

VILLAGE OF STIRLING

LAND USE BYLAW

NO. 549-24

Consolidated to 556-25, June 2025



Prepared by Oldman River Regional Services Commission for the Village of Stirling

OLDMAN RIVER REGIONAL SERVICES COMMISSION

VILLAGE OF STIRLING
IN THE PROVINCE OF ALBERTA

BYLAW NO. 549-24
VILLAGE OF STIRLING LAND USE BYLAW

BEING a bylaw of the Village of Stirling in the Province of Alberta, to adopt a new Land Use Bylaw pursuant to section 640 of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended;

AND WHEREAS, the Council of the Village of Stirling wishes to adopt a new Land Use Bylaw for the purposes of:

- updating and establishing standards and procedures regarding the use, development, and subdivision of land within the municipality;
- enhancing clarity and efficiency of procedural matters, application requirements, decision-making, enforcement, and conditions of development and subdivision approval;
- incorporating new and updated development standards for uses within the Village;
- updating and including additional uses and requirements within the Land Use Districts;
- amending the existing Land Use Districts Map to reflect land use redesignations;
- implementing policy direction from the Village of Stirling Municipal Development Plan and other statutory plans of the municipality; and
- complying with the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended.

AND WHEREAS the Land Use Bylaw is intended to foster orderly growth and development within the Village;

AND WHEREAS, a municipality must prepare a bylaw and provide for its consideration at a public hearing held in accordance with section 692 of the Municipal Government Act, Revised Statues of Alberta 2000, Chapter M-26, as amended.

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

1. Bylaw No. 415-08, being the former Land Use Bylaw, and any amendments thereto, is hereby rescinded.
2. Bylaw No. 549-24 shall come into effect upon third and final reading thereof.
3. Bylaw No. 549-24, being the Village of Stirling Land Use Bylaw, is hereby adopted as amended.

READ a **first** time this 21 day of August 2024.

READ a **second** time this 5 day of February 2025.

READ a **third** time and passed this 5 day of February 2025.

Mayor – Trevor Lewington

CAO – Scott Donselaar

Village of Stirling Land Use Bylaw No. 549-25 – Amendments

Bylaw No.	Amendment Description	Legal Description	Passed
556-25	No Designation to “Residential (R)”	All of the Closed Lane in Block 33, Plan 752J	18-Jun-2025

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PART FIVE: USE SPECIFIC STANDARDS OF DEVELOPMENT

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PART ONE
ADMINISTRATION

VILLAGE OF STIRLING

LAND USE BYLAW NO. 549-24

PART ONE: ADMINISTRATION

GENERAL

SECTION 1 TITLE

1.1 This Bylaw may be cited as the "Village of Stirling Land Use Bylaw", "Land Use Bylaw" or "this Bylaw".

SECTION 2 APPLICABILITY

2.1 The provisions of this Bylaw apply to all land within the boundaries of the Village of Stirling and no development shall hereafter be carried out within the Village boundary except in conformity with the provisions of this Bylaw.

SECTION 3 PURPOSE

3.1 The purpose of this Bylaw is to:

(a) divide the municipality into districts;

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

(c) establish a method for making decisions on applications and issuing development permits and the process for amendment of the Land Use Bylaw;

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

(e) prescribe development and subdivision standards, including the number of dwelling units permitted on a parcel of land; and

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

SECTION 4 EFFECTIVE DATE

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

SECTION 5 REPEAL OF FORMER BYLAW

5.1 The Village of Stirling Land Use Bylaw No. 415-08 and amendments thereto are hereby repealed.

SECTION 6 SEVERABILITY

6.1 If any provision of this Bylaw is, for any reason, declared to be invalid, all remaining provisions remain in full force and effect.

SECTION 7 COMPLIANCE WITH THE LAND USE BYLAW

7.1 No development, other than those designated in Part 3 of this Bylaw (Development Not Requiring a Development Permit), shall be undertaken within the Village unless a development permit has been approved and issued.

7.2 While a development permit may not be required pursuant to Part 3, development shall comply with all applicable provisions and requirements of this Bylaw.

SECTION 8 COMPLIANCE WITH OTHER LEGISLATION

8.1 Compliance with the provisions and requirements of this Bylaw does not exempt or relieve any person of their duty or obligation to comply with all other applicable municipal, provincial, or federal legislation, including the responsibility to obtain any permit, license, or other authorization as may be applicable.

8.2 Compliance with the provisions and requirements of this Bylaw does not exempt or relieve any person from complying with any easement, covenant, agreement, or contract affecting the land or development.

8.3 It shall be the responsibility of any person undertaking development within the Village boundary to determine whether any other municipal, provincial, or federal legislation is applicable, including the responsibility to obtain any permit, license, or other authorization, and for determining whether any easement, covenant, agreement, or contract affects the land or development.

SECTION 9 RULES OF INTERPRETATION

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

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

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

9.4 Where a reference to another document or piece of legislation is made in this Bylaw, it is intended that the reference applies to and includes any amendments or a successor document or legislation that replaces the original.

SECTION 10 MEASUREMENTS AND STANDARDS

10.1 All units of measure contained within this Bylaw are metric standards. Imperial measurements and conversions are provided for information only. Should there be a discrepancy between the metric and imperial units, the metric standards prevail.

SECTION 11 DEFINITIONS

11.1 Refer to Part 8 Definitions.

SECTION 12 FORMS, NOTICES AND FEES

12.1 For the purpose of administering the provisions of this Bylaw, the Village administration may prepare and use any such forms and notices as it may deem necessary. Any such forms and notices are deemed to have the full force and effect of this Bylaw in execution of the purpose for which they are designed, authorized, and issued.

12.2 For the purpose of administering the provisions of this Bylaw, Council may authorize by separate resolution or bylaw as may be applicable, any such fee schedules as it may deem necessary. Any such fee schedules are deemed to have the full force and effect of this Bylaw in execution of the purpose for which they are designed, authorized, and issued.

12.3 In any case, where a required fee is not listed in the fee schedule, such fee shall be determined by the Development Officer or other such approving authority as assigned by Council and shall be consistent with those fees listed in the schedule for similar developments.

12.4 Where, in the opinion of the Development Officer, an application has been substantially revised, the applicant shall pay, in addition to the fee specified, a fee equal to 50 percent of the initial application fee, except that such additional fee shall not be required in instances where improvements are suggested by the Development Officer resulting in substantial revisions.

12.5 When a development has commenced prior to a development permit application being made, and the applicant subsequently submits an application, the fee charged shall be double the normal permit fee.

12.6 Refund of or reduction of application fees requires the approval of the Village Council.

SECTION 13 APPENDICES

13.1 Appendices A-C attached hereto do not form part of this Bylaw but have the full force and effect of this Bylaw in execution of the purpose for which they are designed, authorized, and issued. The Appendices may be amended, updated and/or altered from time to time independent of this Bylaw.

APPROVING AUTHORITIES

SECTION 14 DEVELOPMENT AUTHORITY

14.1 The Development Authority is established by separate bylaw (see Appendix C) pursuant to the *Municipal Government Act* (MGA) and for the purposes of this Bylaw is comprised of the Municipal Planning Commission and as authorized through the provisions of this Bylaw, the Development Officer.

14.2 The Development Authority shall exercise such powers and duties as are specified:

(a) in the Village of Stirling Subdivision and Development Authority/Municipal Planning Commission Bylaw;

(b) in this Bylaw;

(c) in the MGA;

(d) where applicable, by resolution of Council.

14.3 Where the term Development Authority is used or referenced within this Bylaw, the Development Officer and the Municipal Planning Commission are both authorized and either may perform the duty assigned. Where the Development Officer or the Municipal Planning Commission are specifically named, the relevant provision is meant to apply specifically to that individual entity.

SECTION 15 SUBDIVISION AUTHORITY

15.1 The Subdivision Authority is established by separate bylaw (see Appendix C) pursuant to the *Municipal Government Act* (MGA) and for the purposes of this Bylaw is comprised of the Municipal Planning Commission.

15.2 The Subdivision Authority shall exercise such powers and duties as are specified:

(a) in the Village of Stirling Subdivision and Development Authority/Municipal Planning Commission Bylaw;

(b) in this Bylaw;

(c) in the MGA;

(d) where applicable, by resolution of Council.

15.3 The Subdivision Authority may delegate, through any of the methods described in section 15.2, to any individual, municipal staff, or a regional services commission, any of its required functions or duties in the processing of subdivision applications. In respect of this:

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

(b) the Subdivision Authority designate is authorized to carry out the application process with subdivision applicants as described in the Subdivision Procedures and Requirements sections of this Bylaw, including the task of sending all required notifications to applicants as stipulated.

SECTION 16 COUNCIL

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

16.2 Council shall be responsible for considering and deciding upon requests for extension to the time period stipulated in section 657 of the *Municipal Government Act* within which an applicant granted subdivision approval must submit the plan of subdivision to the Subdivision Authority and register the plan with Land Titles.

SECTION 17 SUBDIVISION AND DEVELOPMENT APPEAL BOARD

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

DEVELOPMENT AND SUBDIVISION AUTHORITY – POWERS AND DUTIES

SECTION 18 DEVELOPMENT OFFICER

18.1 The office of the Development Officer is hereby established, and such office shall be filled by one or more persons appointed by resolution of Council or as appointed by the Chief Administrative Officer (CAO) where Council has delegated such authority to the CAO.

18.2 The Development Officer is an authorized Designated Officer for the purposes of carrying out:

(a) the duties and responsibilities specified in this Bylaw; and

(b) municipal inspections and enforcement in accordance with section 542 of the *Municipal Government Act (*MGA);

(c) order to remedy bylaw contraventions in accordance with section 545 of the MGA;

(d) order to remedy dangers and unsightly property in accordance with section 546 of the MGA;

(e) certification requirements for advertising in accordance with section 606 of the MGA;

(f) signature evidence in accordance with section 630 of the MGA;

(h) at the direction of Council, notification of the Registrar of Land Titles that the provisions of the MGA have been complied with and request for the Registrar to remove a designation of municipal reserve, community services reserve, or conservation reserve.

18.3 In the absence of the appointed Development Officer, the following are authorized to act in the capacity of Development Officer:

(a) Municipal Planning Commission,

(a) Chief Administrative Officer, or

(b) a designate(s) in accordance with the *Municipal Government Act*.

18.4 The Development Officer:

(a) shall assist and generally advise the public with respect to the standards and requirements of the Village of Stirling Land Use Bylaw and other pertinent land use regulations or municipal development requirements;

(b) shall receive and process all applications for a development permit in accordance with this Bylaw, including review of applications for completeness in accordance with this Bylaw;

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

(d) shall establish and maintain a register in which shall be recorded the applications made for a development permit and the decision made on the applications, and contain any such other information as the Development Authority considers necessary;

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

(f) may decide on applications for a development permit for:

(i) permitted uses that comply with this Bylaw;

(ii) permitted uses that request a variance of one measurable standard of this Bylaw not to exceed 10% in accordance with section 20.2;

(iii) permitted uses on existing registered lots that do not meet the minimum lot width, length and/or area requirements;

(iv) driveways, landscaping, fences, walls or other types of enclosures that request a variance of one measurable standard not to exceed 10% in accordance with section 20.2; and

(ix) porches, decks, patios, steps, wheelchair ramps, and other similar exterior additions to an existing approved permitted or discretionary use that comply with this Bylaw or request a variance to one measurable standard not to exceed 10% in accordance with section 20.2.

(g) may refer any development application which the Development Officer has been assigned decision-making authority under subsection (f) to the Municipal Planning Commission for a decision and any other planning or development matter to the Municipal Planning Commission for its review, comment, recommendation, or decision;

(h) may process and decide upon requests for time extensions for development permits which the Development Officer has approved and shall refer to the Municipal Planning Commission those requests which the Municipal Planning Commission has approved;

(i) may process and decide upon condominium certificates;

(j) shall receive, process and refer any applications to amend this Bylaw to Council; and

(k) shall perform any other powers and duties as are specified in this Bylaw, the Development and Subdivision Authority Bylaw/Municipal Planning Commission Bylaw, the *Municipal Government Act*, or by resolution of Council.

SECTION 19 MUNICIPAL PLANNING COMMISSION

19.1 The Municipal Planning Commission shall be responsible for:

(a) considering and deciding upon development permit applications for:

(i) discretionary uses;

(ii) development that does not comply with the provisions of this Bylaw in accordance with section 20.3 and exceeds the variance authority granted to the Development Officer; and

(iii) any other development permit applications referred by the Development Officer requesting a decision of the Municipal Planning Commission;

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

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

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

(e) any other powers and duties as are specified in this Bylaw, the Subdivision Authority and Development Authority Bylaw/Municipal Planning Commission Bylaw, the *Municipal Government Act,* or by resolution of Council.

SECTION 20 VARIANCE TO BYLAW PROVISIONS

20.1 The Development Authority, subject to sections 20.2 and 20.3, is authorized to decide on an application for a development permit even though the proposed development does not comply with this Bylaw if, in the opinion of the Development Authority:

(a) the proposed development would not:

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

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

(b) the proposed development conforms with the use prescribed for that land or building in this Bylaw.

20.2 The Development Officer is authorized to approve a minor variance not to exceed 10% of one measurable standard prescribed in this Bylaw in accordance with section 20.1 upon consideration of section 20.4.

20.3 The Municipal Planning Commission is authorized to approve variances to provisions prescribed within this Bylaw without limitation in accordance with section 20.1 upon consideration of section 20.4.

20.4 In exercising its authority under this section, the Development Authority should have regard to:

(a) the general purpose and intent of the district;

(b) future land use and transportation networks;

(c) applicable policies of the Municipal Development Plan and any other applicable statutory plan;

(d) whether there are circumstances of undue hardship or practical difficulties particular to the use, character or situation of land or building which are not generally common to other land in the same land use district that would warrant approval;

(e) any other matters the Development Authority considers applicable.

LAND USE DISTRICTS AND USES

SECTION 21 LAND USE DISTRICTS AND USES

21.1 The Village of Stirling is divided into those land use districts specified in Part 2 Land Use Districts and delineated on the Land Use Districts Map in Part 9.

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

(a) permitted uses in each district,

(b) discretionary uses in each district,

(c) prohibited uses in each district,

are as specified in Part 2 Land Use Districts.

21.3 A land use that is not listed as a permitted or discretionary use in a district, but which is reasonably similar in character and purpose to a permitted or discretionary use in that district may be deemed a similar use by the Development Authority in accordance with Section 22 Similar Use.

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

21.5 Uses involving the sale and/or consumption of alcohol are prohibited in all land use districts. This prohibition is not applicable to special event licences.

SECTION 22 SIMILAR USE

22.1 The Development Authority may approve a proposed use not specifically listed in a land use district, if in the opinion of the Development Authority, the proposed use is similar in character and purpose to a permitted or discretionary use listed within the district in which the use is proposed.

22.2 Where a use is applied for which is not specifically listed in any land use district, but is similar in character and purpose to another use that is permitted or discretionary in the land use district in which such use is proposed, the Development Officer may:

(a) classify the use as either similar to a permitted use or discretionary use;

(b) determine the use not to be similar to a permitted use or discretionary use in the land use district;

(c) or refer the application to the Municipal Planning Commission for a determination.

22.3 Where a use has been classified by the Development Authority as similar to:

(a) a permitted use, the application shall be processed accordingly as a permitted use;

(b) a discretionary use, the application shall be processed accordingly as a discretionary use.

22.4 Where a use is not listed in a land use district as either discretionary or permitted and is not deemed similar in nature in accordance with Section 22 Similar Use, the use shall be deemed prohibited in accordance with section 21.4, and the development permit application shall be refused.

SECTION 23 TEMPORARY USE

23.1 The Development Authority may issue a temporary development permit for any permitted, discretionary or similar use development within a land use district if:

(a) the proposed development is determined by the Development Authority to be of a temporary nature; or

(b) the Development Authority wants to ensure the suitability or compatibility of a development prior to allowing the development on a permanent basis; or

(c) The Development Authority wants to ensure that the development authorized by the permit will cease by a specified date or will not be ongoing indefinitely.

23.2 The Development Authority may issue a temporary development permit for a period of time deemed appropriate by the Development Authority but not to exceed 24 months.

23.3 Temporary development permits shall be subject to the following conditions:

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

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

(c) any other conditions deemed necessary.

SECTION 24 NON-CONFORMING BUILDINGS AND USES

24.1 A non-conforming building or use may only be continued in accordance with the provisions in section 643 of the *Municipal Government Act*.

24.2 The Development Authority is authorized to exercise minor variance powers with respect to non-conforming buildings pursuant to section 643(5)(c) of the *Municipal Government Act* and may approve a non-conforming building to be enlarged, added to, rebuilt or structurally altered where, in the opinion of the Development Authority, the development is:

(a) minor in nature;

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

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

(d) would not prevent or interfere with the natural and economic extension of a nearby development area.

24.3 Any uncertainty regarding the interpretation and application of this section shall be referred to the Municipal Planning Commission for an interpretation and a decision.

SECTION 25 NON-CONFORMING LOT SIZES

25.1 Development on an existing registered lot or parcel that does not conform with the minimum lot length, width or area requirements specified in the applicable land use district may be permitted at the discretion of the Development Authority.

SECTION 26 NUMBER OF DWELLING UNITS ON A PARCEL

26.1 No more than one dwelling unit shall be constructed or located or caused to be constructed or located on a parcel unless authorized by the Development Authority through the issuance of a development permit on land located in a land use district for a use that allows for more than one dwelling (e.g., Garden suite, Secondary suite, Semi-detached (duplex), Multi-unit, Row or Townhouse).

SECTION 27 SUITABILITY OF SITES

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

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

(b) creates a situation where vehicular or non-vehicular traffic safety may be negatively impacted;

(c) has a high water table, drainage/stormwater issues, or soil conditions which make the site unsuitable for development or subdivision;

(d) is situated on an unstable slope or area of subsidence;

(e) consists of unconsolidated material unsuitable for building;

(f) does not comply with the requirements of the *Municipal Government Act*, South Saskatchewan Regional Plan, Land Use Policies, Matters Related to Subdivision and Development Regulation or any other applicable Statutory Plans or approved design scheme;

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

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

(i) does not meet the minimum setback requirements from an active or abandoned oil or gas well, sour gas well, or bulk ammonia storage facility;

(j) does not have adequate municipal water and/or sewer provisions, and/or exceeds or strains available municipal water or sewer capacity;

(k) does not meet the lot size and/or setback requirements or any other applicable standards or requirements of the Village of Stirling Land Use Bylaw, unless a variance has been granted in accordance with the provisions of this Bylaw;

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

(m) is subject to flooding or erosion;

(n) would prevent or interfere with the natural and economic extension of a nearby development area;

(o) is located within the future road right-of-way or road alignment identified in an approved conceptual design scheme or adopted Statutory Plan;

(p) is incompatible with surrounding land uses;

(q) is unsuitable and/or unsafe for any other reason determined relevant by the Development Authority.

27.2 Nothing in this section shall prevent the Subdivision Authority from approving a subdivision or the Development Authority from issuing a development permit if the Authority is satisfied that there is no risk to persons or property or that these concerns will be met by appropriate engineering measures or other mitigating measures.

DEVELOPMENT AGREEMENTS, FINANCIAL SECURITY AND ARCHITECTURAL CONTROLS

SECTION 28 DEVELOPMENT AGREEMENTS

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

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

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

(c) to install or pay for the installation of public utilities, other than telecommunication systems or works, that are necessary to serve the development, whether or not the public utility is, or will be, located on the land that is subject of the development;

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

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

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

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

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

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

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

SECTION 29 GUARANTEED SECURITY AS CONDITION OF DEVELOPMENT APPROVAL

29.1 The Development Authority may require, that as a condition of issuing a development permit, the applicant provide a guaranteed security in the form and manner acceptable to the municipality, either cash or an irrevocable letter of credit, to ensure the completion of the development including any attached conditions. The security condition under this section is separate from and may be in addition to any security that may be required under Section 28 Development Agreements.

29.2 Prior to issuance of a decision on the development permit application where guaranteed security is to be required, the applicant shall submit the estimated cost of carrying out the proposed development to the Development Authority. The Development Authority will consider the cost estimate in determining the amount of security but is authorized the discretion in determining and stipulating the acceptable amount of required security.

29.3 The Village will hold the guaranteed security, without interest payable, until the development has been completed, including any attached conditions and any applicable warranty periods, to the satisfaction of the Development Authority.

29.4 The guaranteed security will be released to the applicant within 60 days from the date the Development Authority authorizes release in accordance with section 29.3.

29.5 In the event that the development, including any attached conditions and any applicable warranty periods, is not completed to the satisfaction of the Development Authority in accordance with the development permit, the Village is entitled to draw from the guaranteed security, sufficient funds to undertake the activities necessary to complete the outstanding items of the development.

SECTION 30 ARCHITECTURAL CONTROLS

30.1 For any development where architectural controls are registered, it is the applicant's responsibility for obtaining architectural control review and approval of plans by the developer's architectural control approval officer prior to submitting a development permit application to the Village. The Development Authority may require a copy of the approval as a submittal requirement for a development permit application.

30.2 The Village shall not be responsible for private covenants with regard to the enforcement of any applicable architectural controls or other requirements.

DEVELOPMENT PERMIT REQUIREMENTS

SECTION 31 REQUIREMENT FOR A DEVELOPMENT PERMIT

31.1 Except as otherwise provided for in Part 3 Development Not Requiring a Development Permit, no development, including a change or intensification of use, shall be commenced unless a development permit application has been approved and a development permit issued.

31.2 When any use, excepting non-conforming uses regulated in accordance with section 643(2) of the *Municipal Government Act*, has been discontinued for a period of 24 months or more, any development permit that may have been issued is no longer valid and development may not be recommenced until a new application for a development permit has been approved and a development permit issued.

31.3 Any development that results in or is likely to result in a change of use or an act done in relation to land or a building that result in or is likely to result in a change in the intensity of use of the land or building, including a change of use or intensity to an approved development permit, shall not be commenced until a new development permit application has been approved and a development permit issued.

31.4 Except as provided in Section 46 Amendment of a Development Permit Application or Development Permit Approval, any amendment to an approved development permit requires a new development permit application and approval.

31.5 In a circumstance where it is unclear whether a development permit is required for a development and the Development Officer is uncertain about such a determination, the matter will be referred to the Municipal Planning Commission for a determination.

SECTION 32 DEVELOPMENT PERMIT APPLICATION REQUIREMENTS

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

(a) a completed application, signed by the registered owner or authorized by the owner pursuant to section 32.3, or proof of title transfer pending registration by the Land Titles Office;

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

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

(d) information regarding exterior finishes and height of proposed development;

(e) a site plan acceptable to the Development Officer identifying:

(i) north arrow and acceptable scale;

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

(iii) the location of all existing and proposed buildings, structures, easements, and improvements dimensioned to property lines;

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

(v) the location of existing and proposed utilities and service connections, including existing and proposed septic systems, if applicable;

(vi) any notable topographic features, including wetlands, depressions and watercourses;

(f) any other information as may be required in the development and use-specific standards of this Bylaw for specific uses;

(g) for any development determined by the Development Authority to be of a high-volume water use and/or wastewater generator (e.g., car wash, laundromat, industrial processing), an estimate of the monthly water and sewer volumes;

(h) any additional information as may be required in accordance with an adopted Intermunicipal Development Plan, Municipal Development Plan, Area Structure Plan, or other adopted statutory plan;

(i) documentation from the Alberta Energy Regulator identifying the presence or absence of abandoned oil and gas wells as required by the Matters Related to Subdivision and Development Regulation, including a professionally prepared plot plan that shows the actual well location(s) in relation to existing and proposed building site(s) and the minimum setback requirement if abandoned oil and gas well(s) are present;

(j) a drainage plan, professionally prepared, when development of a vacant lot is proposed; and

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

32.2 Despite the requirements stipulated in section 32.1, the Development Authority is authorized to exercise discretion in determining the extent of information required to be submitted for a development permit application and the Development Officer may accept an application which does not include all the information prescribed in section 32.1 upon having regard to section 33.4.

32.3 An application for a development permit shall be made by the registered owner of the land on which the development is proposed. An application may be made by a person who is not the registered owner of the land only with written consent of the owner or proof of ownership transfer.

32.4 The Development Officer may request a current title documenting ownership and copies of any registered encumbrance, lien, or interest registered on title.

32.5 The Development Authority may require any or all of the information submitted for a development permit application to be professionally prepared.

SECTION 33 DETERMINATION OF COMPLETE DEVELOPMENT PERMIT APPLICATION

33.1 The Development Officer shall, within 20 days after the receipt of an application in accordance with Section 32 Development Permit Application Requirements for a development permit, determine whether the application is complete for processing purposes.

33.2 The Development Officer may refer an application to the Municipal Planning Commission for a determination of completeness.

33.3 The time period referred to in section 33.1 may be extended by an agreement in writing between the applicant and the Development Officer.

33.4 An application is complete for processing purposes if, in the opinion of the Development Officer, or the Municipal Planning Commission where an application has been referred under section 33.2, the documents and other information submitted are adequate to review the application.

33.5 If the application is determined to be complete for processing purposes within the time period prescribed in section 33.1 or 33.3, the Development Officer will commence processing the application and provide acknowledgment of the determination of a complete application to the applicant in the Notice of Decision.

33.6 If a determination whether the application is complete has not been made within the time required under section 33.1 or 33.3, the application is deemed to be complete for processing purposes.

33.7 If the application is determined to be incomplete for processing purposes, the Development Officer shall issue to the applicant a written notice indicating that the application is incomplete and specifying the outstanding documents and information, including fees, to be provided. A submittal deadline for the outstanding documents and information shall be set out in the notice, or a later date agreed upon between the applicant and the Development Officer, for the application to be considered complete.

33.8 If the Development Officer determines that the information and documents submitted under section 33.7 are complete, the Development Officer shall issue to the applicant a written Notice of Completeness acknowledging that the application is complete for processing purposes, delivered by hand, mail or electronic means.

33.9 If the required documents and information, including fees, under section 33.7 have not been submitted to the Development Officer within the timeframe prescribed in the notice issued under section 33.7, the Development Officer shall return the application to the applicant accompanied by a written Notice of Refusal stating the application is deemed refused and the reasons for refusal.

