more than one portable sign shall be allowed on any given lot or parcel at one time, even if that lot or parcel contains more than one use or development.

(e) If the structure or trailer supporting a portable sign have been modified in any manner or, if a portable sign or any portion thereof has been or is proposed to be attached to a free-standing structure or to the ground, the sign is nevertheless deemed to be discretionary and subject to the approval of the MDA.

(f) A portable sign may be artificially illuminated provided that:

  (i) the illumination is provided via internal lighting within the sign,

  (ii) the sign does not employ or provide flashing or intermittent lighting, and

  (iii) the illumination is to the satisfaction of the development officer or the MDA.

(g) The maximum area of a portable sign shall be 4.6 m^2 (50 sq. ft.).

(h) The maximum height of a portable sign shall be 3.7 m (12 ft.) above grade.

13. ROOF SIGNS

13.1 Roof Signs – Discretionary Use

A roof sign shall be treated as a discretionary use and may be allowed in association with a conforming use in the C1, C2, and I districts only provided that:

(a) such a sign complies with the provisions in section 13.2 and the provisions of this schedule, and

(b) the MDA considers it reasonable and appropriate to approve such a sign.

13.2 Roof Sign Regulations

(a) A roof sign shall not project more than 4.0 m (13 ft.) above the peak or the highest point of a roof.

(b) A roof sign shall not exceed 10.2 m^2 (110 sq. ft.) in area.

(c) If a roof sign is located entirely above the peak or the highest point of a roof, such a roof sign shall not be allowed unless it is located in the I district.

(d) Roof signs shall be disallowed, where in the opinion of the MDA:

(i) alternate types of signage would be more appropriate,

(ii) existing signage on or in relation to a building or use already displays 12 or more items of information along its principal frontage,

(iii) the roof sign is oriented towards a public roadway other than the roadway which adjoins the building's principal frontage, or

(iv) the roof sign may have a detrimental impact on the use and enjoyment of adjoining or nearby land uses.

(e) Roof signs and their attendant structure shall not be placed on or attached to the sloped portion of a roof, but such signs may be placed on the sloped portion of a mansard roof.

(f) Unless otherwise expressly allowed by the MDA, a roof sign shall be separated from another roof sign by a minimum distance of 100.6 m (330 ft.), measured horizontally.

PART 5.7 – WIND ENERGY CONVERSION SYSTEMS (WECS)

1. DEFINITIONS

The following definitions apply to this part:

Blade means an element of a WECS rotor which acts as a single airfoil, thereby extracting kinetic energy directly from the wind.

Blade, clearance, in reference to a horizontal axis rotor, means the distance from grade to the bottom of the rotor's arc.

Horizontal axis rotor means a wind energy conversion system, typical of conventional or traditional windmills, where the rotor is mounted on an axis parallel to the earth's surface.

Overspeed control means a device which prevents excessive rotor speed.

Rotor's arc means the largest circumferential path travelled by a WECS' blade.

Total height means the height from grade to the highest vertical extension of a WECS. In the case of a WECS with a horizontal axis rotor, total height includes the distance from grade to the top of the tower, plus the distance from the top of the tower to the highest point of the rotor's arc.

Tower means the structure which supports the rotor above grade.

Vertical axis rotor means a wind energy conversion system where the rotor is mounted on an axis perpendicular to the earth's surface.

2. INFORMATION REQUIREMENTS

Unless otherwise allowed by the MDA, all development applications for a WECS shall be accompanied by:

(a) an accurate site plan showing and labelling the information outlined in Schedule 4, section 2.1(a)(i) through (iv) inclusive, and the location of overhead utilities on or abutting the subject lot or parcel;

(b) photographs (if available) and scale elevations of the proposed WECS showing total height, tower height, rotor diameter and colour;

(c) the manufacturer's specifications indicating:
   (i) the WECS rated output in kilowatts;
   (ii) safety and noise characteristics;
   (iii) tower and rotor integrity;
   (iv) type of material used in tower, blade and rotor construction;
   (v) potential for electromagnetic interference;
   (vi) whether or not automatic and manual overspeed controls are provided;
   (vii) specifications on the foundations and anchor design, including location and anchoring of any guy wires;
   (viii) provisions for grounding and lightning protection;
   (ix) manufacturer's instructions for assembling, installing, starting-up and maintaining the WECS;
   (x) whether or not the WECS or any part thereof is CSA approved; and
   (xi) whether or not the applicant intends to interconnect the WECS with the public electrical utility system.

3. REFERRALS

Before making a decision on a development application for a WECS, the MDA shall solicit and consider the comments of the following agencies and departments:

(a) Alberta Labour,

(b) TransAlta Utilities,

(c) Aviation Division of Alberta Transportation and Utilities, and

(d) Civil Aviation Branch of Transport Canada.

4. SETBACKS

4.1 **General Setbacks**

A WECS shall comply with all the setbacks that govern the principal use in the district in which it is located.

4.2 **Special Setbacks**

(a) Where, in the opinion of the MDA, the setbacks referred to in 4.1 above are not sufficient to reduce the obtrusive impact of a WECS from a public roadway or a primary highway, the MDA may increase the required setback by 45.7 m (150 ft.) or more.

(b) A WECS shall be located so that the horizontal distance measured at grade from the tower to any property boundary is at least 1.25 times the total height of the WECS.

5. MINIMUM BLADE CLEARANCE

The minimum vertical blade clearance from grade shall be 3.0 m (10 ft.) for a WECS employing a horizontal axis rotor unless otherwise required by the MDA.

6. TOWER ACCESS AND SAFETY

To ensure public safety, the MDA may require that:

(a) A WECS tower shall be surrounded by a security fence with a lockable gate not less than 1.8 m (6 ft.) in height;

(b) no ladder or permanent tower access device shall be located less than 3.7 m (12 ft.) from grade;

(c) a locked device shall be installed on the tower to preclude access to the top of the tower;

(d) any one or more of the above be provided, or such additional safety mechanisms or procedures be provided as the MDA considers reasonable and appropriate.

7. COLOUR AND FINISH

(a) Unless otherwise required by the MDA, subject to 7(b) below, a WECS shall be finished in a non-reflective matte and colour which minimizes the obtrusive impact of a WECS to the satisfaction of the MDA.

(b) A WECS may be required to be marked as an aircraft obtrusion in accordance with Transport Canada's regulations and the relevant CSA standards.

