

The Council of the Village of Rosemary, in the Province of Alberta enacts as follows:

**LAND USE BYLAW NO. 404/08**

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

THIS BYLAW MAY BE CITED AS THE VILLAGE OF ROSEMARY LAND USE BYLAW.

IN THIS BYLAW WORDS USED IN THE SINGULAR INCLUDE THE PLURAL AND WORDS USING THE MASCULINE GENDER INCLUDE THE FEMININE GENDER.

**DEFINITIONS**

1. See Schedule 11

**DEVELOPMENT OFFICER**

2. The office of "Development Officer" is established.
3. The Council shall, by resolution, appoint a person to the office of Development Officer.
4. The Council of the Village of Rosemary is additionally authorized to act as a Development Officer in accordance with the Act and this Bylaw.
5. The Development Officer is an authorized person in accordance with section 624 of the Act.
6. The Development Officer may exercise only such powers and perform duties as are specified in the Act, this Bylaw, or by resolution of Council.
7. The Development Officer is responsible for processing and deciding upon applications for a development permit in accordance with this Bylaw.
8. The Development Officer shall establish and maintain a register in which shall be recorded the applications for a development permit and the decision made on the application, and contain such other information as the Council considers necessary.
9. The Development Officer shall notify any persons, who in his opinion, are likely to be affected by a proposed development as specified in sections 24 through 27 of this Bylaw.
10. The Development Officer may, by resolution of Council, be authorized to waive up to 10 percent of any measurable standard prescribed in this Bylaw.

### **SUBDIVISION (IMPC) AND DEVELOPMENT AUTHORITY (COUNCIL)**

11. The Subdivision Authority (IMPC) and the Development Authority (Council) may exercise only such powers and perform duties as are specified:

- (a) in the Act; or
- (b) in the Village of Rosemary Intermunicipal Planning Commission Bylaw; or
- (c) in this bylaw; or
- (d) by resolution of Council.

### **LAND USE DISTRICTS**

12. The Village of Rosemary is divided into those land use districts specified in Schedule 1 and shown on the Land Use District Map in Schedule 1.

13. The one or more uses of land or buildings that are permitted and discretionary uses in each district, with or without conditions are described in Schedule 2.

14. A land use not permitted, discretionary, or similar in nature to a use in a district is prohibited.

### **DEVELOPMENT PERMIT APPLICATIONS**

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

16. An application for a development permit must be made to the Development Officer by sending to him:

- (a) a completed development permit application;
- (b) such other information as may be required by the Development Officer;
- (c) the fee.

17. An application for a development permit must be made by the owner of the property on which the development is proposed or, with the written consent of the owner by any other person.

## **PERMITTED USE APPLICATIONS**

18. Upon receipt of a completed application for a development permit for a permitted use, the Development Officer may, if the application conforms with this Bylaw, issue a development permit with or without conditions, including the provision of a development agreement pursuant to the Act.
19. The Development Officer may refer any application for a permitted use to the Council for a decision.

## **DISCRETIONARY USE APPLICATIONS**

20. Upon receipt of a completed application for a development permit for a discretionary use, the Development Officer may send the application to the Council.
21. Upon receipt of an application under section 20, the Development Officer or the Council may notify or cause to be notified:
  - (a) the owners of property likely to be affected by the issue of a development permit in accordance with sections 24 through 27;
  - (b) the County of Newell, if in the opinion of the Council or Development Officer, the proposed development could have an impact upon land use in the rural area;
  - (c) any government department or referral agency that is deemed to be affected.
22. Upon receipt of an application for a development permit for a development that does not comply with this bylaw, but in respect of which the Council is requested by the applicant to exercise discretion under sections 40 and 41, the Development Officer shall send the application to the Council.
23. Upon receipt of an application under section 22, and if the Council is prepared to exercise its discretion under sections 40 and 41, it may notify, or cause to be notified, the property owners likely to be affected by the issue of a development permit in accordance with sections 24 through 27.

## **NOTIFICATION**

24. Upon receipt of an application under sections 20 through 23 or sections 40 and 41, the Development Officer may notify or cause to be notified any persons likely to be affected by the issue of a discretionary development permit as follows:
  - (a) the Development Officer may immediately post a notice of application at the Village Office and the Village bulletin board at the Post Office; or

- (b) a notice in writing may be mailed immediately by the Development Officer to any person who may be affected; or
- (c) the Development Officer may immediately post a notice of application conspicuously on the property for which the application has been made; or
- (d) any combination of (a), (b), or (c).

25. Any person notified in accordance with section 24 and who wishes to comment on the application must submit comments, in writing, to the Development Officer or Council within the time frame specified on the mailing or posting of a notice of application, if said comments are to be considered.

26. Not before five consecutive days after notification of an application and upon considering any response to the notification by persons likely to be affected by the development, the Development Officer or the Council may refuse the application or may issue a development permit with or without conditions, including the provision of a development agreement pursuant to the Act.

27. Upon the issuance of a development permit for a discretionary use, the Development Officer shall immediately notify by posting at the Village Office and the Village bulletin board at the Post Office and/or by mailing:

- (a) those persons notified under sections 24 through 26; and
- (b) any other person likely to be affected by the development.

#### **VALIDITY OF A DEVELOPMENT PERMIT**

28. A development permit remains in effect for 12 months from the date of its approval unless the development permit is suspended or cancelled.

29. An application, in writing, to extend the validity of a development permit may be made at any time prior to expiration of said permit.

30. The validity of a development permit may be extended:

- (a) by the Development Officer, if the Development Officer issued it; or
- (b) by the Council, if the Council issued it;

for up to 18 months from the date of approval.

31. If the development authorized by a development permit is not commenced within 12 months from the date of its approval and completed within 24 months of its issue, the permit is deemed to be void unless it has received an extension under section 30.

### **DEVELOPMENT AGREEMENTS**

32. The Council or the Development Officer may require, with respect to a development, that as a condition of issuing a development permit the applicant enter into an agreement to:
- (a) construct or pay for the construction of public roadways or parking areas;
  - (b) install or pay for the installation of utilities, and/or any municipal service mutually agreed upon;
  - (c) pay for an off-site levy or redevelopment levy imposed by bylaw;
  - (d) provide security in accordance with the Act to ensure the terms of the agreement are carried out.

To ensure compliance with a development agreement, the Village may register a caveat under the Land Titles Act against the Certificate of Title of the property being developed. This caveat shall be discharged when the obligations to be assumed by the applicant under the agreement have been fulfilled.

### **REAPPLICATION**

33. If an application for a development permit is refused by the Development Officer, Council, or on appeal by the Subdivision and Development Appeal Board, another application for a development on the same lot, and for the same or similar use, may not be considered for at least six months after the date of refusal.

### **APPEALS**

34. Any person affected by a decision of the Development Officer or Council has the right pursuant to the Act to appeal said decision to the Subdivision and Development Appeal Board.
35. An appeal to the Subdivision and Development Appeal Board shall be commenced by serving written notice of the appeal to the Subdivision and Development Appeal Board within 14 days after:
- (a) a person is notified of an order or decision or the issuance of a development permit; or
  - (b) the date on which the notice of the issuance of a development permit was given in accordance with section 27 of this Bylaw; or

- (c) the expiration of the 40 day period for a decision to be made and any extension of that period, in accordance with section 39 of this Bylaw, has expired.

#### **COMMENCEMENT OF DEVELOPMENT**

36. Notwithstanding the issue of a development permit, no development authorized by the issue of a permit shall commence:

- (a) until at least 14 days after the date of notification of the issuance of the permit: or
- (b) if an appeal is made, until the appeal is decided upon.

#### **TRANSFER OF DEVELOPMENT PERMIT**

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

38. When any use has been discontinued for a period of 12 months or more, any development permit that may have been issued is no longer valid and said use may not be recommenced until a new application for a development permit has been made and a new development permit issued.

#### **APPLICATION DEEMED REFUSED**

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

#### **NON-COMPLIANCE WITH LAND USE BYLAW**

40. The Council is authorized and, subject to section 41, the Development Officer is also authorized, to decide upon an application for a development permit notwithstanding that the proposed development does not comply with this Bylaw if, in the opinion of the Council or the Development Officer:

- (a) the proposed development would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use and enjoyment or value of the neighbouring properties; and

(b) the proposed development conforms with the use prescribed for the land or building in Schedule 2.

41. The Development Officer may only exercise discretion under section 40 in respect of the following matters:

(a) granting of minor setback waivers or any other matters as authorized by resolution of Council as authorized in section 10 of this bylaw;

(b) approval of minor deviations from approved site plans;

(c) imposing conditions on permitted uses in order to ensure a proposed use will comply with provisions of the bylaw or any other statutory plan;

(d) lot size variances provided that at least two of the three criteria can be met or exceeded in the land use district.

#### **NON-CONFORMING USE VARIANCES**

42. The Development Officer is authorized to exercise minor variance powers with respect to non-conforming uses pursuant to section 643(5)(c) of the Act.

#### **SUSPENSION OF A DEVELOPMENT PERMIT**

43. If, after a development permit has been issued, the Development Officer or Council becomes aware that:

(a) the application for the development contained misrepresentations; or

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

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

44. If a development permit is suspended or cancelled, the Subdivision and Development Appeal Board shall review the application if requested by the applicant and either:

(a) reinstate the development permit; or

(b) cancel the development permit if the Development Officer or Council, as the case may be, would not have issued the development permit if the facts subsequently disclosed had been known during consideration of the application.

45. In addition to the conditions that the Development Officer or Council may impose on a development permit issued under Schedule 2, the Development Officer or Council may impose such other conditions as are considered necessary to ensure that this Bylaw or any other statutory plan is complied with.

### **STOP ORDERS**

46. The Development Officer is authorized to issue a stop order pursuant to the Act whenever he considers it necessary to do so.

### **SIMILAR USES**

47. Where a use is applied for which is not specifically considered in a land use district but, in the opinion of Council or the Development Officer, 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 Council may:

- (a) rule that the proposed use is either a permitted or discretionary use in the land use district in which it is proposed; and
- (b) direct that a development permit be issued in accordance with sections 24 through 27 of this bylaw.

### **TEMPORARY PERMITS**

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

### **NUMBER OF DWELLING UNITS ON A PARCEL**

49. No person shall construct or locate, or cause to be located, more than one dwelling unit on a parcel except under one of the following conditions:

- (a) within the Manufactured Home Park district, the maximum number of dwelling units permitted shall be the number approved by the development permit issued for the manufactured home park on the parcel; or



- (b) within districts that allow multi-unit buildings, the maximum number of units permitted shall be the number approved by the development permit issued for the building on the parcel; or
- (c) the Development Officer is authorized to issue a development permit for a replacement residence on a property. However, the initial structure that is to be replaced must be removed within a certain period of time as a condition of the development permit.

#### **ADDITIONAL INFORMATION REQUIREMENTS**

- 50. The Development Officer may require proof of ownership or right to land in question and may require a surveyor's certificate as proof of location of development on said land.

#### **DEVELOPMENT IN MUNICIPALITY GENERALLY**

- 51. A person who develops land or a building in the municipality shall comply with the applicable standards and requirements of development specified in all schedules of this bylaw, in addition to complying with the uses or uses prescribed in Schedule 2 and any conditions attached to a development permit if one is required. Development within the Village shall be required to comply with the Alberta Uniform Building Codes.

#### **DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT**

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

#### **PENALTIES**

- 53. Every person who contravenes any provision of this bylaw is guilty of an offense pursuant to the Act and is liable to a fine of not more than \$10,000 or to imprisonment for not more than one year, or to both fine and imprisonment.

#### **MEASUREMENTS AND STANDARDS**

- 54. Metric measurements and standards in this bylaw are applicable. Imperial measurements and standards (rounded to one decimal place) are provided only for convenience.

#### **SCHEDULES AND APPENDICES**

- 55. Schedules 1 through 11, attached hereto, form part of this bylaw.