33.10 Despite the determination of a complete application under section 33.5 or 33.6 or issuance of a Notice of Completeness under section 33.8, the Development Authority in the course of reviewing the application may request additional information or documentation from the applicant that the Development Authority considers necessary to review the application prior to issuance of a decision, and/or as a condition of development approval.

SECTION 34 REAPPLICATION FOR A DEVELOPMENT PERMIT

34.1 If an application for a development permit is refused by the Development Authority, or on appeal, another application for a development permit on the same parcel of land for the same or for a similar use of the land may not be accepted by the Development Officer for at least six (6) months after the date of refusal, unless authorized by the Municipal Planning Commission.

34.2 If an application was refused solely because it did not comply with the standards of this Bylaw or was refused as an incomplete application under Section 33 Determination of Complete Development Permit Application, the Development Officer may accept another application on the same parcel of land for the same or similar use before the time period referred to in section 34.1 has lapsed, provided the application has been modified to comply with this Bylaw.

SECTION 35 FAILURE TO MAKE A DECISION – DEEMED REFUSED DEVELOPMENT PERMIT APPLICATION

35.1 In accordance with section 684 of the *Municipal Government Act*, an application for a development permit is, at the option of the applicant, deemed to be refused when the decision of the Development Authority, is not made within 40 days of an application being deemed complete under Section 33 Determination of a Complete Development Permit Application, unless the applicant has entered into an agreement with the Development Authority to extend the 40-day decision period.

35.2 The 40 day time period referred to in section 35.1 may be extended by an agreement in writing between the applicant and the Development Authority.

35.3 Section 35.1 does not apply in the case of a development application deemed to be refused under section 33.9.

DEVELOPMENT PERMIT PROCEDURES

SECTION 36 PERMITTED USE APPLICATIONS

36.1 Upon conclusion of processing a complete application for a development permit for a permitted use that conforms with this Bylaw, the Development Officer:

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

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

36.2 The Development Authority may place any or all of the following conditions on a development permit for a permitted use:

(a) requirement for the applicant to enter into a development agreement pursuant to Section 28 Development Agreements;

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

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

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

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

(f) easements, rights-of-way, and/or encroachment agreements;

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

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

(i) to provide security in accordance with Section 29 Guaranteed Security as a Condition of Development Approval, to ensure the development and terms of the permit approval are carried out to the satisfaction of the Village;

(j) time periods stipulating commencement, completion and/or phasing of development;

(k) time periods limiting the period for which a development permit is valid (i.e, temporary development permit in accordance with Section 23 Temporary Use);

(l) requirement for a lot and/or construction stakeout conducted by an approved surveyor or agent to ensure development is situated as per the approved site plan;

(m) requirement for the submittal of a surveyor's sketch or plans and documents prepared by a professional engineer or other qualified professional confirming the location of completed development, lot grades, and/or surface drainage;

(n) consolidation of lots by means determined acceptable to the Development Authority;

(o) the filing of pertinent professional reports and plans prior to commencement of construction and any conditions to ensure compliance with such;

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

(q) any other conditions authorized within this Bylaw.

SECTION 37 DISCRETIONARY USE APPLICATIONS AND APPLICATIONS REQUESTING VARIANCE TO THE BYLAW

37.1 Upon receipt of a complete application for a development permit for a discretionary use or an application requesting a variance to this Bylaw which exceeds the Development Officer's authority, the Development Officer shall:

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

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

37.2 After consideration of any response to the notifications of adjacent landowners and other persons likely to be affected, including government departments and referral agencies as applicable, compatibility and suitability of the proposed development, Land Use Bylaw requirements, statutory plans, applicable municipal standards, and any other matters, the Municipal Planning Commission may:

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

(b) refuse issuance of a development permit, stating reasons.

37.3 The Municipal Planning Commission may place any of the conditions stipulated in section 36.2 on a development permit for a discretionary use in any land use district or permitted or discretionary use requesting a variance to this Bylaw, in addition to any other conditions the Municipal Planning Commission may deem necessary based on the merits of the application, and any other conditions to ensure the quality, suitability and compatibility of a development with other existing and approved uses in the area, including any conditions necessary to fulfil a planning related objective.

37.4 A development permit for a discretionary use or an application requesting a variance to this Bylaw may be issued in part, granting approval of some portion, aspect or use of the proposed development, and refusal of another portion, aspect, or use of the proposed development, citing reasons for the partial refusal.

SECTION 38 DIRECT CONTROL DISTRICT APPLICATIONS

38.1 Upon receipt of a complete application for a development permit in a Direct Control district, the Development Officer shall:

(a) refer the application to Council for a decision, or to the Municipal Planning Commission where the decision-making authority has been delegated as such; and

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

38.2 After consideration of any response to the notifications of adjacent landowners and other persons likely to be affected, including government departments and referral agencies as applicable, compatibility and suitability of the proposed development, Land Use Bylaw requirements, statutory plans, applicable municipal standards, and any other matters, Council or the delegated decision-making authority may:

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

(b) refuse issuance of a development permit, stating reasons.

38.3 Where a development permit is approved, the Council or the delegated decision-making authority, as applicable, may place any conditions as determined necessary, including limiting the period for which a development permit is valid (i.e., issuance of a temporary development permit) in accordance with Section 23 Temporary Use, requiring a development agreement in accordance with Section 28 Development Agreements and requiring security in accordance with Section 29 Guaranteed Security as a Condition of Development Approval.

38.4 In accordance with section 685(4)(a) of the *Municipal Government Act*, there is no appeal to the Subdivision and Development Appeal Board for a decision on an application for a development permit in a Direct Control district made by Council.

NOTIFICATION REQUIREMENTS

SECTION 39 NOTIFICATION OF ADJACENT LANDOWNERS AND PERSONS LIKELY AFFECTED

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

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

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

ii) County of Warner if, in the opinion of the Development Officer or the Municipal Planning Commission, the proposed development is adjacent to the County municipal boundary, or is required in accordance with the adopted Intermunicipal Development Plan; and

(iii) any other persons, government departments or referral agency that is deemed to be affected in the opinion of the Development Officer, or required by legislation; or

(b) hand deliver written notice of the application at least 5 days before the meeting of the Municipal Planning Commission to the persons and agencies specified in subsection (a); or

(c) publish a notice of the application in a newspaper circulating in the municipality at least 5 days before the meeting of the Municipal Planning Commission; or

(d) post a notice of the application online on the official Village of Stirling website or social media site(s) as outlined in an adopted advertising bylaw of the municipality; or

(e) post a notice of the application in a conspicuous place on the property subject of the application at least 5 days before the meeting of the Municipal Planning Commission; or

(f) any combination of the above.

39.2 In all cases, notification shall:

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

(b) state the place and time where the Municipal Planning Commission will meet to consider the application;

(c) state how and when written or oral submissions on the application will be received and considered;

(d) specify the location at which the development permit application can be inspected.

SECTION 40 NOTICE OF DECISION

40.1 Upon issuance of a decision on a development permit application for a permitted use that complies with this Bylaw, the Development Officer shall:

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

(b) notify persons likely to be affected by:

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

(ii) posting a copy of the decision on the official Village of Stirling website or social media site(s) as outlined in an adopted advertising bylaw of the municipality, for at least 21 days; or

(iii) both (i) and (ii).

40.2 Upon issuance of a decision on a development permit application for a discretionary use, similar use, temporary use, or an application involving a variance to this Bylaw, the Development Officer shall:

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

(b) notify persons likely to be affected by:

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

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

(iii) posting a copy of the decision on the official municipal website or social media site as outlined in an adopted advertising bylaw of the municipality, for at least 21 days; or

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

(v) posting a notice of the application in a conspicuous place on the property subject of the application; or

(vi) any combination of (ii) through (v).

40.3 The notice of decision issued under sections 40.1 and 40.2 shall be sent on the same date on which the written decision was given and state where an appeal lies.

40.4 For the purposes of section 40.3, the "date on which the written decision was given" means the date the Development Authority signs the notice of decision or development permit.

DEVELOPMENT PERMIT VALIDITY

SECTION 41 COMMENCEMENT OF DEVELOPMENT

41.1 Despite the issuance of a development permit, no development is authorized to commence within 21 days after the written decision was given (i.e., within the appeal period in accordance with section 50.1(a)).

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

41.3 Any development occurring prior to the dates determined under sections 41.1 and 41.2 is at the risk of the applicant.

SECTION 42 DEVELOPMENT PERMIT VALIDITY

42.1 A development permit is valid only for the location for which it has been issued and must be carried out in accordance with the approved plans and conditions of approval.

42.2 A development permit which has been issued for a specified period of time (temporary development permit) is only valid for the period stated within the development permit approval.

42.3 Unless a development permit is suspended, cancelled, or withdrawn, the development must be commenced and carried out with reasonable diligence in the opinion of the Development Authority within 12 months from the date of issuance of the permit or such other date as may have been prescribed as a condition of a development permit approval, otherwise the permit is no longer valid.

42.4 An application to extend the validity of a development permit, excepting a temporary development permit, may be made at any time prior to the expiration of said permit prescribed in section 42.3. The extension of the validity of a temporary development permit shall not be permitted and requires a new development permit application for consideration by the Development Authority.

42.5 Upon receipt of a request to extend the validity of a development permit, the validity of a development permit may be extended for up to a period of 12 months from the date of the expiry at the discretion of:

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

(b) the Municipal Planning Commission if the permit was issued by the Municipal Planning Commission or approved on appeal by an appeal board.

42.6 Notification of adjacent landowners and persons likely to be affected is not required for an extension request received under section 42.4 or the decision on an extension request issued under section 42.5.

42.7 When any use has been discontinued for a period of 24 months or more, any development permit that may have been issued is no longer valid and said use may not be recommenced until a new application for a development permit has been made and a new development permit issued. This section does not apply to non-conforming uses which are regulated under section 643 of the *Municipal Government Act*.

SECTION 43 TRANSFERABILITY OF DEVELOPMENT PERMIT

43.1 A development permit issued for a home occupation is non-transferable and is invalidated by a change of ownership, tenancy, or occupancy.

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

SECTION 44 SUSPENSION OR CANCELLATION OF A DEVELOPMENT PERMIT

44.1 If after a development permit has been issued, the Development Authority determines that:

(a) the application contained a misrepresentation; or

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

(c) the development permit was issued in error;

the Development Authority may suspend or cancel the development permit by notice in writing to the holder and stating the reasons for any suspension or cancellation.

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

44.3 A person whose development permit is suspended or cancelled under section 44.1 may appeal within 21 days of the written decision to the Subdivision and Development Appeal Board.

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

(a) reinstate the development permit; or

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

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

SECTION 45 WITHDRAWAL OF A DEVELOPMENT PERMIT APPLICATION OR DEVELOPMENT PERMIT APPROVAL

45.1 If, after a development permit application has been submitted, an applicant requests to withdraw the application prior to a decision being rendered, the applicant shall submit a written request stating such to the Development Officer.

45.2 If, after a development permit application has been approved by the Development Authority, a permit holder requests to withdraw and cancel the development permit, the permit holder shall submit a written request stating such to the Development Officer.

45.3 Upon receipt of the written request to withdraw a development permit application or withdraw and cancel an approved development permit, the Development Officer:

(a) shall issue a notice in writing to the applicant or permit holder, as applicable, acknowledging the withdrawal of the development permit application or withdrawal and cancellation of a development permit; and

(b) update the municipal records to indicate the associated development permit number has been withdrawn or cancelled, as applicable, and any permit issued is no longer valid.

SECTION 46 AMENDMENT OF A DEVELOPMENT PERMIT APPLICATION OR DEVELOPMENT PERMIT APPROVAL

46.1 Amendment of a development permit application prior to issuance of a decision by the Development Authority may be permitted at the discretion of the Development Authority and may require renotification and recirculation fees as applicable.

46.2 Except as provided in section 46.3, amendment of a development permit application or development permit approval after a decision has been issued by the Development Authority is not permitted and a new development permit application is required and will be processed anew.

46.3 If, after a notice of decision has been issued on a development permit or after a development permit has been issued, the Development Officer finds a clerical, technical, grammatical, or typographical error on the issued notice and/or permit which does not materially affect the permit in principle or substance, the Development Officer may correct the error and reissue the notice of decision and/or permit with the correct information and there is no renotification required and no avenue for an appeal.

SUBDIVISION REQUIREMENTS AND PROCEDURES

SECTION 47 SUBDIVISION APPLICATION REQUIREMENTS

47.1 An applicant for subdivision shall provide the required material and information as requested by the Subdivision Authority or those authorized to act on its behalf (its designate). A complete application shall consist of:

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

(b) the applicable fees paid;

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

(d) provincial abandoned gas well information;

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

(f) any such other information as may be required at the discretion of the Subdivision Authority or its designate to accurately evaluate the application, determine site suitability, and/or determine compliance with the Land Use Bylaw or other municipal, provincial, or federal regulations and acts. This may include but is not limited to the provision of geotechnical information, soil analysis reports, water reports, soil and slope stability analysis, drainage information, contours and elevations of the land, engineering studies, plans and reports, wetland reports, environmental impact assessments, traffic impact assessments, utility and servicing information, and/or the preparation of a conceptual design scheme or an area structure plan prior to a decision being rendered on a subdivision application.

SECTION 48 DETERMINATION OF COMPLETE SUBDIVISION APPLICATION

48.1 In accordance with the *Municipal Government Act*, the Subdivision Authority or those authorized to act on its behalf (its designate), shall provide notification to a subdivision applicant within the 20-day prescribed time period, on whether a submitted application is deemed complete for the purposes of processing, or if it is determined to be deficient what information is required to be submitted by a specified time period, by sending notification in the following manner:

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

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

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

48.2 Notwithstanding section 48.1, the applicant and Subdivision Authority or those authorized to act on its behalf may agree and sign a time extension agreement in writing in accordance with section 653.1(3) of the *Municipal Government Act* to extend the 20-day decision time period to determine whether the subdivision application and support information submitted is complete.

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

48.4 Where a subdivision application has been determined to be incomplete for the purposes of processing and the applicant fails to submit the required information specified in the written notice provided under section 48.1(b and c) or a later date agreed on in writing between the applicant and Subdivision Authority or those authorized to act on its behalf, the application is deemed to be refused and the applicant shall be notified of such in writing with reasons.

48.5 The notification provided for in section 48.4 shall include the required information on the filing of an appeal and to which appeal board body the appeal lies in accordance with the parameters of the *Municipal Government Act*.

SECTION 49 GENERAL SUBDIVISION REQUIREMENTS

49.1 Minimum dimensional standards for lots are as specified in the applicable land use district.

49.2 All proposed lots, including any residual portion of a parcel of land, shall have frontage on and direct physical access to a public street, except for development internal to a condominium development. Lot frontage on a laneway alone will not be permitted.

49.3 Subdivision of land for a semi-detached dwelling or multi-unit dwelling will typically not be permitted unless a duplex or multi-unit dwelling has been constructed on the parcel that is the subject of the subdivision.

49.4 An accessory building or structure may be subdivided into a separate lot without a principal building or structure at the discretion of the Subdivision Authority.

49.5 For any subdivision within a block identified as having residential infill potential, as determined by the Municipal Planning Commission and consistent with the Municipal Development Plan policies, the following additional requirements apply:

(a) A minimum 6.1 m (20 ft) wide right-of-way, including sufficiently sized corner cut-offs at street intersections, running the entire length of the subject parcel of land shall be dedicated at the time of subdivision for future road widening adjacent to a lane unless determined otherwise by the Municipal Planning Commission through the issuance of a variance or as approved in an infill development plan.

(b) Dedication of utility rights-of-ways will be required adjacent to the road dedication provided in subsection (a) unless determined otherwise by the Municipal Planning Commission through the issuance of a variance or as approved in an infill development plan.

(c) Subdivision of the rear portion of a parcel of land within an infill block will typically only be permitted provided adequate right-of-way for a street has been obtained throughout the entire block or as approved in an infill development plan.

49.6 Other subdivision design, development standards and requirements are as prescribed in the applicable parts of this Bylaw, the Village of Stirling Municipal Development Plan, applicable area structure plans and concept design schemes, and any other applicable municipal or provincial plans, regulations, and acts. The Subdivision Authority may also prescribe additional subdivision design, development standards and requirements at its discretion.

49.7 Any variance granted by the Subdivision Authority for a required setback as part of a subdivision approval is for subdivision purposes only and does not apply to development. Development variances must be sought through the Development Authority under the land use bylaw.

DEVELOPMENT AND SUBDIVISION APPEALS

SECTION 50 DEVELOPMENT APPEALS

50.1 Any person applying for a development permit, or any other person affected by an order, decision or development permit made or issued by the Development Authority may appeal such an order, decision or permit to the Subdivision and Development Appeal Board or the Land and Property Rights Tribunal as prescribed with the *Municipal Government Act*, within:

(a) 21 days after the date on which the written decision for a development permit is given in accordance with Section 40 Notice of Decision;

(b) 21 days after expiry of the 40 day period or the extension period granted under section 35.1 if no decision was made on the development permit application;

(c) 21 days after the date on which a stop order is made.

50.2 Notwithstanding section 50.1, no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of this Bylaw were relaxed, varied, or misinterpreted pursuant to section 685(3) of the *Municipal Government Act*.

50.3 Notwithstanding section 50.1, and in accordance with section 685(4)(a) of the *Municipal Government Act*, no appeal lies in respect of a decision on a development permit application on lands zoned Direct Control where the decision is made by Council.

50.4 Where a decision on a development permit application on lands zoned Direct Control was made by the Development Authority as a delegated authority of Council, an appeal may be made with the Subdivision and Development Appeal Board within 21 days after the date on which the written decision is given and, in accordance with the *Municipal Government Act,* is limited to whether the Development Authority followed the directions of Council.

SECTION 51 SUBDIVISION APPEALS

51.1 Any person applying for a subdivision approval, a government department as applicable, or a school board as applicable, may appeal the decision of the Subdivision Authority to the Subdivision and Development Appeal Board or the Land and Property Rights Tribunal, as applicable, as prescribed within the *Municipal Government Act*, in accordance with the time period established within the *Municipal Government Act*.

51.2 In accordance with the *Municipal Government Act,* no right of appeal in respect of a decision on a subdivision application is available for adjacent or affected landowners.

SECTION 52 FILING A DEVELOPMENT OR SUBDIVISION APPEAL

52.1 An appeal to the local Subdivision and Development Appeal Board shall be commenced by serving a written notice of the appeal with reasons within the prescribed time period in section 50.1 or section 51.1, as applicable, to the Subdivision and Development Appeal Board, and shall be accompanied by the applicable fees.

52.2 An appeal to the Land and Property Rights Tribunal shall be commenced by serving a written notice of the appeal with reasons within the prescribed time period in section 50.1 or section 51.1, as applicable, to the Land and Property Rights Tribunal in the form and manner as prescribed by the Tribunal.

ENFORCEMENT

SECTION 53 NOTICE OF VIOLATION

53.1 Where the Development Authority finds that a development or use of land or buildings is not in accordance with the *Municipal Government Act*, the Matters Related to Subdivision and Development Regulation, a development permit or subdivision approval, or this Bylaw, the Development Authority may, prior to issuing a Stop Order, issue a Notice of Violation to the registered owner or person in possession of the land or buildings, and/or the person responsible for the contravention.

53.2 Such notice shall state the:

(a) nature of the violation;

(b) corrective measures required to comply; and

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

53.3 The Village is not required to issue a Notice of Violation before commencing any other enforcement action under the *Municipal Government Act*, or this Bylaw, or at all.

SECTION 54 STOP ORDERS

54.1 The Development Authority is authorized to issue an order under section 645 of the *Municipal Government Act* whenever it considers it necessary to do so if a development, land use, or use of a building is not in accordance with the *Municipal Government Act*, the Matters Related to Subdivision and Development Regulation, a development permit or subdivision approval, or this Bylaw.

54.2 A person who receives notice pursuant to section 54.1 may appeal the order to the Subdivision and Development Appeal Board in accordance with the *Municipal Government Act*.

SECTION 55 ENFORCEMENT OF STOP ORDERS

55.1 The Village may register a caveat under the Land Titles Act in respect of an order referred to in section 54.1 against the Certificate of Title for the land that is the subject of an order.

55.2 If a caveat is registered under section 55.1, the Village must discharge the caveat when the order has been complied with.

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

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

SECTION 56 PENALTIES AND RIGHT OF ENTRY

56.1 Any person who contravenes any provision of this Bylaw is guilty of an offence in accordance with the applicable provisions of the *Municipal Government Act*.

56.2 In accordance with section 542 of the *Municipal Government Act*, the Development Officer, or other Designated Officer, after giving at least 72 hours' notice to and obtaining consent from the owner or occupier of land upon which this Bylaw or *Municipal Government Act* authorizes anything to be inspected, remedied or enforced or done by a municipality may:

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

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

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

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

56.4 Notwithstanding section 56.2, in accordance with section 542(3) of the *Municipal Government Act,* in an emergency or extraordinary circumstance, the Development Officer or any authorized Designated Officer need not give the advanced notice prescribed within section 56.2 and may enter the land at any time and may undertake the actions specified in sections 56.2(a) and (c) without the consent from the owner or occupier of the land.

AMENDMENT OF LAND USE BYLAW

SECTION 57 LAND USE BYLAW AMENDMENTS

57.1 Any person may apply to amend this Bylaw by submitting the applicable application form, required information, and fees to the Development Officer for processing and referral to Council for consideration.

57.2 The Development Officer may refuse to accept an application to amend this Bylaw if in their opinion, the information supplied is not sufficient to make a proper evaluation of the proposed amendment.

57.3 The Development Officer may refer an application to amend this Bylaw to the Municipal Planning Commission for a recommendation regarding a complete application.

57.4 The Municipal Planning Commission may, at any time on its own motion, present for the consideration of Council any proposed amendment to this Bylaw and is not subject to sections 57.1, 58, or 59.

57.5 Council may, at any time, initiate an amendment to this Bylaw and is not subject to sections 57.1, 58, or 59.

57.6 Proposed amendments to this Bylaw are subject to those procedures set out in the *Municipal Government Act* regarding enactment of bylaws.

57.7 Where a proposed amendment to this Bylaw has been defeated by Council, another application that is the same or similar in nature shall not be accepted until at least 6 months after the date of refusal, unless otherwise authorized by Council.

SECTION 58 LAND USE REDESIGNATION APPLICATION REQUIREMENTS

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

(a) a completed application form, applicable fee, and signed authorization of the registered owner(s) consenting to the application for amendment;

(b) a copy of the Certificate of Title for the lands, dated not more than 30 days prior to the date on which the application was made;

(c) a narrative describing the:

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

(ii) consistency with the Municipal Development Plan and any other applicable statutory plans, provincial legislation, plans or policies,

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

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

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

(vi) access considerations and any potential impacts on public roads, and

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

(d) conceptual lot design, if applicable;

(e) a geotechnical report prepared by an engineer registered with the Association of Professional Engineers and Geoscientists of Alberta, addressing site constraints, servicing, and any other applicable matters, if deemed necessary by the Development Officer, Municipal Planning Commission, or Council;

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

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

58.2 An Area Structure Plan or Conceptual Design Scheme may be required in conjunction with a redesignation application in accordance with the Village of Stirling Municipal Development Plan.

58.3 Despite the requirements stipulated in section 58.1, the Development Officer is authorized to exercise discretion in determining the extent of information required to be submitted for a request for redesignation from one land use district to another and the Development Officer may accept an application which does not include all the information prescribed in section 58.1.

58.4 Despite section 58.3, additional information may be required during the processing of a request for redesignation from one land use district to another.

SECTION 59 TEXTUAL AMENDMENT APPLICATION REQUIREMENTS

59.1 A request for a textual amendment to this Bylaw shall be accompanied by:

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

(b) description of the proposed textual bylaw amendment; and

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

59.2 Additional information may be required during the processing of a request for a textual amendment to this Bylaw.

SECTION 60 RESCINDING LAND USE REDESIGNATION AMENDING BYLAWS

60.1 Council, at its sole discretion, may rescind an amending bylaw which has redesignated lands within the municipality to accommodate a specific proposed subdivision and/or development. Council may rescind the said redesignation bylaw and rezone (redesignate) the lands back to the original land use designation if within 36 months of the redesignation bylaw being given third and final reading:

(a) the proposed subdivision has not been applied for, decided upon or extended; and/or;

(b) the proposed development has not been applied for, decided upon or extended; and/or;

(c) Council is satisfied that, to the best of their determination, the developer has no intentions to proceed with the proposal that was the purpose of applying for the redesignation application.

60.2 The rescinding of the redesignation bylaw shall be undertaken in accordance with section 191 of the *Municipal Government Act*.



PART TWO
LAND USE DISTRICTS

PART TWO: LAND USE DISTRICTS

SECTION 1 ESTABLISHMENT OF LAND USE DISTRICTS

1.1 The land within the boundaries of the Village of Stirling is divided into the Land Use Districts specified in this Part and delineated on the Village of Stirling Land Use Districts Map in Part 9 Land Use Districts Map.

1.2 The Land Use Districts within the Village shall be known by the following identifying names and symbols:

Residential	**R**
Manufactured/Modular Home Residential	**R-M**
Residential Large-Lot	**R-L**
Commercial	**C**
Industrial/Business	**I/B**
Public	**P**
Agricultural	**A**
Direct Control	**DC**

SECTION 2 ESTABLISHMENT OF AREA OVERLAY

2.1 The following Area Overlay is established for the purposes of providing additional development regulation specific to areas within the Village:

Kipp Coulee Area Overlay	**KCAO**

2.2 The boundaries of the Kipp Coulee Area Overlay are as delineated on the Village of Stirling Land Use Districts Map.

2.3 Land within the Kipp Coulee Area Overlay is subject to the regulations of the applicable underlying Land Use District and the Kipp Coulee Area Overlay regulations. Where a parcel of land is partially affected by the Kipp Coulee Area Overlay, the Overlay regulations apply only to the portion of land identified within the Kipp Coulee Area Overlay.

2.4 If there is a conflict between the Area Overlay and the underlying district, the regulations of the Area Overlay shall take precedence.