PART 5.8 – RECREATIONAL VEHICLES

1. A recreational vehicle is not considered a dwelling unit and is not to be used for permanent residential living accommodation on any parcel within any land use district in the municipality.
2. A recreational vehicle shall not be used or stored on undeveloped parcels that do not have a principle building on the site. The exception to this may be made in instances where:

   (a) the parcel has an approved development permit for Outside storage and the intent is the recreational vehicles are strictly being stored on the property, or as a commercial business that rents or leases a space to the public to store their units off-site when not in use; or

   (b) the construction circumstances are present to subject to the criteria stipulated in subsection (8).
3. No more than two licensed recreational vehicles may be stored on a commercial or industrial parcel which contains a principal building, which may not be part of an outside storage use development permit and without the requirement for a development permit, but the recreational vehicle shall not be used as a residential living accommodation or as a permanent dwelling.
4. No more than two licensed personal recreational vehicles may be stored on the owner's residential parcel which contains a habitable dwelling without the requirement for a development permit**,** but the recreational vehicle shall not be used as residential living accommodation or as a permanent dwelling.
5. In no instance shall recreational vehicles be parked or stored on vacant lots designated as General Residential (R1) or Mobile Home Residential (R2) under the land use bylaw that do not contain a habitable residential dwelling, with the exception of the circumstances subject to the criteria stipulated in subsection (8).
6. A municipal or commercial Campground or RV Park within the Village operating with an approved development permit is allowed to have guests to temporarily stay more than 21 days in a given calendar year as seasonal use, but the recreational vehicles are not permitted to be used for long-term use (defined at more than 150 days in a given calendar year) or as a permanent residence or dwelling unit.
7. In no instance shall any recreational vehicle openly discharge sewage waste or grey water onto land, laneways, or public road rights-of-way within the municipality.
8. No more than two licensed personal recreational vehicles may be allowed to temporarily house construction workers or lot owners actively engaged on a construction project that has an approved development permit within the Village of Cowley subject to the following criteria:

   (a) the recreational vehicle(s) shall not be placed on site until the issued permit for the construction takes effect;

   (b) the period of use shall not exceed 9-months unless otherwise authorized by the Municipal Planning Commission. The 9-months starts on the issued permit's specific date of effect;

   (c) no open discharge of sewage and grey water shall be allowed; and

(d) the recreational vehicles used by the workers or owners for accommodation use must be removed without delay from the lot once the construction has completed or after 9-months, whichever event occurs first. For the purpose of this provision, construction completion is defined as occupancy being granted by the Building Inspector.

Schedule 6

LANDSCAPING AND SCREENING

Schedule 6

LANDSCAPING AND SCREENING

1. Prior to final consideration of a development application, the MDA or the development officer may require the applicant to submit a landscaping plan to the satisfaction of the MDA or the development officer in accordance with Schedule 4.

2. As a condition of issuing a development permit, the development officer or the MDA may require:

   (a) that a lot or parcel or any portion thereof shall be landscaped and/or screened to the satisfaction of the development officer or the MDA;

   (b) that any landscaping shall be completed within a period of time as specified in a development permit; and

   (c) that the applicant post a security in accordance with Schedule 8 to ensure that the matters referred to in 2(a) and (b) above are carried out.

Schedule 7

ACCESS AND OFF-STREET PARKING AND LOADING

Schedule 7

ACCESS AND OFF-STREET PARKING AND LOADING

1. ACCESS TO LOTS OR PARCELS

(a) Vehicular exits and entrances shall be subject to the approval of the development officer or the MDA.

(b) A vehicular exit or entrance shall be located at least 6.1 m (20 ft.) from the intersection of two streets, and the development officer, or the MDA may require a greater distance where either considers it reasonable and appropriate to do so.

(c) A vehicular exit or entrance to a corner lot shall be limited to locations along the minor residential street.

2. SHARED ACCESS DRIVEWAYS

The MDA may require that vehicular exits or entrances are located so that they can be shared with adjoining lots or development.

3. SURFACING OF ACCESS DRIVEWAYS AND PARKING AREAS

The development officer or the MDA may require that all access driveways and all parking areas shall be paved or otherwise hard-surfaced to their satisfaction.

4. APPLICATION OF OFF-STREET PARKING REQUIREMENTS

Each use or building shall provide and maintain the number of parking spaces required in Table 7.1, unless otherwise allowed by the MDA.

5. LOCATION OF PARKING SPACES

(a) A parking space required by this Schedule shall be located:

(i) on the same lot as the use or building for which it is required;

(ii) on a lot abutting the lot containing the use for which parking is required provided that:

- both lots are a single parcel and contained in the same Certificate of Title; and
- both lots are described in a plan of subdivision that was registered prior to July 1, 1950.

(b) Where required parking will be provided on a lot abutting a lot for which parking is required and that abutting lot is either:

(i) described in a separate certificate of title; or

(ii) contained in a plan of subdivision that was registered after July 1, 1950;

then the MDA, as a condition of issuing a development permit shall require that both lots are consolidated into one lot by plan of subdivision or descriptive plan, as appropriate.

(c) In a commercial or industrial district, where required parking will be provided on a lot that does not abut the lot for which parking is required, the MDA, as a condition of development approval and in consultation with the planning advisor, may require that a

restrictive covenant shall be registered against the lot to ensure that the lot is not disposed of, and that the required parking is maintained for the use or development for which it is required.

(d) Parking areas or parking shall not be permitted:

(i) within the front yard area as defined by front yard setbacks, unless otherwise expressly provided in a land use district; and

(ii) within the mandatory landscaped area, where such an area is required by a land use district.

6. GENERAL REQUIREMENTS FOR PARKING

(a) Parking areas or lots shall be constructed in a manner which will permit adequate drainage, snow removal and maintenance to the satisfaction of the MDA.

(b) The MDA may require that parking spaces for any use be provided in a parking lot which has limited access to a street.

(c) A stacked parking arrangement as described in section 6(d) below, shall be strictly prohibited, where a stacked arrangement is proposed to meet the minimum parking space requirements of this schedule, except as provided in section 6(e).

(d) A stacked parking arrangement, as referred to in section 6(c) above, means a parking arrangement where two or more vehicles are parked in tandem, without a parallel and abutting aisle, laneway or manoeuvring space, so that one or more vehicles must be moved before the remaining vehicle or vehicles can enter or exit from their parking space.

(e) A stacked parking arrangement shall be permitted:

(i) for all dwellings containing only one or two dwelling or sleeping units, and

(ii) for those dwellings or uses identified in Table 7.1,

provided that parking spaces shall not be stacked so that more than two cars would be parked in tandem.

(f) The MDA or the development officer may require:

(i) that oversized parking spaces for handicapped parking be provided in accordance with the size requirements in Figure 7.1, and

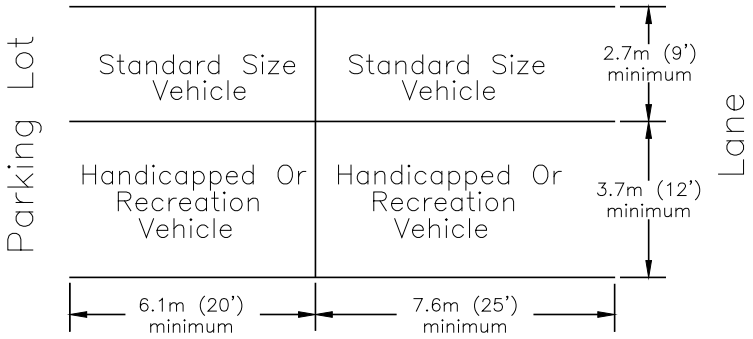
(ii) that designated handicapped parking shall comprise at least 5 percent of the required number of parking spaces to a maximum number of 10 parking spaces.

(g) All parking spaces shall be in accordance with the minimum dimensions as stated below and as shown in Figures 7.1 and 7.2, subject to section 6(h) and section 8 below.

Type of Parking Space	Width		Length		Overhead Clearance	
	m	ft.	m	ft.	m	ft.
Standard Size						
• parallel parking spaces, or spaces with direct access onto a lane	2.7	9	7.0	23	2.1	7
• all other spaces	2.7	9	6.1	20	2.1	7

Type of Parking Space	Width		Length		Overhead Clearance	
	m	ft.	m	ft.	m	ft.
Recreation Vehicle or Handicapped Parking						
• parallel parking spaces or spaces with direct access onto a lane	3.7	12	7.0	23	3.0	10
• all other spaces	3.7	12	6.1	20	3.0	10

Figure 7.1



(h) Where a parking space parallels a wall or door, or where a parking space abuts a column or similar obstruction, the minimum width of the parking space shall be increased by 0.3 m (1 ft.)