#### **AMENDMENT OR REPEAL OF BYLAW**

- 56. The procedure for amendment or repeal of this bylaw is prescribed under section 692 of the Act, except in the case of technical amendments, errors and/or omissions.

**ADOPTION OF BYLAW**

57. The Village of Rosemary Land Use Bylaw 339/01 and any amendments thereto, are hereby repealed.

58. This bylaw comes into effect upon the final passing thereof.

## **SCHEDULE 1 - LAND USE DISTRICTS AND MAPS**

### **LAND USE DISTRICTS**

- (1) The Village of Rosemary is divided into those land use districts shown on the land use district map contained this Schedule.
- (2) Each district shown on the map referred to in section 1 above shall be known by the following names and identifying abbreviations:

#### **RESIDENTIAL DISTRICTS**

Residential District – R1  
Manufactured Home Park – MHP

#### **COMMERCIAL & INDUSTRIAL DISTRICTS**

Commercial District – C1  
Light Industrial District – L1

#### **OTHER DISTRICTS**

Direct Control – DC  
Public & Semi-Public Open Space – PO  
Public Service – PS

- (3) The Rosemary Urban Referral Area Map from the County of Newell #4 Rosemary Area Structure Plan has been included for general information purposes only and does not form a part of this bylaw.

**SCHEDULE 2 - LAND USE DISTRICT REGULATIONS**

**RESIDENTIAL DISTRICT – R1**

**Permitted Uses**

Accessory Buildings  
 Additions to existing buildings  
 Essential Public Services  
 Parks & Playgrounds  
 Ready-to-Move Home  
 Single Detached Dwelling  
 Public Utility

**Discretionary Uses**

Apartment Building  
 Child Care Facility  
 Church  
 Home Occupations  
 In-Law or Revenue Suite  
 Institutional Buildings & Uses  
 Modular Home  
 Moved-in Building  
 Public and Quasi-Public Building  
 School  
 Senior Citizen Housing  
 Semi-Detached Building  
 Social Care Facility  
 Temporary Residential Unit  
 Townhouse

**Minimum Lot Size**

	<u>Area</u>	<u>Width</u>	<u>Length</u>
Single Family Detached & Manufactured Homes	464.5 sq m (5000 sq.ft.)	15.2 m (50 ft)	30.5 m (100ft)
Duplex & Semi Detached	650 sq m (7000 sq ft)	21.3 m (70 ft)	30.5 m
Townhouses – interior unit	148.6 sq m(1600 sq ft)	4.9 m (16 ft)	30.5 m
Townhouses – end unit	232.2 sq m (2500 sq ft)	7.6 m (25 ft)	30.5 m
Multiple family dwelling	743.2 sq m (8000 sq ft)	24.4 m (80 ft)	30.5 m

Or as required by the Development Officer or Development Authority

**Minimum Setbacks and Yard Requirements**

<u>Front</u>	<u>Side</u>	<u>Rear</u>	<u>Flankage</u>
7.5 m (24.6 ft)	1.5 m (4.9 ft)	4.5 m (14.6 ft)	3.0 m (9.84 ft)

- (a) In the case of corner lots, a front yard of at least 7.5 m (24.6 ft) shall be provided on one frontage and a flankage (secondary front yard) of at least 3.0 m (9.8 ft) shall be provided for the other frontage.

**Maximum Building Height**

Principal Building 9.2 m (30 ft)                      Accessory Building 5m (16.4 ft)

**Maximum Site Coverage**

Maximum site coverage shall be 45%

**Accessory Buildings – See Schedule 4**

1. An accessory building shall not be used as a residence in a residential district as a subordinate use to the main building or use of the site.
2. An accessory building shall have the same minimum yard requirements as the principal building unless a variance is approved by the Development Officer or Development Authority
4. Accessory buildings shall have the same or similar facing as the principal building unless otherwise varied by the Development Officer or Development Authority.
5. An accessory building shall be located at least 2 m (6.6 ft) from the principal building unless a variance is granted by the Development Officer or Development Authority.
6. An accessory building shall not exceed 78 sq m (840 sq ft) in area.

**Standards of Development – See Schedule 4**

**Landscaping and Screening – See Schedule 4**

**Off-Street Parking and Loading Area Requirements – See Schedule 4**

**Signage – See Schedule 7**

**Manufactured / Modular / Ready-to-Move Home Standards – See Schedule 8**

**Moved-In Dwellings and Other Buildings – See Schedule 9**

**Special Regulations**

1. Within the R1 – Residential District, where a development application is for the replacement of an existing manufactured home, the mobile home shall be no less than 6.15 m (20 ft) in width on a permanent foundation of a material and construction method to the satisfaction of the Development Officer. The mobile home shall be skirted to the satisfaction of the Development Officer.
3. Within the R1 – Residential District - Cottonwood Subdivision Phase 1 the following conditions shall apply:

- (a) one house per lot
  - (b) single family dwellings
  - (c) permanent foundation
  - (d) new home construction (either stick built or ready-to-move)
  - (e) minimum standards; 102 sq m (1100 sq ft), not including an attached garage; 600 mm eaves (0.6m - 24 in); 8.5 m (28 ft) in width; 100 mm/300 mm (0.1m/0.3m - 4/12) roof pitch
  - (f) no metal sheeting roofs
  - (g) no mobile, manufactured, or modular homes
  - (h) no log homes
4. Within the R1 – Residential District – Gwen Ave. Subdivisions East & West (Braun Subdivisions) the following conditions shall apply:

Accessory Buildings - See Schedule 4

- (a) shall have the same yard requirement as the principal building; and
- (b) shall be located 2.0 m (6.6 ft) from the principal building; and
- (c) shall not exceed 7m (23 ft) in height; and
- (d) shall not exceed 300 sq. meters (3229 sq. ft.) in area; and
- (e) shall not be used for living purposes; and
- (f) shall not be used for conducting a business or commercial operation unless this operation is conducted in conjunction with an approved home occupation; and
- (g) shall not be constructed or placed on an easement or utility right-of -way without the written authorization of the utility company which has utilities within that easement or right-of-way.

## **MANUFACTURED HOME PARK DISTRICT - MHP**

### **Permitted Uses**

Accessory Buildings  
Essential Public Services  
Manufactured Homes  
Mobile Homes  
Parks & Playgrounds  
Public Utility

### **Discretionary Uses**

Home Occupations  
Moved-In-Buildings  
Storage Facility  
Public & Quasi-Public Buildings  
Recreational Vehicle Accommodation  
Additions to Existing Buildings

### **Minimum/Maximum Manufactured Home Park Size**

A Manufactured Home Park shall comprise of an area approved by Council, taking into consideration the individual merits of the application.

### **Minimum Site Size**

Each manufactured home site shall:

- (a) abut a park street and have an access way with a minimum of 6.5 m (21.3 ft);
- (b) be clearly defined on the ground by permanent flush stakes or markers and permanently addressed with a number;
- (c) be of a minimum area of 360 sq m (3785 sq ft) with a minimum mean width of 11m (36 ft);
- (d) be serviced by municipal water and wastewater.

### **Minimum Setback and Yard Requirements**

#### **1. Manufactured Homes**

Each manufactured home pad site shall be provided with a pad upon which a manufactured home may be suitably installed and each manufactured home shall be located:

- (a) a minimum of 6 m (19.6 ft) from any adjacent manufactured home pad; and
- (b) a minimum of 3 m (9.8 ft) from any park boundary; and
- (c) a minimum of 3 m (9.8 ft) from any park street.

Each manufactured home shall provide a vertical clearance of at least 0.6 m (2 ft) between the top of the finished grade under the home and the bottom of the floor joists. This may be varied in homes that incorporate a lowered section ( eg. sunken living room) or where the home is installed on a sloping site, the vertical clearance between the top of the finished grade and the bottom of the joists of the lowest section shall be at least 0.3 m (1ft). The maximum vertical clearance distance permitted for each manufactured home shall be 1 m (3 ft).

Each manufactured home in a manufactured home park shall have a minimum floor area of 60 sq m (646 sq ft).

## **2. Accessory Buildings**

- (a) accessory buildings decks, verandas, staircases,, etc. shall be located a minimum of 3 m (9.8 ft) from any accessory building, attached structure or manufactured home on an adjacent manufactured home space and must be a minimum 1.5 m (4.9 ft) from both the side and rear property lines, except for a flankage property line where it must be a minimum 3 m (9.8 ft).
- (b) an accessory building must not be constructed within the front yard.
- (c) an accessory building shall not exceed 4 m (13 ft) in height.
- (d) an accessory building shall not exceed 68 sq m (732 sq ft) in area.
- (e) an accessory building shall not be used for living accommodations.

## **3. Accessory Buildings as Garages**

- (a) accessory buildings used as garages shall be located a minimum of 3 m (9.8 ft) from any accessory building, attached structure or manufactured home on an adjacent manufactured home space and must be a minimum of 15 m (4.9 ft) from both the side and rear property lines, except for a flankage property line where it must be a minimum of 3 m (9.8 ft).
- (b) only one accessory building classified as a garage is permitted per property.
- (c) an accessory building shall not exceed 5 m (16 ft) in height.
- (d) an accessory building shall not exceed 78 sq m (840 sq ft) in area.
- (e) an accessory building shall not be used for living accommodations.

## **Maximum Site Coverage**

Maximum site coverage shall be 45%.



### **Requirements for a Concept Plan**

All new or expansions to existing manufactured home parks will require the preparation of a Concept Plan for review and adoption by Council, by resolution. The Concept Plan must include:

- (a) a map illustrating site, scale, north arrow, relevant location in the Village, including dimensions of the site;
- (b) a map illustrating lot layout, including pad sites, internal road location, visitor parking, and open spaces;
- (c) a map illustrating services, including location for water, sewer, and storm water infrastructure
- (d) road access to local roads; and
- (e) information confirming compliance with Village Statutory documents, Land Use Bylaw, and Intermunicipal Agreements, if applicable.

### **Site Regulations**

In addition to the General Regulations contained within this bylaw, the following regulations shall apply to development in this district:

- (a) all internal streets shall be all-weather construction and be a minimum of 11 m (36 ft) in width;
- (b) access roads with no parking shall be at least 8 m (26.2 ft) in width.
- (c) rear lanes, if required, shall be at least 6 m (19.7 ft) in width.
- (d) roads shall be constructed to the satisfaction of the Development Officer, in consultation with Public Works and any other party the Development Officer may deem necessary.
- (e) the developer of a manufactured home park shall enter into a maintenance agreement with the Village of Rosemary to ensure the upkeep of common lands, buildings, and private roads which are to be managed by the owner/operator of the manufactured home park.
- (f) any development shall be fully serviced in accordance with a signed service agreement with the Village of Rosemary.
- (g) a manufactured home park shall be provided with satisfactory outdoor lighting and all other necessary services and utilities.
- (h) a minimum of 10% of the total area of a manufactured home park shall be provided in a suitable location for the recreational use and enjoyment of the park residents.