SECTION 3 LAND USE DISTRICTS MAP

3.1 The Village of Stirling Land Use Districts Map, as may be amended from time to time in accordance with this Bylaw, is attached to and forms part of this Bylaw, and establishes the land use designation (zoning) for each parcel of land within the Village boundary, and Kipp Coulee Area Overlay, as applicable.

3.2 The Land Use Districts Map shall among other things bear the following identification:

(a) Village of Stirling Land Use Districts Map;

(b) Land Use Bylaw number and any amending bylaw numbers;

(c) adoption date.

3.3 Where there is uncertainty or dispute about the exact location of a boundary of any district as shown on the Land Use Districts Map, the location shall be determined by the application of the following rules. Where the district boundary is shown approximately following:

(a) the centre line of a public roadway, it shall be deemed to follow the centre line thereof;

(b) the boundary of a parcel of land, the parcel boundary shall be deemed to be the boundary of the district;

(c) in situations where a parcel of land is split zoned, the measurements on the Land Use Districts Map using the map scale shall apply or where Council has adopted an amending bylaw which approved split zoning of a parcel of land, the measurements on the land use districts amendment bylaw that designated the area of land shall apply.

SECTION 4 LAND USE DISTRICTS AND AREA OVERLAY REGULATIONS

4.1 The intent and regulations for each land use district and area overlay within the Village of Stirling are prescribed as follows:

RESIDENTIAL (R)

SECTION 1 INTENT

1.1 The intent of this land use district is to provide for variety in residential housing to occur within the Village of Stirling in an orderly, integrated and efficient manner.

SECTION 2 USES

2.1 **PERMITTED USES**

Dwellings:
- Single-detached dwelling
- Modular home A
- Ready-to-move home

Building(s) accessory to dwelling not to exceed 83.7 m^2 (900 ft^2) combined area of all accessory buildings

Home occupation – minor

Home occupation – office

Solar collector household system – roof mounted

2.2 **DISCRETIONARY USES**

Other accessory buildings and uses

Bed and Breakfast

Building(s) accessory to dwelling greater than 83.7 m^2 (900 ft^2) combined area of all accessory buildings

Dwellings:
- Garden suite
- Manufactured home
- Modular home B
- Multi-unit
- Row or Townhouse
- Secondary suite
- Semi-detached (Duplex)

Home occupation – major

Public or private utility

Public park or recreation use

Senior citizen housing

Shipping container temporary

Signs

Solar collector household system – ground mounted

Solar collector household system – wall mounted

2.3 **PROHIBITED USES**

Moved-in Dwelling

Moved-in Building

Permanent Shipping Containers

Travel Trailers, Motor Homes or other Recreational Vehicles used as dwellings

Any use which is not listed as either a permitted or discretionary use, or is not ruled to be similar to a permitted or discretionary use in accordance with Section 22 Similar Use, or is specifically listed as prohibited in any Part of this Bylaw, is a prohibited use.

SECTION 3 MINIMUM LOT SIZE

	Width		Length		Area	
Use	m	ft	m	ft	m^2	ft^2
Manufactured, modular, ready-to-move home	20.1	66	30.0	98	603	6468
Single-detached dwelling	20.1	66	30.0	98	603	6468
Semi-detached (Duplex)	10.1	33	30.0	98	303	3234
	Each unit				Each unit	
All other uses	As required by the Development Authority					

SECTION 4 MINIMUM SETBACKS*

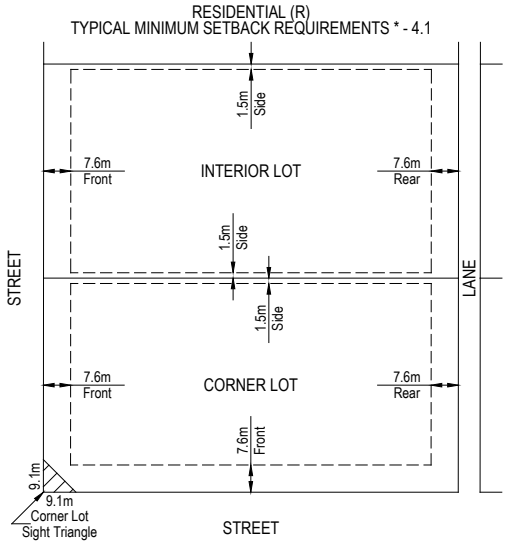
4.1	Front		Side		Rear	
Use	m	ft	m	ft	m	ft
Manufactured, modular, ready-to-move home	7.6	25	1.5	5	7.6	25
Single-detached dwelling	7.6	25	1.5	5	7.6	25
Semi-detached (Duplex)	7.6	25	1.5	5	7.6	25
All other uses	As required by the Development Authority					

* Also refer to Sections 3, 4, 5 and 14 of Part 4.

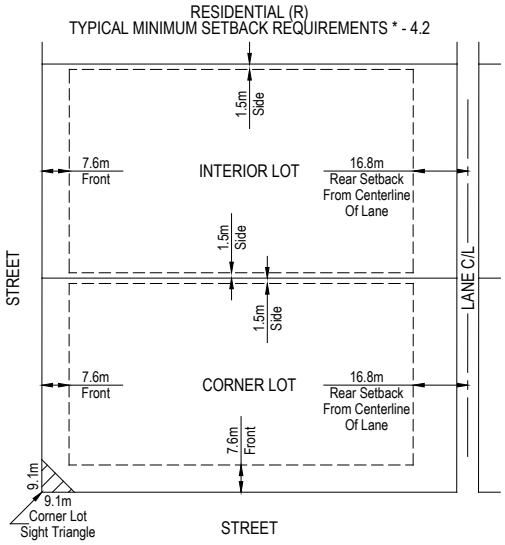
4.2 No permanent buildings or structures shall be placed within 16.8 metres (55 ft) of the centre line of adjacent lanes in all blocks, excepting Blocks 3, 4, 16, 17, and 18 of Plan 752J; Block 13, Plan 7510875; Block 14, Plan 7410027; Block 15, Plan 0111775; and lots where road right-of-way has been dedicated in accordance with section 4.4. This area is reserved for future road widening and front yard requirements when these blocks are resubdivided. On lots where the right-of-way has been dedicated in accordance with section 4.4, the setback requirements for double frontage lots and corner lots stipulated in Part 4, section 4.1(a) and (b) are applicable.

4.3 The Development Authority may reduce the setback requirement in section 4.2 to 13.0 metres (42.5 ft) for corner lots.

4.4 A 6.1 metre (20 ft) wide right-of-way running the entire length of the subject parcel(s) shall be dedicated at the time of subdivision for future road widening for any lots adjacent to a lane in accordance with Part 1, section 49.5.



*See Also Sections 3, 4, 5 & 14, Part 4.



*See Also Sections 3, 4, 5 & 14, Part 4.

SECTION 5 ACCESSORY BUILDINGS

5.1 Accessory buildings shall be setback a minimum of 7.6 metres (25 ft) from a front lot line or where the principal building is setback greater than 7.6 metres (25 ft), no closer than the principal building, and 1.5 metres (5 ft) from a side or rear lot line. Also refer to section 4.2 and 4.3.

5.2 A carport is permitted in a side yard but shall not be less than 1.5 metres (5 ft) from a side lot line.

5.3 All roof drainage is to be contained within the property upon which the said building is situated.

5.4 Accessory buildings are intended to be incidental and subordinate to the principal building.

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

5.6 The Development Authority may regulate the orientation and location of an accessory building proposed on a lot with more than one street frontage or a lot with potential for subdivision.

5.7 The footprint of a garage or carport attached to a dwelling shall not exceed the footprint of the dwelling, except as approved by the Municipal Planning Commission as a discretionary use.

SECTION 6 SITE COVERAGE

6.1 The principal building shall not cover more than 33 percent of the surface area of the lot.

6.2 Lot coverage for accessory buildings is as follows:

(a) Permitted use accessory building – combined total of all accessory buildings shall not exceed 83.7m^2 (900 ft^2).

(b) Discretionary use accessory building – combined total of all accessory buildings (permitted and discretionary) shall not exceed 139.4 m^2 (1500 ft^2), and the footprint of the accessory building shall not exceed the footprint of the principal building.

6.3 The site coverage for other uses will be as required by the Development Authority.

SECTION 7 MINIMUM FLOOR AREA

Semi-detached (Duplex):	74.3 m^2 per unit (800 ft^2)
Manufactured, modular, ready-to-move home:	89.0 m^2 (958 ft^2)
Single-detached dwelling:	89.0 m^2 (958 ft^2)
All other uses:	As required by the Development Authority

SECTION 8 MINIMUM BUILDING WIDTH

Semi-detached (Duplex):	7.3 m (24 ft)
Manufactured, modular, ready-to-move home:	7.3 m (24 ft)
Single detached dwelling:	7.3 m (24 ft)
All other uses:	As required by the Development Authority

SECTION 9 MAXIMUM BUILDING HEIGHT

Accessory building:	5.2 m (17 ft)
Semi-detached (Duplex):	10.2 m (33 ft)
Manufactured, modular, ready-to-move home:	10.2 m (33 ft)
Single-detached dwelling:	10.2 m (33 ft)
All other uses:	As required by the Development Authority

SECTION 10 **GENERAL STANDARDS OF DEVELOPMENT – Part 4**

SECTION 11 **USE SPECIFIC STANDARDS OF DEVELOPMENT - Part 5**
Dwellings:
- **Manufactured, Modular, Ready-To-Move**
- **Garden Suite**
- **Secondary Suite**
- **Site Built**

Home Occupation Standards
Solar Collector Systems Standards
Temporary Shipping Container Standards

SECTION 12 **OFF-STREET PARKING AND LOADING AREA REQUIREMENTS – Part 6**

SECTION 13 **SIGNS – Part 7**

MANUFACTURED/MODULAR HOME RESIDENTIAL (R-M)

SECTION 1 INTENT

1.1 The intent of this land use district is to provide an opportunity for manufactured home residential development in those areas of the Village that are considered suitable for such development while considering the historical significance of the Village.

SECTION 2 USES

2.1 **PERMITTED USES**

Dwellings:
- Manufactured home
- Modular home A and B

Building(s) accessory to dwelling not to exceed 78.0 m^2 (840 ft^2) combined area of all accessory buildings

Home occupation – minor

Home occupation – office

Solar collector household system – roof mounted

2.2 **DISCRETIONARY USES**

Other accessory buildings and uses

Building(s) accessory to dwelling greater than 78.0 m^2 (840 ft^2) combined area of all accessory buildings

Home occupation – major

Public or private utility

Public park or recreation use

Ready-to-move home

Senior citizen housing

Signs

Shipping container temporary

Single detached dwelling

Solar collector household system – ground mounted

Solar collector household system – wall mounted

2.3 **PROHIBITED USES**

Moved-in Dwelling

Garden Suite

Secondary Suite

Moved-in Building

Permanent Shipping Containers

Travel Trailers, Motor Homes or other Recreational Vehicles used as dwellings

Any use which is not listed as either a permitted or discretionary use, or is not ruled to be similar to a permitted or discretionary use in accordance with Section 22 Similar Use, or is specifically listed as prohibited in any Part of this Bylaw, is a prohibited use.

SECTION 3 MINIMUM LOT SIZE

	Width		Length		Area	
Use	m	ft	m	ft	m^2	ft^2
Manufactured, modular, ready-to-move home, single-detached dwelling	16.5	54	33.5	110	552.8	5940
All other uses	As required by the Development Authority					

SECTION 4 MINIMUM SETBACKS*

4.1	Front Yard		Side Yard		Rear Yard	
Use	m	ft	m	ft	m	ft
Manufactured, modular, ready-to-move home, single detached dwelling	7.6	25	1.5	5	4.6	15
All other uses	As required by the Development Authority					

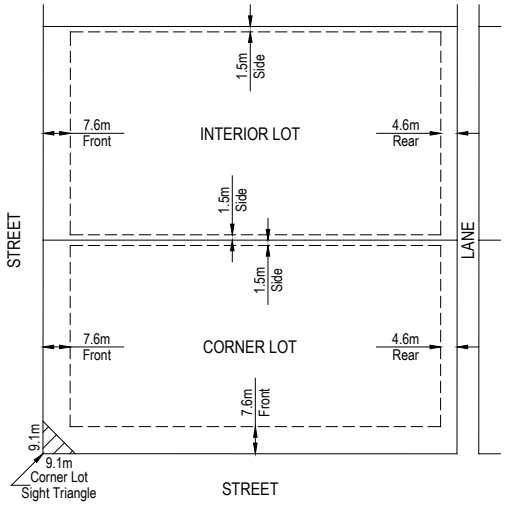
* Also refer to Sections 3, 4, 5 and 14, of Part 4.

4.2 No permanent buildings or structures shall be placed within 16.8 metres (55 ft) of the centre line of adjacent lanes in all blocks, excepting Blocks 3, 4, 16, 17, and 18 of Plan 752J; Block 13, Plan 7510875; Block 14, Plan 7410027; Block 15, Plan 0111775; and lots where road right-of-way has been dedicated in accordance with section 4.4. This area is reserved for future road widening and front yard requirements when these blocks are resubdivided. On lots where the right-of-way has been dedicated in accordance with section 4.4, the setback requirements for double frontage lots and corner lots stipulated in Part 4, section 4.1(a) and (b) are applicable.

4.3 The Development Authority may reduce the setback requirement in section 4.2 to 13.0 metres (42.5 ft) for corner lots.

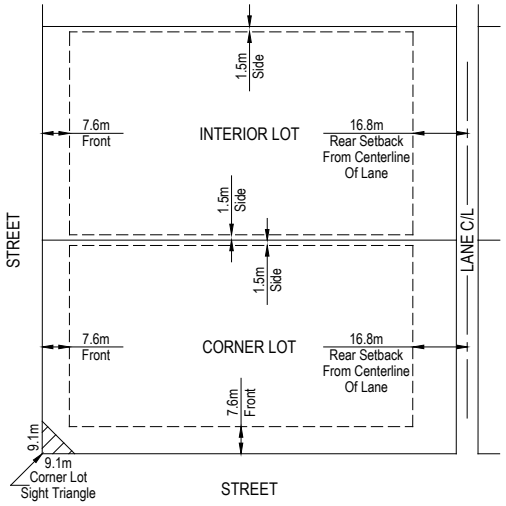
4.4 A 6.1 metre (20 ft) wide right-of-way running the entire length of the subject parcel(s) shall be dedicated at the time of subdivision for future road widening for any lots adjacent to a lane in accordance with Part 1, section 49.5.

MANUFACTURED / MODULAR HOME RESIDENTIAL (R-M)
TYPICAL MINIMUM SETBACK REQUIREMENTS * - 4.1



*See Also Sections 3, 4, 5 & 14, Part 4.

MANUFACTURED / MODULAR HOME RESIDENTIAL (R-M)
TYPICAL MINIMUM SETBACK REQUIREMENTS * - 4.2



*See Also Sections 3, 4, 5 & 14, Part 4.

SECTION 5 ACCESSORY BUILDINGS

5.1 Accessory buildings shall be setback a minimum of 7.6 metres (25 ft) from a front lot line or where the principal building is setback greater than 7.6 metres (25 ft), no closer than the principal building, and 1.52 metres (5 ft) from a side or rear lot line. Also refer to section 4.2 and 4.3.

5.2 A carport is permitted in a side yard but shall not be less than 1.5 metres (5 ft) from a side lot line.

5.3 All roof drainage is to be contained within the property upon which the said building is situated.

5.4 Accessory buildings are intended to be incidental and subordinate to the principal building.

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

5.6 The Development Authority may regulate the orientation and location of an accessory building proposed on a lot with more than one street frontage or a lot with potential for subdivision.

5.7 The footprint of a garage or carport attached to a dwelling shall not exceed the footprint of the dwelling, except as approved by the Municipal Planning Commission as a discretionary use.

SECTION 6 SITE COVERAGE

6.1 The principal building shall not cover more than 33 percent of the surface area of the lot.

6.2 Lot coverage for accessory buildings is as follows:

(a) Permitted use accessory building – combined total of all accessory buildings shall not exceed 78.0 m^2 (840 ft^2).

(b) Discretionary use accessory building – combined total of all accessory buildings (permitted and discretionary) shall not exceed 139.4 m2 (1500 ft2), and the footprint of the accessory building shall not exceed the footprint of the principal building.

6.3 The site coverage for other uses will be as required by the Development Authority.

SECTION 7 MINIMUM FLOOR AREA

Manufactured, modular, ready-to-move home:	89.0 m^2 (958 ft^2)
Single-detached dwelling:	89.0 m^2 (958 ft^2)
All other uses:	As required by the Development Authority

SECTION 8 MINIMUM BUILDING WIDTH

Manufactured, modular, ready-to-move home:	4.9 m (16 ft)
Single-detached dwelling:	4.9 m (16 ft)
All other uses:	As required by the Development Authority

SECTION 9 MAXIMUM BUILDING HEIGHT

Accessory building:	5.2 m (17 ft)
Manufactured, modular, ready-to-move home:	10.2 m (33 ft)
Single-detached dwelling:	10.2 m (33 ft)
All other uses:	As required by the Development Authority

SECTION 10 GENERAL STANDARDS OF DEVELOPMENT – Part 4

SECTION 11 USE SPECIFIC STANDARDS OF DEVELOPMENT - Part 5
Dwellings
Manufactured, Modular, Ready-To-Move
Site Built
Home Occupations
Solar Collector Systems Standards
Temporary Shipping Container Standards

SECTION 12 OFF-STREET PARKING AND LOADING AREA REQUIREMENTS – Part 6

SECTION 13 SIGNS – Part 7

RESIDENTIAL LARGE-LOT (R-L)

SECTION 1 INTENT

1.1 The intent of this land use district is to provide for residential development on larger lots to occur within the Village of Stirling in an orderly, integrated and efficient manner while considering the historical significance of the area.

SECTION 2 USES

2.1 **PERMITTED USES**

Dwellings:
- Single detached dwelling
- Modular home A
- Ready-to-move home

Building(s) accessory to dwelling not to exceed 95.1 m^2 (1024 ft^2) combined area of all accessory buildings

Home occupation – minor

Home occupation – office

Solar collector household system – roof mounted

2.2 **DISCRETIONARY USES**

Other accessory buildings and uses

Bed and Breakfast

Building(s) accessory to dwelling greater than 95.1 m^2 (1024 ft^2) combined area of all accessory buildings

Dwellings:
- Garden suite
- Manufactured home
- Modular home B
- Secondary suite

Home occupation – major

Public or private utility

Public park or recreation use

Shipping container temporary

Signs

Solar collector household system – ground mounted

Solar collector household system – wall mounted

2.3 **PROHIBITED USES**

Moved-in Dwelling

Moved-in Building

Permanent Shipping Containers

Travel Trailers, Motor Homes or other Recreational Vehicles used as dwellings

Any use which is not listed as either a permitted or discretionary use, or is not ruled to be similar to a permitted or discretionary use in accordance with Section 22 Similar Use, or is specifically listed as prohibited in any Part of this Bylaw, is a prohibited use.

SECTION 3 MINIMUM LOT SIZE

	Width		Area	
Use	m	ft	ha	acres
All Uses	38.1	125	0.45	1.11

SECTION 4 MINIMUM SETBACKS*

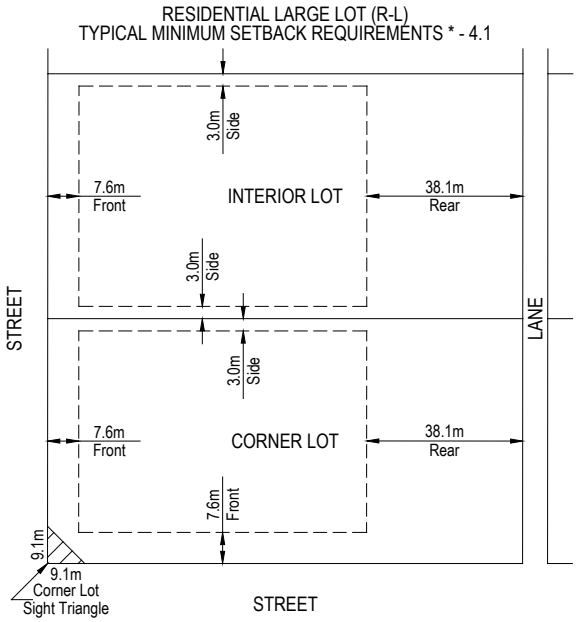
4.1	Front		Side			Rear	
Use	m	ft		m	ft	m^2	ft^2
Single-detached dwelling, modular home and ready-to-move home	7.6	25	Interior lot - Corner lot -	3.0 38.1	10 125	38.1	125
All other uses	As required by the Development Authority						

* Also refer to Sections 3, 4, 5 and 14, of Part 4.

4.2 No permanent buildings or structures shall be placed within 16.8 metres (55 ft) of the centre line of adjacent lanes in all blocks, excepting Blocks 3, 4, 16, 17, and 18 of Plan 752J; Block 13, Plan 7510875; Block 14, Plan 7410027; Block 15, Plan 0111775; and lots where road right-of-way has been dedicated in accordance with section 4.4. This area is reserved for future road widening and front yard requirements when these blocks are resubdivided. On lots where the right-of-way has been dedicated in accordance with section 4.4, the setback requirements for double frontage lots and corner lots stipulated in Part 4, section 4.1(a) and (b) are applicable.

4.3 The Development Authority may reduce the setback requirement in section 4.2 to 13.0 metres (42.5 ft) for corner lots.

4.4 A 6.1 metre (20 ft) wide right-of-way running the entire length of the subject parcel(s) shall be dedicated at the time of subdivision for future road widening for any lots adjacent to a lane in accordance with Part 1, section 49.5.



*See Also Sections 3, 4, 5 & 14, Part 4.

SECTION 5 ACCESSORY BUILDINGS

5.1 Accessory buildings shall be setback a minimum of 7.6 metres (25 ft) from a front lot line or where the principal building is setback greater than 7.6 metres (25 ft), no closer than the principal building, and 1.5 metres (5 ft) from a side or rear lot line. Also refer to section 4.2 and 4.3.

5.2 A carport is permitted in a side yard but shall not be less than 1.5 metres (5 ft) from a side lot line.

5.3 All roof drainage is to be contained within the property upon which the said building is situated.

5.4 Accessory buildings are intended to be incidental and subordinate to the principal building.

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

5.6 The Development Authority may regulate the orientation and location of an accessory building proposed on a lot with more than one street frontage or a lot with potential for subdivision.

5.7 The footprint of a garage or carport attached to a dwelling shall not exceed the footprint of the dwelling, except as approved by the Municipal Planning Commission as a discretionary use.

SECTION 6 SITE COVERAGE

6.1 The principal building shall not cover more than 33 percent of the surface area of the lot.

6.2 Lot coverage for accessory buildings is as follows:

(a) Permitted use accessory building – combined total of all accessory buildings shall not exceed 95.1 m^2 (1024 ft^2).

(b) Discretionary use accessory building – combined total of all accessory buildings (permitted and discretionary) shall not exceed 139.4 m^2 (1500 ft^2), and the footprint of the accessory building shall not exceed the footprint of the principal building.

6.3 The site coverage for other uses will be as required by the Development Authority.

SECTION 7 MINIMUM FLOOR AREA

Manufactured, modular, ready-to-move home:	89.0 m^2 (958 ft^2)
Single detached dwelling:	89.0 m^2 (958 ft^2)
All other uses:	As required by the Development Authority

SECTION 8 MINIMUM BUILDING WIDTH

Manufactured, modular, ready-to-move home:	7.3 m (24 ft)
Single detached dwelling:	7.3 m (24 ft)
All other uses:	As required by the Development Authority

SECTION 9 MAXIMUM BUILDING HEIGHT

Accessory building:	5.2 m (17 ft)
Manufactured, modular, ready-to-move home:	10.2 m (33 ft)
Single detached dwelling:	10.2 m (33 ft)
All other uses:	As required by the Development Authority

SECTION 10 GENERAL STANDARDS OF DEVELOPMENT – Part 4

SECTION 11 USE SPECIFIC STANDARDS OF DEVELOPMENT - Part 5

Dwellings

Manufactured, Modular, Ready-To-Move

Site Built

Home Occupations
Solar Collector Systems
Solar Collector Systems Standards
Temporary Shipping Container Standards

SECTION 12 OFF-STREET PARKING AND LOADING AREA REQUIREMENTS – Part 6

SECTION 13 SIGNS – Part 7

COMMERCIAL (C)

SECTION 1 INTENT

1.1 The intent of this land use district is to encourage the development of a commercial area within the Village of Stirling that is located to serve the needs of residents and those of the travelling public who may be interested in the historical nature and features of the Village.

SECTION 2 USES

2.1 **PERMITTED USES**

Accessory buildings 13.4 m^2 (144 ft^2) or less
Financial institution
Office
Personal services
Retail store limited
Sign, fascia
Solar collector household system – roof mounted
Tourism information service and facility

2.2 **DISCRETIONARY USES**

Other accessory buildings and uses
Boarding house
Building supply outlet
Car and truck wash
Childcare facility
Commercial recreation
Construction supply and contractors
Drive-in restaurant
Farmer's market
Government service
Grocery store
Hotel
Kennel

2.3 **PROHIBITED USES**

Licensed Facility
Licensed Restaurant
Liquor Store
Permanent Shipping Containers

2.2 **DISCRETIONARY USES** – CONT'D

Medical and dental office
Mini-storage
Motel
Moved-in building
Parking facility
Private recreation
Public and institutional use
Public park or recreation use
Public or private utility
Residential accommodation in conjunction with an approved commercial use
Restaurant
Retail store
Service station
Senior citizen housing
Shipping container temporary
Shopping centre
Sign, all other
Solar collector household system – ground mounted
Solar collector household system – wall mounted
Specialty manufacturing/cottage industry
Vehicle sales and rental
Veterinary clinic, small animals only

Travel Trailers, Motor Homes or other Recreational Vehicles used as dwellings

Any use which is not listed as either a permitted or discretionary use, or is not ruled to be similar to a permitted or discretionary use in accordance with Section 22 Similar Use, or is specifically listed as prohibited in any Part of this Bylaw, is a prohibited use.