7. HANDICAPPED AND RECREATIONAL VEHICLE PARKING

(a) The MDA may require oversized parking spaces for handicapped or recreational vehicle parking where the MDA considers it reasonable and appropriate to do so, subject to the minimum dimensions specified in section 6(a) above.

(b) Handicapped parking spaces shall be:

(i) located closest to the entrance of the building for which they are intended;

(ii) identified by a sign; and

(iii) identified by pavement markings if the parking surface is paved, to the satisfaction of the MDA or the development officer.

8. OVER-SIZED VEHICLE PARKING AND MANOEUVRING AISLES

Notwithstanding the minimum parking space and manoeuvring aisle dimensions specified in section 6(g) above, and section 9 below, where a use or a development such as a truck stop, a bulk fuel station or any other use will accommodate over-sized vehicles such as semi-trailers, large recreation vehicles, buses and similar vehicles the MDA may:

(a) refer the development application to the planning advisor for evaluation and comment; and

(b) require larger parking space and manoeuvring aisle dimensions than are specified in this schedule.

9. MANOEUVRING AISLES AND DRIVEWAY WIDTHS

(a) All manoeuvring aisles shall be in accordance with the minimum dimensions as stated below and as shown in Figure 7.2, subject to section 9(b) below:

Parking Space Angle	Aisle Width	
	m	ft.
90°	7.0	23
60°	5.5	18
45° or less	4.0	13

(b) Manoeuvring aisles and driveways:

(i) serving as fire lanes shall be at least 6.1 m (20 ft.) wide;

(ii) serving two-way truck movements shall be at least 9.1 m (30 ft.) wide;

(iii) serving all conventional two-way traffic movements shall be at least 7.0 m (23 ft.) wide.

10. LOADING SPACE REQUIREMENTS

(a) One loading space shall be provided for each loading door in a commercial or an industrial district.

(b) The location of all loading spaces shall be to the satisfaction of the development officer or the MDA, but no loading space shall be located in a landscaped area, where such an area is required by a land use district.

(c) The minimum dimensions for a loading space shall be as follows, subject to section 10(d) below:

(i) width 3.0 m (10 ft.),

(ii) length 9.1 m (30 ft.), and

(iii) overhead clearance 4.0 m (13 ft.).

(d) The MDA may require loading spaces with larger dimensions than those specified in section 10(c) where the MDA considers it reasonable and appropriate to do so, having regard to the size of the vehicles which will likely utilize the loading space.

Table 7.1

Use	Minimum Number of Parking Spaces Required (GFA = Gross Floor Area)
Amusement facility:	
- bowling alley components	4 spaces/alley plus 1 space/20 m^2 (215 sq. ft.) of other space
- bingo hall components	1 space/5.1 m^2 (55 sq. ft.) of patron seating or standing space
- billiard parlour and exercise components	1 space/10.2 m^2 (110 sq. ft.) GFA
- other components	1 space/20 m^2 (215 sq. ft.) GFA
Animal care service, large and small	1 space/51.1 m^2 (550 sq. ft.) GFA
Apartment Dwelling:	
- dwelling units with less than 2 bedrooms	1.25 spaces/unit
- dwelling units with 2 or more bedrooms	1.5 spaces/unit
Auction mart	1 space/65 m^2 (700 sq. ft.) GFA
Autobody and/or paint shop	1 space/46.5 m^2 (500 sq. ft.) GFA
Automotive repair and service	1 space/46.5 m^2 (500 sq. ft.) GFA
Bulk fuel station (excluding area of storage facilities and tanks)	1 space/65 m^2 (700 sq. ft.) GFA
Club and fraternal organization (meeting, assembly, eating, drinking and entertainment components)	1 space/5.1 m^2 (55 sq. ft.) of patron dining, beverage, seating or standing space plus 1 parking space per employee
Construction supply and contractors	1 space/65 m^2 (700 sq. ft.) GFA
Convenience store	1 space/30.2 m^2 (325 sq. ft.) GFA
Drive-in restaurant	15 spaces or 1 space/5.1 m^2 (55 sq. ft.) of dining space, whichever is greater
Duplex	2 spaces/dwelling unit
Dwelling unit as a secondary use:	
- in the C1 district	1 space/dwelling unit or such greater number of spaces as may be required by the MDA
- in all other districts	2 spaces for the first dwelling unit*, and the remaining units same as "Apartment dwelling"
Equipment sales rental and service	1 space/51.1 m^2 (550 sq. ft.) GFA
Exterior storage use	As required by the MDA

Use	Minimum Number of Parking Spaces Required (GFA = Gross Floor Area)
Farm/industrial machinery sales, rental and service	1 space/65 m^2 (700 sq. ft.) GFA
Farm supplies and service	1 space/65 m^2 (700 sq. ft.) GFA
Financial institution	1 space/41.8 m^2 (450 sq. ft.) GFA
Fleet and transportation service major, minor	1 space/65 m^2 (700 sq. ft.) GFA
Garden centre:	
- retail component	1 space/30.2 m^2 (325 sq. ft.) GFA
- warehouse component	1 space/65 m^2 (700 sq. ft.) GFA
Group home or home care service	2 spaces minimum or 1 space/supervisor whichever is greater
Hotel:	
- guest room or suites	1 space/guest room or suite
- eating, drinking, entertainment and convention (i.e. meeting and assembly) components	1 space/10.2 m^2 (110 sq. ft.) of patron dining, beverage, seating or standing space
- personal service, office and retail components	1 space/46.5 m^2 (500 sq. ft.) GFA
Intensive horticultural operations or facilities	1 space/65 m^2 (700 sq. ft.) GFA
Light industrial/manufacturing	1 space/55.7 m^2 (600 sq. ft.) GFA
Medical and dental office	1 space/46.5 m^2 (500 sq. ft.) GFA
Mobile home	2 spaces per unit
Mobile home sales and service	1 space/46.5 m^2 (500 sq. ft.) GFA
Motel	Same as Hotel
Natural resource extractive use	As required by MDA
Noxious or hazardous industry	1 space/55.7 m^2 (600 sq. ft.) GFA
Personal service use	1 space/20 m^2 (215 sq. ft.) GFA
Public and institutional use:	
All office components	1 space/46.5 m^2 (500 sq. ft.) GFA
Churches or places of worship	1 space/5 seating spaces

Use	Minimum Number of Parking Spaces Required (GFA = Gross Floor Area)
Commercial school:	
- classroom components	1 space/18.6 m^2 (200 sq. ft.) GFA
- personal service components	1 space/30.2 m^2 (325 sq. ft.) GFA
Cultural facility:*	
- components with fixed seats	1 space/10 seats
- other components	1 space/46.5 m^2 (500 sq. ft.) GFA
Education facility:	
- community use component	1 space/5.1 m^2 (55 sq. ft.) of gymnasium and community meeting space
- elementary and junior high schools, classroom component	1 space/classroom
- senior high schools, classroom component	1 space/classroom
- colleges and technical schools, classroom component	1 space/10 seats
Medical and health facilities:	
- hospitals	1 space/bed
- auxiliary hospitals	1 space/3 beds
- nursing homes and sanatoriums	1 space/5 beds
Public park or recreation use:	
- sports facilities with fixed seats	1 space/5 seating spaces
- curling rink component	6 spaces/ice sheet
- racquetball, tennis and other court components	3 spaces/court
- meeting, assembly or lounge area components	1 space/5.1 m^2 (55 sq. ft.) of patron seating or standing space
Public Utility	As required by the MDA
Recycling facility:	
- customer service component	1 space/30.2 m^2 (325 sq. ft.) GFA
- all other components	1 space/65 m^2 (700 sq. ft.) GFA

* Note: Cultural facilities include art galleries, libraries, museums, archives, interpretive centres and similar developments related to artistic, literary, musical, historical or scientific events, displays, storage or restoration.