- (i) a buffer strip of 3 m (9.8 ft) minimum width surrounding the park on all sides shall be provided. No structures, manufactured homes, or parking areas shall be permitted thereon. The buffer strip shall be landscaped to the satisfaction of the Development Officer.
- (j) all areas of a manufactured home park not developed or occupied by roads, walkways, driveways, buildings, or other facilities shall be landscaped.
- (k) manufactured home parks shall be fully landscaped within a time frame agreed upon by the developer and the Development Officer.
- (l) the perimeter of a manufactured home park shall be screened to the satisfaction of the Development Officer.
- (m) all manufactured homes shall meet or exceed the CSA Z240 standards.
- (n) manufactured homes being placed in a manufactured home park shall be considered a permitted use if the manufactured home is 5 years of age or less and a discretionary use if the manufactured home is over 5 years of age from the date a Development Permit application is received by the municipality.
- (o) each manufactured home shall be fixed to a permanent foundation of leveled concrete or blocked and anchored to CMHC standards on the site and shall be skirted and the hitch removed or skirted.
- (p) each manufactured home shall be skirted within 30 days to the satisfaction of the Development Officer unless as otherwise varied to allow for the sale of the unit. The skirting shall compliment the manufactured home.
- (q) at least one off-street parking space shall be provided for each lot.
- (r) all visitor parking and maneuvering areas must be dust proofed by pavement, crushed rock, landscaping or another means approved at the discretion of the Development Officer or Development Authority.
- (s) a manufactured home park shall provide conveniently located on-site containerized garbage collector facilities which are animal proof and visually concealed from all adjacent manufactured home sites and thoroughfares to the satisfaction of the Development Officer.
- (t) on each manufactured home lot or manufactured home space, a minimum useable open area of at least 42 sq m (452 sq ft) with a minimum mean dimension of 3.5 m (11 ft) shall be provided adjacent to the main entrance of the manufactured home and such space shall be maintained free of parking, accessory buildings, or attached structures.

**Accessory Buildings** – See Schedule 4

**Standards of Development** – See Schedule 4

**Landscaping & Screening** – See Schedule 4

**Signage** – See Schedule 7

**COMMERCIAL DISTRICT – C1**

**Permitted Uses**

- Accessory Buildings
- Essential Public Services
- Financial Institutions
  
- Personal Service Business
- Post Office
- Offices
- Restaurants
- Retail Stores
- Private Clubs & Organizations
- Public & Quasi-Public Building
- Public Utility
- Restaurant
- Retail Food Establishment
- Repair Shop
- Social Care Facility
- Service Station

**Discretionary Uses**

- Apartment Building
- Automobile Sales and Service
- Dwelling Unit – accessory to the commercial use
- Entertainment Establishment
- Gas Bar (see schedule 4)
- Hotel
- Motel
- Parking Lot

**Minimum Lot Size**

<u>Area</u>	<u>Width</u>	<u>Length</u>
450 sq m (4844 sq ft)	15 m (49.2 ft)	30.5 m (100 ft)

Or as required by the Development Officer or Development Authority.

**Minimum Setbacks and Yard Requirements**

<u>Front</u>	<u>Side</u>	<u>Rear</u>	<u>Flankage</u>
0.0 m (0.0 ft)	0.0 m (0.0 ft)	3 m (9.8 ft)	3 m (9.8 ft)

Or as required by the Development Officer or Development Authority

**Maximum Building Height**

Principal Building 15 m (49.2 ft) Accessory Building 15 m (49.2 ft)

**Maximum Site Coverage**

50% except for gas bars or service stations when site coverage shall be 30%

**Accessory Buildings** – See Schedule 4

1. An accessory building shall not be used as a residence in a commercial district as a subordinate use to the main building or use of the site.
2. An accessory building shall have the same minimum yard requirements as the principal building unless a variance is approved by the Development Officer or Development Authority
3. An accessory building's height and size shall be compatible to the other buildings on the lot.
4. Accessory buildings shall have the same or similar facing as the principal building unless otherwise varied by the Development Officer or Development Authority.
5. An accessory building shall be located at least 2.5 m (8.2 ft) from the principal building unless a variance is granted by the Development Officer or Development Authority.
6. An accessory building shall not exceed 140 sq m (1507 sq ft) in area.

**Standards of Development** – See Schedule 4

**Landscaping & Screening** – See Schedule 4

In addition to any landscaping requirements in this Bylaw, all outdoor storage and garbage containers shall be screened from the public roadways and highways.

**Signage** – See Schedule 7

**Access & Egress**

As required by the Development Officer or Development Authority

**Site Regulations**

In addition to the requirements of the General Land Use Regulations, the following restrictions shall apply

1. Commercial developments shall be separated, screened, and buffered from adjacent land uses. All outdoor storage areas of commercial designated parcels shall be screened to the satisfaction of the Development Officer or Development Authority.
2. Garbage and waste containers shall be stored in weather proof and animal proof containers and shall be visually screened from all adjacent sites and public thoroughfares.

3. All parking and maneuvering areas must be dust proofed by pavement, crushed rock, landscaping, or by another means approved at the discretion of the Development Officer or Development Authority.
4. The exterior finish of all buildings shall be wood, masonry, painted concrete block, painted metal siding, or other material satisfactory to the Development Officer or Development Authority.

**LIGHT INDUSTRIAL - L1**

**Permitted Uses**

All Permitted Uses Listed in the Commercial District

- Accessory Buildings
- Agricultural Equipment Sales and Service
- Automobile Sales and Service
- Automotive Repair Service
- Car Wash
- Entertainment Establishments
- Essential Public Services
- Farm Machinery Sales & Service
- Fertilizer Sales excluding ammonia
- Grain Elevators
- Intuitional Buildings & Uses
- Light Manufacturing & Assembly
- Lumber Yards
- Machinery & Equipment Sales
- Machining Shop
- Manufactured or Modular Home Sales Office
- Printing Shop
- Public & Quasi-Public Buildings & Uses
- Public & Private Schools
- Public Utility
- Retail Establishment
- Service Repair Shop
- Service Stations
- Veterinary Clinic

**Discretionary Uses**

All Discretionary Uses Listed in the Commercial District

- Bulk Fuel and Oil Storage & Sales
- Contractor’s Yard & Building
- Dwelling Unit as an accessory use
- Laboratory
- Machinery & Equipment Sales, Service, & Rentals
- Outdoor Storage Facility
- Tourist Information Kiosk
- Warehouse Storage & Sales
- Welding & Repair Shop
- Well Servicing Operation
- Workshop for Cabinet maker, Electrician, Upholsterer, or Other Similar Trades

**Minimum Lot Size**

As required by the Development Officer or Development Authority

**Minimum Setbacks and Yard Requirements**

<u>Front</u>	<u>Side</u>	<u>Rear</u>	<u>Flankage</u>
7.5 m (24.6 ft)	1.5 m (4.9ft)	3 m (9.8 ft)	3 m (9.8ft)

- (a) In the case of mid block lots without rear lane, one side only shall provide a setback of 4.5 m (14.8 ft). In case of a corner lot without a rear lane, flankage setback shall be 4.5 m (14.8 ft).

Or as required by the Development Officer or Development Authority

**Maximum Building Height**

Principal Building 15 m (49.2ft) Accessory building 15m (49.2 ft)

**Maximum Building Size** – 3000 sq m (32,293 sq ft)

**Maximum Site Coverage**

Maximum site coverage shall be 50%, with the exception of gas bars and service stations or any other uses where bulk fuel is sold which shall then have a maximum site coverage of 30%.

**Accessory Buildings** – See Schedule 4

1. An accessory building shall not be used as a residence in a light industrial district as a subordinate use to the main building or use of the site.
2. An accessory building shall have the same minimum yard requirements as the principal building, unless a variance is approved by the Development Officer or Development Authority.
3. Accessory buildings shall have the same or similar facing as the principal building unless otherwise varied by the Development Officer or Development Authority.
4. An accessory building shall be located at least 2.5 m (8.2 ft) from the principal building.
5. An accessory building shall not exceed 140 sq m (1507 sq ft) in area.

**Standard of Development** – See Schedule 4

**Landscaping & Screening** – See Schedule 4

**Signage** – See Schedule 7

**Access & Egress**

As required by the Development Officer or Development Authority

**Site Regulations**



In addition to the requirements of the General Land Use Regulations, the following restrictions shall apply:

1. Light Industrial Developments shall be separated, screened, and buffered from adjacent land uses. All outdoor storage areas of industrial designated parcels shall be screened to the satisfaction of the Development Officer or Development Authority.
2. All unenclosed storage shall be securely and solidly fenced or screened from view so as not to visually detract from surrounding areas.
3. The exterior finish of all buildings shall be wood, masonry, painted concrete block, painted metal siding, or other material satisfactory to the Development Officer or Development Authority.
4. Garbage and waste containers shall be stored in weather proof and animal proof containers and shall be visually screened from all adjacent sites and public thoroughfares.
5. All parking and manoeuvring areas must be dust proofed by pavement, crushed rock, landscaping, or by another means approved at the discretion of the Development Officer or Development Authority.
6. A noise impact assessment may be required to determine the suitability of some industrial development.

## **PUBLIC & SEMI-PUBLIC OPEN SPACE – PO**

### **Permitted Uses**

Accessory Buildings  
Cemetery  
Churches  
Essential Public Services  
Parks and Playgrounds  
Picnic Areas  
Public & Quasi-Public Buildings & Uses  
Public Utility  
Schools

### **Discretionary Uses**

Institutional Buildings & Uses  
Museum  
Recreational Facilities  
Rodeo and Exhibition Facilities

### **Minimum Lot Size**

As required by the Development Officer.

### **Minimum Setback and Yard Requirements**

<u>Front</u>	<u>Side</u>	<u>Rear</u>	<u>Flankage</u>
7.5m (24.6 ft)	3m (9.8 ft)	3m (9.8 ft)	4.5m (14.6 ft)

### **Maximum Building Height**

Principal Building 15 m (49.2 ft)    Accessory Building 15 m (49.2 ft)

### **Maximum Site Coverage**

50% site coverage or as required by the Development Officer or Development Authority

### **Accessory Buildings – See Schedule 4**

1. An accessory building shall not be used as a residence in a public & semi public open space district as a subordinate use to the main building or use of the site.
2. An accessory building shall have the same minimum yard requirements as the principal building unless a variance is approved by the Development Officer or Development Authority.
3. Accessory buildings shall have the same or similar facing as the principal building unless otherwise varied by the Development Officer or Development Authority.
4. An accessory building shall be located at least 2.5 m (8.2 ft) from the principal building.

5. An accessory building shall not exceed 140 sq m (1507 sq ft) in area.

**Standards of Development** – See Schedule 4

**Landscaping & Screening** – See Schedule 4

**Signage** – See Schedule 7

**Access & Egress**

As required by the Development Officer or Development Authority

**Special Regulations**

1. Where a yard is required, it shall be landscaped.
2. All necessary storage shall be enclosed or visually screened from all adjacent sites and public thoroughfares.
3. All garbage and waste materials shall be stored in weather-proof and animal-proof containers, which shall be visually screened from all adjacent sites and public thoroughfares.
4. Parking requirements shall be at the discretion of the Development Officer or Development Authority.
5. The design and siting of all buildings, including accessory buildings or structures, shall be to the satisfaction of the Development Officer or Development Authority.
6. All parking and manoeuvring areas must be dust proofed by pavement, crushed rock, landscaping, or by another means approved at the discretion of the Development Officer or Development Authority.

**PUBLIC SERVICE - PS**

**Permitted Uses**

Accessory Building  
Public Utility

**Discretionary Uses**

**Minimum Lot Area**

As determined by Development Officer or Development Authority

**Minimum Setbacks and Yard Requirements**

<u>Front</u> 7.5 m (24.6 ft)	<u>Side</u> 3 m (9.8 ft)	<u>Rear</u> 3 m (9.8 ft)	<u>Flankage</u> 4.5 m (14.6 ft)
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**Standards of Development**

As determined by the Development Officer or Development Authority having regard for Schedule 4 of this bylaw.

**Site Regulations & Special Regulations**

As required by the Development Officer or the Development Authority

## **DIRECT CONTROL – DC**

The purpose of this district is to enable Council to exercise particular control over the use and development of land and buildings where Council considers it necessary and desirable to do so.

Within the Direct Control District, Council will regulate and control the use and development of land or buildings as considered necessary unless it has delegated the authority to the Development Officer.

Council shall require that a Concept Plan be prepared and adopted by resolution of Council prior to any subdivision or development proceeding in a Direct Control land use district. Council may also require that an Area Structure Plan be prepared and adopted by bylaw prior to any subdivision or development proceeding in a Direct Control land use district.