SECTION 3 MINIMUM LOT SIZE

	Width		Length		Area	
Use	**m**	**ft**	**m**	**ft**	**m²**	**ft²**
All Uses	15.2	50	30.5	100	464.5	5000

SECTION 4 MINIMUM SETBACKS*

4.1	**Front Yard**		**Side Yard**		**Rear Yard**	
Use	**m**	**Ft**	**m**	**ft**	**m**	**Ft**
All Uses	Minimum: 3.0[1] Maximum 7.6m	Minimum: 10[1] Maximum 25	1.5[1]	5[1]	4.6[1]	15[1]

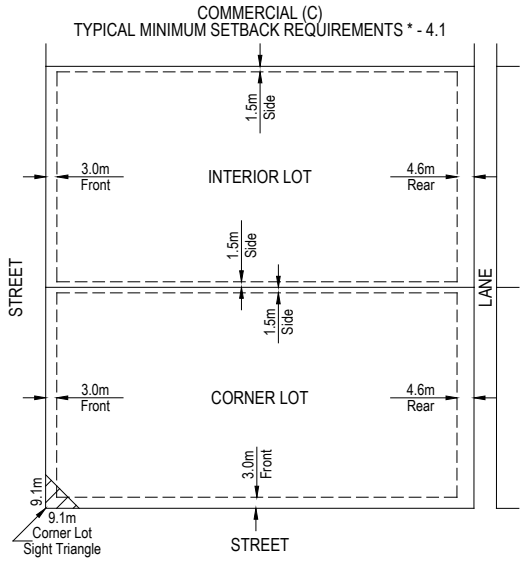
* Also refer to Sections 3, 4, 5 and 14 of Part 4.

1 – Greater minimum setback requirements may be required depending on the proposed development at the discretion of the Development Authority.

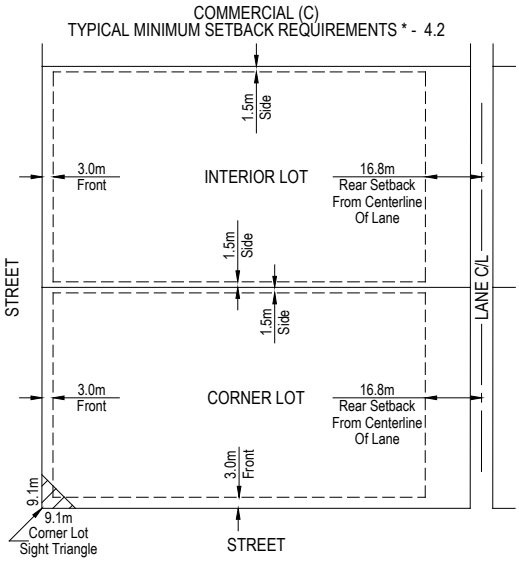
4.2 No permanent buildings or structures shall be placed within 16.8 metres (55 ft) of the centre line of adjacent lanes in all blocks, excepting Blocks 3, 4, 16, 17, and 18 of Plan 752J; Block 13, Plan 7510875; Block 14, Plan 7410027; Block 15, Plan 0111775; and lots where road right-of-way has been dedicated in accordance with section 4.4. This area is reserved for future road widening and front yard requirements when these blocks are resubdivided. On lots where the right-of-way has been dedicated in accordance with section 4.4, the setback requirements for double frontage lots and corner lots stipulated in Part 4, section 4.1(a) and (b) are applicable.

4.3 The Development Authority may reduce the setback requirement in section 4.2 to 13.0 metres (42.5 ft) for corner lots.

4.4 A 6.1 metre (20 ft) wide right-of-way running the entire length of the subject parcel(s) shall be dedicated at the time of subdivision for future road widening for any lots adjacent to a lane in accordance with Part 1, section 49.5.



*See Also Sections 3, 4, 5 & 14, Part 4.



*See Also Sections 3, 4, 5 & 14, Part 4.

SECTION 5 SITE COVERAGE

5.1 Buildings shall cover no more than 80 percent of the surface area of any lot.

SECTION 6 MAXIMUM BUILDING HEIGHT

Accessory building:	5.20 m (17 ft)
All other uses:	As required by the Development Authority

SECTION 7 GENERAL STANDARDS OF DEVELOPMENT – Part 4

SECTION 8 USE SPECIFIC STANDARDS OF DEVELOPMENT - Part 5

Licensed Restaurant Standards
Moved-in Building Standards
Solar Collector Systems Standards
Temporary Shipping Container Standards

SECTION 9 OFF-STREET PARKING AND LOADING AREA REQUIREMENTS – Part 6

SECTION 10 SIGNS – Part 7

INDUSTRIAL / BUSINESS (I/B)

SECTION 1 INTENT

1.1 The intent of this land use district is to provide for light industrial and business development within the Village of Stirling that is compatible with existing land uses and broadens the tax base of the Village while maintaining its agricultural nature.

SECTION 2 USES

2.1 **PERMITTED USES**

Accessory buildings 13.4 m^2 (144 ft^2) or less
Sign, fascia
Solar collector household system – roof mounted

2.2 **DISCRETIONARY USES**

Other accessory buildings and uses
Building supply outlet
Bulk fuel or chemical storage and sales
Car and truck wash
Construction supply and contractors
Farm/Industrial machinery sales, rental and service
Farm supplies and service
General industrial
Intensive horticultural operation
Kennel
Light manufacturing
Mini-Storage
Moved-in building
Outdoor storage

2.2 **DISCRETIONARY USES** – CONT'D

Parking facility
Public or private utility
Retail cannabis store
Retail uses ancillary to an industrial/business use
Shipping container temporary
Sign, all other
Solar collector household system – ground mounted
Solar collector household system – wall mounted
Solar collector industrial system
Specialty manufacturing/cottage industry
Veterinary clinic, large and small animals
Veterinary clinic, small animals only
Warehousing

2.3 **PROHIBITED USES**

Licensed Facility
Licensed Restaurant
Liquor Store
Permanent Shipping Containers
Travel Trailers, Motor Homes or other Recreational Vehicles used as dwellings

Any use which is not listed as either a permitted or discretionary use, or is not ruled to be similar to a permitted or discretionary use in accordance with Section 22 Similar Use, or is specifically listed as prohibited in any Part of this Bylaw, is a prohibited use.

SECTION 3 MINIMUM LOT SIZE

	Width		Length		Area	
Use	m	ft	m	ft	m^2	ft^2
All Uses	30.5	100	30.5	100	930.0	10 000

SECTION 4 MINIMUM SETBACKS*

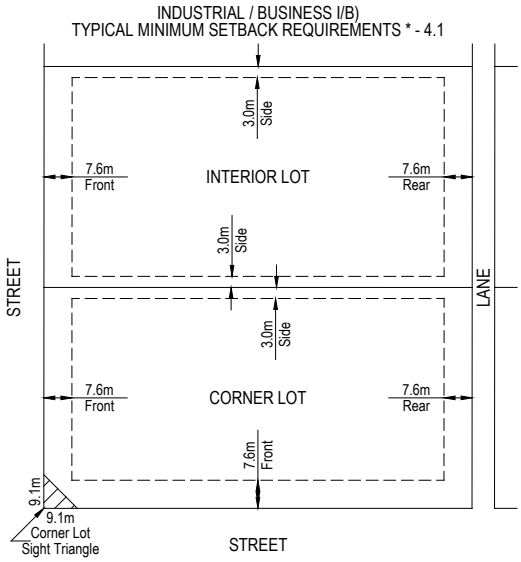
4.1	Front		Side		Rear	
Use	m	ft	m	ft	m	ft
All Uses	7.6	25	3.0	10	7.6	25

* Also refer to Sections 3, 4, 5 and 14 of Part 4.

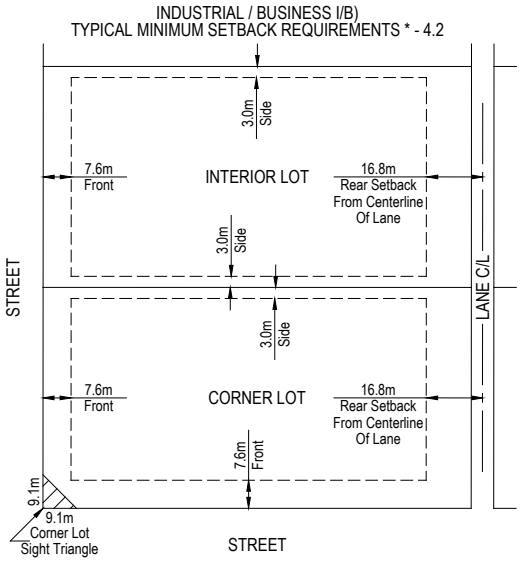
4.2 No permanent buildings or structures shall be placed within 16.8 metres (55 ft) of the centre line of adjacent lanes in all blocks, excepting Blocks 3, 4, 16, 17, and 18 of Plan 752J; Block 13, Plan 7510875; Block 14, Plan 7410027; Block 15, Plan 0111775; and lots where road right-of-way has been dedicated in accordance with section 4.4. This area is reserved for future road widening and front yard requirements when these blocks are resubdivided. On lots where the right-of-way has been dedicated in accordance with section 4.4, the setback requirements for double frontage lots and corner lots stipulated in Part 4, section 4.1(a) and (b) are applicable.

4.3 The Development Authority may reduce the setback requirement in section 4.2 to 13.0 metres (42.5 ft) for corner lots.

4.4 A 6.1 metre (20 ft) wide right-of-way running the entire length of the subject parcel(s) shall be dedicated at the time of subdivision for future road widening for any lots adjacent to a lane in accordance with Part 1, section 49.5.



*See Also Sections 3, 4, 5 & 14, Part 4.



*See Also Sections 3, 4, 5 & 14, Part 4.

SECTION 5 SITE COVERAGE

5.1 Buildings shall occupy no more than 60 percent of the surface area of any lot.

SECTION 6 MAXIMUM BUILDING HEIGHT

6.1 All uses: As required by the Development Authority

SECTION 7 OUTDOOR STORAGE

7.1 No outdoor storage shall be permitted in the required front yard setback or in the required corner lot side yard setback.

7.2 Display of vehicles, new machinery, and new equipment may be allowed in front of a building provided such display does not encroach on the required front or side yards.

7.3 Other outdoor storage areas may be required to be effectively screened from view by buildings, solid fences, trees, landscaped features or combinations thereof.

SECTION 8 GENERAL STANDARDS OF DEVELOPMENT – Part 4

SECTION 9 USE SPECIFIC STANDARDS OF DEVELOPMENT - Part 5

Moved-in Building Standards
Retail Cannabis Store
Solar Collector Systems Standards
Temporary Shipping Container Standards

SECTION 10 **OFF-STREET PARKING AND LOADING AREA REQUIREMENTS – Part 6**

SECTION 11 **SIGNS – Part 7**

PUBLIC (P)

SECTION 1 INTENT

1.1 The intent of this land use district is to ensure that land uses of a public nature that provide services for a range of age groups within the Village of Stirling are developed in appropriate locations to be compatible with adjacent uses and address the needs of residents.

SECTION 2 USES

2.1 **PERMITTED USES**

Accessory buildings 13.4 m^2 (144 ft^2) or less
Government service
Public park
Solar collector household system – roof mounted

2.2 **DISCRETIONARY USES**

Other accessory buildings and uses
Childcare facility
Commercial recreation
Lodge
Medical and dental office
Moved-in building
Parking facility
Private recreation
Public recreation
Public and institutional use
Public and private utility
Shipping container temporary
Sign
Solar collector household system – ground mounted
Solar collector household system – wall mounted
Solar collector industrial system

2.3 **PROHIBITED USES**

Licensed Facility
Licensed Restaurant
Permanent Shipping Containers
Travel Trailers, Motor Homes or other Recreational Vehicles used as dwellings

Any use which is not listed as either a permitted or discretionary use, or is not ruled to be similar to a permitted or discretionary use in accordance with Section 22 Similar Use, or is specifically listed as prohibited in any Part of this Bylaw, is a prohibited use.

SECTION 3 MINIMUM LOT SIZE

3.1 All uses – As required by the Development Authority

SECTION 4 MINIMUM SETBACKS*

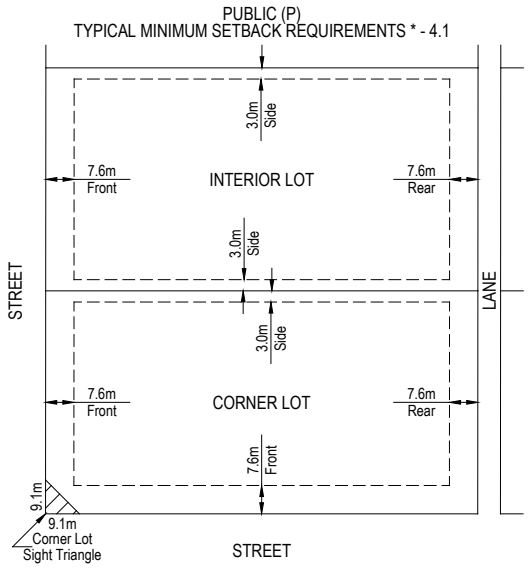
4.1	Front		Side		Rear	
Use	**m**	**ft**	**m**	**ft**	**m**	**ft**
Permitted Uses	7.6	25	3.0	10	7.6	25
All other uses	As required by the Development Authority					

* Also refer to Sections 3, 4, 5 and 14, Part 4.

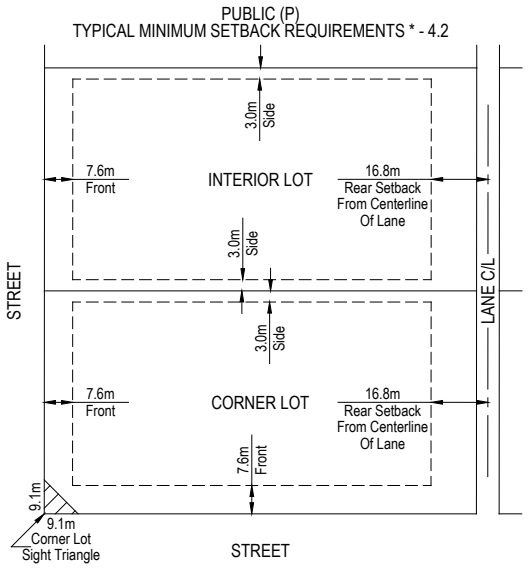
4.2 No permanent buildings or structures shall be placed within 16.8 metres (55 ft) of the centre line of adjacent lanes in all blocks, excepting Blocks 3, 4, 16, 17, and 18 of Plan 752J; Block 13, Plan 7510875; Block 14, Plan 7410027; Block 15, Plan 0111775; and lots where road right-of-way has been dedicated in accordance with section 4.4. This area is reserved for future road widening and front yard requirements when these blocks are resubdivided. On lots where the right-of-way has been dedicated in accordance with section 4.4, the setback requirements for double frontage lots and corner lots stipulated in Part 4, section 4.1(a) and (b) are applicable.

4.3 The Development Authority may reduce the setback requirement in section 4.2 to 13.0 metres (42.5 ft) for corner lots.

4.4 A 6.1 metre (20 ft) wide right-of-way running the entire length of the subject parcel(s) shall be dedicated at the time of subdivision for future road widening for any lots adjacent to a lane in accordance with Part 1, section 49.5.



*See Also Sections 3, 4, 5 & 14, Part 4.



*See Also Sections 3, 4, 5 & 14, Part 4.

SECTION 5 MAXIMUM SITE COVERAGE

5.1 Buildings shall occupy no more than 50 percent of the surface area of any lot.

SECTION 6 MAXIMUM BUILDING HEIGHT

6.1 As required by the Development Authority keeping in mind the impact to adjacent property owners and land uses.

SECTION 7 GENERAL STANDARDS OF DEVELOPMENT – Part 4

SECTION 8 USE SPECIFIC STANDARDS OF DEVELOPMENT - Part 5

Moved-in Building Standards
Solar Collector Systems Standards
Temporary Shipping Container Standards

SECTION 9 OFF-STREET PARKING AND LOADING AREA REQUIREMENTS – Part 6

SECTION 10 SIGNS – Part 7

AGRICULTURAL (A)

SECTION 1 PURPOSE

1.1 The intent of this land use district is to preserve the agricultural and historical nature of the Village of Stirling by limiting the further fragmentation of any existing 4.0 ha (10 acre) blocks and the conversion of existing uses into those of an increased intensity or scale and of a non-agricultural nature.

SECTION 2 USES

2.1 **PERMITTED USES**

Accessory buildings to a maximum of 2 per lot
Extensive agriculture
Home occupation – minor
Home occupation – office
Solar collector household system – roof mounted

2.2 **DISCRETIONARY USES**

Bed and Breakfast
Dwellings:
- Garden suite
- Manufactured home
- Modular home A and B
- Ready-to-move home
- Secondary suite
- Single-detached dwelling

Farm supplies and services
Home occupation – major
Intensive horticultural operation
Kennel
Moved-in building
Other accessory buildings and uses
Public and institutional use
Public and private utility
Public park or recreational use
Specialty manufacturing/cottage industry
Shipping container temporary
Solar collector household system – ground mounted
Solar collector household system – wall mounted
Veterinary clinic – large and small animal

2.3 **PROHIBITED USES**

Licensed Facility
Licensed Restaurant
Moved-in Dwelling
Permanent Shipping Containers
Travel Trailers, Motor Homes or other Recreational Vehicles used as dwellings

Any use which is not listed as either a permitted or discretionary use, or is not ruled to be similar to a permitted or discretionary use in accordance with Section 22 Similar Use, or is specifically listed as prohibited in any Part of this Bylaw, is a prohibited use.

SECTION 4 MINIMUM LOT SIZE

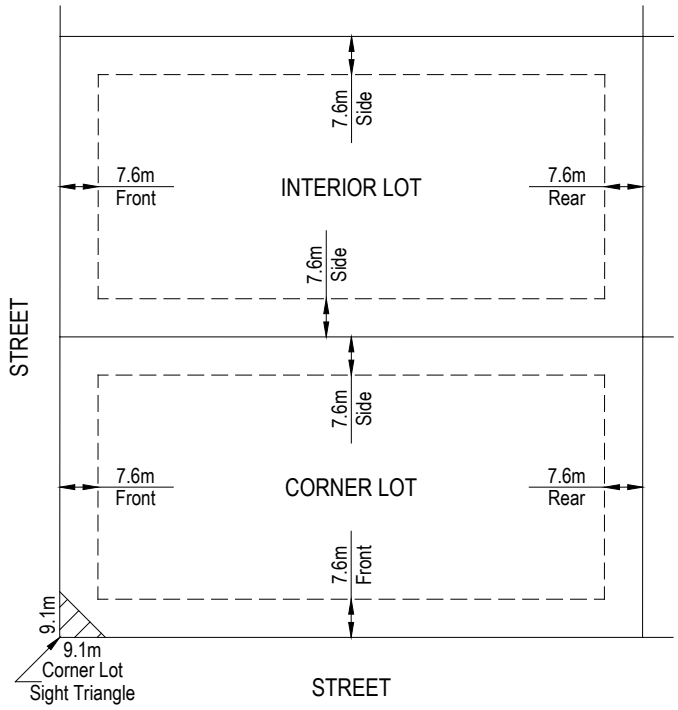
4.1 All uses: 4.0 hectares (10 acres), or
Existing title at the time of the adoption of this Bylaw.

SECTION 5 MINIMUM SETBACK REQUIREMENTS*

	Front		Side		Rear	
Use	**m**	**ft**	**m**	**ft**	**m**	**Ft**
All Uses	7.6	25	7.6	25	7.6	25

* Also refer to Sections 3, 4, 5 and 14 of Part 4.

AGRICULTURAL (A)
TYPICAL MINIMUM SETBACK REQUIREMENTS *



*See Also Sections 3, 4, 5 & 14, Part 4.

SECTION 6 SITE COVERAGE

6.1 As required by the Development Authority, in keeping with the intent of the district.

SECTION 7 LANDSCAPING

7.1 Each property owner is encouraged to maintain existing tree rows, orchards, and drainage courses while limiting noxious weeds and ensuring stormwater flow is not compromised and negatively affects adjacent lands.

SECTION 8 GENERAL STANDARDS OF DEVELOPMENT – Part 4

SECTION 9 USE SPECIFIC STANDARDS OF DEVELOPMENT - Part 5

- Dwellings:
  - Manufactured, Modular, Ready-To-Move
  - Garden Suite
  - Secondary Suite
  - Site Built
- Home Occupation Standards
- Moved-in Building Standards
- Solar Collector Systems Standards
- Temporary Shipping Container Standards

SECTION 10 OFF-STREET PARKING AND LOADING REQUIREMENTS – Part 6

SECTION 11 SIGNS – Part 7

SECTION 12 REDESIGNATION TO ANOTHER LAND USE DISTRICT

The redesignation of lands currently zoned "Agricultural" to another district shall be evaluated based on the availability of municipal services and the policies within the Village of Stirling Municipal Development Plan regarding the preservation of this unique and historic landscape in an urban setting in addition to any matters deemed relevant by Council.

KIPP COULEE AREA OVERLAY (KCAO)

SECTION 1 INTENT

1.1 It is the intent of the Kipp Coulee Area Overlay to promote the public health, safety and general welfare of residents and to minimize impacts to dwellings due to potential seasonal flooding.

SECTION 2 APPLICABILITY

2.1 All property located within the Kipp Coulee Area Overlay, as identified on the Village of Stirling Land Use Districts Map, is subject to the regulations of the applicable underlying Land Use District and the Kipp Coulee Area Overlay regulations.

2.2 Where a parcel of land is partially affected by the Kipp Coulee Area Overlay, the Area Overlay regulations apply only to the portion of land identified within the Kipp Coulee Area Overlay.

SECTION 3 DEVELOPMENT REQUIREMENTS

3.1 Dwellings shall not be permitted to locate within the Kipp Coulee Area Overlay unless:

(a) Documentation demonstrating that the potential flood hazard can be mitigated is submitted to and deemed acceptable by the Development Authority. Any such documentation must be prepared by and stamped by a licensed engineer; or

(b) Flood mapping is completed demonstrating that the property is not within a flood prone area. Any such mapping must be prepared by and stamped by a licensed engineer.

3.2 Expansion or alteration of existing dwellings located within the Kipp Coulee Overlay shall not be permitted except in compliance with section 3.1.

3.3 Dwellings shall be set back a minimum of 9.20 metres (30 ft) from the top of the bank of Kipp Coulee.

3.4 All other applicable requirements of the underlying land use district and applicable Parts of the Land Use Bylaw must be met.

3.5 At the discretion of the Development Authority, non-residential development proposed within the Kipp Coulee Overlay may be subject to the development requirements of this section.

SECTION 4 DISCLAIMER OF LIABILITY

4.1 The degree of flood protection provided by Kipp Coulee Area Overlay is generalized and ~~is~~ based upon flooding that occurred in June of 2002. Larger flood events may occur on occasion, or man-made or natural causes, such as ice jams and bridge openings restricted by debris, may increase the flood height. This Area Overlay does not imply that areas outside the potential flood prone areas or land uses permitted within the Area Overlay will always be totally free from flooding or flood damages. The Kipp Coulee Area Overlay shall not create any liability on the part of, or a cause of action against the Village of Stirling for any flood damages that may result from reliance on this regulation, or any administrative decision lawfully made there under.

DIRECT CONTROL (DC)

SECTION 1 INTENT

1.1 The intent of this land use district is to provide a means to regulate and control the use and development of land and buildings on a site specific basis where the circumstances relating to the development of a site are such that regulation and control by use of another land use district in this Bylaw is inadequate for any of the following reasons: planning goals, development patterns, greater public interest, innovative design, site specific characteristics, or as deemed appropriate by Council.

SECTION 2 USES

2.1 As determined by Council through the corresponding Direct Control bylaw.

SECTION 3 DEVELOPMENT STANDARDS

3.1 As determined by Council through the corresponding Direct Control bylaw.

SECTION 4 USE-SPECIFIC STANDARDS

4.1 As determined by Council through the corresponding Direct Control bylaw.

SECTION 5 OFF STREET PARKING AND LOADING REQUIREMENTS

5.1 As determined by Council through the corresponding Direct Control bylaw.

SECTION 6 SIGNS

6.1 As determined by Council through the corresponding Direct Control bylaw.

SECTION 7 APPROVAL PROCEDURE

7.1 In accordance with Part 1, Section 38 Direct Control District Applications

SECTION 8 DIRECT CONTROL DISTRICTS AND ADOPTING BYLAWS

8.1 Any parcel designated as Direct Control – DC as illustrated on the Land Use Districts Map is designated for that purpose.

8.2 The following is a reference list of redesignation bylaws adopted by Council which designated the specified parcels of land to a Direct Control – DC land use district. This list will be updated on an on-going basis and displays the amending bylaws to the most recent date of the Land Use Bylaw being consolidated (updated). The amending bylaws follow this section.

BYLAW NO.	LEGAL DESCRIPTION	DATE OF ADOPTION



PART THREE
DEVELOPMENT NOT REQUIRING A PERMIT

PART THREE: DEVELOPMENT NOT REQUIRING A PERMIT

1.1 Despite this Part, in accordance with Part 1, Section 8 of this Bylaw, it shall be the responsibility of any person undertaking development within the Village boundary to determine whether any other municipal, provincial, or federal legislation is applicable.

1.2 This Part does:

(a) not exempt any person of their duty or obligation from complying with all other applicable municipal, provincial, or federal legislation, including the responsibility to obtain any permit, license, or other authorization, including permits required under the *Safety Codes Act,* as may be applicable;

(b) not exempt any person of their duty or obligation from complying with any easement, covenant, agreement, or contract affecting the land or development.

1.3 The following development is exempted from requiring a development permit in accordance with the provincial or other federal legislation:

(a) any use or development exempted under section 618(1) of the *Municipal Government Act* (e.g., highway, road, well, battery, pipeline or installation or structure incidental to a pipeline);

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

(c) telecommunication antenna systems that are regulated by the Federal Government;

(d) any other development exempted by provincial or federal governments.

1.4 The following developments do not require a development permit, <u>but must otherwise comply with all other relevant provisions of this Bylaw:</u>

(a) The temporary placement or erection of buildings, works, plant or machinery (not including shipping containers) needed in connection with operations for which a development permit and a building permit have been issued for the period of those operations.