Use	Minimum Number of Parking Spaces Required (GFA = Gross Floor Area)
Restaurant	1 space/5.1 m^2 (55 sq. ft.) of dining and beverage space plus 1 space per employee
Retail store	1 space/30.2 m^2 (325 sq. ft.) GFA
Retail warehousing:	
- retail component	1 space/30.2 m^2 (325 sq. ft.) GFA
- warehouse component	1 space/65 m^2 (700 sq. ft.) GFA
Rowhouse dwelling:	
- dwelling units with fewer than 2 bedrooms	1.25 spaces/unit
- dwelling units with 2 or 3 bedrooms per unit	1.5 spaces/unit
- dwelling units with more than 3 bedrooms per unit	1.75 spaces/unit
Salvage or waste disposal facility:	
- customer service component	1 space/30.2 m^2 (325 sq. ft.) GFA
Semi-detached dwelling	2 spaces/dwelling unit
Senior citizen housing	1 space/2.5 dwelling units
Service station	1 space/41.8 m^2 (450 sq. ft.) GFA
Single-family dwelling	2 spaces
Triplexes and Fourplexes:	
- dwelling units with less than 2 bedrooms	1.25 spaces/unit
- dwelling units with 2 or more bedrooms	1.5 spaces/unit
Truck stop:	
- service station component	1 space/41.8 m^2 (450 sq. ft.) GFA
- restaurant component	1 space/5.1 m^2 (55 sq. ft.) GFA
- retail component	1 space/30.2 m^2 (325 sq. ft.) GFA
- other components, including truck parking and manoeuvring	As required by the MDA
Vehicle sales and rental uses	1 space/46.5 m^2 (500 sq. ft.) GFA
Warehousing	1 space/65 m^2 (700 sq. ft.) GFA

Figure 7.2

PARKING LAYOUT ALTERNATIVES-METRES

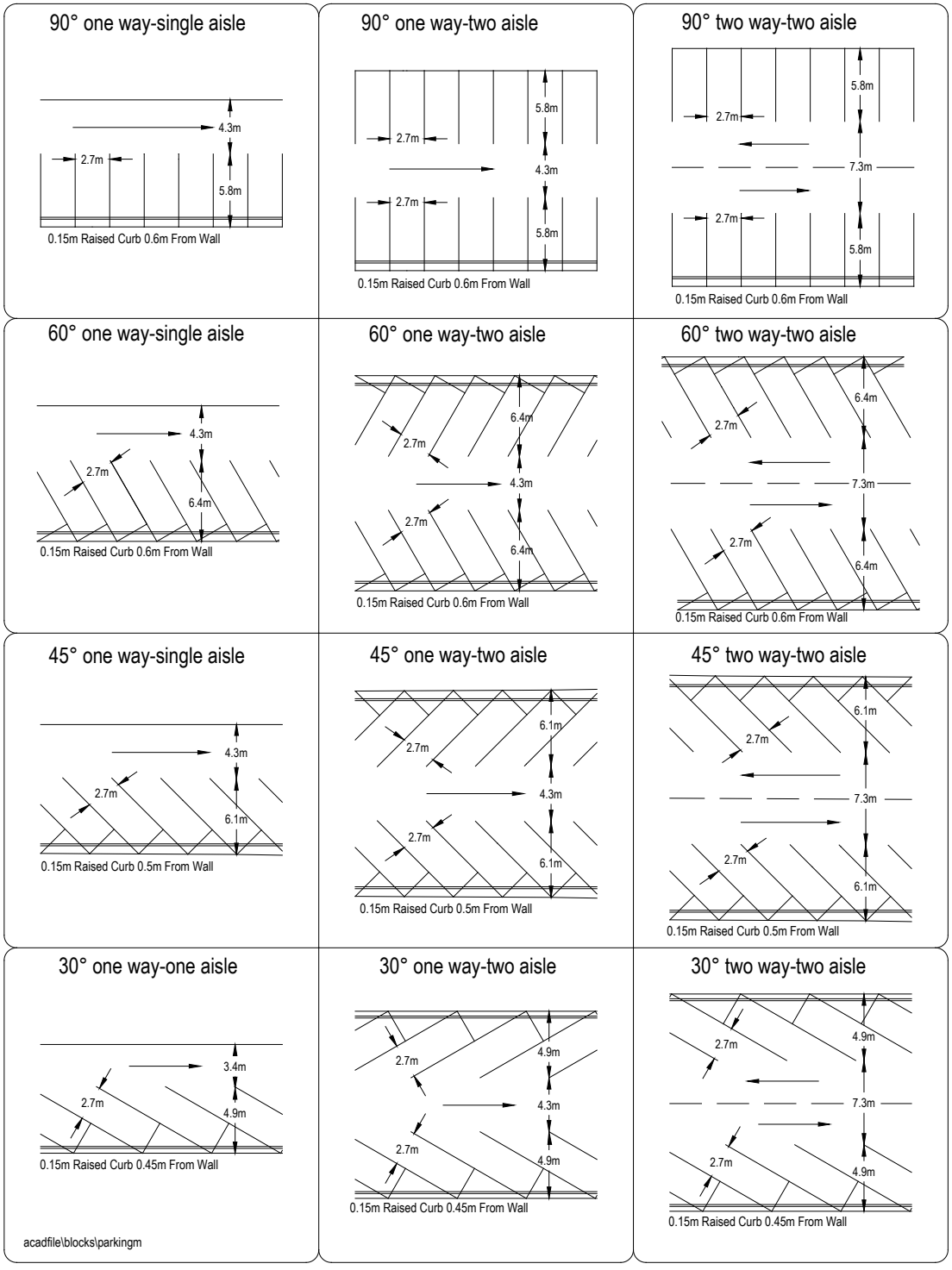
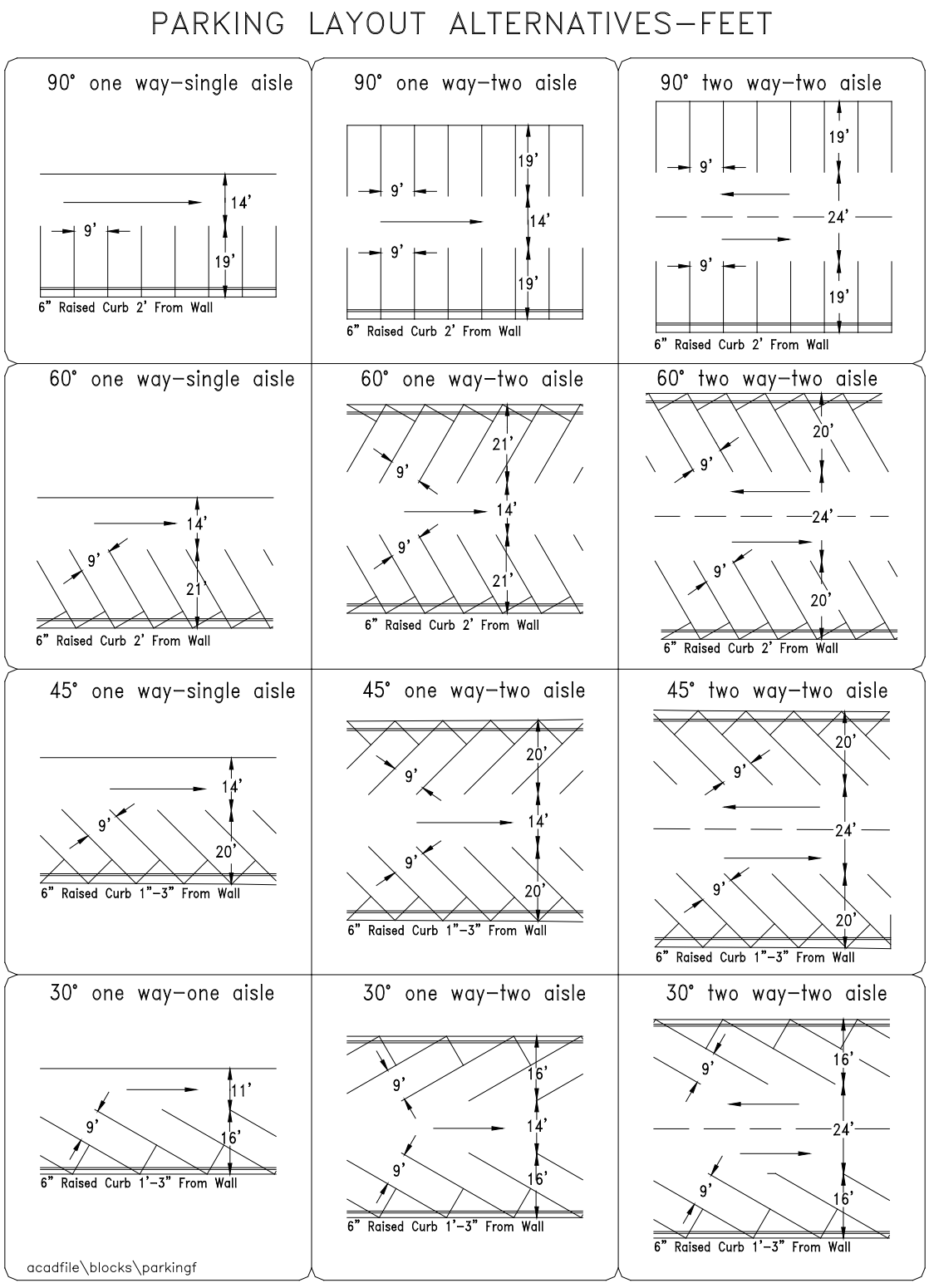