### **Permitted Uses**

Any use Council considers appropriate

### **Minimum Lot Size**

At the discretion of Council

### **Minimum Setback & Yard Requirements**

At the discretion of Council

### **Standards of Development**

At the discretion of Council having regard for Schedule 4.

### **Special Regulations**

At the discretion of Council having regard for standards set forth in this bylaw.

### **Approval Procedure**

- (a) Before Council considers an application for a use or development in the Direct Control district, it shall:
  - (i) cause a notice to be issued by the Development Officer in accordance with sections 24 thru 27 of this Bylaw; and
  - (ii) hear any persons that claim to be affected by the decision on the application.

- (b) Council may then approve the application with or without conditions or refuse the application.
- (c) When applicable, Council should seek comments from other agencies such as the planning advisor or any applicable government department.

**Appeal Procedure**

Pursuant to section 641(4)(a) of the Act, if a decision with respect to a development permit application is made by Council, there is no appeal to the Subdivision and Development Appeal Board.

**SCHEDULE 3 - DEVELOPMENT NOT REQUIRING A PERMIT**

1. Although the following structures, building and/or uses do not require a development permit, all requirements contained within this Land Use Bylaw, as well as all applicable Federal, Provincial, and Municipal legislation that may affect the parcel in question, including the prohibition of erecting a building on an easement without the written consent of the entity requiring the easement, must be met:
  - (a) the carrying out of works of maintenance or repair to any building, provided that such works do not include structural alterations or major renovations; or
  - (b) the construction or maintenance of gates, fences, walls, or other means of enclosure which are not more than 1 m (3.25 ft) in height in front yards, or 2 m (6.5 ft) in height in side or rear yards, provided that the erection of such fence, wall, or gate does not contravene any other portion of this Bylaw; or
  - (c) a temporary building for construction of a development “deemed approved”, or approved by a Development Permit, during the period of construction; or
  - (d) the Village’s use of land which it either owns or has an equitable interest in for a purpose approved by Council in connection with any public utility; or
  - (e) the construction of accessory buildings of less than 11.15 sq m (120 sq ft) in floor area; or
  - (f) signs which are 3 sq m (32 sq ft) or less in area; or
  - (g) all irrigation works as defined in the Irrigation Districts Act; or
  - (h) the erection of towers, flagpoles, satellite dishes, and other poles not exceeding 15 m (49.2 ft) in height from grade; or
  - (i) landscaping where the proposed grades will not adversely affect the subject or adjacent properties, except where landscaping forms part of a development that requires a development permit; or
  - (j) stripping, site grading, or excavating that is part of a development for which a development permit has been issued; or
  - (k) hard-surfacing of any yard area on a lot for the purposes of providing vehicular access from a public roadway to an on-site parking stall, provided that such hard-surfacing does not drain onto adjacent properties.
2. If there is doubt as to whether a development is of a kind listed in Section 1 above, the matter may be referred to the Council for a decision.

## **SCHEDULE 4 - STANDARDS OF DEVELOPMENT**

### **1. ACCESS AND SETBACK REQUIREMENTS FOR ROADS**

- (a) the requirement of a service road or subdivision street to provide access may be imposed as a condition of approval for any new development other than those deemed approved.
- (b) construction and survey costs for a service road or subdivision street shall be the responsibility of the applicant.
- (c) setbacks from local roads shall be as defined in this bylaw.
- (d) provincial legislation may require that Alberta Transportation issue a Roadside Development Permit when development takes place in proximity of the Provincial Highway system.

### **2. ACCESSORY BUILDINGS**

Unless otherwise varied by the land use district, the following regulations are applicable to accessory buildings:

- (a) an accessory building shall not be used as a dwelling and shall only be constructed after the principal building has been constructed;
- (b) an accessory building shall be setback a minimum of 2 m (6.6 ft) from the principal building and from all other structures on the same parcel (lot) in the R1 and MHP land use districts;
- (c) an accessory building shall be setback a minimum of 2.5m (8.2 ft) from the principal building and from all other structures on the same parcel (lot) in the C1, L1, and PO land use districts;
- (d) an accessory building shall be set back a minimum of .6m (2 ft) from a rear or side yard;
- (e) an accessory building shall not be located in a front yard or on an easement;
- (f) an accessory building shall be aesthetically compatible with other buildings and landscaping on site and shall not materially interfere with or affect the use and enjoyment of adjacent properties;
- (g) where a structure is attached to the principal building on a site by a roof, an open or enclosed structure, a floor or foundation, it is to be considered a part of the principal building and is not an accessory building;
- (h) a maximum of two (2) accessory buildings per lot are permitted in the Residential, Commercial, and Light Industrial districts. In a Manufactured Home Park the maximum number of accessory buildings shall be one (1) per pad or site.



- (i) in a residential district, no person shall erect or construct a garage unless the length of the driveway connecting the garage to a public roadway is at least:
  - (i) 2 metres (6.6 ft), measured from the property line, if the public roadway is a lane, or such greater distance as is required due to underground utilities; and
  - (ii) 7.5 metres (24.6 ft), measured from the property line, if the public roadway is a street.
- (j) in residential districts, no rear or side yard setbacks are required for accessory buildings with less than 11.15 square metres (120 sq. ft.) of gross floor area and placed on temporary foundations, provided that a separation distance of 1 metre (3 ft) shall be maintained between such buildings and any accessory building on adjacent lots or 1.5 metres (4.9ft) from principal buildings on adjacent lots.

### 3. ADDITIONAL INFORMATION TO SUPPORT AN APPLICATION

- (a) the Development Officer may require proof of ownership or right to land in question and may require a surveyor's certificate as proof of location of development on said land.
- (b) it is the responsibility of the applicant or developer to ensure the site is suitable for development. The Development Officer may require an applicant to provide studies to indicate that the area proposed to be developed is not hazard land.

### 4. BUILDING DESIGN, CHARACTER AND APPEARANCE

The Development Authority may impose conditions to ensure:

- (a) that the design, character, and appearance is compatible with other buildings in the vicinity unless it is setting a new standard of design, character and appearance for the land use district or a particular locality of it;
- (b) that the design, character, and appearance of the building is consistent with the purpose of the land use district in which the building is located;
- (c) that a development complies with any provision of a statutory plan applicable to the design, character, and appearance of the building in the district; and
- (d) that, where the development is to be located adjacent to or within the distance prescribed by the Public Highways Act, the design , character, and appearance of a building may be to a higher standard than that required elsewhere in the Village. This may include, but is not limited to:

- (i) appearance of the building;
- (ii) landscaping;
- (iii) access/egress from property; and
- (iv) fire protection

#### 5. BUILDING SETBACKS

- (a) the Development Officer may waive the building setback requirement in a well-established residential area if, in his opinion, the setback blends in with the prevailing yard system.
- (b) the Development Authority may require varied building setbacks other than those listed if, in their opinion, such setbacks would be necessary.
- (c) the Development Authority may establish a minimum setback from any existing residence where a proposed discretionary use may be incompatible with a residential use.

#### 6. BUILDINGS IN THE VILLAGE

A building in the Village is not required to have the front exterior of the building parallel to the front property line. However, how the building is situated on a parcel will not determine the front, side, rear, or flankage property lines and all of the required setbacks must be maintained.

#### 7. COMMERCIAL AND INDUSTRIAL USE DEVELOPMENT STANDARDS

- (a) no use shall be approved which may generate traffic problems within the district.
- (b) any proposed commercial or industrial development shall meet all the required and appropriate regulations of the Alberta Uniform Building Code.
- (c) no offensive noise, vibration, smoke, dust, odors, heat, or glare shall be produced by the use.
- (d) a permit for use shall be revocable at any time by the Development Authority, if in its opinion, the use is or has become detrimental to adjacent land uses within this land use district.
- (e) the storage of goods, products, raw materials, etc. shall be effectively screened from view by buildings, solid fences, landscaped features, or combinations thereof and be maintained in good repair.
- (f) wrecked or damaged motor vehicles which might be located or stockpiled on the property must be screened from all adjacent parcels and roadways in the vicinity.

- (g) where it appears that side yard setbacks may be necessary, the Development Authority may impose such a requirement as a condition of a development permit.

## 8. DECKS AND PATIOS

- (a) decks and/or patios under 600 millimeters (0.6 m - 2 ft) in height from grade do not require a building permit.
- (b) The following decks and/or patios require a building permit:
  - (i) all decks and/or patios exceeding 600 millimeters (0.6 m - 2 ft) in height from grade, including a minimum guardrail height of 900 millimeters (0.9 m - 3 ft).
  - (ii) all decks and/or patios exceeding 1800 millimeters (1.8 m - 6 ft) in height from grade, including a minimum guardrail height of 1070 millimeters (1.07 m - 3.5 ft).
  - (iii) all openings in the guardrail are not to exceed 100 millimeters (0.1 - 4 in).
- (c) hand rails are required on stairs over three risers 800 millimeters to 900 millimeters (0.8m - 0.9m - 32 in to 35 in) high above the nosing.

## 9. DEVELOPMENT AGREEMENTS

Where a development is proposed in any land use district which could possibly require services or out-of-ordinary expenditures, beyond what the municipality might normally supply, the Development Authority may require that a development agreement which would establish the responsibilities of each of the involved parties be entered into by the developer(s) and the municipality. See also section #32

## 10. DEVELOPMENT NOTIFICATION

The person to whom a development permit has been issued for a discretionary use shall notify the Development Officer:

- (a) following the preliminary layout of the site, but prior to commencement of the actual development thereon; and
- (b) upon completion of the development.

## 11. DEVELOPMENT PERMIT FOR TEMPORARY BUILDINGS

- (a) the Development Authority may conditionally approve a temporary building to be constructed or located in any land use district subject to the owner agreeing to remove such a building in accordance with the terms and conditions affixed by the Development Authority.

- (b) at no time shall the Development Authority approve any temporary use that is not consistent with, or does not generally conform to the intent of this Bylaw, or if the proposed development does not conform to those uses specified in the district that it is to be located.

## 12. DRAINAGE

- (a) at the discretion of the Development Officer or the Development Authority, the applicant shall be required to grade a parcel in such a manner that all surface water will drain from the building and other site improvements.
- (b) the Development Officer or the Development Authority, at his or its discretion, may establish parcel and building elevations if it is believed that the drainage from existing elevations will affect adjacent parcels.

## 13. DWELLING UNITS PER PARCEL

No person shall construct or locate, or cause to be constructed or located, more than one dwelling unit on a parcel except under one of the following conditions:

- (a) within the Manufactured Home Park district, the maximum number of dwelling units permitted shall be the number approved by the development permit issued for the manufactured home park on the parcel;
- (b) within Residential, Commercial, or Light Industrial districts that allow multi-unit buildings, the maximum number of dwelling units permitted shall be the number approved by the development permit issued for the building on the parcel;
- (c) the Development Officer is authorized to issue a development permit for a replacement residence on a property. However, the initial structure that is to be replaced must be removed within a certain time period as a condition for the development permit.

## 14. EASEMENTS

No development permit may be issued for a development that encroaches into or over a utility easement or right-of-way without the written consent of the easement owner or the person whose utility line is found in the easement or both.

## 15. EXPOSED FOUNDATIONS

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

## 16. EXTERIOR BUILDING FINISHES

The Development Officer or the Development Authority may require specific finishing materials and/or colors to be used to ensure the compatibility of a proposed:

- (a) development with surrounding or adjacent developments;
- (b) addition or ancillary structure with existing structures on the same parcel.