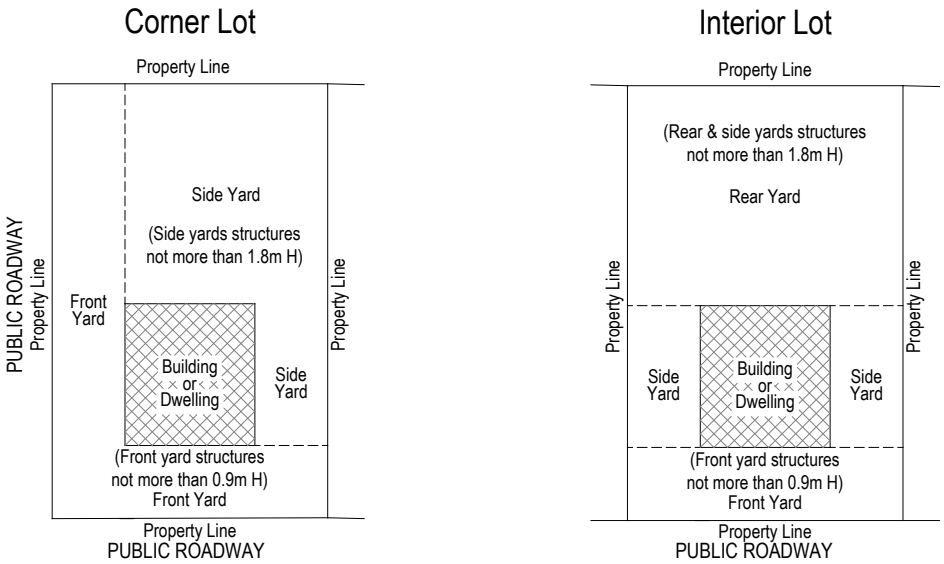
(b) The maintenance and repair of public works, services and utilities carried out by or on behalf of federal, provincial, municipal or public authorities on land which is publicly owned or controlled.

(c) The maintenance and repair of buildings provided the work does not involve an increase in building height or expansion of the building footprint or intensity, or a change of use.

(d) The erection of gates, fences, walls, hedges or other means of enclosure, which are:

(i) not more than 0.9 metre (3 ft) in height in front yards lying between the dwelling and the property line. Barbed wire fencing is permitted in the Agricultural district without a permit to a maximum height of 1.2 metres (4 ft);

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



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

(f) A maximum of three accessory buildings not exceeding 10.0 m^2 (108 ft^2) each, not on a permanent foundation and located in the rear or side yard.

(g) Decks less than 0.61 metre (2 ft) in height in compliance with the provisions of the bylaw.

(h) Interior renovations to a building that do not:

(i) create another dwelling unit,

(ii) increase parking requirements,

(iii) result in a change of use of a building, or

(iv) expand the footprint of the building.

(i) A Home Occupation – office use in accordance with Part 5, Home Occupation Section.

(j) Driveways in compliance with the provisions of the bylaw.

(k) Demolition of a building.

(l) Excavation, grading, stripping or stockpile of soil provided it is part of a development for which a development permit has been issued or is addressed in a signed development agreement with the Village.

(m) Exempted signs in Part 7 – Signs

(n) Installation of new utilities for distribution purposes to service approved development;

(o) Satellite dishes less than 1.0 m (3.3 ft) in diameter.

(p) Temporary above ground swimming pools and above ground hot tubs designed to be easily removed or disassembled.

(q) Residential play structures not exceeding a height of 4.9 m (16 ft).

(r) Flower boxes, lawn ornaments, barbeques, mail boxes, flagpoles (maximum height 5.2 m (17 ft), and other similar minor structures ancillary to residential use.

1.5 In a circumstance where it is unclear whether a development is exempted from the requirement for a development permit and the Development Officer is uncertain about such a determination, the matter will be referred to the Municipal Planning Commission for a determination.



PART FOUR
STANDARDS OF DEVELOPMENT

PART FOUR: GENERAL STANDARDS OF DEVELOPMENT

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

SECTION 1 QUALITY OF DEVELOPMENT

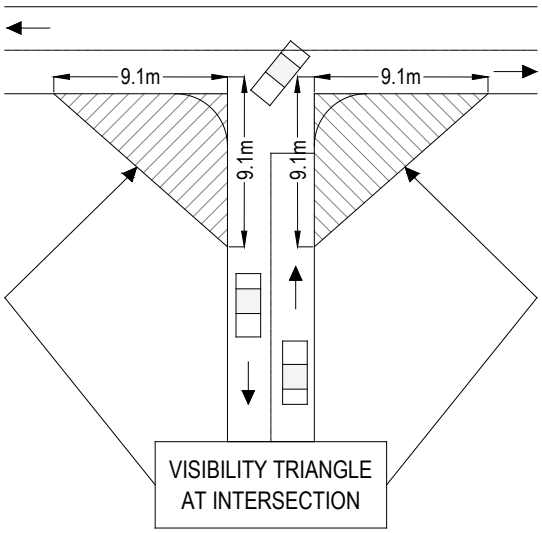
1.1 The Development Authority may require additional standards as a condition of a development permit, in order to complement existing historical assets or improve the quality of any proposed development such as, but not limited to, paved parking areas, exterior finishes to buildings, site lighting, landscaping or screening, building mass, and street or lot setbacks.

SECTION 2 INFILL DEVELOPMENT

2.1 The Development Authority may require an infill development plan illustrating the future road network, utility plan, lot configurations, and other requirements as determined by the Development Authority prior to approving development within any block which has been determined by the Development Authority to have redevelopment potential in accordance with the Municipal Development Plan.

SECTION 3 CORNER LOT SIGHT TRIANGLE

3.1 No fence, wall, hedge, landscaping, sign or other material or structure that will obstruct vision between a height of 0.9 metres (3 ft) and 3.0 metres (10 ft) shall be erected, placed, or maintained within the triangular area formed by a line starting at the point of intersection of property lines and extending 9.1 metres (30 ft) from their point of intersection, as shown on the following illustration.



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

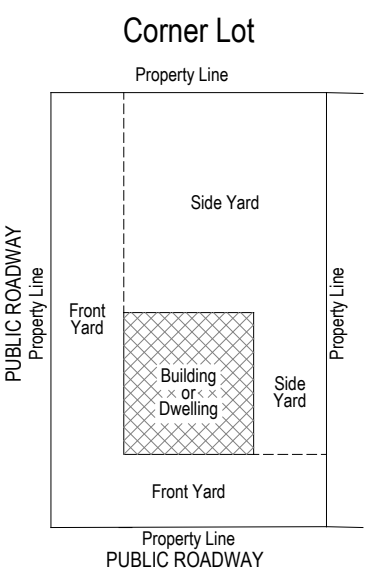
SECTION 4 YARDS

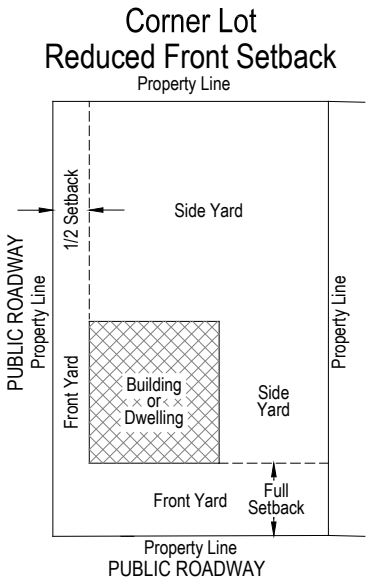
4.1 Corner Lots – Multiple Front Yard Provision

Front and side yards are as illustrated in the diagram below. There are no rear yards on corner lots. Where a lot has more than one front yard, the Development Authority shall determine the front yard requirements, subject to the following limitations:

(a) at least one front yard shall be provided at the full depth required generally in the district; and

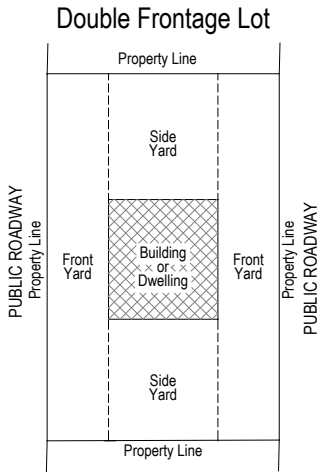
(b) no other front yard on such lot shall have less than half of the full depth required generally.





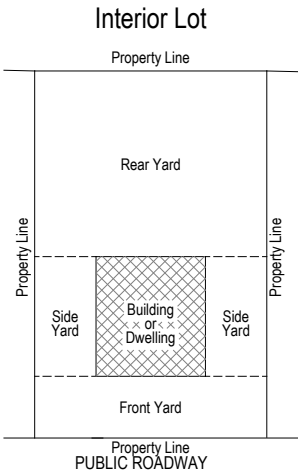
4.2 Double-Frontage Lots

Front and side yards are as illustrated in this diagram. There are no rear yards.



4.3 Interior Lots

Front, side and rear yards are as required in "Minimum Setback Requirements" of the districts in Part 2.



4.4 Porches and Decks

Any enclosed porch or deck shall be considered part of the building in the determination of the lot coverage and setback requirements.

4.5 Attached Garage or Carport

The side yard requirements for a principal building with an attached garage or carport shall be the same as for a principal building itself.

4.6 Projections Over Yards

The portions of, and attachments to a principal building that may, subject to the relevant provisions of Safety Codes, project over or on a yard are:

(a) a cornice, belt course, sill, canopy, eave, or other similar architectural feature which projects over a yard a distance not exceeding one-half the width of the smallest yard requirement for the site;

(b) a chimney which is not more than 1.2 metres (4 ft) wide and projects 0.6 metres (2 ft) or less over a yard;

(c) entrance steps above the surface of a yard with a landing of less than 3.7 m^2 (40 ft^2) or without a landing if they do not project more than 2.4 metres (8 ft).

(d) a wheelchair ramp at the discretion of the Development Authority.

(e) fences, walls, means of enclosure in accordance with Section 10 Fences, Walls, Hedges and Other Means of Enclosure;

(f) driveways, curbs and sidewalks and off-street parking in accordance with the applicable land use district;

(g) landscaping, flower boxes, lawn ornaments, barbeques, mail boxes, flagpoles less than 5.2 m (17 ft) in height, or other similar minor structures and landscaping features.

(h) temporary above ground swimming pools and hot tubs.

(i) signs in Section 4 General Provisions, Part 7 Sign Regulations.

SECTION 5 BUILDING DESIGN, CHARACTER, AND LOCATION

5.1 The Development Authority may impose conditions, where deemed applicable to ensure:

(a) that the design, character and appearance of a building is compatible with other buildings in the vicinity;

(b) that the design, character and appearance of the building is consistent with the intent of the land use district in which the building is located; and

(c) that the development complies with any provisions of a statutory plan applicable to the design, character and appearance of the building in the land use district in which the building is located.

5.2 The Development Authority may require that specific finishing materials and colour tones be utilized:

(a) to maintain the compatibility of any proposed development with surrounding or adjacent developments;

(b) to maintain the compatibility of any proposed additions or ancillary structures with existing buildings on the same lot.

5.3 The maximum allowable height above the average finished surface level of the surrounding ground of the exposed portion of a building foundation may be regulated by the Development Authority.

5.4 On a lot with more than one street frontage or on a lot with potential for further subdivision, the Development Authority may regulate the orientation of buildings.

5.5 The Development Authority may waive the building setback requirement in a well-established area if the setback blends in with the prevailing yard pattern.

5.6 The Development Authority may require varied building setbacks if the variation in setbacks will enhance the appearance of that area.

SECTION 6 GRADING AND DRAINAGE

6.1 The Development Authority may require:

(a) grading and other measures including the construction of retaining walls, as appropriate to control surface drainage, reduce or eliminate grade differences between adjacent lots, and minimize erosion or slope instability;

(b) engineered grading and drainage plans including plans for construction of retaining walls, for the development and legal survey demonstrating that engineered grades have been met;

(c) approval of final grades prior to issuance of a building permit.

6.2 Finished site grading and drainage shall be in accordance with the approved grading and drainage plan.

6.3 Roof and surface drainage shall be managed so as not to adversely affect neighbouring lots or public roads.

SECTION 7 LANDSCAPING AND SCREENING

7.1 In all residential land use districts, the front yard shall be comprehensively landscaped, except for those areas occupied by sidewalks or driveways, to the satisfaction of the Development Authority.

7.2 In all residential land use districts, property owners are encouraged to maintain existing tree rows, orchards and drainage courses while limiting noxious weeds and ensuring stormwater flow is not compromised and negatively affects adjacent lands.

7.3 Care should be taken by the landowner to ensure plantings of hedges, shrubs and trees do not extend into the municipal right-of-way and/or hamper visibility and are a safety concern for motorists and pedestrians. Refer also to Section 3 Corner Lot Sight Triangle regulating sight triangles.

7.4 Landscaping may consist of any or all of the following:

(a) trees, shrubs, lawn, flowers, or other similar vegetation;

(b) large feature rocks, bark chips, field stone, or other similar permeable ground cover;

(c) berming, terracing;

(d) innovative landscaping features.

7.5 In all non-residential land use districts, landscaping of the front yard and secondary front yard shall be as required by the Development Authority.

7.6 Parking lots may be required to be landscaped and/or screened as required by the Development Authority where deemed appropriate, to help buffer or screen the use from adjacent land uses, to limit the percentage of hard surface in relation to surface drainage management or for aesthetic purposes.

7.7 Where any parcel or part of a parcel is used for outdoor storage of goods, machinery, vehicles, buildings or waste materials, the Development Authority may require satisfactory screening by buildings, fences, hedges, trees, berming or other landscaping features.

7.8 Screening and/or buffering between a non-residential use and residential use may be required at the discretion of the Development Authority.

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

SECTION 8 ROAD ACCESS

8.1 All new development must have access to a municipal road that is satisfactory to the Development Authority. A development agreement to address the costs of upgrading or constructing municipal roads may be required at the time of subdivision and development.

SECTION 9 DRIVEWAYS

9.1 Vehicular access for corner lots shall generally be limited to locations along the minor street.

9.2 In laneless subdivisions, and when not already included in laned subdivisions, all single detached and duplex dwellings should provide for the future construction of an attached garage or carport for one or more vehicles.

9.3 Only one driveway per lot should be permitted except as follows:

(a) corner lots are permitted one driveway located on each street frontage, subject to the minimum setback requirements for driveways in section 9.4 and the corner lot sight triangle requirements in Section 3 Corner Lot Sight Triangle;

(b) on lots with a street frontage width of 40.0 metres (131 ft) or greater, a second driveway may be permitted in accordance with the minimum setback requirements for driveways in section 9.4 and the corner lot sight triangle requirements in Section 3 Corner Lot Sight Triangle;

(c) on lots with secondary lane access, one driveway located off the lane may be permitted in accordance with the minimum setback requirements in section 9.4 and the corner lot sight triangle requirements in Section 3 Corner Lot Sight Triangle;

(d) Driveway widths, within the street right-of-way and on private property, shall be as follows:

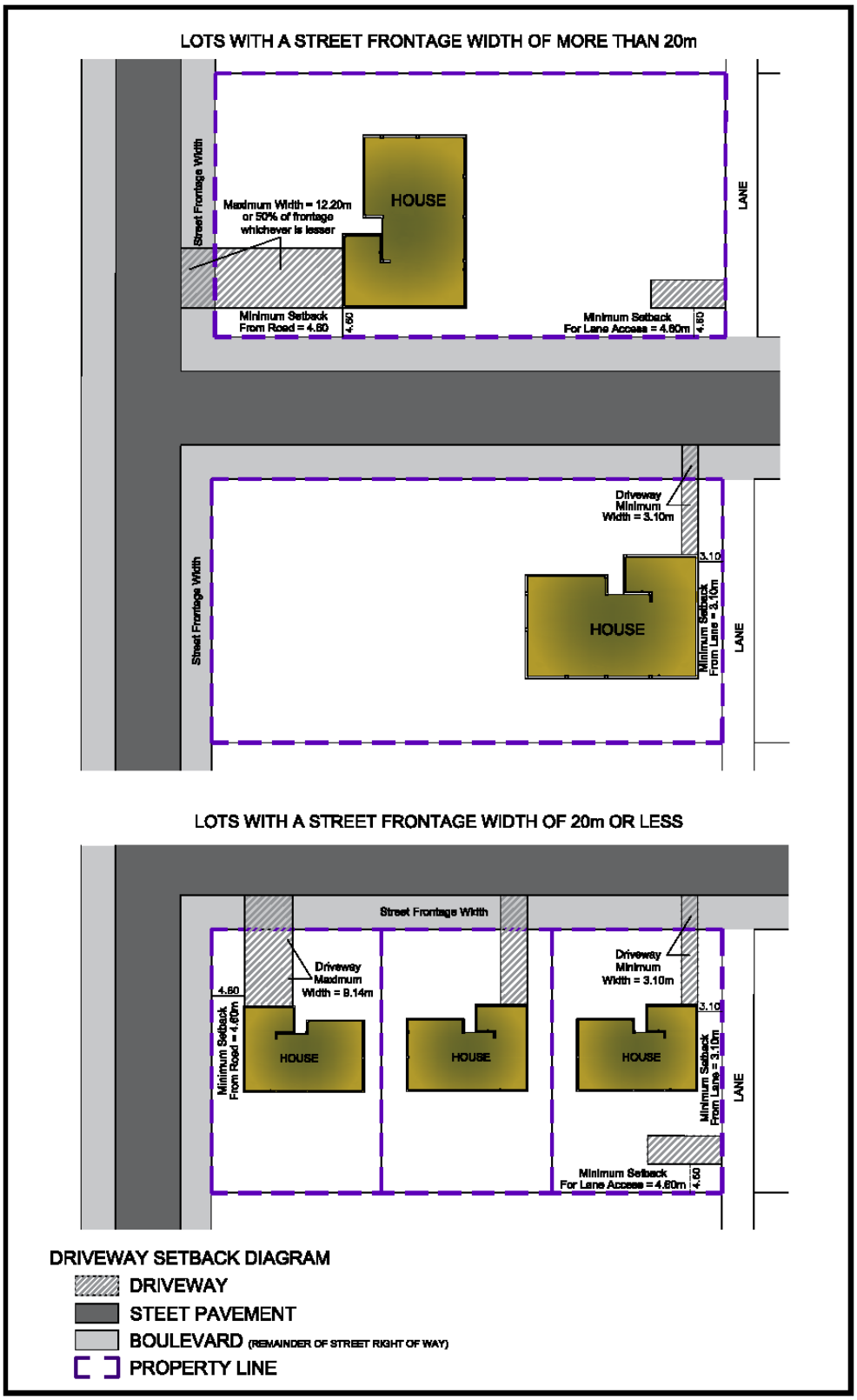
(i) on lots with a street frontage width of 20.1 metres (66 ft), driveways shall be a minimum of 3.1 metres (10 ft) in width and a maximum of 9.14 metres (30 ft) in width (refer to diagram for illustration);

(ii) on lots with a street frontage width greater than 20.1 metres (66 ft), driveways shall be a minimum width of 3.1 metres (10 ft) and not exceed 50% of the frontage where access is taken or 12.2 metres (40 ft) in width, whichever is the lesser (refer to diagram for illustration).

9.4 Driveways shall be a minimum of 3.1 metres (10 ft) from the entrance to a lane, and 4.6 metres (15 ft) from the intersection of two public roadways measured from the property line. Driveways off a lane shall be a minimum of 4.6 metres (15 ft) from the intersection of the public roadway and the lane, measured from the property line. Refer to diagram for illustration.

9.5 The minimum length of a driveway shall be such that no portion of the parked vehicle encroaches upon the adjacent sidewalk.

9.6 Driveways shall not be occupied in such a manner that will interfere with convenient and safe pedestrian movement or traffic flow.


LOTS WITH A STREET FRONTAGE WIDTH OF MORE THAN 20m
Street Frontage Width
Maximum Width = 12.20m or 50% of frontage whichever is lesser
HOUSE
LANE
Minimum Setback From Road = 4.60
4.60
Minimum Setback For Lane Access = 4.60m
4.60
Driveway Minimum Width = 3.10m
3.10
Minimum Setback From Lane = 3.10m
HOUSE
Street Frontage Width
LANE
LOTS WITH A STREET FRONTAGE WIDTH OF 20m OR LESS
Street Frontage Width
Driveway Maximum Width = 9.14m
Driveway Minimum Width = 3.10m
4.60
Minimum Setback From Road = 4.60m
HOUSE
HOUSE
HOUSE
3.10
Minimum Setback From Lane = 3.10m
LANE
Minimum Setback For Lane Access = 4.60m
4.60
DRIVEWAY SETBACK DIAGRAM
DRIVEWAY
STEET PAVEMENT
BOULEVARD (REMAINDER OF STREET RIGHT OF WAY)
PROPERTY LINE

SECTION 10 FENCES, WALLS, HEDGES AND OTHER MEANS OF ENCLOSURE

10.1 No fence, wall, hedge, other means of enclosure, or any combination thereof shall extend more than 0.9 metres (3 ft) above the ground in any front yard area, except as provided in section 10.3 without approval by the Development Authority.

10.2 Fences in rear and side yards shall be limited to 1.82 metres (6 ft) in height.

10.3 Barbed wire fences will be permitted only in the Agricultural district and Public district to a maximum of 1.2 metres (4 ft) in height in the front, rear and side yards.

10.4 In any residential land use district, fences, walls and other means of enclosure shall not be constructed of barbed wire, razor wire, commercial concrete retaining blocks, or other materials incompatible with a residential aesthetic. Examples of typically acceptable materials include, but are not limited to, wood, brick, residential concrete block, vinyl, composite, wrought iron and stone. Regardless of the height of a fence, wall, or other means of enclosure, unconventional materials, including but not limited to pallets, used construction materials, doors, and unfinished oriented strand board (OSB) or plywood are prohibited.

10.5 The Development Authority may regulate the material types, finish, and colour of a fence, wall, or other means of enclosure.

10.6 No fence, wall, hedge, or other combination thereof shall be constructed within any developed or undeveloped roadway or laneway right-of-way. Removal of such fencing will be at the property owner's expense.

SECTION 11 REFUSE COLLECTION AND STORAGE

11.1 Refuse and garbage shall be kept in suitably sized containers or permanent enclosures.

11.2 Refuse and garbage shall be effectively screened from public view.

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

SECTION 12 SITE LIGHTING

18.1 Lighting provided to illuminate any parcel, building, or site, shall be of a type, location and orientation so as to:

(a) Avoid light trespass onto neighbouring properties, including public property;

(b) Not produce glare;

(c) Not adversely affect the use, enjoyment and privacy of any dwelling; and

(d) Not interfere with traffic safety on public roadways.

18.2 Site lighting may be required as a condition of development approval.

SECTION 13 SERVICES, TRANSPORTATION AND UTILITIES FACILITIES

13.1 All development shall be required to connect to municipal servicing lines (water and sewer). In the Agricultural District, where in the opinion of the Development Authority, municipal water and sewer services cannot be made available, development approval may be considered and shall be subject to compliance with Regional Health Authority and provincial standards for unserviced parcels and submittal of a soils analysis prepared by a qualified engineer or professional demonstrating site suitability.

13.2 An application to locate or expand a land use shall not be approved unless, in the opinion of the Development Authority, the approved use will not have a detrimental effect on any:

(a) transportation or communication system, including provincial highways, railway, airport sites or communication facility; or

(b) regionally significant services or utilities facilities, including irrigation works, pipelines and power transmission lines.

SECTION 14 EASEMENTS AND UTILITY RIGHTS OF-WAY

14.1 It is the responsibility of the applicant to determine the location of easements and utility rights-of-way registered on the lot that is the subject of a development and ensure that the development complies with required setbacks and associated agreements registered on title.

SECTION 15 CONSTRUCTION HOARDING

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

SECTION 16 SETBACKS FOR COULEE AREAS

16.1 Development setbacks should be determined by the slope or grade of the coulee; a professional engineer should calculate the slope or grade. An applicant may be required to submit a setback recommendation prepared by a professional engineer who would determine the setback based on the slope as well as other factors determined relevant by the professional engineer such as soil stability and erosion potential. In all cases, the Raymond Irrigation District should be contacted for their comments before an approval is granted.

SECTION 17 MITIGATION OF IMPACTS FROM NOISE, ODOUR, VIBRATION AND AIR QUALITY

17.1 Where, in the opinion of the Development Authority a development has the potential to create impacts in the form of noise, odor, vibration, air quality or other similar impacts, the applicant may be required to submit a mitigation plan demonstrating how impacts will be mitigated prior to a decision being made on the application.

17.2 Adherence to a mitigation plan may be required as a condition of approval as well as any other measures deemed necessary by the Development Authority to mitigate impacts.

SECTION 18 STATUTORY PLANS

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



PART FIVE
USE SPECIFIC STANDARDS OF DEVELOPMENT

PART FIVE: USE SPECIFIC STANDARDS OF DEVELOPMENT

DWELLINGS

SECTION 1 INTENT

1.1 The intent of the following dwelling standards of development is to ensure high quality and aesthetically pleasing building designs within Residential districts.

SECTION 2 SITE BUILT DWELLING STANDARDS

2.1 Earthship homes, shipping container homes, shop houses, yurts, and other similar dwellings are not permitted.

2.2 Site built dwellings shall be placed on a conventional, permanent concrete foundation (either slab-on-grade, basement foundation, or crawl space foundation), unless otherwise approved by the Municipal Planning Commission.

2.3 The design, character and appearance of the home shall be consistent with the intent of the district. The quality of the completed home shall be at least equal to the quality of the other homes in the area.

2.4 Variation of rooflines between dwellings within the area and the proposed dwelling may be regulated.

2.5 Exterior finish of the dwelling may be regulated to ensure compatibility with existing dwellings within the area.

2.6 Compliance with all other criteria and standards of the Land Use Bylaw, as applicable.

SECTION 3 MANUFACTURED, MODULAR, READY-TO-MOVE HOME STANDARDS

3.1 **Eligibility**

New factory-built units that have not been previously lived in and are CSA certified and built in conformity to the current National Building Code – Alberta Edition or a previously unoccupied dwelling constructed off-site which is built to the current National Building Code – Alberta Edition. Workforce relocatable trailers and mobile office trailers are not permitted.