Figure 7.3


PARKING LAYOUT ALTERNATIVES–FEET
90° one way–single aisle
14'
9'
19'
6" Raised Curb 2' From Wall
90° one way–two aisle
19'
9'
14'
9'
19'
6" Raised Curb 2' From Wall
90° two way–two aisle
19'
9'
24'
9'
19'
6" Raised Curb 2' From Wall
60° one way–single aisle
14'
9'
21'
6" Raised Curb 2' From Wall
60° one way–two aisle
21'
9'
14'
9'
21'
6" Raised Curb 2' From Wall
60° two way–two aisle
20'
9'
24'
9'
20'
6" Raised Curb 2' From Wall
45° one way–single aisle
14'
9'
20'
6" Raised Curb 1"–3" From Wall
45° one way–two aisle
20'
9'
14'
9'
20'
6" Raised Curb 1"–3" From Wall
45° two way–two aisle
20'
9'
24'
9'
20'
6" Raised Curb 1"–3" From Wall
30° one way–one aisle
11'
9'
16'
6" Raised Curb 1'–3" From Wall
acadfile\blocks\parkingf
30° one way–two aisle
16'
9'
14'
9'
16'
6" Raised Curb 1'–3" From Wall
30° two way–two aisle
16'
9'
24'
9'
16'
6" Raised Curb 1'–3" From Wall

Schedule 8

SECURITIES

Schedule 8

SECURITIES

1. The MDA, in accordance with this schedule and as a condition of issuing a development permit, may require an applicant to provide a certified cheque, letter of credit or other security to the municipality to ensure that a proposed development complies with the development application as approved, the conditions of development approval and this bylaw and the schedules thereto. Without restricting the generality of the preceding, the MDA may require such security to ensure:

   (a) that any building, development, landscaping, screening, building exteriors, access roads or driveways, reclamation plans, parking areas and other matters are constructed or developed in a manner satisfactory to the MDA and in accordance with any time limits established by the MDA;

   (b) that a temporary development is removed within the time limits established by the MDA; and

   (c) that any demolitions are undertaken and removed within the time limits established by the MDA.

2. Unless otherwise provided in this bylaw or the schedules thereto, the value of a security referred to in section 1 above should not, as a general guideline, exceed 3 percent of the total value of a development, but the MDA may specify a greater or lesser value as the MDA considers reasonable and appropriate, to ensure that a development is completed to the satisfaction of the MDA, and in accordance with this bylaw, the schedules thereto, the development application as approved, and any conditions of development approval.

3. When an applicant has completed his obligations to the satisfaction of the MDA, the MDA shall refund or otherwise return the security, excluding any interest where the total accrued interest is less than one dollar.

4. The MDA may allow partial repayment or return of a security, as an applicant's development nears completion, or under other circumstances, if the MDA considers it reasonable and appropriate to do so.

Schedule 9

HOME OCCUPATIONS

Schedule 9

HOME OCCUPATIONS

1. HOME OCCUPATION 1

The development officer is authorized, as provided for in this land use bylaw, to decide upon any of the home occupations listed below as Home Occupation 1 only if:

(a) the use involves phone and office only,

(b) the use involves no outdoor storage,

(c) there is no display of goods on the interior of the residence,

(d) all sales occur off the premises,

(e) the use complies with the general standards found in part 3 of this schedule.

2. HOME OCCUPATION 2

The MDA, as provided for in this land use bylaw, is to decide upon any of the home occupations listed below as Home Occupation 2 only if:

(a) there is a limited volume of on-premises sales,

(b) the proposed storage is not exposed to public view,

(c) there is a limited display proposed for the inside of the building,

(d) the use complies with the general standards found in part 3 of this schedule.

3. GENERAL STANDARDS

Home occupations may be permitted subject to the following conditions:

(a) Except with the approval of the MDA, no person other than the applicant shall be engaged in such occupations on the premises.

(b) No variation from the external appearance and residential character of land or building shall be permitted.

(c) No advertising sign shall be permitted, save as allowed by Schedule 5, Part 5.6.

(d) The use shall not be of a kind likely to generate traffic problems within the district.

(e) No offensive noise, vibration, smoke, dust, odours, heat or glare discernible beyond the property lines shall be produced by the use.

(f) The development permit shall be applicable only for the period of time the property is occupied by the applicant.

(g) All permits issued for home occupations shall be subject to the condition that the permit may be revoked at any time if, in the opinion of the MDA, the use is or has become detrimental to the amenities of the neighbourhood.

(h) All home occupations are approved for a period not exceeding one year and will be reviewed in December of each year.