## 17. FENCES

- (a) no fence, wall, vegetation or any combination thereof, lying within 7.5 m (24.6 ft) of the right-of-way of a public roadway (excluding lanes) shall extend more than 1 m (3.3 ft) above the ground (except in the case of corner lots where one yard is considered as the side yard as indicated in Section 2 and in accordance with Section 4 of this schedule) without a development permit issued by the Development Officer.
- (b) in the case of a corner lot, no fence, wall, vegetation or any combination thereof shall extend more than 1 m (3.3 ft) above the ground for an additional 4.5 m (14.8 ft) along the flankage yard without a development permit issued by the Development Officer.
- (c) in the case of rear and side yards, no fence, wall, or any combination thereof shall extend more than 2 m (6.6 ft) above the ground without a development permit issued by the Development Officer.
- (d) fencing surrounding Public Utility lots shall be 2.5 m (8.2 ft) high with a double gate system with 1.9 m (6.2 ft) for each side of the gate.
- (e) the outdoor storage of fuel shall be suitably fenced or secured to the satisfaction of the Development Officer or Development Authority.

## 18. HAZARDOUS CHEMICAL STORAGE

Hazardous chemicals, as defined in the Alberta Environmental Protection and Enhancement Act, shall be stored in accordance with the Safety Codes Act and any other applicable regulations.

## 19. LANDSCAPING STANDARDS AND GUIDELINES

- (a) the Development Officer or Development Authority may impose landscaping or screening requirements on development applications for permitted and discretionary uses, if, in his or its opinion, they would serve to improve the quality or compatibility of any proposed development.

- (b) where any parcel or part of a parcel adjacent to a Secondary Highway or local road is used for outdoor storage of goods, machinery, vehicles, buildings, or waste materials, the Development Officer or Development Authority shall require screening by buildings, fences, hedges, trees, berming, or other landscaping features to his or its satisfaction.
- (c) the front yard shall be comprehensively landscaped, except for those areas occupied by sidewalks or driveways, to the satisfaction of the Development Officer or Development Authority.
- (d) in the case of corner lots, the minor street frontage shall also be landscaped to the satisfaction of the Development Officer or Development Authority.
- (e) landscaping may consist of any or all of the following:
  - (i) trees, shrubs, lawns, flowers; or
  - (ii) large feature rocks, bark chips, field stone (limited to 25% of total landscaped area); or
  - (iii) berming, terracing; or
  - (iv) other innovative landscaping features.
- (f) where screening is required, evergreens and flowering trees should be used.
- (g) landscaping of lots shall be carried out within two years of the date a development permit is issued, to the satisfaction of the Development Officer or Development Authority.
- (h) in considering an application, the Development Officer or Development Authority may impose conditions requiring the retention of trees or additional plantings of such type and extent that are considered necessary.
- (i) in addition to all other landscaping requirements, all Village boulevards adjoining a site shall be landscaped at the developers/applicants expense.
- (j) landowners with property adjoining Village boulevards shall be responsible for maintaining the boulevard area to the satisfaction of the Development Officer or Development Authority.

## 20. LOADING AREA REQUIREMENTS

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

## 21. MAIN BUILDING PER PARCEL

No person shall construct or cause to be constructed more than one main building per parcel in any district unless otherwise approved by the Development Authority.

## 22. NON-CONFORMING USES AND BUILDINGS

- (a) a non-conforming use of land or a building may be continued but, if that use is discontinued for a period of six consecutive months or more, any future use of the land or building must conform with the Land Use Bylaw then in effect.
- (b) a non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made to it or in it.
- (c) a non-conforming use of part of a lot may not be extended or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed on the lot while the non-conforming use continues.
- (d) a non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt, or structurally altered except:
  - (i) to make it a conforming building; or
  - (ii) for routine maintenance of the building, if the Development Authority considers it necessary.
- (e) if a non-conforming building is damaged or destroyed to the extent of more than 75% of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with the Land Use Bylaw.
- (f) the land use or the use of a building is not affected by a change of ownership or tenancy of the land or building.

## 23. OBJECTS PROHIBITED OR RESTRICTED IN YARDS

- (a) no person shall keep or permit in any part of a yard in any residential district:
  - (i) any dismantled, dilapidated, or wrecked vehicle(s) for more than fourteen (14) successive days; and
  - (ii) no more than two (2) unlicensed vehicles; and
  - (iii) no more than one (1) recreational vehicle; and

(iv) a recreational vehicle to be used for living or sleeping accommodations unless approved by the Development Officer or Development Authority or otherwise provided for in this bylaw.

(b) no person shall keep or permit in any part of a yard in any district:

(i) any object or chattel which in the opinion of the Development Authority is unsightly or tends to adversely affect the purpose of the district. In accordance with the Village's Bylaw to regulate untidy and unsightly property and the Act, the designated officer may order the owner to remedy unsightly and/or dangerous structures and/or property; and

(ii) any excavation, storage or piling up of materials required during the construction stage unless safety measures are undertaken. The owner of such materials or excavations shall assume full responsibility to ensure that the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work.

#### 24. OUTDOOR BULK FUEL STORAGE

The outdoor storage of bulk fuel shall be at the discretion of the Development Officer or the Development Authority and shall be in accordance with the Alberta Safety Codes Act, as amended from time to time and all other applicable regulations.

#### 25. PARKING REQUIREMENTS

(a) all required parking must be on-site unless it is in a Commercial, Light Industrial, or a Public Use area and has been approved by the Development Officer or the Development Authority.

(b) only one commercial vehicle, not more than one ton in capacity may be parked on a site in any residential district.

(c) boulevards adjacent to residential properties are considered to be "on site" for the purposes of this section (#25) of the bylaw, however, all provisions of the Traffic Safety Act remain in force.

(d) only one recreational vehicle may be parked on a lot in any district unless otherwise approved by the Development Officer or the Development Authority. Boulevards adjacent to residential properties are considered to be "on site" for the purposes of this section (#25) (d) of the bylaw during the months of May, June, July, August and September.



## 26. PIPELINE AND OTHER UTILITY CORRIDOR SETBACKS

Any development involving pipeline and/or power line transmission rights-of-way shall be sited to comply with all relevant Federal and Provincial legislation. Setbacks from pipelines and other utility corridors shall be in accordance with appropriate Provincial Regulations or Acts and any regulations or directives established by the Alberta Energies Utility Board (AEUB).

## 27. PRE-PLANNED DEVELOPMENT

Where a pre-planned development is proposed for an area of the Village, the standards shown in the land use schedules may be relaxed or changed by the Development Authority to an amount necessary to enable the area to be developed to the highest standards of use and amenity provided that:

- (a) it is completed in one continuous operation; and
- (b) this is done on the basis of a comprehensive development plan approved by Council.

## 28. PROJECTION OVER YARDS

- (a) except as provided in the Section, no portion of the principal building shall project into the minimum setbacks as required by the land use district regulations.
- (b) the portions of any attachment to a principal building which may project over or on a minimum setback on a lot in a residential district are:
  - i) a cornice, sill, canopy, fireplace, eaves, or chimney which project a distance not exceeding one half of the minimum side setback required for the lot; or
  - ii) an open veranda, porch, balcony, fireplace, chimney, or other similar projections as determined by the Development Officer, which project not more than 1.5 m (5 ft) over or on a minimum front or rear setback; or
  - iii) open staircases with or without a landing if they do not project more than 2.5 m (8.2 ft) over or into the rear yard setback and not exceeding one half of the minimum side yard setback required for the lot.
  - iv) at no time are these provisions to be constructed so that they may be added together to further increase the projection into the setback.

## 29. QUALITY OF DEVELOPMENT

The Development Officer or the Council may require additional standards as a condition of a development permit, in order to improve the quality of any proposed development within any land use district.

## 30. REFUSE COLLECTION AND STORAGE

- (a) in all land use districts refuse and garbage shall be stored in suitable containers. Refuse and garbage holding areas, including containers, shall be effectively screened from public view.
- (b) in a residential land use district no outdoor storage of garbage shall be permitted in any front yard, including any unscreened portion of either front yard on a corner lot except in an approved enclosure until such time as disposal or pick-up occurs.
- (c) all refuse on any construction site shall be properly screened from view and contained in an approved enclosure until such time as disposal occurs.

## 31. SERVICE STATIONS AND GAS BARS

The following regulations apply to service stations and gas bars:

- (a) the minimum front yard shall be 12.2 m (40 ft) and no gasoline pumps shall be located closer than 6.1 m (20 ft) from the front property line.
- (b) the side and rear yards shall be 6.1m (20 ft) with no intervening pumps or accessories.
- (c) maximum site coverage shall be 30%.
- (d) the location and installation of the fuel tanks shall be in accordance with the Fire Protection Act and Alberta Environment guidelines and regulations.
- (e) the exits and entrances to the station site shall be clearly marked by curb cuts, painted markings, concrete abutments, or any other means satisfactory to the Development Officer.
- (f) the Development Officer may require the maintenance of an appropriate fence not less than 1m (3.3 ft) around the property to catch debris and trash.

## 32. SITE ELEVATION

- (a) each parcel shall be graded so that storm water does not drain onto adjoining property unless by prior agreement or past precedent.

- (b) the Development Officer may specify a benchmark elevation at which any new development may be constructed in order to facilitate proper site drainage and attachment to any existing or proposed sewer system.
- (c) the original site grading may only be varied up to 0.3 m (1 ft) unless otherwise specified in the development permit approval, provided that drainage is not affected.

### 33. SUB-STANDARD LOTS

Development of existing lots that do not meet the minimum size requirements or any other requirements of this Bylaw will be considered by the Council on a case-by-case basis.

### 34. TEMPORARY USES

Where, in the opinion of the Development Officer or the Development Authority, a proposed use is of a temporary or discretionary nature, it may issue a temporary development permit valid for such a period as it considers appropriate. It shall be a condition of every temporary development permit that the municipality shall not be liable for any costs involved in the cessation or removal of any development at the expiration of the permitted period. The Development Officer or the Development Authority may require the developer(s) to post a bond guaranteeing the cessation or removal of work at the end of the period.

**SCHEDULE 5 - RECLASSIFICATION CRITERIA**

1. A request for redesignation from one land use district to another shall be accompanied by:
  - (a) preliminary design proposal (subdivision and/or development)
  - (b) preliminary proposals for servicing.
  - (c) if warranted by the Development Officer, a technical evaluation of surface drainage which may include adjacent properties.
2. Council may require the data provided above to be adopted as Concept Plan or to have it developed and adopted as an Area Structure Plan.
3. Requests for redesignation shall be circulated for comment to appropriate provincial government departments and agencies.
4. Requests for redesignation shall be circulated pursuant to section 692 of the Municipal Government Act and the Council shall consider any comments received.

## **SCHEDULE 6 - SUBDIVISION CRITERIA**

### **General**

1. A proposed subdivision must have legal and physical access including to the residual parcel and shall not affect any servicing systems of the Village.
2. Subdivision applications shall be circulated to the agencies and government departments specified in the Subdivision and Development Regulation and those persons referred to in Section 653 of the Municipal Government Act and comments shall be considered by the Council and the Intermunicipal Planning Commission.
3. In order to determine the land's suitability, the Council or the Subdivision Authority may require the applicant to provide information, including but not limited to, percolation, slope, stability, ground and surface water, and soil characteristics or the preparation of an Area Structure Plan or a Concept Plan in accordance with the Act.
4. Applications for subdivisions which require geotechnical analysis or involve environmental matters shall be conducted and reviewed in accordance with the provincial Environmental Reference Manual for the review of Subdivisions in Alberta, or any subsequent guidelines prepared pursuant to this manual.
5. Where a subdivision does not meet the provisions of the land use bylaw, the Subdivision Authority shall refuse the application or request that Council consider a land use bylaw amendment.
6. The enlargement, reduction, or realignment of an existing or separate parcel(s) may be approved provided that:
  - (a) the additional lands required are to accommodate existing or related improvements.
  - (b) the proposal is to rectify or rationalize existing habitational or occupancy patterns.
  - (c) the proposed new lot and the proposed residual lot will continue to have direct legal and physical access to a public roadway, adequate development setbacks, and a suitable building site.