3.2 **Application**

Colour photographs or renderings of the exterior and a set of professional building plans illustrating the exterior design, floor plan, elevations, and foundation type of the home must accompany the development permit application.

3.3 **Standards**

(a) Manufactured, modular and ready-to-move dwellings shall be placed on a conventional, permanent concrete foundation (either slab-on-grade or basement foundation), unless otherwise approved by the Municipal Planning Commission.

(b) If access to a basement foundation is proposed from the exterior, the access must be housed within an enclosure of a design and finish which, in the opinion of the Development Authority, complements the unit.

(c) The design, character and appearance of the home shall be consistent with the intent of the district. The quality of the completed home shall be at least equal to the quality of the other homes in the area.

(d) If the home is not complete upon arrival at the lot, it must be finished as per the development permit application before overnight occupancy may occur.

(e) Additions to the home in terms of porches, verandas, carports or attached garages must be finished in materials identical or complementary to that of the primary structure.

(f) Variation of rooflines between manufactured, modular, ready-to-move, and site built dwellings may be regulated.

(g) Exterior finish of the dwelling may be regulated to ensure compatibility with existing dwellings within the area.

(h) Compliance with all other criteria and standards of the Land Use Bylaw, as applicable.

SECTION 4 GARDEN SUITE STANDARDS

4.1 A garden suite shall be restricted to a lot occupied by a single-detached dwelling (i.e., the single-detached dwelling must be constructed before development of a garden suite may be permitted). A garden suite is prohibited on a vacant lot or a lot occupied by a: single-detached dwelling containing a secondary suite; manufactured home; semi-detached dwelling; duplex; row or townhouse; or multi-unit dwelling.

4.2 No more than one garden suite may be permitted on a lot.

4.3 A garden suite shall be incidental and subordinate to the single-detached dwelling and located to the rear or the side of the single-detached dwelling in a manner which clearly indicates the subordinate nature of the garden suite.

4.4 The maximum floor area of a garden suite, inclusive of all floors, shall not exceed 83.7 m^2 (900 ft^2) in size in the Residential District and 95.1 m^2 (1024 ft^2) in the Residential Large Lot and Agricultural Districts.

4.5 The site coverage requirements for accessory buildings shall apply to a garden suite.

4.6 A garden suite shall be constructed on a permanent foundation.

4.7 A garden suite shall be integrated into the site by appropriate site grading, earthwork and landscaping and be harmonious with the character of the neighbourhood.

4.8 The exterior finish and style of the building containing a garden suite must complement or reflect the design of the single-detached dwelling incorporating similar or complementary features such as window and door detailing, exterior cladding materials, colours, and roof lines.

4.9 A garden suite shall not contain a roof-top deck.

4.10 One off-street parking space, in addition to the parking space requirements for the single-detached dwelling, shall be provided on the lot for the garden suite.

4.11 A garden suite shall be connected to municipal water and sewer services through service connections acceptable to the Village.

4.12 Construction of a garden suite shall adhere to the National Building Code – Alberta Edition and Alberta Fire Code as a condition of approval.

SECTION 5 SECONDARY SUITE STANDARDS

5.1 A secondary suite shall be restricted to a lot occupied by a single-detached dwelling. A secondary suite is prohibited from being developed in a manufactured home, semi-detached dwelling, duplex, row or townhouse, multi-unit dwelling, garden suite, or in a single-detached dwelling on a lot containing a garden suite.

5.2 No more than one secondary suite may be permitted on a lot.

5.3 A secondary suite shall have an entrance separate from the entrance to the principal dwelling unit, either from a common indoor landing or directly from the side or rear of the single-detached dwelling.

5.4 Two off-street parking spaces, in addition to the parking space requirements for the single-detached dwelling, shall be provided on the lot for the secondary suite.

5.5 Construction of a secondary suite shall adhere to the National Building Code – Alberta Edition and Alberta Fire Code as a condition of approval.

5.6 Condominium conversion or subdivision of a secondary suite is prohibited.

HOME OCCUPATION

SECTION 1 INTENT

1.1 The intent of the following sections are to provide regulations respecting Home Occupations, as defined, in accordance with the following objectives:

(a) to protect residential areas and districts from incompatible non-residential land uses;
(b) to ensure that commercial and industrial/business uses are located in appropriate districts.

SECTION 2 CLASSIFICATION

2.1 Home occupations are classified as follows:

(a) **Home Occupation – Office**
A small-scale home business incidental to the residential use of the lot that:

(i) is contained entirely within the principal residence;
(ii) consists of phone and office use only; and
(iii) does not involve:
(1) the use of an accessory building or garage;
(2) non-resident employees;
(3) the use of a vehicle associated with the home occupation; or
(4) customer/client visits to the residence.

(b) **Home Occupation – Minor**
A small-scale home business incidental to the residential use of the lot that:

(i) is contained entirely within the principal residence;
(ii) does not involve the use of an accessory building or garage; and
(iii) may involve:
(1) 1 non-resident employee;
(2) the use of 1 vehicle associated with the home occupation in accordance with section 4(d);
(3) up to 10 customer/client visits per week.

(c) **Home Occupation – Major**
A small-scale home business incidental to the residential use of the lot that does not meet the criteria for Home Occupation – Office or Home Occupation – Minor and involves any of the following:

(i) the use of the principal residence;
(ii) the use of an accessory building or garage;

(iii) more than 1 non-resident employee;

(iv) the use of more than 1 vehicle associated with the home occupation in accordance with section 4(d);

(v) more than 10 customer/client visits per week;

(vi) limited on-premises outdoor storage, display, and sales.

SECTION 3 PERMIT AND LICENSE REQUIREMENTS

3.1 All home occupations are required to obtain a business license from the Village of Stirling to operate within its municipal boundaries.

3.2 A Home Occupation – Office does not require a development permit but must otherwise comply with all other provisions of this Bylaw. This exemption does not negate the requirement for the applicant to obtain all other applicable permits under the Safety Codes Act and any other provincial or federal statute.

3.3 A Home Occupation – Minor and a Home Occupation – Major shall require a development permit. The following additional information shall be submitted with a development permit application:

(a) proof of ownership and residency, or signature of the registered land owner;

(b) description of business;

(c) materials, equipment and/or vehicles that will be used for the home occupation;

(d) number of resident and non-resident employees;

(e) estimated number of customer/client visits per day, including deliveries;

(f) number of parking spaces on the property; and

(g) the dimensions, materials and location of the sign proposed for the home occupation.

SECTION 4 GENERAL STANDARDS

4.1 All home occupations are subject to the following standards:

(a) A home occupation shall only be approved for a lot with an existing principal residence.

(b) A home occupation shall be incidental and subordinate to the residential use of the dwelling and shall not change the external appearance or character of the dwelling, accessory building or land.

(c) A home occupation shall not be permitted if the Development Authority decides the use will:

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

(ii) include any activity or house any material readily discernible, under normal public scrutiny, from abutting or adjoining lands or roadways, except as may be approved at the discretion of the Municipal Planning Commission in accordance with a Home Occupation - Major;

(iii) produce offensive noise, vibration, electrical interference, dust, odour, heat, glare or other nuisance discernible beyond the lot boundaries;

(iv) cause an increase in the demand placed on one or more utilities (water, sewer, garbage, etc.) such that the combined total consumption for a dwelling and its home occupation significantly exceeds the average for residences in the area;

(v) change the fire rating of the structure or premises upon which it is located;

(vi) involve toxic, hazardous or harmful materials or wastes;

(vii) involve the outdoor storage, display or sales of goods or equipment on-premises, except as may be approved at the discretion of the Municipal Planning Commission in accordance with a Home Occupation - Major;

(viii) generate significantly more vehicular or pedestrian traffic and vehicular parking than normal within the immediate neighbourhood;

(ix) involve the parking of any commercial trailers on public roadways in residential areas or on site which are readily discernible, under normal scrutiny, from abutting or adjoining lands or roadway.

(d) Any vehicle associated with a home occupation is limited to:

(i) a passenger vehicle; or

(ii) a truck or van, excluding a cube van, with a maximum loading capacity not exceeding 1000 kg (1 tonne), or a length of 6 metres (20 ft).

(e) Signage advertising a home occupation is limited to one sign not exceeding 0.2 m^2 (2 ft^2) in size and must be in compliance with Part 7 Sign Regulations.

(f) An approved development permit for a home occupation shall only be valid for the period of time the property is occupied as the applicant's full-time residence and is not transferable to another property or person. An approved development permit for a home occupation is also subject to the requirements in Part 1, Section 42 Development Permit Validity.

(g) Unless otherwise approved by the Municipal Planning Commission, not more than one home occupation shall be allowed for any one dwelling or lot.

SECTION 5 CONDITIONS

5.1 All development permits issued for home occupations may, in addition to standard development permit conditions, be subject to conditions that regulate:

(a) hours of operation;

(b) number of customer/client visits;

(c) provision of on-site parking;

(d) screening and landscaping requirements;

(e) outdoor storage, display and sales of goods and equipment; and

(f) any other conditions necessary to mitigate potential negative impacts on adjacent properties and ensure compatibility with the residential area.

5.2 Any change to an approved home occupation requires a new development permit application.

5.3 The Development Authority may, at their discretion, issue a temporary development permit for a home occupation.

MOVED-IN BUILDING STANDARDS

SECTION 1 INTENT

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

SECTION 2 APPLICATION

2.1 The following additional information is required to accompany the development permit application for a moved-in building:

(a) photographs of all exterior sides and the roof;

(b) information regarding foundation height, roofing and exterior material finish and any proposed upgrades/improvements to the exterior finish of the moved-in building;

(c) timeline for completing development,

(d) estimated cost of development including any upgrades/improvements;

(e) any additional information required by the Development Authority to determine the suitability of the proposed moved-in building, and

(f) if required by the Development Authority, a report by a building inspector or safety codes officer documenting the quality of the building and compliance with the requirements of the current National Building Code – Alberta Edition;

SECTION 3 STANDARDS

3.1 The design, character and appearance of the building shall be consistent with the intent of the district. The quality of the completed building shall be at least equal to the quality of the other development in the area.

3.2 Exterior finish and rooflines of the building may be regulated to ensure compatibility with development within the area.

3.3 Storage of a moved-in building on a lot is not permitted and an approved dwelling may only be moved in upon expiration of the appeal period in accordance with this Bylaw.

3.4 The building, when completed, shall meet all requirements of the Safety Codes Act.

3.5 Compliance with all other criteria and standards of the Land Use Bylaw, as applicable.

SECTION 4 CONDITIONS

4.1 In addition to any other conditions deemed necessary by the Development Authority, conditions of development approval for a moved-in building:

(a) shall stipulate a time limit for completion of the development and full compliance with all stipulated conditions of approval; and

(b) at the discretion of the Development Authority, may require the applicant to provide a guaranteed security to ensure the development is completed in accordance with the development approval to the satisfaction of the Development Authority, in the amount as follows:

(i) moved-in building with a value of up to $9,999.99: $1000.00 security

(ii) moved-in building with a value of $10,000.00 or greater: security amount determined by the Development Authority in accordance with Part 1, Section 29 Guaranteed Security a Condition of Development Approval.

RETAIL CANNABIS STORE

SECTION 1 INTENT

1.1 The intent of these standards is to ensure retail cannabis stores are appropriately sited and do not create a land use conflict.

SECTION 2 APPLICATION

2.1 The following additional information is required to accompany the development permit application for a retail cannabis store:

(a) prior to applying for a municipal development permit for a Cannabis Retail Store, the applicant is required to apply to the Alberta Gaming, Liquor and Cannabis Commission (AGLC) for a determination of eligibility to obtain a license, and submit verification of the AGLC eligibility as part of the development application;

(b) a detailed business plan including hours of operation, number of employees and any other relevant matters;

(c) documentation demonstrating how the cannabis retail store complies with the Conditions Governing Cannabis Store Premises under the *Alberta Gaming, Liquor and Cannabis Regulation*;

(d) proposed exterior business signage and information demonstrating compliance with the AGLC store name requirements;

(e) a site plan including details of the proposed store and a detailed listing of surrounding land uses, both on adjacent (contiguous) parcels and within 300 m from the site subject of the application (drawn on a high quality and clearly legible site plan with text descriptions).

SECTION 3 STANDARDS

3.1 A retail cannabis store use shall not be approved if any portion of an exterior wall of the store is located within 500 m (1,640 ft) of any of the following:

(a) the boundary of a parcel on which an educational institution is located, including any associated school grounds;

(b) the boundary of a parcel on which a provincial health care facility is located, including any associated grounds;

(c) the boundary of a parcel designated as school reserve (SR) or municipal and school reserve (MSR) is located;

(d) the boundary of a parcel containing any of the following uses: childcare facility, recreation and sports fields, public park or playground; or

(e) the boundary of a parcel on which another retail cannabis store is located.

3.2 A retail cannabis store use must be a separate use from any other uses or business activities unless expressly authorized by the AGLC.

3.3 The hours of operation for a Cannabis Retail Sales shall be limited to 9 a.m. to 9 p.m. daily.

SECTION 4 CONDITIONS

4.1 In addition to any other conditions deemed necessary by the Development Authority, a development approval for a retail cannabis store shall be subject to the following conditions:

(a) The hours of operation for a retail cannabis store shall be limited to 9 a.m. to 9 p.m. daily.

(b) A retail cannabis store use shall obtain the necessary license from the AGLC and proof of license shall be submitted to the Village.

(c) The owner or applicant must obtain, and maintain on a permanent basis, any other approval, permit authorization, consent or license that may be required to ensure compliance with applicable federal, provincial or other municipal legislation.

(d) If, at any time, an approved retail cannabis store use has its AGLC license revoked or the license expires, the development permit issued to the cannabis retail sales use shall be null and void.

SHIPPING CONTAINERS

SECTION 1 INTENT

1.1 The intent of these standards to the ensure the placement of shipping containers does not create a land use conflict.

SECTION 2 APPLICATION

2.1 A development permit application for a shipping container shall be accompanied by the following additional information:

(a) recent colour photographs of all sides of the shipping container; and

(b) documentation that the shipping container is needed in connection with construction of a development for which a development permit has been issued, or to support construction activities that may not require a development permit relating to maintenance, repair or renovation, flood damage, sewer back-up, fire damage or other similar circumstances.

SECTION 3 STANDARDS

3.1 There shall be an approved principal building or use on the lot where the shipping container is proposed.

3.2 Only a temporary development permit may be issued for a shipping container.

3.3 Removal of the shipping container at the expiration of the permit shall be at the cost of the applicant.

SECTION 4 CONDITIONS

4.1 Painting and landscaping or screening of the shipping container may be required as a condition of the development permit.

4.2 Only a temporary development permit may be issued for a shipping container. The time period for which the temporary permit is valid shall be regulated as a condition of development and shall not exceed one year.

4.3 Removal of the shipping container at the expiration of the permit shall be at the cost of the applicant. The Development Authority may require as a condition of approval security guaranteeing the removal of the container and/or compliance with the conditions of the permit.

SOLAR COLLECTOR STANDARDS

SECTION 1 INTENT

1.1 The intent of these standards is to ensure solar energy systems does not create a land use conflict.

SECTION 2 CLASSIFICATION

2.1 Solar collector systems are classified as follows:

(a) **Solar collector household system** – means a solar energy system using solar panels to collect solar energy from the sun and convert it to electrical, mechanical, thermal, or chemical energy that is primarily intended for sole use and consumption by the landowner, resident or occupant. Solar panels may be mounted or affixed to the roof of a principal and/or accessory building (**solar collector household system - roof mounted)**, the wall of a principal and/or accessory building **(solar collector household system - wall mounted),** or the ground as a free-standing structure (**solar collector household system - ground mounted)**.

(b) **Solar collector industrial system** – means a solar energy system comprising a grouping of multiple devices, panels or structures to collect energy from the sun and convert it to energy that is intended for off-site consumption and commercial connection to the provincial electrical grid or distribution system.

SECTION 3 DEVELOPMENT PERMIT REQUIREMENTS

3.1 A development permit application for a solar collector household system (all types) shall be accompanied by the following additional information:

(a) documentation demonstrating the system is designed to produce energy primarily for the sole use and consumption by the landowner, resident, or occupant;

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

(c) number, location, and orientation of solar panels;

(d) for panels mounted to the roof of a building or affixed to the wall of a building, a description of how the panels are to be mounted or affixed, maximum projection from roof or wall, and structural capacity of the building to support the proposed development (a report prepared by a structural engineer may be required);

(e) for free-standing solar panels, a description of the proposed ground mount design and maximum height from existing grade and

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

3.2 A development permit application for a solar collector industrial system shall be accompanied by the following additional information:

(a) a site suitability analysis including but not limited to: topography; access; compatibility with surrounding land uses; environmental features; identification of any sensitive environmental or topographical features on or abutting the site; potential visual and noise impacts; stormwater management; and if applicable, water supply, sewage disposal and solid waste disposal;

(b) information regarding setbacks from property lines and proximity to structures or uses on the site and adjacent parcels of land;

(e) detailed information about the system type, number of structures and location, height of structures, estimated reflection produced, estimated noise produced, and the energy process and rated output;

(d) preliminary grading and drainage plan, including a site construction/grading plan with details on proposed management practices for any soil stripping and erosion control;

(e) access to and potential impacts to public roads;

(f) plans and methods of weed control;

(g) information regarding general public safety and security measures;

(h) decommissioning plan; and

(i) if required by the Development Authority, an Environmental Assessment Review prepared by a qualified professional and other studies and reports to demonstrate site suitability and impact mitigation.

SECTION 4 GENERAL STANDARDS

4.1 A solar collector household system mounted or affixed to the roof of a principal or an accessory building:

(a) may project a maximum of 1.2 m (4 ft) from the surface of the roof and is subject to the maximum building height requirements in the applicable land use district;

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

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

4.2 A solar collector household system mounted or affixed to the wall of a principal or an accessory building:

(a) is subject to the minimum setback requirements for principal and accessory buildings in the applicable land use district;

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

(c) the maximum number, location and projection of solar panels shall be as prescribed by the Development Authority.

4.3 A solar collector household system mounted or affixed to the ground:

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

(b) the minimum setback requirements and maximum number and height of solar panels and associated equipment are as prescribed by the Development Authority.

4.4 A solar collector industrial system:

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

(b) the minimum setback requirements and maximum number and height of solar panels and associated equipment are as prescribed by the Development Authority.



PART SIX
OFF STREET PARKING & LOADING REQUIREMENTS

PART SIX: OFF STREET PARKING AND LOADING AREA REQUIREMENTS

SECTION 1 OFF-STREET PARKING

1.1 Except where otherwise authorized by the Development Authority, all development shall provide designated off-street parking spaces and loading area, as applicable, in accordance with Table 1.

1.2 Where the calculated number of required spaces, in accordance with Table 1, results in a fraction, the next larger whole number shall apply.

1.3 Barrier-free parking areas and stalls shall be provided for those with disabilities in accordance with Safety Codes requirements.

1.4 Parking areas shall be accessible and laid out and delineated in a manner which will provide for orderly parking in accordance with Figure 1. Refer to the applicable Barrier-Free Design Guideline, Safety Codes Council, for barrier-free requirements.

1.5 Refer to Part 4, Section 9 Driveways, for driveway standards.

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

1.7 The Development Authority may require that parking areas or portions thereof be hard surfaced.

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

1.9 The Municipal Planning Commission may levy a fee, the value of which will be established by resolution of Council, as a condition of approval in lieu of off-street parking spaces.

Figure 1

PARKING LAYOUT ALTERNATIVES-METRES

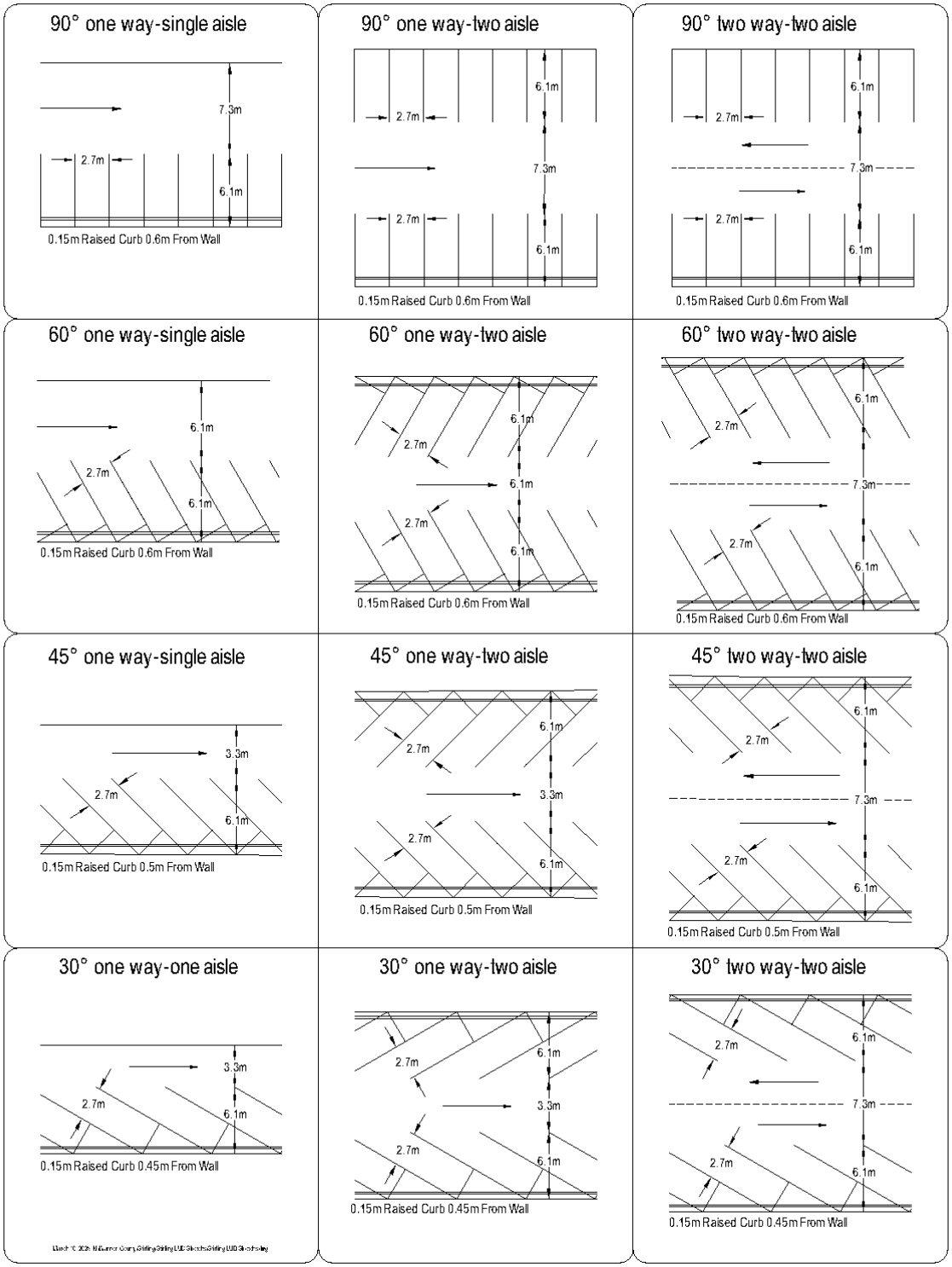


Table 1

Use	Minimum Number of Parking Spaces Required (GFA = Gross Floor Area)
Club and fraternal organization:	
- meeting, assembly, eating, and entertainment components	1 space per 5.0 m^2 (54 ft^2) of patron use area plus 1 parking space per employee
Convenience store	1 space per 27.9 m^2 (300 ft^2) GFA
Drive-in restaurant	1 space per 5.1 m^2 (55 ft^2) of dining area
Dwelling:	
- Single detached dwellings: ready-to-move, modular home, manufactured home, moved-in, and site-built	2 spaces per dwelling unit
- Garden Suite	1 space per dwelling unit
- Duplex dwelling and Secondary Suite	2 spaces per dwelling unit
- Multiple unit dwelling	2 spaces per dwelling unit plus visitor parking spaces if required by the MPC
- All others	As required by the MPC
Education facility:	
- Community use component	1 space per 5.1 m^2 (55 ft^2) of gymnasium and community meeting area
- Classroom component	2 spaces per classroom
Farm machinery sales, rental and service	1 space per 65.0 m^2 (700 ft^2) GFA
Financial institution	1 space per 37.2 m^2 (400 ft^2) GFA
Hospital	1 space per bed
Hospital, auxiliary	1 space per 3 beds

Use	Minimum Number of Parking Spaces Required (GFA = Gross Floor Area)
Hotel / Motel:	
- guest room or suites	1 space per guest room or suite
- eating, entertainment and convention meeting components	1 space per 10.2 m^2 (110 ft^2) of patron dining or beverage use area
Industrial	1 space per 65.0 m^2 (700 ft^2) of GFA; or 1 per 3 employees, whichever is greater, with a minimum of 2 spaces
Medical and dental clinic	1 space per employee and 1 space per 46.5 m^2 (500 ft^2) GFA
Nursing home	1 space per 5 beds
Office	1 space per 46.5 m^2 (500 ft^2) GFA
Place of worship	1 space per 5 seats
Public utility	As required by the MPC
Restaurant	1 space per 5.1 m^2 (55 ft^2) dining and beverage area; and 1 space per employee
Retail stores and personal service shops	1 space per 46.5 m^2 (500 ft^2) of GFA
Senior citizen housing	1 space per dwelling unit
Service station	1 space per 39.5 m^2 (425 ft^2) GFA
Vehicle sales and rental uses	1 space per 44.1 m^2 (475 ft^2) GFA
All other uses	As required by the Municipal Planning Commission

SECTION 2 OVER-SIZED VEHICLE PARKING AND MANOEUVRING AISLES

2.1 Where a use or a development may have to accommodate over-sized vehicles such as semi-trailers, large recreation vehicles, buses and similar vehicles, the Municipal Planning Commission may require larger parking space and maneuvering aisle dimensions.