(i) Home occupations shall not include:
    (i) activities that use or store hazardous materials;
    (ii) any use that would, in the opinion of the MDA, 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.

Schedule 10

FEE SCHEDULE

Schedule 10

FEE SCHEDULE

1. Every application for a development permit shall be accompanied by a fee as set out in the following schedule:

   (a) Application for a Permitted Use $25.00

   (b) Application for a Discretionary Use.....$75.00

   (c) Application for Development Waivers.....$75.00

   (d) Application for a Land Use Bylaw Amendment.....$250.00

   (e) Request to convene a Special Meeting of Council, Municipal Development Authority or Subdivision and Development Appeal Board.....$400.00

   (f) Request for a Certificate of Compliance $25.00

   (g) Appeal to the Subdivision and Development Appeal Board (may be refundable).....$75.00

   (h) Architectural Control Reviews.....$50.00

2. In any case, where a required fee is not listed in the fee schedule, such fee shall be determined by the designated officer or the Municipal Development Authority.

3. The Municipal Development Authority may determine that the whole or any part of an application fee may be returned to the applicant.

4. When, in the opinion of the designated officer or the Municipal Development Authority, an application is substantially revised, the applicant may be required to pay an additional 50 percent of the original fee prior to the consideration of the revised application.

5. When a development has been commenced prior to a development application being made, and the applicant subsequently submits an application, a fee may be charged that is double the normal permit fee.

SIGNATURE PAGE

VILLAGE OF COWLEY
IN THE PROVINCE OF ALBERTA

LAND USE BYLAW NO. 352

READ a **first** time this 8th day of September, 1998.

_____ _____
Mayor *- Dawn Davis* ***Municipal Administrator*** *- Laurie Wilgosh*

READ a **second** time this 15th day of September, 1998.

_____ _____
Mayor *- Dawn Davis* ***Municipal Administrator*** *- Laurie Wilgosh*

READ a **third** time and finally PASSED this 15th day of September, 1998.

_____ _____
Mayor *- Dawn Davis* ***Municipal Administrator*** *- Laurie Wilgosh*

DEVELOPMENT AUTHORITY BYLAW NO. 341

VILLAGE OF COWLEY
IN THE PROVINCE OF ALBERTA
DEVELOPMENT AUTHORITY BYLAW NO. 341

1. BEING a bylaw of the Village of Cowley in the Province of Alberta to establish a municipal Development Authority;

   AND WHEREAS, the Municipal Government Act, Chapter M-26.1, 1994 as amended from time to time requires the municipality to adopt a bylaw to establish a municipal Development Authority by December 1, 1995;

   AND WHEREAS, the Development Authority is authorized to make decisions on applications for development approval in accordance with the administrative procedures, land uses and schedules established in the municipal land use bylaw;

   AND WHEREAS, this bylaw may be cited as the Village of Cowley Development Authority Bylaw;

   NOW THEREFORE, the Council of the Village of Cowley in the Province of Alberta duly assembled, enacts as follows:

2. DEFINITIONS:

   (a) **Act** means the Municipal Government Act, Chapter M-26.1, 1994 as amended from time to time.

   (b) **Authorized persons** means a person or organization authorized by the council to which the municipality may delegate any of its Development Authority powers, duties or functions.

   (c) **Council** means the Municipal Council of the Village of Cowley.

   (d) **Designated officer** means a person or persons authorized to act as the designated officer for the municipality as established by bylaw.

   (e) **Development Authority** means the person or persons appointed, by bylaw, to exercise only such powers and perform duties as are specified:
   (i) in the Act; or
   (ii) in the Village of Cowley Land Use Bylaw; or
   (iii) in this bylaw; or
   (iv) by resolution of council.

   (f) **Members** means the members of the Development Authority.

   (g) **Municipal Planning Commission** means the Municipal Planning Commission of the Village of Cowley as established by bylaw.

   (h) **Municipality** means the Village of Cowley in the Province of Alberta.

   (i) **Secretary** means the person or persons appointed by council to act as secretary of the Development Authority.

   (j) **All other terms used in this bylaw shall have the meaning as is assigned to them in the Municipal Government Act, as amended from time to time.**

3. For the purpose of this bylaw, the Development Authority for the municipality shall be:

   (a) the Municipal Planning Commission;

   (b) the designated officer.

4. The Development Authority shall be composed of not more than three persons who are adult residents of the Village of Cowley.

5. Appointments to the Development Authority shall be made by resolution of council.

6. Appointments to the Development Authority shall be made for a term of three years.

7. When a person ceases to be a member of the Development Authority before the expiration of his term, council shall appoint another person for the unexpired portion of that term within 60 days of receiving notice of the vacancy.

8. The members of the Development Authority shall elect one of themselves as chairman, and one of themselves as vice-chairman to hold office for a term of one year from the date of election.

9. Each member of the Development Authority shall be entitled to such remuneration, travelling, and living expenses as may be fixed from time to time by council; and the remuneration, travelling, and living expenses shall be paid by the Village of Cowley.

10. The council may, by resolution, appoint a secretary who shall be an employee of the municipality and shall attend all meetings of the Development Authority, but shall not vote on any matter before the Development Authority.

11. The Development Authority shall hold regular meetings at least 12 times per year on a date to be determined by the Development Authority, and it may also hold special meetings at any time at the call of the chairman.

12. Two of the members of the Development Authority shall constitute a quorum.

13. The decision of the majority of the members present at a meeting shall be deemed to be the decision of the whole Development Authority.

14. The Development Authority may make its orders, decisions, development permits, and approvals; and may issue notices with or without conditions.

15. The Development Authority may make rules to govern its hearings.

16. Members of the Development Authority shall not be members of the Subdivision and Development Appeal Board.

17. The secretary of the Development Authority shall attend all meetings of the Development Authority and shall keep the following records with respect thereto:

   (a) the minutes of all meetings;

   (b) all applications;

   (c) records of all notices of meetings and of persons to whom they were sent;

(d) copies of all written representations to the Development Authority;

(e) notes as to each representation;

(f) the names and addresses of those making representations at the meeting;

(g) the decision of the Development Authority;

(h) the reasons for the decision of the Development Authority;

(i) the vote of the members of the Development Authority on the decision;

(j) records of all notices of decision and of persons to whom they were sent;

(k) all notices, decisions, and orders made on appeal from the decision of the Development Authority;

(l) such other matters as the Development Authority may direct.

18. When a person ceases to be a member of the Development Authority before the expiration of his/her term the council may, by resolution, appoint another person for the unexpired portion of that term.

19. This bylaw comes into effect upon the third and final reading thereof.

READ a first time this 21st day of August, 1995.

READ a second time this 21st day of August, 1995.

READ a third time and finally passed this 6th day of September, 1995.

The original bylaw including signatures is held at the Village of Cowley office.

SUBDIVISION AUTHORITY BYLAW NO. 345

VILLAGE OF COWLEY
IN THE PROVINCE OF ALBERTA
SUBDIVISION AUTHORITY BYLAW NO. 345

1. BEING a bylaw of the Village of Cowley in the Province of Alberta to establish a municipal Subdivision Authority;

   AND WHEREAS, the Municipal Government Act, Chapter M-26.1, 1994 as amended from time to time requires the municipality to adopt a bylaw to establish a municipal Subdivision Authority by December 1, 1995;

   AND WHEREAS, the Subdivision Authority is authorized to make decisions on applications for subdivision approval in accordance with the provincial land use policies, the subdivision and development regulations, the local land use bylaw and statutory plans;

   AND WHEREAS, this bylaw may be cited as the Village of Cowley Subdivision Authority Bylaw;

   NOW THEREFORE, the Council of the Village of Cowley in the Province of Alberta duly assembled, enacts as follows:

2. DEFINITIONS:

   (a) **Act** means the Municipal Government Act, Chapter M-26.1, 1994 as amended from time to time.