## SCHEDULE 7 - SIGN REGULATIONS

1. These regulations provide standards for outdoor commercial advertising in the interest of amenity and traffic safety, having consideration to the number, size, and location of advertisements insofar as they are likely to affect:
  - (a) the appearance and character of any building or locality frequented by the public; and
  - (b) the concentration of the motoring public and its ability to define authorized traffic signs.

### 2. Definitions

For the purpose of these regulations, certain words and expressions are defined as follows:

**Advertising sign** means a development or location of any object, device, display, structure, or part thereof, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.

**Directional and information sign** means a sign the message of which is limited to providing guidance, distance, or similar information and which may contain a name or logo.

**Fascia sign** means a sign placed flat and parallel to the face of the building so that no part projects more than 0.3 m (1 ft) 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.

**Lawn sign** means a low-lying freestanding sign which is permanently attached to the ground, which is not connected to any building or other structure, and which does not exceed 1.2 m (4 ft) in height.

3. Advertising signs may only be allowed to be located within the Village boundaries in order to advertise the principal use of the premises or the principal products offered for sale on the premises for the businesses and services located within the Village of Rosemary.
4. Lawn, fascia, and freestanding signs may only be permitted, provided that the location of any such sign does not become a visual obstruction to traffic.
5. Directional and informational signs may be permitted if warranted by the merits of each case.
6. All signs shall be maintained in a safe and tidy manner to the satisfaction of the Development Officer or the Development Authority. If, in the opinion of the Development Officer or the

Development Authority, a sign has fallen into disrepair, the owner of the land may be required to remove the sign.

7. All signs, except Village signs, will be located on private land.
8. All signs adjacent to a provincial highway require approval of Alberta Transportation.

## **SCHEDULE 8 - DEVELOPEMNT STANDARDS FOR MANUFACTURED, MOBILE, MODULAR, READY-TO-MOVE (RTM) HOMES**

### **PART A: MANUFACTURED & MOBILE HOMES**

**Manufactured home** means a new residential building containing one dwelling unit built in a factory and designed to be transported in one or more sections to a suitable site. The home is transported in on a dolly (with wheels) and the wheels are removed when the home arrives to the site. New manufactured homes shall be constructed to either CSA Z241 or CSA A277 standards. The homes are typically placed on foundation supports and installed to CSA Z240.10.1 standards and connected to utilities.

**Mobile home** means a dwelling suitable for long term or permanent occupancy and is designed to be transported on its own wheels or by other means, and which upon arriving at the site is, apart from incidental operations such as placement on foundation supports and connections to utilities, ready for occupancy.

#### **1. Standards & Requirements Applicable to Manufactured & Mobile Homes**

- (a) Standard of Development – Schedule 4
- (b) any special mobile home standards adopted by Council.
- (c) except where noted, all standards, requirements, and guidelines shall apply to both single-wide and double-wide units located in conventional subdivisions or manufactured home parks.

#### **2. Eligible Manufactured or Mobile Homes**

- (a) new factory built units.
- (b) used factory built units in a state of good repair ( to the satisfaction of the Development Officer).
- (c) Canadian Standards Association (CSA) certified units or units bearing the Alberta Building Label (CSA Z240 or CSA A277 building labels).
- (d) manufactured or mobile homes bearing the original home certification.
- (e) any pre-occupied manufactured or mobile home may not be more than twenty (20) years old or a certificate of structural sufficiency will be required.

#### **3. Additions to Manufactured or Mobile Homes**

- (a) any application for a development permit to locate a used mobile home:



- (i) shall include recent color photographs of all elevations, including additions; and
- (ii) may require a personal inspection by the Development Officer to determine the unit's suitability.

### **3. Foundations, Basements, Rooflines, and Additions**

- (a) all double-wide units shall be placed on continuous concrete or concrete block foundations capable of supporting the maximum anticipated load, in conformity with the provincial building requirements and CMHC standards.
- (b) all single-wide mobile homes not placed on permanent foundations of continuous concrete or concrete block shall be skirted with compatible materials to the satisfaction of the Development Officer.
- (c) the wheels, hitches, and other running gear should be suitably enclosed or removed as soon as practical after placement of the unit on its foundation.
- (d) any portion of a concrete block foundation above grade shall be parged unless otherwise finished with a material approved by the Development Officer.
- (e) the maximum height of the exposed portion of a continuous concrete or concrete block foundation shall not be more than 0.6 m (2 ft) above the average finished grade level of the surrounding ground.
- (f) a basement for a mobile home may be permitted, provided access to the basement is housed within an enclosure approved by the Development Officer.
- (g) manufactured/mobile home units not provided with a basement shall be within 0.3 m - 0.6 m (1ft -2 ft) of the average finished grade of the surrounding ground.
- (h) all mobile home additions shall be of a design and finish which will complement the unit.
- (i) to ensure compatibility of housing types, the variation of roof lines between double-wide mobile homes and conventional homes may be limited. Generally, the double-wide unit should not be more than 0.6 m (2 ft) higher or lower than an adjacent home, whether conventional or double-wide; generally, single-wide units shall not be encouraged to locate adjacent to or among conventional dwellings.

### **5. General Appearance**

- (a) the wheels, hitches, and other running gear shall be removed from a mobile home immediately after placement of the home.

(b) the yard area of each lot shall be developed and landscaped.

## **PART B: MODULAR & READY-TO-MOVE (RTM) HOMES**

**Modular home** means a new dwelling unit that is manufactured in a remote facility and then delivered to its intended site of use. It is a residential building of one or more sections constructed within a factory and transported to a site. Such a unit has neither chassis, running gear, nor its' own wheels, but each piece/module unit may be stacked side-by-side or vertically to form a complete dwelling unit for year round occupancy.

**Ready-to-Move (RTM) home** means a new dwelling unit not previously occupied that would normally be built on a construction site, plant site, or building yard. The dwelling is then transported as one unit, delivered to the client's location, and installed on a permanent foundation.

1. The approval authority shall issue a development permit for a modular or ready-to-move (RTM) home provided that:
  - (a) the dwelling is a factory-built unit that meets the manufactured housing industry and CSA standards and the Alberta building code;
  - (b) the dwelling is securely fastened and must be placed on a permanent foundation;
  - (c) the minimum roof pitch shall not be less than a 4/12 pitch;
  - (d) the minimum floor area of the principal dwelling not including attached garage shall not be less than 74.3 sq m (800 sq. ft);
  - (e) the dwelling shall be a minimum of 7.3 m (24 ft) in width;
  - (f) the unit is CSA certified (meet CSA A277 Standards) and will meet all Alberta safety code requirements;
  - (g) the design, character, and appearance (including roof lines, material, and exterior finish) of modular homes shall be consistent with the purpose of the district/area in which the building is located and shall take into account any other buildings existing in the vicinity.;
  - (h) at the discretion of the Development Officer or the Development Authority, the exterior finish, color, and roofing material may be stipulated as a condition of approval;
  - (i) the dwelling shall conform to any architectural controls that may apply.

2. As a condition of approval, the Development Officer or the Development Authority at their discretion, may place other conditions on a development permit including the requirement that the developer provide landscaping, fencing, address drainage issues, or other such matters it considers necessary if, in his or it's opinion, they would serve to improve the quality or compatibility of any proposed development.
3. The building and the land upon which it is to be located shall be subject to all conditions and regulations specified for the particular land use district set out in the Land Use Bylaw.
4. The building, when completed, shall meet or exceed provincial building requirements.
5. The applicant/developer must submit professional building plans illustrating the exterior design, floor plan, elevations, and setbacks.
6. The quality of the completed building shall be at least equal to the quality of the other buildings in the area.
7. If there is any doubt as to the required standards being met, the Development Officer may refer the application to Council for a decision.
8. The Development Officer or Council may require a bond or irrevocable letter of credit for a minimum of \$5000.00 to a maximum of 50% of the assessed value of the building to ensure the conditions of the development permit for a principal building are met.

## **SCHEDULE 9 - MOVED-IN BUILDINGS**

Where a development application requires that a building will be moved onto the site, the following items may be required as a part of the permit:

1. Photographs of each elevation of the building to be moved;
2. Accurate site plan for the location to which the building is to be moved;
3. Floor plan and specifications of the structure of the building;
4. Application fee as specified by Council;
5. Indication of whether the building meets the requirements of the Alberta Uniform Building Code;
6. A performance bond or irrevocable letter of credit in the amount to be determined by Council;
7. Applicant to be responsible for the costs associated with inspection;
8. The building must be of equal or better than average condition and architecturally compatible to other buildings in the immediate vicinity once the building is in place and completed;
9. All renovations that have been specified in the development permit must be completed within one year of the issuance of the permit.

Conditions deemed necessary on a case-by-case basis may be included in the approved development permit.

## **SCHEDULE 10 - HOME OCCUPATIONS**

1. No Home Occupation Permit shall be issued if, in the opinion of the Development Officer or the Development Authority, the home occupation would undermine the livability standards of the residential use of the property or any adjacent properties.
2. The nature and extent of any Home Occupation, as determined by the Development Officer or the Development Authority, makes it uneconomical and unreasonable to locate the occupation in a commercial or light industrial area.
3. No advertising or display of product shall be permitted on the property except for one (1) indirectly illuminated sign of 0.4 sq m (4 sq ft) placed flat against the building or fence. Larger signage may be permitted if, in the opinion of the Development Officer, the signage does not interfere with the residential character of the area.
4. No Home Occupation shall be permitted if it is a noxious use or creates noise, vibration, smoke, dust, traffic, or odors.
5. A Home Occupation Permit shall be valid for three (3) years from the date the permit was granted. This permit may be renewed for another three (3) years but it is the responsibility of the property owner to renew the permit. If the permit is refused an applicant may appeal the decision to the Subdivision and Development Appeal Board as per Sections 34 and 35 of the Land Use Bylaw.
6. If at any time, in the opinion of the Development Officer or the Development Authority, the conditions of a Home Occupation Permit have not been complied with, the Development Officer may issue a stop order, pursuant to Section 645 of the Municipal Government Act.
7. The following information must be supplied when applying for a Home Occupation Permit:
  - (a) Description of the business;
  - (b) Materials, equipment and/or vehicles that will be used for the Home Occupation;
  - (c) Number of employees, resident and non-resident;
  - (d) Number of business visits per day;
  - (e) Number of parking spaces available;
  - (f) Type of signage for the Home Occupation; and
  - (g) Fee as specified by Council

8. A development permit for a home occupation does not exempt the applicant from complying with any other federal, provincial, or municipal legislation
- 9, A development permit is based solely on the location of the use. If a permit holder relocates within the municipality, the person must apply for a development permit to commence the use from the new location.

## SCHEDULE 11 DEFINITIONS

In this Bylaw, the following definitions shall apply:

**Abut or Abutting** means immediately contiguous to or physically touching and, when used with respect to a site, means that the site physically touches upon another site and shares a property line with it.

**Accessory Building** means a building or structure, incidental, subordinate, and located on the same lot as the principal building, but does not include a building or structure used for human habitation.

**Accessory Use** means a use of a building or land which is incidental or subordinate to the principal use of the site on which it is located.

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

**Adjacent** means contiguous or would be contiguous if not for a river, stream, railway, road, or utility right-of-way or reserve land; and any other land identified in this Bylaw as adjacent land for the purpose of notifications.

**Amusement Center / Arcade** means an establishment where mechanical or electronic games are kept for the purpose of furnishing entertainment or amusement to the public for a fee. Such an establishment may also include a billiard hall.

**Apartment Building** means a building comprised of 3 or more dwelling units with shared entrance facilities.

**Appellant** means a person who has filed an appeal in respect of either the approval or refusal or imposition of conditions respecting an application for a Development Permit or subdivision application as the case may be.

**Applicant** means the registered assessed landowner, or an agent, person, firm, or company acting on the landowner's behalf to obtain a development or other permit.

**Approved Use** means the use of land or a building in a land use district for which a Development Permit may be approved, without discretion, by the Development Officer or Development Authority with or without conditions.