SECTION 3 MINIMUM MANOEUVRING AISLES AND DRIVEWAY WIDTHS

3.1 Fire lanes 6.1 metres (20 ft).

3.2 Serving two-way truck movements 9.1 metres (30 ft).

3.3 Conventional two-way traffic 7.3 metres (24 ft).

SECTION 4 LOADING SPACE REQUIREMENTS

4.1 Off-street loading spaces to serve buildings may be required if deemed necessary by the Development Authority.

4.2 The minimum dimensions for a loading space shall be 3.1 metres (10 ft) by 9.1 metres (30 ft) with an overhead clearance of 4.2 metres (14 ft).

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

4.4 The Development Authority may consider a joint loading area for adjacent uses if traffic congestion would be relieved.

4.5 Loading space shall be encouraged in off-street locations with lane access at the rear of the principal building or other suitable areas effectively screened from public view by solid fences or other approved enclosures.

4.6 All loading areas shall provide a doorway into a building sufficient to meet the needs of the uses within the building.



PART SEVEN
SIGN REGULATIONS

PART SEVEN: SIGN REGULATIONS

SECTION 1 DEFINITIONS

For the purpose of this Bylaw, certain terms or words herein shall be interpreted or defined as follows:

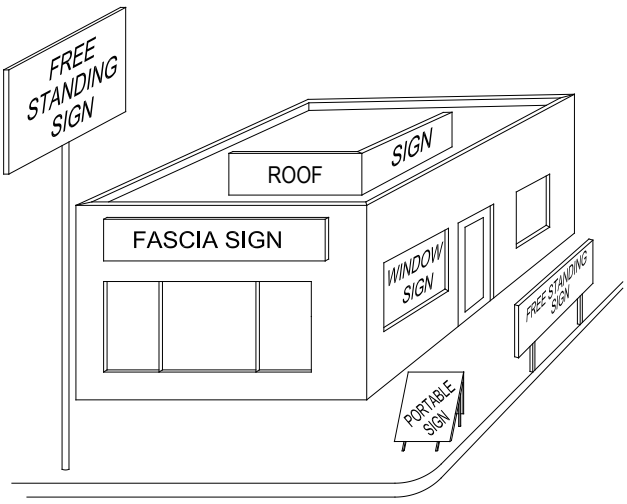
Sign means any word, letter, model, picture, symbol, device or representation used as, or which is in the nature of, wholly or in part, an advertisement, announcement or direction. Any structure or portion thereof which is used primarily to carry, hold, maintain, support or sustain a sign is constructed as being part of the sign and, except as hereinafter provided, is subject to all regulations governing signs. Without restricting the generality of the foregoing, a sign includes posters, panels, boardings and banners.

Area of a sign means the total surface area contained within the perimeter of said sign. Frames and structural members not bearing advertising matter shall not be included in computation of surface areas.

Billboard means a structure, primarily self-supporting, which is used for the display of general advertising, the subject matter of which is not necessarily related to the use or ownership of the property on which the structure is located.

Fascia sign means a sign placed flat and parallel to the face of the building so that no part projects more than one foot from the building.

Freestanding sign means a sign on a standard or column permanently attached to the ground, and which is not connected in any way to any building or other structure.



Freestanding portable sign means a sign that is not permanently affixed to a building, structure or the ground and is supported on a structure allowing it to be readily moved from one location to another.

Merchandising aids means devices used for the display of merchandise and related advertising material.

Point-of-sale advertising means advertising which is related to the name of the occupier or firm, the nature of the business conducted and/or the goods produced, and/or the main products and services sold or obtainable at the premises on which the advertising is displayed.

Roof means the top enclosure, above or within the vertical walls of a building.

Roof sign means any sign placed on or over a roof.

Sky sign means a roof sign comprising individual letters or symbols on an open framework.

SECTION 2 APPLICATION REQUIREMENTS

2.1 Unless exempted in Section 3 Exemptions, no one shall erect, place, alter or relocate a sign without having first obtained a development permit from the Development Authority in accordance with the provisions of this Bylaw.

2.2 A development permit shall not be required to clean, repair or repaint any approved sign.

2.3 A development permit application for a sign shall be accompanied by the following additional information, as applicable:

(a) the location of all existing and proposed sign(s) shown on a site plan, including setbacks to property boundaries;

(b) the overall dimensions of the sign, including height of sign above average ground level and any proposed supporting structures;

(c) the size of the letters;

(d) the amount of projection from the face of the building;

(e) the amount of projection over town property;

(f) the manner of illuminating the sign, including details with respect to the proposed luminosity and intensity.

SECTION 3 EXEMPTIONS

3.1 The following shall be exempted from the requirement to obtain a development permit and the provisions of these sign regulations:

(a) signs displayed on enclosed land where they are not readily visible to the public;

(b) signs displayed within a building;

(c) signs displayed in or on an operational vehicle;

(d) signs displayed on private residences (name plates) not in excess of 0.2 m^2 (2 ft^2).

3.2 The following specified signs are also exempted from these sign regulations and may be erected without the requirement to obtain a development permit, provided that the permission hereby granted in respect of any such signs specified below, shall be subject to any conditions or limitations specified in the case of the particular signs, and be subject to all other orders, bylaws and regulations affecting such signs:

(a) statutory and official notices and functional advertisements of local authorities and public transport authorities;

(b) traffic and directional signs authorized by Council;

(c) notices of identification in respect of the land or building on which they are displayed, and professional business and trade name plates related to the occupants of the land or buildings on which they are displayed, provided that:

(i) each notice or name plate shall not exceed 0.2 m^2 in area (2 ft^2);

(ii) there shall be a limit of one notice for each occupant of each firm or company represented within the building, at one entrance on each different street;

(d) notices relating to the sale, lease, or rental of the buildings, or land to which they are attached, provided that:

(i) the notice shall not be illuminated;

(ii) each notice shall not exceed 0.4 m^2 (4 ft^2) in area;

(iii) there shall be a limit of one notice for each of the land or buildings on a different street;

(e) posters relating specifically to a pending election, provided that such posters shall be removed within 14 days after the election;

(f) notices of land or buildings used for religious, educational, cultural, recreational, medical or similar public or quasi-public purposes, provided that:

(i) each notice shall not exceed 1.1 m^2 (12 ft^2) in area;

(ii) there shall be a limit of one notice for each side of the land or buildings on a different street;

(g) signs of building contractors relating to construction work in progress on the land on which such signs are erected, provided that:

(i) such signs shall be removed within 14 days of occupancy;

(ii) such signs shall be limited in size to a maximum of 6.0 m^2 (65 ft^2) and in number to one sign for each boundary of the property under construction which fronts onto a public street;

(h) temporary signs referring to sales which are displayed upon the premises upon or within which such sales will be or are being conducted, provided that:

(i) the signs shall not be illuminated and shall be constructed of paper, canvas, cardboard, or other light materials or painted on glass and intended to be displayed for a short period of time only;

(ii) such signs shall not be erected more than 7 days before the commencement of the sale to which they refer and shall be removed within 8 days of the completion of the said sale;

(i) freestanding portable signs advertising a vacant premises are exempted, provided that:

(i) such signs shall be removed within 14 days of occupancy;

(ii) the overall height of the sign shall not be greater than 1.2 metres (4 ft) above ground level;

(iii) the maximum area of the sign shall not exceed 1.1 m^2 (12 ft^2);

(j) signs on merchandising aids are exempted, provided that:

(i) any device shall be placed wholly within the property lines;

(ii) the overall height of any sign shall not be greater than 1.8 metres (6 ft) above ground level;

(iii) the maximum area of any sign shall not exceed 1.1 m^2 (12 ft^2).

SECTION 4 GENERAL PROVISIONS

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

4.2 No signs shall be erected so as to obstruct free and clear vision of vehicular traffic or at any location where it may interfere with, or be confused with, any authorized traffic sign, signal or device.

4.3 No sign shall be permitted which is attached to a fence, pole, tree or any object in a public street or place.

4.4 No sign shall be permitted in the public street or right-of-way or on public property, except for signs approved by the Village of Stirling or signs approved by the Province of Alberta or Federal Government.

4.5 All signs shall be of quality construction and of a design suitable for public display and maintained in good repair and a safe and tidy manner to the satisfaction of the Development Authority.

4.6 Signs shall be compatible with the general character of the surrounding streetscape and the architecture of nearby buildings.

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

4.8 A business or building owner shall remove the visible copy and image area of a derelict sign within 60 days of the business ceasing operation within the Village.

4.9 Signs adjacent to residential land use districts or which may have an effect on surrounding residential uses as determined by the Development Authority, may be subject to additional or modified standards deemed necessary to mitigate impacts of the sign on residential uses.

4.10 Signs in Residential districts shall contain “point-of-sale advertising” only.

4.11 Animated or electronic message board signs, digital signs, and neon signs shall be classified and processed as a discretionary use regardless of sign type.

SECTION 5 BILLBOARD SIGNS

5.1 Billboard signs are prohibited.

SECTION 6 FASCIA SIGNS

6.1 Fascia signs are subject to the following additional standards:

(a) Not more than 2 fascia signs shall be installed on the premises, except for multi-tenant buildings, where each business may be permitted one sign per unit as space permits.

(b) No fascia sign or combination of fascia signs on single premises shall be in excess of 11 m^2 (118 ft^2) in area. The combined total sign area for fascia signs placed on a multi-tenant building is as regulated by the Development Authority.

(c) Fascia sign placement may be regulated by the Development Authority.

(d) No fascia sign shall be illuminated unless the source of light is steady and suitably shielded.

(e) No fascia sign shall create a visual obstruction to traffic.

SECTION 7 FREESTANDING SIGNS

7.1 Freestanding signs, including freestanding portable signs, may be considered at the discretion of the Municipal Planning Commission, and are subject to design standards and controls as required by the Municipal Planning Commission.

SECTION 8 ROOF AND SKY SIGNS

8.1 Roof and sky signs in the Commercial and Industrial districts may be considered according to the merits of each individual application, provided that:

(a) the Municipal Planning Commission shall be satisfied that the purpose of the sign cannot be achieved by another type of sign; and

(b) the sign must refer to the principal use of the building on which it is erected.

SECTION 9 OTHER SIGN TYPES

9.1 When a sign cannot be clearly categorized as one of the sign types defined in this Part, the Development Authority shall determine the sign type in accordance with the similar use provisions of this Bylaw and any and all applicable controls.



PART EIGHT
DEFINITIONS

PART EIGHT: DEFINITIONS

The following is a list of definitions referred to in the Land Use Bylaw of the Village of Stirling:

A

Accessory building means a building or structure:

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

(b) the use of which the Development Authority determines is normally subordinate and incidental to that of the principal use of the site on which it is located.

A principal building or use must be established to the satisfaction of the Development Authority before an accessory building can be approved.

Accessory use means a use of a building or site that the Development Authority determines is normally subordinate and incidental to the principal use of the building or site. A principal building or use must be established to the satisfaction of the Development Authority before an accessory use can be approved.

Act means the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, and subsequent amendments.

Additions to existing buildings means a physical expansion of a building. Additions to existing buildings are classified based on the existing use of the building and subject to the applicable standards of this Bylaw.

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

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

B

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

Bed and Breakfast means a home occupation that provides short-term accommodation on a commercial basis, with or without meals, to non-residents.

Berm means a dyke-like form used to separate incompatible area 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 means or lodging for 5 or more persons are provided for compensation pursuant to previous arrangements or agreement.

Building means anything constructed or placed on, in, over or under the land but does not include a highway or public roadway or a bridge forming part of a highway or public roadway.

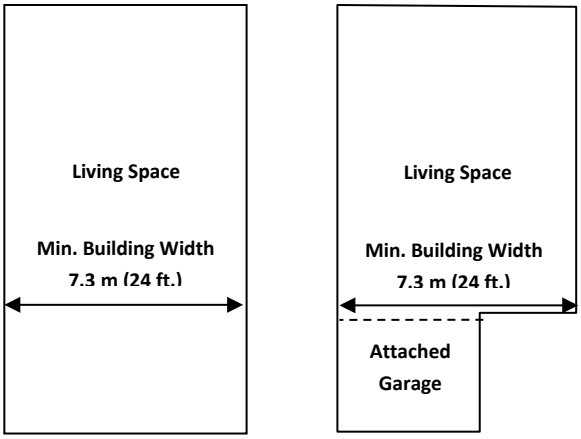
Building height means the vertical distance between grade and the highest point of a building excluding an elevator housing, a roof stairway entrance, a ventilating fan, a skylight, a steeple, a chimney, a smokestack, a fire wall or a parapet wall and a flagpole or similar device.

Building inspector means the person or persons appointed by the municipality to be the building inspector or building inspectors in and for the Village of Stirling.

Building permit means a certificate or document issued by a Safety Codes Officer pursuant to provincial legislation ensuring construction in compliance with the requirements of the current Alberta Edition building code.

Building supply outlet / lumberyard means an industrial premise used for storage, milling, and wholesale sales of a broad range of building materials and tools, and which may include a retail operation. This use includes carpet flooring shops, supply shops, and plumbing, heating, sheet metal, electrical supply shops, fire and safety supplies, paint stores, hardware and tool stores, and other similar uses.

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



Bulk fuel and chemical storage means development where refined or crude oil, fuel, or liquid or solid chemical is stored, and includes the storage of dangerous/hazardous substances, as defined by the Dangerous Goods Transportation and Handling Act and the Major Industrial Accidents Council of Canada (MAICC). The development may include facilities for cleaning, blending or packaging of bulk oil, fuel or chemicals, but does not include manufacture of any of these products. This includes bulk oil distributor.

Bylaw means the Land Use Bylaw of the Village of Stirling.

C

Campground means development of land for the use of holiday trailers, motor homes, tents, campers and similar vehicles, recreation, and is not used as year-round storage, or accommodation for residential uses.

Carport means a partially enclosed structure intended for the shelter of one or more motor vehicles. When attached to a principal building, it is considered part of the principal building; when detached, it is considered an accessory building.

Car and truck wash means a use, building, or structure where facilities are specifically used or intended to be used for washing vehicles either by production line methods employing mechanical devices or by hand.

Cemetery means development for the entombment of the deceased and may include such facilities as crematories, cinerariums, columbariums, mausoleums, memorial parks, burial grounds, cemeteries and gardens of remembrance.

Childcare facility means the use of a building or portion thereof for the provision of care, instruction, maintenance or supervision of seven or more children under the age of 13 years, by persons other than one related by blood or marriage, for periods not exceeding 24 consecutive hours and includes all day-care centres, early childhood services, nurseries and after-school or babysitting programs which meet this definition.

Commercial recreation means recreational or retreat activities, uses, or facilities including associated eating and retail areas, provided by a commercial for profit and non-profit businesses where patrons are admitted, with or without a fee, or where admission is limited to members of an organization or limited group. Such uses include, but are not limited to, gymnasiums, athletic/sports organizations, shooting ranges, paint-ball, go-cart tracks, mini-golf, bingo halls, bowling alleys, retreats, campground, and country clubs.

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

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

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

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

(c) provides for access roads, water, sewer, power and other services to the satisfaction of the municipality.

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 or as a tenant in common with other owners in accordance with the provisions of the *Condominium Property Act*.

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

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

Corner lot means a lot located at the intersection or junction of two or more streets (not including lanes).

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

D

Deck means a platform with or without a roof, walls or railings for use as an outdoor amenity area. A deck attached to a principal building is subject to the principal building setbacks.

Developer means a person or an owner of land in accordance with the Statutes of the Province of Alberta who wishes to alter the title to the property or undertake development on the property.

Development has the same meaning as in the *Municipal Government Act* and means:

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

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

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

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

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

Development Authority means the body established by bylaw to act as the Development Authority in accordance with the *Municipal Government Act* and in the Village of Stirling means the Development Officer and the Municipal Planning Commission.

Development Officer means a person(s) authorized by Council to act as a development authority pursuant to the *Municipal Government Act* and in accordance with the municipality's development authority bylaw.

Development permit means a permit issued with or without conditions pursuant to this Bylaw authorizing a development. A development permit does not constitute a building permit.

Discretionary use means the one or more uses of land or buildings that are described in Part 2 of this Land Use Bylaw as discretionary uses. A development permit may be issued for such use(s) at the discretion of the Municipal Planning Commission in accordance with this Bylaw.

District means a defined area of the municipality as set out in the land use district schedule of uses and indicated on the Land Use Districts Map.

Drive-in restaurant means a restaurant that offers car attendant service or drive-through pickup service.

Driveway means a private drive providing physical access for vehicles to a lot, parking area, garage, dwelling or other building, use or facility in conformance with the Land Use Bylaw, and may be used for the off-street parking of vehicles where designed to accommodate such in accordance with this Bylaw.

Dwelling means any building used for human habitation and which is supported on a permanent foundation extending below ground level, including garden suites, duplexes, single-detached dwellings, manufactured homes, modular homes, ready-to-move dwellings, secondary suites, semi-detached dwellings, row or townhouses, multi-unit dwellings, and lodging and boarding houses. Travel trailers, motor homes, recreational vehicles, or other similar mobile living units are not permitted to be used as dwellings.

Dwelling, multi-unit (apartment) means a building containing three or more separate dwelling units.

Dwelling, row or town house means a building containing three or more separate dwelling units with each unit placed side by side and each having a separate front and rear entrance.

Dwelling, duplex, means a building containing two dwelling units on one lot comprised of one dwelling unit joined side by side or top/bottom to one other dwelling unit with a common wall or common floor and each dwelling unit having separate entrances.

Dwelling, semi-detached means a building containing two dwelling units comprised of one dwelling unit joined side by side to one other dwelling unit with a common wall legally subdivided by a property line, and each dwelling unit having separate entrances.

Dwelling, single-detached means a site-built building containing a single dwelling unit as the principal use of the building entirely surrounded by open space on the same lot. This does not include manufactured homes, modular homes, ready-to-move homes, moved-in dwellings or moved-in buildings, which are separately defined.

Dwelling unit means a residential use within a building that contains one or more self-contained rooms designed to be used as a dwelling and that includes sleeping, cooking, living, and sanitary facilities and having an independent entrance either directly from the outside of the building or through a common area within the building. Travel trailers, motor homes, recreational vehicles, or other similar mobile living units are not permitted to be used as dwelling units.

E

Educational institution means a School but does not include homeschooling.

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 at least 4 ha (10 acres) more or less.

F

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 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.

Farmer's market means a use of land or buildings primarily for the recurring sale of fresh or processed farm or garden products by a group of vendors to the public, including, craft vendors, and other goods, services, and wares vendor's booths. Entertainment and food service may also be allowed ancillary to the use.

Financial institution means a development, use, or building that is primarily for the banking or lending of money and other related services. It includes a trust company, chartered bank, and credit union.

Floor area means the sum of the horizontal area of all the floors of a building, but does not include basements, unfinished attics, breezeways, attached garages or spaces used for off-street parking or loading, and unenclosed porches or decks.

Foundation means the supporting base structure of a building.

Telecommunications tower means an installation consisting of a tower or tower array, supported by a metal tower or support structure, designed for the purpose of the reception or transmission of signals by a telecommunications operator.

G

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

Garden suite means a self-contained dwelling unit used or designed to be used as a residence by one or more persons located within a detached building on a lot containing a single-detached dwelling. A garden suite shall be connected to municipal water and sewer services in accordance with the Land Use Bylaw and affixed to a permanent foundation. A garden suite shall be incidental and subordinate to the single-detached dwelling and located to the rear or the side of the single-detached dwelling in a manner which clearly indicates the subordinate nature of the garden suite. A maximum of one garden suite may be permitted. A garden suite is prohibited on a vacant lot or a lot occupied by a: single-detached dwelling containing a secondary suite; manufactured home; semi-detached dwelling; duplex; row or townhouse; or multi-unit dwelling.

General industrial means development used principally for one or more of the following activities:

(a) processing of raw materials;

(b) cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses or cleaning, servicing and repair operations to goods and equipment associated with personal or household use, where such operations would make them incompatible in non-industrial districts.

Geotechnical Report means a comprehensive site analysis and report prepared by a qualified and registered professional with the Association of Professional Engineers and Geoscientists of Alberta (APEGA).

Government service means development providing municipal, provincial or federal government services directly to the public or the community at large, such as courthouses, and includes development required for the public protection of persons or property.

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

Grain elevator 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.

Grocery store means a retail store with a gross floor area in excess of 325.2 m^2 (3500 ft^2) primarily selling pre-packaged and perishable food for household consumption as well as other convenience and household goods. This use also includes convenience stores with a gross floor area in excess of 325.2m^2 (3500 ft^2).

Gross floor area (GFA) means the sum of the horizontal area of each floor of a building, measured from the exterior faces of the exterior walls or in the case of a common wall separating two buildings from the centreline of such common wall. For the purposes of calculating off-site parking requirements, gross floor area includes all areas intended for occupancy and storage but excludes parking garages, mechanical rooms and stairwells.

H

Home occupation means the secondary use of a dwelling for a small-scale home business incidental to the residential use of the lot by a full-time occupant of the dwelling for an occupation, trade, profession or craft, which does not change the residential character of the neighbourhood and is in accordance with the home occupation regulations of this bylaw. See Part 5 Use Specific Standards – Home Occupations for definitions of Home occupation – office, Home occupation – minor and Home occupation – major.

Hospital means a building providing medical treatment on both an in-patient and out-patient basis and may include provision for outdoor amenity areas, laundry facilities, maintenance buildings and air transport facilities.

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

I

Improvement means any installation or physical change made to a property with a view to increasing its value, utility or beauty or any facilities or infrastructure to be provided to serve development.

Intensive horticultural operation 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 Development Authority considers similar in nature and character to any one or all of these uses.

K

Kennel means where 2 or more domestic pets over the age of 6 months are harboured, maintained boarded, bred, trained or cared for or kept for the purpose of sale but excludes a veterinary clinic.

L

Landowner – see **Registered owner**

Lane or Laneway means a public roadway that provides a secondary means of access to a lot.

Licensed facility means a commercial recreation use, public recreation use, or private recreation use where liquor service is allowable under a Class B or Class C liquor license issued by the Alberta Gaming, Liquor and Cannabis Commission. Licensed facility is a prohibited use in all land use districts.

Licensed restaurant means a restaurant where liquor service is allowable under liquor license issued by the Alberta Gaming, Liquor, and Cannabis Commission. Licensed restaurant is a prohibited use in all land use districts.

Light manufacturing means the manufacture of products so that there is no evidence of fumes, gases, glare, smoke, vapour, noise, or vibration outside the building.

Liquor store means a retail store licensed pursuant to provincial regulations for the sale of liquor for off-site consumption, such as a retail liquor store and liquor off-sales. Liquor store is a prohibited use in all land use districts.

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

Lodge means a building and grounds used as a residence for senior citizens who do not need constant or intensive nursing care but may require personal service and meal provision on a daily or regular basis.

Lot means an area of land the boundaries of which are shown on a plan registered in a Land Titles Office or are described in the Certificate of Title to the land, and that has not been divided into smaller areas by any plan or instrument registered in the Land Titles Office. The words **SITE** and **PARCEL** shall have the same meaning as the word **LOT**.

Lot area means the total area of a lot.

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

Lot, double-fronting or double frontage means a site abutting two parallel or approximately parallel streets.

Lot, interior means a lot other than a corner lot, which is bounded by one street.

Lot, length means the distance between the front property boundary and the opposite property boundary, measured along the median between the side property boundaries.

Lot lines means the legally defined limits of any lot.

Lot, width means the measurement between the side lot lines measured at the front setback line.

M

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

Manufactured home means a dwelling unit built at an off-site manufacturing facility in conformance with CSA standards. The unit is typically constructed with an integrated frame for placement on a permanent surface foundation in conformance with Alberta Safety Code standards and designed in one or two sections for transport, whether on its own wheels or a transport trailer. The unit arrives at the site where it is to be occupied complete and ready for occupancy, except for incidental operations such as placement on an acceptable foundation and removal of any hitch and/or wheels. For the purposes of this Bylaw, manufactured home does not include “modular home”, “modular construction” or “ready-to-move home”, which are separately defined.

Matters Related To Subdivision And Development Regulation means regulations established by order of the Lieutenant Governor in Council pursuant to the *Municipal Government Act*.

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 Development Authority considers similar in character and nature to any of these uses, but this use excludes dispensaries (which sell pharmaceutical and related medical supplies) as an accessory use.

Mini-storage means a development which includes a series of enclosed storage bays or lockers which are intended for rental or lease to the public for storage of personal property, and may include outside storage sites for vehicles, travel trailers, motorhomes and other recreational vehicles.

Modular home / modular construction means a dwelling unit built at an off-site manufacturing facility in conformance with CSA standards designed in modules or sections. The dwelling unit is transported by transport trailer in sections and delivered to the site where it is intended for occupancy and assembled over a concrete slab or basement foundation. A modular home is not constructed with an integrated longitudinal frame. For the purposes of this Bylaw, modular home / modular construction does not include "manufactured home" or "ready-to-move home", which are separately defined.

Modular home A means a dwelling unit that meets the definition of modular home/modular construction and is a minimum of 7.3 metres (24 ft) wide and a maximum of 15.2 metres (50 ft) in length.

Modular home B means a dwelling unit that meets the definition of modular home/modular construction and is a minimum of 7.3 metres (24 ft) wide and is in excess of 15.2 metres (50 ft) in length.

Motel means a building or group of buildings on a site providing separate sleeping units complete with washing and sanitary facilities and with adjoining or conveniently located parking space, designed or operated primarily for the purpose of providing temporary accommodation.

Motor Home means a recreational vehicle intended to provide accommodation for vacation use and equipped to travel on a road.

Moved-in building means a conventional, pre-constructed previously occupied/used building which is physically removed from one site, transported and re-established for a non-residential use on another site with a different legal description and does not include manufactured homes, modular homes, moved-in dwellings or ready-to-move homes.

Moved-in dwelling means a conventional, pre-constructed previously occupied building which is physically removed from one site, transported and re-established for residential use on another site with a different legal description and does not include manufactured homes, modular homes, ready-to-move homes or moved-in buildings, which are separately defined.

Municipal Development Plan means a statutory plan adopted by bylaw in accordance with the Act.

Municipal Government Act (Act) means the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, and subsequent amendments.