   (b) **Authorized persons** means a person or organization authorized by council to which the municipality may delegate any of its Subdivision Authority powers, duties or functions.

   (c) **Council** means the Council of the Village of Cowley.

   (d) **Member** means a member of the Subdivision Authority.

   (e) **Municipality** means the Village of Cowley in the Province of Alberta.

   (f) **Secretary** means the person or persons authorized to act as secretary for the Subdivision Authority.

   (g) **Subdivision Authority** means the board, person or organization established to act as the Subdivision Authority.

   (h) **All other terms used in this bylaw shall have the meaning as is assigned to them in the Municipal Government Act, as amended from time to time.**

3. For the purpose of this bylaw, the Subdivision Authority for the Village of Cowley shall be the Council of the Village of Cowley.

4. Appointments to the Subdivision Authority shall be made by resolution of council.

5. Appointments to the Subdivision Authority shall be made for a term of three years.

6. The members of the Subdivision Authority shall elect one of themselves as chairman, and one of themselves as vice-chairman to hold office for a term of one year from the date of election.

7. Each member of the Subdivision Authority shall be entitled to such remuneration, travelling, and living expenses as may be fixed from time to time by council; and the remuneration, travelling, and living expenses shall be paid by the Village of Cowley.

8. The council shall, by resolution, appoint a secretary who shall be an employee of the municipality and shall attend all meetings of the Subdivision Authority, but shall not vote on any matter before the Subdivision Authority.

9. The Subdivision Authority shall hold meetings as required.

10. Two of the members of the Subdivision Authority shall constitute a quorum.

11. The decision of the majority of the members present at a meeting shall be deemed to be the decision of the whole Subdivision Authority.

12. The Subdivision Authority may make its orders, decisions, and subdivision approvals; and may issue notices with or without conditions.

13. The Subdivision Authority may make rules to govern its hearings.

14. The Subdivision Authority, when considering an application for subdivision approval, is not required to hold a hearing.

15. Members of the Subdivision Authority shall not be members of the Subdivision and Development Appeal Board.

16. The secretary of the Subdivision Authority shall attend all meetings of the Subdivision Authority and shall keep the following records with respect thereto:

    (a) the minutes of all meetings;

    (b) all applications;

    (c) records of all notices of meetings and of persons to whom they were sent;

    (d) copies of all written representations to the Subdivision Authority;

    (e) notes as to each representation;

    (f) the names and addresses of those making representations at the meeting;

    (g) the decision of the Subdivision Authority;

    (h) the reasons for the decision of the Subdivision Authority;

    (i) the vote of the members of the Subdivision Authority on the decision;

    (j) records of all notices of decision and of persons to whom they were sent;

    (k) all notices, decisions, and orders made on appeal from the decision of the Subdivision Authority;

    (l) such other matters as the Subdivision Authority may direct.

17. When a person ceases to be a member of the Subdivision Authority before the expiration of his/her term the council may, by resolution, appoint another person for the unexpired portion of that term.

18. This bylaw comes into effect upon third and final reading thereof.

READ a first time this 21st day of November, 1995.

READ a second time this 21st day of November, 1995.

READ a third time and finally passed this 21st day of November, 1995.

The original bylaw including signatures is held at the Village of Cowley office.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD BYLAW NO. 415

VILLAGE OF COWLEY
BYLAW # 415

CHINOOK INTERMUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD

A Bylaw of the Village of Cowley in the Province of Alberta, to establish an Intermunicipal Subdivision and Development Appeal Board;

WHEREAS the Municipal Government Act, RSA 2000, chapter M26 and amendments thereto, requires the municipality to adopt a bylaw to establish a Municipal Subdivision and Development Appeal Board or an Intermunicipal Subdivision and Development Appeal Board;

WHEREAS the Council of the Village of Cowley wishes to join other area municipalities to establish the Chinook Intermunicipal Subdivision and Development Appeal Board;

WHEREAS the Chinook Intermunicipal Subdivision and Development Appeal Board is authorized to render decisions on appeals resulting from decisions of a Subdivision Authority or a Development Authority in accordance with the South Saskatchewan Regional Plan (SSRP), the *Municipal Government Act (MGA)*, the Subdivision and Development Regulation, the local Land Use Bylaw and statutory plans;

NOW THEREFORE, the Council of the Village of Cowley, Alberta, duly assembled, enacts as follows:

1. TITLE

This bylaw may be cited as the Chinook Intermunicipal Subdivision and Development Appeal Board Bylaw.

2. AUTHORIZATION

Pursuant to section 627(1)(b) of the *MGA*, this bylaw hereby authorizes the municipality to enter an agreement with the other participating municipalities to establish the Chinook Intermunicipal Subdivision and Development Appeal Board.

3. DEFINITIONS

Appellant means the person who may file an appeal to the Board from decisions of a Subdivision Authority or a Development Authority in accordance with the *MGA*.

Board means the Chinook Intermunicipal Subdivision and Development Appeal Board established pursuant to this bylaw.

Board Member means an appointed member of the Chinook Intermunicipal Subdivision and Development Appeal Board appointed in accordance with this bylaw and who has obtained provincial training and certification.

Board Panel means the group of appointed Board Members actively sitting to hear and decide on an appeal at an appeal hearing.

Chair means the person elected from the Board panel members sitting to hear an appeal to act as the person who presides over the hearing and the procedures.

Chief Administrative Officer (CAO) means the individual appointed to the position for the municipality in accordance with the *MGA*.

Clerk means the person or persons who has completed training and is certified by the province and authorized to act as the administrative clerk for the Chinook Intermunicipal Subdivision and Development Appeal Board by the member municipality within which the appeal is held.

Conflict of Interest means both Common Law Bias and Pecuniary Interest.

Council means the Council of the (Municipality).

Development Authority has the same meaning as in the *MGA*.

Hearing means a public meeting convened before the Board acting as a quasi-judicial body to hear evidence and determine the facts relating to an appeal of decisions of a Subdivision Authority or a Development Authority, prior to the Board making a decision on the matter subject to the appeal.

Municipality means the municipal corporation of the Village of Cowley together with its jurisdictional boundaries, as the context requires.

Panel Member means an individual Board member participating in the group panel to hear an appeal.

Participating municipality means a municipality in the Province of Alberta who has entered into an agreement with other municipalities, as referred to in Section 2 of this bylaw, to establish the Chinook Intermunicipal Subdivision and Development Appeal Board.

Procedural guidelines means the policies, processes and administrative matters applicable to the filing of an appeal and conducting a hearing, and the roles, duties and conduct of Board Members and Clerks.

Subdivision Authority has the same meaning as in the *MGA*.

Subdivision and Development Appeal Board has the same meaning as in the *MGA*.

Quorum means the minimum number of Board panel members required to hear an appeal.

Municipal Government Act (MGA) means the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, as amended from time to time.

Chinook Intermunicipal Subdivision and Development Appeal Board means the Board established by agreement to act as the Subdivision and Development Appeal Board.

All other terms used in this Bylaw shall have the meaning as is assigned to them in the Municipal Government Act, as amended from time to time.