**Area Redevelopment Plan** means a plan adopted by Council as an Area Redevelopment Plan pursuant to the Act.

**Area Structure Plan** means a plan adopted by Council as an Area Structure Plan pursuant to the Act.

**Arena** means an open or enclosed structure associated with recreation and leisure activities and may include areas for a hockey rink to be surfaced with ice or a soccer or field hockey field surface such as Astroturf. Additionally, the arena may provide space for a variety of social functions and can accommodate spectators, concessions, offices, and public washrooms.

**Auto Body and Paint Shop** means a facility for the repair and / or painting of motor vehicle bodies and chassis but does not include facilities for the sale of gas or lubricating oil, or an automotive repair service.

**Automotive Repair Service** means a facility for the repair of vehicles, including but not limited to, mufflers, oil changes, transmissions, engine replacement services, and glass repair. Such facilities do not include the sale of gas.

**Automotive Sales and Rentals** means a facility for the sale or rental of automobiles and may include an Automotive Repair Service and Auto Body and Paint Shop as accessory uses.

**Bed and Breakfast** means a Home Occupation with no more than 4 guest bedrooms.

**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 or a bridge forming part of a highway or public roadway.

**Building Height** means the vertical distance measured from the average finished grade to the highest point on a building, excluding a roof stairway entrance, an elevator shaft, a ventilating fan, a skylight, a steeple, a chimney, a smoke stack, a fire wall, a parapet wall, a flag pole, or similar devices not structurally essential to the building.

**Campground** means a facility with individual pads or units for overnight or temporary accommodation. Such a facility may include a central office, washrooms, cooking facilities, and a retail establishment for the sale of convenience items.

**Carpport** means a roofed enclosure for the purpose of storing motor vehicles, whether attached to or detached from the principal building, which does not have more than 60% of the total perimeter enclosed.

**Carwash** means a personal vehicle (user pay) washing facility that may be either automated or manually operated by the user. This is not intended for large-scale commercial vehicles.

**Card Lock** means a facility for the wholesale or retail sale of oil products by means of a card lock. Such a facility may include an office and retail establishment for the sale of convenience items.



**Certificate of Title** means a land title signifying ownership that is registered at an Alberta Land Titles Office.

**Child Care Facility** means a building or portion thereof used for the provision of care, maintenance, and supervision of 7 or more children under the age of 15 years, by persons unrelated to the children by blood or marriage, for periods not exceeding 24 consecutive hours and includes all day-care centers, nurseries, and after school or baby-sitting programs which meet the conditions of this definition.

**Church** means a facility for public worship or religious services.

**Commercial Establishment** means a building, or part thereof, for the sale of goods or services to the general public.

**Commercial School** means a facility for the provision of educational services to the general public for a fee. Such a facility may include, but is not limited to, driver's education, business and / or secretarial services, or computer and information management services.

**Commercial Vehicle** means a vehicle used for a home occupation or a business with a commercial license plate.

**Community Association Building** means a built structure that can accommodate a number of uses deemed necessary by a community and may include meeting rooms, a gymnasium, or offices. The building is often run by a community association comprised of elected or appointed members and, when open, is available for community use upon booking.

**Concept Plan** means a plan illustrating a site, scale, north arrow, relevant location in the Village, including dimensions of the site; lot layout, including pad sites, internal road location, visitor parking, and open spaces; services, including location for water, sewer, and storm water infrastructure; road access to local roads; and information confirming compliance with Village Statutory documents, Land Use Bylaw, and Intermunicipal Agreements, if applicable.

**Contractor** means any person, business, employee, or said business that provides services for a fee for any form of construction, equipment, or property maintenance or repair.

**Contractors' Yard** means a facility for the storage and maintenance of material, equipment, and vehicles related to the contractors providing services to the general public or others. Such a facility may include outside storage and buildings related to the general operations of the business.

**Corner Lot** means a lot having frontage on two or more streets at their intersections.

**Council** means the Municipal Council of the Village of Rosemary.

**Development** means:

- (a) an excavation or stockpile and the creation of either of them, but does not include turning over soil with no immediate activity on the land in the near future; or
- (b) a building or an addition to, or replacement of, or repair of a building and the construction or placing in, on, over, or under land of any of them; or
- (c) a change of use of land or a building or an act done in relation to land or a building or that results in or is likely to result in a change in the use of the land or the 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.

**Development Authority** means the Council of the Village of Rosemary or the Municipal Planning Commission as provided for by a Bylaw of the Village of Rosemary.

**Development Officer** means a person or persons appointed by Council to act as a Development Officer pursuant to this Land Use Bylaw.

**Development Permit** means a document issued pursuant to this Bylaw authorizing a development.

**Discretionary Use** means the use of land or a building in a land use district for which a Development Permit may be approved at the discretion of the Development Officer or Development Authority with or without conditions.

**District** means an area of land designated on the Land Use District Map as a Land Use District.

**Domestic Pet** means an animal that is kept by a household either inside or outside and may be bred for domestic purposes. Domestic pet includes a: cat, dog, ferret, gerbil, guinea pig, hamster, rabbit, iguana, or small non-poisonous amphibians, reptiles, and caged birds. The Development Authority may include other animals as domestic pets on a case-by-case basis and in making such a determination shall consider the potential impact on neighboring property and residents.

**Dwelling Unit** means a self-contained living premises occupied or designed to be occupied by an individual or by a family as an independent and separate housekeeping establishment and in which facilities are provided for cooking and sanitation. Such units include single detached dwellings, modular homes, manufactured homes, and moved-in buildings for residential use.

**Entertainment Establishment** means a facility for the provision of entertainment to the general public but does not include an amusement center/arcade, billiard parlor, or adult establishment.

**Essential Public Service** means a facility for the provision of essential public services including fire, police, or ambulance or a similar public service facility that is necessary for the continued health, welfare, or safety of the general public.

**Financial Institution** means a bank, trust company, credit union, or similar establishment.

**Floor Area** means the greatest horizontal area of a building above grade within the outside surface of exterior walls and the centerlines of firewalls but does not include the floor area of basements, decks, patios, driveways, sidewalks, open porches, or breezeways.

**Foundation** means the lower portion of a building consisting of a concrete or preserved wood basement or pilings and includes the footings which transfer the weight of and loads on a building to the ground.

**Garage** means an accessory building designed and used for the shelter or storage of one or more motor vehicles.

**Gas Bar** means a facility for the sale of fuel and oil related products to the general public with no other services provided. The retail sale of food products may be included in such a facility.

**Grade** means the elevation of finished ground surface at any point on the property.

**Greenhouse** means an indoor commercial horticultural operation for year round plant cultivation, but does not necessarily include retail sales from the greenhouse site.

**Gross Floor Area** means the sum of the areas of all floors of a building measured to the outside surface of the exterior walls or, where buildings are separated by firewalls, to the center line of the common firewalls and includes all floors totally or partially above grade level.

**Home Occupation** means an occupation, trade, profession, or craft carried on by an occupant(s) of a residential building as a use secondary to the residential use of the building. A Home Occupation shall not be allowed if, in the opinion of the Development Officer or Development Authority, the use would be more appropriately located in a commercial or light industrial district or may not be compatible with the residential character of the district. See Schedule 10

**Hotel** means a building containing either sleeping or dwelling unit, or a combination of both, occupied and equipped to be occupied as a temporary abode for the traveling public which may also contain commercial uses and additional services such as restaurants, dining rooms, room service, or conference related facilities.

**In-Law or Revenue Suite** means a secondary suite or unit attached to the primary dwelling unit rented to a second tenant. The unit may be side-by-side or up-down in orientation.

**Institutional Use** means a development of a public nature including governmental, religious, educational, social, and cultural facilities having an affinity with public services to a municipality, area, or region.

**Kennel** means a development used for the breeding, boarding, or training of dogs, to a maximum of nine (9) dogs, which are not owned by the occupant of the dwelling on the site.

**Laboratory** means a facility for the testing, investigating, or experimenting with chemicals, medicines, or other materials. Such a facility may include medical or other scientific related operations.

**Landscaping** means to preserve, enhance, or incorporate vegetation and other materials in a development and includes combining new or existing vegetative materials with architectural elements, existing site features, or other development features including but not limited to fences, walls, or decorative walks.

**Lane** means a public roadway not exceeding 10 meters (33 feet) in width, which provides secondary access to a lot. Also known as an alley.

**Light Manufacture and Assembly** means the fabrication, assembly, disassembly, or manufacture of goods or materials. It must do this by not creating noise, vibration, smoke, dust, or other particulate matter, radiation hazards, fire, or explosive hazards, heat, humidity, or glare that may adversely affect the amenities of the neighborhood, or interfere with the normal enjoyment of any land or development.

**Loading Space** means an open area used to provide free access for vehicles to a loading door, platform, or bay.

**Lot** means the following:

- (a) a part of a parcel described in a Certificate of Title if the boundaries of the part are described in the Certificate of Title other than by reference to a legal subdivision; or
- (b) a part of a parcel described in a Certificate of Title if the boundaries of the part are described in the Certificate of Title by reference to a plan or subdivision.

**Lumber Yards** means a facility for the storage and retail or wholesale sale of wood products and other related home improvement products to the general public or others. Such a facility may include offices and work areas related to the operation of the business.

**Machinery and Equipment Sales, Service, and Repair** means a facility for the sale, service, or rental of machinery or equipment to the general public or others. Such a facility may include offices and work areas for the sale, service, or rental of the machinery or equipment.

**Machining Shop** means the use of a building for the machining, repair, or fabrication of metal components and assemblies, which may include some minor welding but does not involve any outside storage or related materials, supplies, or products.

**Manufactured Home** means a new residential building containing one dwelling unit built in a factory and designed to be transported in one or more sections to a suitable site. The home is transported in on a dolly (with wheels) and the wheels are removed when the home arrives to the site. New manufactured homes shall be constructed to either CSA Z241 or CSA A277 standards.

The homes are typically placed on foundation supports and installed to CSA Z240.10.1 standards and connected to utilities. See Schedule 8

**Manufactured Home Community** means a parcel of land that is designated in the Land Use Bylaw as a manufactured home community and includes at least three (3) designated manufactured and/or mobile home sites that are rented or available for rent.

**Mechanical Reproduction and Printing** means a facility for the mechanical reproduction and printing of materials for distribution to the general public or others. Such a facility may include resume copying services, offset printing services, desktop publishing services, or other related printing services. This facility may include offices and general work areas related to the operation of the business.

**Mobile Home** means a dwelling suitable for long term or permanent occupancy and is designed to be transported on its own wheels or by other means, and which upon arriving at the site, apart from incidental operations such as placement on foundation supports and connections to utilities, is ready for occupancy. See Schedule 8

**Modular Home** means a new dwelling unit that is manufactured in a remote facility and then delivered to its intended site of use. It is a residential building of one or more sections constructed within a factory and transported to a site. Such a unit has neither chassis, running gear, nor its' own wheels, but each piece/module unit may be stacked side-by-side or vertically to form a complete dwelling unit for year round occupancy. See Schedule 8

**Motel** means the provision of rooms or suites for temporary lodging or light housekeeping, where each room or suite has its' own exterior access. Motels may include accessory eating and drinking establishments and personal service shops.

**Moved –In Building** means any building, used for residential purposes, with a minimum floor area of 20 sq m (215 sq ft), other than a new or certified manufactured or modular home, that is proposed to be moved to a location in the Village and can include a used manufactured home (that does not meet the CSA Z240 certification standard), modular or site-built home. Any pre-occupied manufactured or modular home that is considered a moved-in building may not be more than 20 years of age at the time of the Development Permit application. See Schedule 9

**Municipal Development Plan** means a statutory plan adopted by Council as a Municipal Development Plan.

**Municipal Government Act Interpretation** means all other words and expressions have the meanings respectively assigned to them in the Act and, in questions of interpretation, the Development Officer will determine the consequences in terms of the application of the Bylaw.