Municipal Planning Commission (MPC) means an appointed body responsible for rendering decisions on subdivision and development applications in the municipality.

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

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

Municipality means the Village of Stirling in the Province of Alberta.

N

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

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

(b) that on the date the land use bylaw or any amendment thereof becomes effective does not, or when constructed will not, comply with the land use bylaw.

Non-conforming use in accordance with the Act means a lawful specific use:

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

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

Noxious or hazardous industries are those industrial uses which may be detrimental to public health, safety and welfare or those uses which because of their toxic gases, noxious smells, wastes, noise, dust or smoke emissions may be incompatible with residential or other development.

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

Nursing home means a building and grounds used as a residence for senior citizens who require constant and intensive nursing care as well as meal and personal service provisions.

O

Off-street loading space means an open area designed expressly for the parking of haulage vehicles while loading or unloading.

Office means development to accommodate professional, managerial or consulting services; the administrative needs of businesses, trades, contractors and other organizations; and service-related businesses such as travel agents and insurance brokers.

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

Outdoor storage means the open storage of goods, merchandise, materials, machinery, vehicles or equipment outside a building.

P

Parcel 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 of 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 or not above or below the ground.

Permanent foundation means a foundation installed to provide structural support for a building or structure in accordance with the current Alberta Building Code. Wood blocking or wood piled footings are not considered permanent foundations for the purpose of this Bylaw.

Permitted use means:

(a) any use of land or buildings listed in Part 2 Land Use Districts as a permitted use; and

(b) a use which, in accordance with and subject to the Act, shall be issued a development permit with or without conditions, provided it conforms with this Bylaw.

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

Place of worship means a building available for the purpose of assembly and worship and may include a childcare facility and may also include as accessory uses social recreational and community activities such as group meetings and banquets.

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

Premises means the parcel of land and buildings thereon.

Provincial health care facility means hospital as defined in the Hospitals Act.

Principal building means a building or structure which, in the opinion of the Development Authority:

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

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

Principal use means the primary purpose for which, in the opinion of the Development Authority, a lot or building is used or intended to be used.

Private recreation means development used for the meeting, social or recreational activities of members of a non-profit philanthropic, social service, and athletic, business or fraternal organization, without on-site residences. Private clubs may include rooms for eating and assembly.

Private utility means any aboveground building or structure essential to the provision of any utility such as, but not limited to, electricity, natural gas and/or telecommunications. Propane tanks/cylinders used for residential heating purposes shall not be permitted as a private utility. Generation of electricity by means of solar energy is classified as a separate use – refer to solar collector household system and solar collector industrial system.

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

Provincial Land Use Policies means policies established by order of the Lieutenant Governor pursuant to 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, including preschools;

(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, museums and similar developments;

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

(f) cemeteries;

(g) community halls.

Public open space means land that 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:

(a) the right-of-way of all or any of the following:
  (i) a local road;
  (ii) a service road;
  (iii) a street;
  (iv) an avenue; or
  (v) a lane;
  that is publicly used or intended for public use and determined to be a public road by the Development Authority.

Public utility building or structure means any above-ground building or structure essential to the provision of the utility as defined in the Act, but excluding those that are exempted by the Act or the Lieutenant Governor in Council pursuant to section 618(4) of the Act. Subject to the Act and the Regulations, a public utility building may include, but is not limited to, sewage treatment facilities, water treatment facilities, telecommunication towers (subject to federal regulations) and sanitary landfill sites.

R

Railway means the right-of-way for a public utility as defined in the Municipal Government Act.

Ready-to-move home means a previously unoccupied dwelling unit constructed to the current Alberta Building Code that would normally be constructed on the site intended for occupancy, but for various reasons, is constructed on a construction site, plant site or building yard. It is then loaded and transported as one unit onto the proper moving equipment and delivered to the site intended for occupancy and placed on a slab or basement foundation. Ready-to-move- home does not include manufactured homes, modular homes, moved-in-dwellings or moved-in buildings.

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

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

Registered owners means:

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

(b) in the case of any other land:

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

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

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

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

Retail cannabis store means a development involving the use of a building where cannabis and cannabis accessories, licensed by the Province of Alberta, are sold for off-site consumption, and may include storage of cannabis and cannabis accessories sufficient only to service such store.

Retail store limited means a building not to exceed 325.1 m^2 (3500 ft^2) gross floor area 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. This use also includes grocery stores and convenience stores with a gross floor area not to exceed 325.1 m^2 (3500 ft^2)

Retail store means a building in excess of 325.1 m^2 (3500 ft^2) 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.

S

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

Schools means a place of instruction operated with public or private funds pursuant to the Education Act.

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

Secondary suite means a self-contained dwelling unit used or designed to be used as a residence by one or more persons located within a single-detached dwelling. A secondary suite is considered part of and secondary to the single-detached dwelling. A maximum of one secondary suite may be permitted within a single-detached dwelling. A secondary suite is prohibited from being developed in a manufactured home, semi-detached dwelling, duplex, row or townhouse, multi-unit dwelling, garden suite, or in a single-detached dwelling on a lot containing a garden suite.

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 a building 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.

Shipping container means any container that was used for transport of goods by means of rail, truck or by sea. These containers are rectangular in shape and are generally made of metal.

Shop house means a building typically of metal construction, or any other type of building construction, that includes a dwelling unit attached to or contained within the building, where part of the space is used for living and part is used for other purposes such as a workshop, garage space, or for storage, that, in the opinion of the Development Authority, resembles an industrial or non-residential building. For illustration purposes only, shop house examples may include but are not limited to:



Source: Houseplans.com



Extra Space Storage



Advanced House Plans



Dynamitebuilders.com

Shopping centre means a group of retail stores and services, in one or more buildings, which is planned and managed as a comprehensive entity.

Sign – as defined in Part 7 of this Bylaw.

Similar use means a use of land or building(s) for a purpose that is not provided in any district designated in this Bylaw but is deemed by the Development Authority to be similar in character and purpose to another use of land or buildings that is included within the list of uses prescribed for that district.

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.

Site coverage means that portion of a lot, expressed as a percentage, which is covered by all buildings and structures, excluding uncovered or unenclosed porches and decks.

Solar collector household system means a solar energy system using solar panels to collect solar energy from the sun and convert it to electrical, mechanical, thermal, or chemical energy that is primarily intended for sole use and consumption by the landowner, resident or occupant. Solar panels may be mounted or affixed to the roof of a principal and/or accessory building (**solar collector household system - roof mounted)**, the wall of a principal and/or accessory building **(solar collector household system - wall mounted),** or the ground as a free-standing structure (**solar collector household system - ground mounted)**.

Solar collector industrial system means a solar energy system comprising a grouping of multiple devices, panels or structures to collect energy from the sun and convert it to energy that is intended for off-site consumption and commercial connection to the provincial electrical grid or distribution system.

Specialty manufacturing/cottage industry means a development for small scale on-site production of goods in a building not exceeding 565 m^2 (5000 ft^2) gross floor area, and may include retails sales, display and storage areas. Within the Commercial land use district, a specialty manufacturing/cottage industry use shall be required to include associated retail sales, display, and storage areas within the building. Examples include specialty food production, pottery and sculpture studios, taxidermists, and cabinet makers.

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

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

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

Structure means anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include buildings, walls, and signs.

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

Subdivision/Subdivide means the division of a parcel by an instrument.

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

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

Such as means includes but is not limited to the list of items provided.

| T

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

Tourist information services and facilities means the use of a parcel of land or a building to provide information to the travelling public and may include washrooms and picnic facilities.

Travel trailer means a trailer intended to provide accommodation for vacation use and equipped to travel on a road.

| U

Unserviced means, in respect to a lot or parcel, that neither a municipal water system nor a municipal sewage system service it.

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

Utilities means any one or more of the following:

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

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

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

(d) storm water drainage facilities;

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

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

| V

Vehicle sales and rental means the sale of automobiles, vans, motorcycles, snowmobiles, tent and holiday trailers, boats and other recreational vehicles and craft and trucks. It may include supplementary vehicle maintenance and cleaning, sale of parts and accessories and dispensing of motor fuel as well as autobody and automotive repair if these are accessory to the principal use.

Veterinary clinics:

Veterinary clinic, large and small animals refers to a veterinary clinic which treats animals of all sizes and can consist of inside and outside pens.

Veterinary clinic, small animals only refers to a veterinary clinic that treats only small animals with no provision for outside pens or cages.

Village means the Village of Stirling.

W

Waiver or variance means permission granted by the approving authority that waves or varies a development standard established in this Bylaw.

Warehousing means the use of a building or portion thereof for the storage and distribution of materials, goods, data, or products, but does not include a retail component.

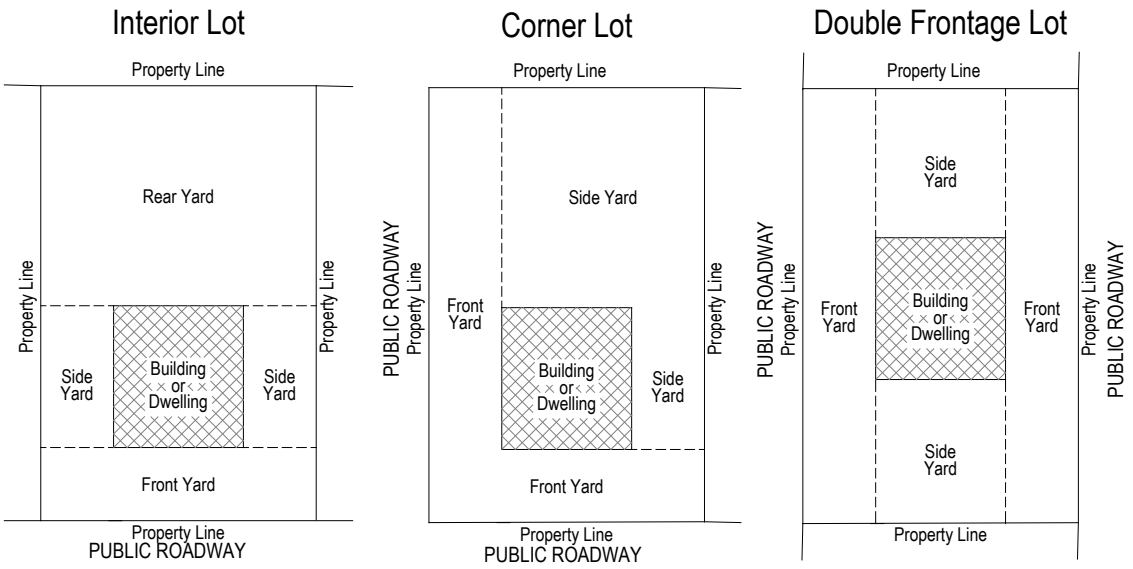
Y

Yard means a part of a lot upon or over which no building or structure other than a boundary fence is erected, unless otherwise hereinafter permitted.

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

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

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



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



PART NINE
LAND USE DISTRICTS MAP



APPENDIX A
FEE SCHEDULE

APPENDIX A: FEE SCHEDULE

1.1 Every application for a development permit shall be accompanied by the following fee(s):

Service	Fee – Bylaw 551-24 (2024)
Development Permit – Standard Home	$50.00
Development Permit – Addition or Accessory Structure	$15.00
Development Permit – Home Occupation	$15.00
Waiver Request/Discretionary Use Fee	$150.00
Discretionary Use Fee – Home Occupation	$150.00
Subdivision/Development Appeal Fee	$300.00

NOTES:

1. Please note that the Fee Bylaw may be updated from time to time and should be referred to for the most up-to-date fees required by the Village.
2. In any case, where a required fee is not listed in the fee schedule, such fee shall be determined by the Development Officer or other such approving authority as assigned by Council and shall be consistent with those fees listed in the schedule for similar developments.
3. Where, in the opinion of the Development Officer, an application has been substantially revised, the applicant shall pay, in addition to the fee specified, a fee equal to 50 percent of the initial application fee, except that such additional fee shall not be required in instances where improvements are suggested by the Development Officer resulting in substantial revisions.
4. When a development has commenced prior to a development permit application being made, and the applicant subsequently submits an application, the fee charged shall be double the normal permit fee.
5. Refund of or reduction of application fees requires the approval of the Village Council.



APPENDIX B
FORMS

Application No.	FORM A	Land Use District:
Date Received:	**VILLAGE OF STIRLING**	Plans Attached: ❑ Yes ❑ No
Received By:	**DEVELOPMENT APPLICATION**	Application Fee: (Non-Refundable)

I/WE hereby make application under the provisions of the LAND USE BYLAW NO. 549-24 to develop or use land and/or buildings in accordance with the plans and information submitted, which form a part of this application.

APPLICANT'S NAME: _____ **PHONE:** _____

ADDRESS: _____ **BOX #:** _____

REGISTERED OWNER'S NAME: _____ **PHONE:** _____

ADDRESS: _____ **BOX #:** _____

PROPOSED DEVELOPMENT

STREET ADDRESS: _____ **POSTAL CODE:** _____

MAILING ADDRESS: _____ **BOX #:** _____

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

❑ **CORNER LOT** ❑ **INTERIOR LOT**

EXISTING USE: _____

PROPOSED USE: _____

MAIN BUILDING: Floor area _____ Percentage of lot occupied _____ Height _____

SETBACK: Front yard _____ Rear yard _____ Side yard _____ and _____

ACCESSORY BUILDINGS: Total floor area _____ Percentage of lot occupied ___ Height _____

SETBACK: Rear yard _____ Side yard _____ and _____

OFF-STREET PARKING: No. of spaces _____ Size of space _____

OFF-STREET LOADING: No. of spaces _____ Size of space _____

REQUESTED DURATION OF APPROVAL: ❑ Permanent ❑ Temporary

ESTIMATED DATE, COMMENCEMENT: _____

ESTIMATED DATE, COMPLETION: _____

ESTIMATED VALUE OF DEVELOPMENT ($): _____

ADDITIONAL INFORMATION – (PROPOSED HOME OCCUPATION ONLY)

TYPE OF OPERATION: ❑ Phone and office ❑ Retail sales or services ❑ Other

LOCATION ON SITE: ❑ Main building ❑ Accessory building ❑ Outside

SUMMARY OF PROPOSED HOME OCCUPATION: _____

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. I further authorize representatives of the Village to enter my land for purposes of a site visit in connection with my application for development.

Signature of Applicant: _____ **Date:** _____

SEE IMPORTANT INFORMATION ON REVERSE

TERMS AND INFORMATION AFFECTING DEVELOPMENT APPLICATION

DEVELOPMENT DEFINED	Subject to the provisions of the Land Use Bylaw No. 549-24 of the Village of Stirling, the term "development" includes the making of any change in the use of buildings or land.
ADDITIONAL INFORMATION	Additional information such as building elevations, photographs, studies and reports, etc. may be required prior to a decision being made on this application (see Part One, Section 32 Development Permit Application Requirements of the Land Use Bylaw).
LIMITATIONS OF INFORMATION	Although the Development Officer may provide information related to proposed development, this does not comprise or imply approval and is without prejudice to the decision made on any application. Any development or use undertaken before a development permit is issued is at the applicant's own risk.
DEEMED REFUSAL	An application for a development permit shall, at the option of the applicant, be deemed refused if no decision is made within 40 days from the application having been deemed complete, or within such longer period of time as the applicant may agree to through an extension agreement, in accordance with Part One, Section 33 Determination of a Complete Application of the Land Use Bylaw.
RESUBMITTAL	If an application for a development permit is refused by the Development Officer, Municipal Planning Commission, or on appeal by the Village of Stirling Subdivision and Development Appeal Board or the Land and Property Rights Tribunal, another application for a development on the same lot for the same or similar use may not be made for at least six months after the date of refusal, unless authorized in accordance with Part One, Section 34 Reapplication for a Development Permit of the Land Use Bylaw.

Village of Stirling
Notice of Development Hearing

Land Use Bylaw No. 549-24

Application No.	FORM B	

Please take notice that an application has been made for a development permit for the following:

1. **To permit**

Legal Description –

Civic Address –

Land Use Designation –

Place of Hearing: Council Chambers, Stirling Community Centre (409 – 2 Street)

Time of Hearing:

Date of Hearing:

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

Persons requesting to be heard at the hearing shall submit briefs to the Village office no later than 4:00 pm on _____(weekday), _____(month) ____day, 202_.

A copy of the application is available for review at the Village of Stirling Office (237 - 4 Avenue, Stirling, Alberta, at 403-756-3379) during regular business hours.

DATE: _____ **Signed:** _____

Development Officer, Village of Stirling

Application No.	FORM C	Permit No.

VILLAGE OF STIRLING
DEVELOPMENT PERMIT
Land Use Bylaw No. 549-24

This permit, respecting _____

on Lot _____, Block _____, Plan _____ Stirling (as further described in Application

No. _____) is hereby issued to _____ with:

☐ no conditions

☒ the following conditions:

1. _____

Informative:

1. The applicant must contact Utility Safety Partners (1-800-242-3447) to locate any utility lines prior to commencement.
2. Temporary use of a shipping container for site storage while construction takes place requires a development permit in accordance with the Land Use Bylaw.

Continued on next page

No development authorized by the issue of this permit shall commence:

(a) less than 21 days after the date on which the written decision of the permit is given, or

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

After the 21-day period, if no appeal is made, you are hereby authorized to proceed with the development specified, provided that any stated conditions are complied with, the development is in accordance with the application and plans as approved, and that a building permit is obtained if construction is involved. If an appeal is made on this permit to the Village of Stirling Subdivision and Development Appeal Board or Land and Property Rights Tribunal (as applicable), this permit shall be null and void. Anyone commencing development before this permit becomes valid does so at his or her own risk.

This **permit is effective on _____, _____,** 21 days after the date the written decision was given.

Date Written Decision Given: _____, ___, _____**Signed:** _____
Development Officer

SEE IMPORTANT INFORMATION BELOW

TERMS APPLICABLE TO DEVELOPMENT PERMIT

CONDITIONS OF DECISION

The decision on this application applies only to the use and development described in the decision.

APPEAL

The Municipal Government Act provides that any person affected by the issue of a development permit may appeal the decision or any conditions of the development permit within **21 days after the date on which the written decision is given** to the applicable appeal board:

Village of Stirling
Chinook Intermunicipal Subdivision and Development Appeal Board
Box 360 (237 – 4th Avenue)
Stirling, AB T0K 2E0

PERMIT EXPIRY

A development permit expires 12 months from the date of its issue, if the development or use authorized by the permit has not been commenced or carried out with reasonable diligence within 12 months from the date of its issue, in accordance with administrative procedures of the Land Use Bylaw.

PERMIT NOT TRANSFERABLE

A development permit is valid only for the location for which it is issued.

PERMIT AUTHORITY

A development permit indicates that only the development to which it relates is authorized in accordance with the provisions of the Land Use Bylaw and in no way relieves or excuses the applicant from complying with the Land Use Bylaw or any other bylaw of the municipality or any applicable provincial or federal legislation.

OTHER PERMITS AND LICENCES

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

Date Received:	FORM D	Processing Fee:

VILLAGE OF STIRLING

APPLICATION FOR LAND USE BYLAW AMENDMENT

Land Use Bylaw No. 549-24

APPLICANT'S NAME: _____

ADDRESS: _____

PHONE #: _____

REGISTERED OWNER'S NAME (if not applicant): _____

ADDRESS: _____

APPLICANT'S INTEREST IF NOT THE REGISTERED OWNER: _____
(Option - Lease - Other)

LEGAL DESCRIPTION OF LAND: Lot(s)_____ Block_____ Plan_____

Quarter_____ Section_____ Township_____ Range_____

Street Address (if applicable) _____

NATURE AND REASONS FOR AMENDMENT REQUEST: (attach additional pages, as required) _____

_____

_____

_____

_____

_____

_____

SIGNATURE OF APPLICANT: _____

SIGNATURE OF REGISTERED OWNER (if not applicant): _____

☐ Approved by Amending Bylaw No._____ Third and Final Reading Date _____

☐ Refused (date) _____



APPENDIX C
SUBDIVISION AND DEVELOPMENT AUTHORITY BYLAW

VILLAGE OF STIRLING
IN THE PROVINCE OF ALBERTA
Bylaw No. 488-20
Subdivision and Development Authority and Municipal Planning Commission Bylaw

BEING A BYLAW OF THE VILLAGE OF STIRLING IN THE PROVINCE OF ALBERTA, TO ESTABLISH A MUNICIPAL SUBDIVISION AND DEVELOPMENT AUTHORITY AND MUNICIPAL PLANNING COMMISSION.

WHEREAS, the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, requires the municipality to adopt a bylaw to establish a municipal Subdivision Authority and a municipal Development Authority;

AND WHEREAS, the Development Authority is authorized to make decision on applications for development approval in accordance with the administrative procedures, land uses and schedules established in the municipal land use bylaw;

AND WHEREAS, the Subdivision Authority is authorized to make decisions on applications for subdivision approval in accordance with the South Saskatchewan Regional Plan, Municipal Government Act, Subdivision and Development Regulation, the municipal land use bylaw, and statutory plans;

AND WHEREAS, The Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 as amended permits the municipality to adopt a bylaw to establish a Municipal Planning Commission to act as the municipal Subdivision Authority and Development Authority;

AND WHEREAS, this bylaw may be cited as the Village of Stirling Subdivision and Development Authority/Municipal Planning Commission Bylaw;

NOW THEREFORE, the Council of the Village of Stirling in the Province of Alberta, duly assembled, enacts as follows:

1. DEFINITIONS:

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

    b) **MUNICIPALITY** means the Village of Stirling in the Province of Alberta.

    c) **COUNCIL** means the Municipal Council of the Village of Stirling.

    d) **MUNICIPAL PLANNING COMMISION** means the person or persons appointed to exercise and perform the Development and Subdivision Authority powers and duties on behalf of the municipality as are specified:

        i) in the Act; or

        ii) in the Village of Stirling Land Use Bylaw; or

        iii) in this bylaw; or

        iv) by resolution of council.

e) **DEVELOPMENT OFFICER** means a person or persons authorized to act as the development officer for the municipality as established by bylaw.

f) **MEMBERS** means the members of the Municipal Planning Commission.

g) **SECRETARY** means the person or persons appointed by council to act as secretary of the Subdivision and Development Authority.

h) **AUTHORIZED PERSON** means a person or organization, regional services commission, or intermunicipal service agency authorized by the council to which the municipality may delegate any of its Subdivision Authority and/or Development Authority powers, duties or functions.

i) 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.

PART 1 - SUBDIVISION AND DEVELOPMENT AUTHORITY

2. The Subdivision and Development Authority is hereby established in accordance with the Act.

3. For the purpose of this bylaw, the Subdivision and Development Authority for the municipality shall be the Municipal Planning Commission, except in such instances whereby the development officer may be the Development Authority in accordance with the land use bylaw.

4. The Municipal Planning Commission is authorized to exercise development and subdivision powers and duties on behalf of the municipality as are specified in the Act, in the Village of Stirling Land Use Bylaw, in this bylaw, or by resolution of Council.

5. The municipality may by resolution delegate any of its subdivision authority and/or development authority powers, duties or functions to an authorized person or persons.

PART 2 - MUNICIPAL PLANNING COMMISSION

6. The Municipal Planning Commission is hereby established in accordance with the Act.

7. The Municipal Planning Commission shall be comprised of a minimum of three (3) and a maximum of five (5) persons, all of whom shall be elected members of Council.

8. Appointments to the Municipal Planning Commission shall be made by resolution of Council.

9. Appointments to the Municipal Planning Commission shall be made for a term of one year, expiring on the date of the next annual organizational meeting of Council.

10. When a person ceases to be a member of the Municipal Planning Commission before the expiration of his/her term, Council may, by resolution, appoint another person for the unexpired portion of that term.

11. After the organizational meeting of Council each year, the members of the Municipal Planning Commission shall elect one of themselves as chairman and one as vice-chairman to hold office for a term of one year.

12. If the chairman or vice-chairman for whatever reason ceases to hold that position prior to the end of the term, members of the Municipal Planning Commission may, by resolution, appoint another member for the unexpired portion of that term.

13. Each member of the Municipal Planning Commission shall be entitled to such remuneration, travelling, and living expenses as may be fixed from time to time by Council; and the remuneration, travelling, and living expenses shall be paid by the Village of Stirling.

14. Council may, by resolution, appoint a secretary who shall be an employee of the municipality and shall attend all meetings of the Municipal Planning Commission, but shall not vote on any matter before the Municipal Planning Commission.

15. The Municipal Planning Commission shall hold regular meetings at least 12 times per year on a date to be determined by the Municipal Planning Commission unless there are no agenda items, and it may also hold special meetings at any time at the call of the chairman or vice-chairman.

16. Majority of the Municipal Planning Commission shall constitute a quorum.

17. The decision of the majority of the members present at a meeting shall be deemed to be the decision of the whole Municipal Planning Commission.

18. The Municipal Planning Commission may make its orders, decisions, development permits, and approvals, and may issue notices with or without conditions.

19. Any order, decision or approval made, given or issued by the Municipal Planning Commission may be signed by a development officer or by the chairman or vice-chairman of the Municipal Planning Commission.

20. The Municipal Planning Commission may make rules to govern its hearings.

21. Members of the Municipal Planning Commission shall not be members of the Subdivision and Development Appeal Board.

22. The secretary of the Municipal Planning Commission shall attend all meetings of the Municipal Planning Commission 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 or persons to whom they were sent;
    d) copies of all written representations to the Subdivision and Development Authority;
    e) notes as to each representation;

f) the names and addresses of those making representations at the meeting;
g) the decision of the Subdivision and Development Authority;
h) the reasons for the decision of the Subdivision and Development Authority;
i) the vote of the members of the Subdivision and Development Authority on the decision;
j) records of all notices of decision and of persons to whom they were sent;
k) all notices, decisions and orders made on appeal from the decision of the Subdivision and Development Authority;
l) such other matters as the Subdivision and Development Authority may direct.

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

24. Bylaw No. 450-13 and amendment thereto are hereby rescinded.

READ a **first** time this 5th day of February 2020.

READ a **second** time this 19th day of February 2020.

READ a **third** time and passed this 19th day of February 2020.

Mayor – Trevor Lewington

CAO – Bob Payette