4. APPOINTMENT OF THE BOARD

1) The Board is comprised of the member representative(s) as appointed by the participating municipalities.

2) A municipality may participate in the Chinook Intermunicipal Subdivision and Development Appeal Board without appointing individual representative(s) by utilizing the appointed Board Members of the other participating member municipalities to act on the municipality's behalf as its appeal body.

3) For each member municipality appointing individual Board Member representative(s) to the Chinook Intermunicipal Subdivision and Development Appeal Board, the appointment shall be made by resolution of Council. Appointed Board Members from a municipality shall consist of not more than three (3) members, with no more than one (1) being an a elected official and the other two (2) being non-elected officials who are persons at large. If two (2) or less persons are appointed as members, they must be non-elected persons at large.

4) For those member municipalities appointing individual representative(s) to the Board, the remaining composition of the Board Panel Members shall be the appointed members from the other municipalities of the Chinook Intermunicipal Subdivision and Development Appeal Board.

5) Appointments to the Chinook Intermunicipal Subdivision and Development Appeal Board shall be made for a term of not more than three years. Reappointments must coincide with the successful completion of the mandatory provincial refresher training course to be taken every three (3) years.

6) Board Members may be appointed for a two (2) or three (3) year term, at the discretion of the municipality, for the purpose of establishing a staggered expiration of terms amongst the Board Members.

7) A Board Member may resign from the Chinook Intermunicipal Subdivision and Development Appeal Board at any time by providing written notice to the municipality to that effect.

8) Where Council has appointed a Board Member representative(s) for the municipality, Council may remove its individual appointed Board Member representative(s) at any time if:

a. In the opinion of Council, a Board Member is not performing his/her duties in accordance with the MGA, this Bylaw or the rules of natural justice,

b. A Board Member is absent for more than three (3) consecutive hearings to which he/she has been assigned to sit on the Board Panel without reasonable cause, or

c. A Board Member has participated in a matter in which that Board Member has a Conflict of Interest, contrary to the provisions of this Bylaw.

5. COMPOSITION

1) The Board Members of the Chinook Intermunicipal Subdivision and Development Appeal Board shall meet in Panels, and two (2) or more Panels may meet simultaneously. The Panels have all the powers, duties and responsibilities of the Subdivision and Development Appeal Board.

2) For the purpose of this Bylaw, the Board Panel formed from the appointed members of the Chinook Intermunicipal Subdivision and Development Appeal Board to hear an appeal, shall normally be composed of not less than three (3) persons, with no more than one (1) being an elected official.

3) Two (2) Board Members constitute a quorum of the Board Panel.

4) If a vacancy of an appointed Board member representative from a municipality shall occur at any time, the municipality may appoint another person to fill the vacancy by resolution of Council.

5) In the absence of the municipal appointed member representative(s) of the municipality in which the appeal originates being available to sit on a Panel, then the appointed Panel Member representative(s) from the other municipalities of the Chinook Intermunicipal Subdivision and Development Appeal Board shall form the composition of the Board Panel to hear and decide on a matter of appeal on behalf of the municipality.

6) Board Panel Members of the Chinook Intermunicipal Subdivision and Development Appeal Board shall not be members of a Municipal Subdivision Authority or Development Authority or municipal employees of the municipality in which the appeal is located.

7) A person appointed as a Board Member in accordance with this Bylaw must successfully complete and maintain the mandatory provincial training and certification prior to sitting on a Panel to hear an appeal.

6. COSTS AND REMUNERATION

1) Board Members may be entitled to reasonable remuneration for time and expenses relating to participating on a Board Panel.

2) Costs related to appeal hearings and the remuneration to Board Members shall be provided as specified in the intermunicipal agreement of the participating members of the Chinook Intermunicipal Subdivision and Development Appeal Boar.

7. DUTIES OF THE INTERMUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD

1) The Chinook Intermunicipal Subdivision and Development Appeal Board shall hold hearings as required pursuant to the *Municipal Government Act* on a date to be determined by the Board.

2) The Board, and those Members who sit as a Board Panel hearing an appeal, shall govern its actions and hearings in respect of the processes and procedures as outlined in the Procedural Guidelines.

3) A Board Member may only participate in an appeal hearing if they have successfully completed the mandatory provincial training prior to the appeal hearing date.

4) The Board Panel may, at its discretion, agree to adjournments in respect of the processes and procedures as outlined in the Procedural Guidelines.

5) A Board Panel hearing an appeal shall appoint a Chair to preside over the proceedings prior to the commencement of the hearing.

6) An order, decision or approval made, given or issued by the Board Panel and under the signature of the Chair, or a Board Member acting as a designate, is the decision of the Board.

7) The Board Members shall conduct themselves in a professional, impartial and ethical manner and apply the principles of administrative justice and judicial fairness.

8) The Board Members shall consider and act in respect of the Chinook Intermunicipal Subdivision and Development Appeal Board Procedural Guidelines.

9) The Board does not have the jurisdiction or authority to award pecuniary or monetary awards or costs to any persons, entity or organization involved in an appeal.

8. APPEAL FILING

1) An appeal shall be filed in writing by an appellant, in accordance and in the manner prescribed in the *MGA*, to the municipality and include the payment of the applicable municipal appeal fee.

2) If there is a question about the validity of an appeal being filed, the Board Panel must convene the appeal hearing in accordance with the *MGA* to establish jurisdiction and then it may decide on the matter of validity. It shall be the responsibility of the Board Panel to make the determination of whether the appeal is valid.

3) In the event an appeal is abandoned or withdrawn in writing by the appellant, the Board Panel shall not be obliged to hold the appeal hearing referred to in the *MGA* unless another notice of appeal has been served upon the Board in accordance with the *MGA*.

9. CLERK RESPONSIBILITIES AND DUTIES

1) Council shall by resolution appoint a Clerk as a designated officer, or sub-delegate to its CAO the authority to appoint a Clerk or Clerks, for the specific purposes of providing administrative assistance to the Board in fulfilling its legislative duties.

2) The appointed Clerk shall attend all meetings and hearings of the Chinook Intermunicipal Subdivision and Development Appeal Board, held in that member municipality, but shall not vote on any matter before the Board.

3) A person appointed as a Clerk to assist the Chinook Intermunicipal Subdivision and Development Appeal Board in accordance with this bylaw must have successfully completed the mandatory provincial training prior to assisting the Board in its legislative duties.

4) The Clerk, acting for the Board, shall accept on behalf of the Board appeals which have been filed with the municipality in relation to a decision of the Subdivision Authority or the Development Authority.

5) The Clerk of the Board shall keep records of appeals and proceeding for the municipality in which the appeal has been filed, as outlined in the Procedural Guidelines.

10. ADMINISTRATIVE

1) **Singular and Masculine** – Words importing the singular number shall include the plural number and vice versa and works importing one gender only in this Bylaw shall include all genders and words importing parties or persons in this Bylaw shall include individuals, partnerships, corporations, and other entities, legal or otherwise.

2) **Severability** – Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

11. ENACTMENT

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

2) This Bylaw rescinds Bylaw No. 342, being the former municipal Subdivision and Development Appeal Board Bylaw, and any amendments thereto.

Read a first time this 15 day of April, 2019.

Read a second time this 15 day of April, 2019.

Read a third time and passed this 15 day of April, 2019.

W. Mickels

Mayor – Warren Mickels

Cindy Cornish

CAO - Cindy Cornish