**Municipal Planning Commission** means the Village of Rosemary Municipal Planning Commission established by Bylaw.

**Municipal Reserve** means land dedicated to the municipality at the time of subdivision for the purpose of public open space, as specified in the Municipal Government Act.

**Non-Conforming Building** means a lawful use of a building that on the date the Land Use Bylaw or Statutory Plan or any subsequent amendment becomes effective, will not comply with the regulations for the district in which it is located.

**Non-Conforming Use** means a lawful use of land or a building that on the date the Land Use Bylaw or subsequent amendment becomes effective will not, or in the case of a building under construction would not, conform with the Land Use Bylaw.

**Non-Resident Employee** means, in specific reference to a Home Occupation, any person who is part of a business and does not permanently reside at the home where the business is conducted. This would include relatives of the resident.

**Noxious Use** means a use, usually industrial or commercial in nature, which by reason of emissions (i.e. air, water, or noise) is hazardous to human health, safety, or well-being and cannot reasonably be expected to co-exist in proximity to population concentrations.

**Office** means the use of a building by a business or group of businesses for the administration of their operations. The office space may be leased by one business from another or owned by the business for its' exclusive use, not including Home Occupations.

**1:100Year Floodplain** means the water level reached during a 1:100 year flood as determined in accordance with the technical criteria established by Alberta Environment.

**Owner** means the person shown as the owner of property on the assessment roll.

**Parapet Wall** means that part of an exterior part or firewall extending above the roofline or a wall that serves as a guard at the edge of the balcony or roof.

**Parcel** means the aggregate of one or more areas of land described in a Certificate of Title or described by reference to a plan filed or registered in a Land Title Office.

**Park or Playground** means an area used for active or passive recreational activities which may include soccer fields, baseball diamonds, outside hockey arenas, playground equipment, open space, pedestrian and bicycle pathways, and other ancillary buildings or structures related to the operation of the park or playground. Not including campgrounds.

**Parking Area and Structure** means an open area or building designed and used for the parking of motor vehicles which may consist of at grade parking or 2 or more levels of parking and includes underground parking.

**Pedestrian or Equestrian Walkway** means a designed and constructed pathway finished to a desired surface (i.e. gravel, earth, paved, etc.) depending on the end user. Walkways may be part of a park system or a linear access trail connecting 2 or more land use features or pockets.

**Permitted Use** means a use designated in the Bylaw as a permitted use and for which the Development Officer shall issue a Development Permit with or without conditions providing all other provisions of the Bylaw are conformed with.

**Personal Service Business** means a development that provides personal services to an individual which are related to the care and appearance of the body or the cleaning and repair of personal effects. This includes, but is not limited to, photography studios, dry-cleaning establishments, barbershops, beauty shops, tailors, dressmakers, shoe repair shops, and laundromats but excludes adult establishments.

**Picnic Areas** means a designated day use area for the purposes of recreation and leisure. Normally owned by the municipality, the user is responsible for ensuring no damage comes of the property and all belongings are taken with the user after use.

**Principal Building or Use** means the building or use of land or buildings that constitutes the dominate structure or activity of the lot.

**Private Clubs and Organizations** means an athletic, social, recreational, or service organization.

**Provincial Highway** means a road designated as such by Ministerial Order pursuant to the Highway Traffic Act and described by plates published in the Alberta Gazette pursuant to Alberta Regulation 164/69 as 500, 600, 700, & 800 series or Highways 1 & 36.

**Public and Quasi-Public Buildings and Uses** means a building which is available to the public for the purpose of assembly, instruction, culture, or community activity and includes, but is not limited to, such uses as a church, library, museum, and service or fraternal organizations.

**Public and Separate School** means a place of instruction operated with public funds pursuant to Provincial legislation.

**Public Utility** means a system, works, plant, equipment or service owned and operated by a municipality or corporation under agreement with or franchised by the Municipality, or by a corporation licensed under a Federal or Provincial Statute and which furnishes services and facilities to the public and includes, but is not limited to:

- (a) communication by way of telephone, television, or other electronic means; or
- (b) public transportation by bus or other means; or
- (c) production, transmission, delivery or furnishing of water, gas, or electricity to the general public.

**Ready-To-Move (RTM) Home** means a new dwelling unit not previously occupied that would normally be built on a construction site, plant site, or building yard. The dwelling is then transported as one unit, delivered to the client's location, and installed on a permanent foundation. See Schedule 8

**Recreational Vehicle** means a portable structure designed and built to be carried on a vehicle, or a unit designed and built to be transported on its' own wheels to provide temporary living accommodations for travel and recreational purposes and includes, but is not limited to, such vehicles as a motor home, a camper, a holiday (travel) trailer, a fifth wheel trailer, and a tent trailer but does not include a manufactured home or modular home as defined by this Bylaw.

**Recreational Vehicle Storage** means the storage, either outdoors or inside a permanent structure, of recreational vehicles including but not limited to motor homes, fifth wheel trailers, motorcycles, moto-cross bikes, all-terrain vehicles, boats, personal watercraft, snowmobiles, holiday trailers, and caravans, tent trailers, trailers used to transport recreational vehicles and personal use vehicles up to one ton and may include an office for operation. Manufactured and modular homes are excluded from this use.

**Recreational Vehicle, Commercial Vehicle, and Commercial Equipment Repair Service, Sales and Rental** means a facility for the sale, rental or servicing of recreational vehicles, commercial vehicles and commercial equipment. Such a facility may include an office with a general area for the viewing, servicing, or rental of vehicles or equipment.

**Remnant Parcel** means the balance of the parcel where a subdivision has been taken from the parcel.

**Restaurant** means a facility for the purpose of preparing and serving the general public with meals and refreshments for consumption on the premises.

**Retail Establishment** means a facility for the sale or display of merchandise to the public and includes the storage of merchandise on or about the premises in quantities sufficient only to supply the establishment but does not include a grocery store or retail food establishment.

**Retail Food Establishment** means a facility for the sale of unprepared food items for consumption off-premises and includes, but is not limited to, a grocery store, a variety store, a convenience food store, and a supermarket or wholesale/retail grocery store.

**Road** means land shown as a road on a plan of survey that has been filed or registered in a Land Titles Office. It does not include Provincial highways which fall under the jurisdiction of the Province of Alberta.

**Semi-Detached Dwelling** means a building designed and built to contain two (2) dwelling units, separated from each other by walls extending from foundation to roof and not attached by any other residential building. Also known as a duplex.

**Senior Citizens Housing** means any multiple dwelling constructed in compliance with Provincial legislation related to the care and/or housing of senior citizens.

**Service Station** means a business providing the routine servicing and repair of vehicles within a building containing not more than four (4) service bays and the sale of fuel, lubricating oils, and a limited range of automotive parts and accessories for motor vehicles.



**Setback** means the perpendicular distance that a development must be set back from the front, side, flankage, or rear property lines of the building site as specified in the particular district in which the development is located.

**Sewage Lagoon** means a type of wastewater treatment facility consisting of an excavation, which may either be clay or synthetically lined to prevent leakage. Wastewater is pumped to the lagoon (normally a series of 2 or 3) where solids are allowed to settle.

**Sign** means a visual board, placard, neon light or representation of any sort generally bearing an inscription conveying information of some kind.

**Single-Detached Dwelling** means a building containing one (1) dwelling unit only and which is not attached to any other building but does not include a manufactured or modular home.

**Site Coverage** means the total percentage of the site area covered by a building(s) or structures which are located at or higher than 1 m (3.28 ft) above grade, including accessory buildings and structures. Site coverage does not include steps, eaves, cornices or similar projections or driveways, aisles, or parking lots unless they are part of a parking garage which extends more than 1 m (3.28 ft) above grade, or terraces or patios where these are less than 1 m (3.28 ft) above grade. Also known as lot coverage.

**Social Care Facility** means a facility which is designed and used for the care, supervision, or rehabilitation of individuals who are physically, mentally, or financially disabled and may provide resident or overnight accommodation, but does not include Child Care Facilities or Senior Citizens housing.

**Solid Waste Management Site** means a publicly owned and controlled waste management facility where municipal solid waste is recycled or permanently disposed of and where such facility is operated as a sanitary landfill pursuant to the Waste Management Regulation (Alberta Regulation 250/85) or any replacement or parallel legislation.

**Solid Waste Transfer Site** means a publicly owned and controlled waste management facility where municipal solid waste is temporarily contained for transfer to a solid waste management site and may include a Waste Disposal Site.

**Statutory Plan** means a Municipal Development Plan, an Area Structure Plan, or an Area Redevelopment Plan prepared for the Village of Rosemary and adopted by bylaw pursuant to the Municipal Government Act.

**Storage Facility** means a facility or area for the indoor storage of products, goods, or equipment and may include an office for the operation. Also known as a mini-storage facility.

**Structure** means anything constructed or erected with a fixed location on the ground or attached to something on the ground including, but not limited to, hot tubs, decks, satellite dishes, fences, signs, and radio towers.

**Subdivision Authority** means the Subdivision Authority established by the Council pursuant to the Municipal Government Act.

**Subdivision and Development Appeal Board** means a Subdivision and Development Appeal Board established by Bylaw for the Village of Rosemary pursuant to the Municipal Government Act.

**Telecommunication Facility** means a constructed tower of any material used to convey telecommunications signals and includes any related ancillary structures. It may also be a shortened tower or antennae on top of a structure.

**Temporary Development** means a development for which a Development Permit has been issued for a limited time period.

**Townhouse** means a multiple dwelling comprised of three (3) or more dwelling units separate from each other by walls extending from foundation to roof, with each dwelling unit having a separate, direct entrance from grade and includes all row, linked, patio, garden court, or other housing which meets those criteria.

**Tourist Information Kiosk** means a facility for the distribution of tourist information.

**Urban Referral Area** means the area around urban municipalities in which municipal co-operation is encouraged. The Urban Referral Area for the Village is shown on the map in Schedule 1.

**Veterinary Clinic** means a facility for the medical care of animals that may include outdoor pens, runs, or enclosures.

**Village** means the Village of Rosemary.

**Warehouse** means a facility for the storage of goods, materials, or equipment for use by a company or business.

**Waste Disposal Site** means a publicly owned and controlled waste disposal facility where such a facility is operated as a modified sanitary landfill or dry waste site pursuant to the Waste Management Regulations (Alberta Regulation 250/85) or any replacement or parallel legislation.

**Wastewater Treatment Facilities** means a facility for the purpose of collecting and treating municipal and/or industrial wastewater, ultimately releasing treated water to a receiving water body.

**Welding and Repair Shop** means a facility for the welding and structural repair of machinery, equipment, or vehicles. Such a facility may include offices and a general area for the repair and servicing of machinery, equipment, or vehicles or storage of parts and equipment related to the operations of the business

**Well Servicing Operation** means a facility for servicing well operations. Such a facility may include a building for offices as general work area for servicing equipment, machinery, or vehicles as well as a storage compound.

**Workshops for Cabinet Maker, Decorator, Electrician, Upholsterer, or Other Similar Trades** means a facility for the manufacture of goods for sale to the general public which may include light fabrication of wood, metal, or other materials.

**Yard** means a part of a parcel of land upon or over which no building or structure is erected.

**Yard, Flankage** means a yard extending along the full length of a corner lot measured from the street right-of-way property line to the nearest wall of the main building.

**Yard, Front** means a yard extending across the full width of a lot measured from the front property line of the said lot to the nearest wall of the main building situated on the lot. For corner lots having frontage on two streets, the front yard shall be considered to be the same as the adjoining interior lots.

**Yard, Rear** means a yard extending across the full width of a parcel from the rear wall of the main building situated on the parcel to the rear property line of the parcel.

**Yard, Side** means a yard extending from the front wall of the main building situated on a parcel to the rear wall of the main building and lying between the side property line of the parcel and the side wall of the main building.