

VILLAGE OF CONSORT

LAND USE BYLAW NO. A-683

Prepared by
Palliser Regional Municipal Services
&
The Village of Consort

Bylaw No. A-683
Village of Consort Land Use Bylaw

Whereas, pursuant to Section 639 of the Municipal Government Act S.A. 1994 c.M-26.1 as amended, Council shall pass a bylaw, to be known as the "Village of Consort Land Use Bylaw".

Now therefore, the Council of the Village of Consort enacts as follows:

- (1) This Bylaw shall be cited as the "Village of Consort Land Use Bylaw A-683".
- (2) Council adopts as the Land Use Bylaw for those lands contained within its corporate boundaries, the "Village of Consort Land Use Bylaw" in its entirety.
- (3) Council adopts as the "Village of Consort Land Use Bylaw" this text and the accompanying Land Use District Map.

READ A **FIRST TIME** this 25th day of October, 1999.

READ A **SECOND TIME** this 13th day of December, 1999.

READ A **THIRD TIME AND FINALLY PASSED** this 13th day of December, 1999.

[Originally Signed by Grant Carl]

Mayor

[Originally Signed by Sandra King]

Municipal Administrator

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PART I

Purpose & Definitions

1. **Purpose**

The purpose of this Bylaw is to regulate and control the use and development of land and buildings within the Municipality to achieve the orderly and economic development of the Village of Consort.

2. **Definitions**

In this Bylaw:

"Accessory Building" or "Accessory Use" means a building or use which in the opinion of the Development Officer or Municipal Planning Commission is subordinate, or incidental to the principal building or use located on the same site;

"Act" means the Municipal Government Act S.A. 1994 c. M-26.1, as amended;

"Adjacent" means land that is contiguous to a parcel of land and includes land that would be contiguous if not for a highway, road, river, stream or railway;

"Airport" means a site used or intended to be used either in whole or in part for the arrival and departure or servicing of aircraft, and includes any building, installation or equipment in connection therewith for which an airport license has been issued by the Ministry of Transport;

"Apartment" means a residential building designed and built to contain four or more dwelling units with shared services, facilities and outside entrances;

"Attached Housing" means a building designed and built to contain three or more dwelling units separated from each other by a fire rated wall each unit having separate entrances from grade level. (For the purposes of this Bylaw, garden, linked, row, villagehouses, four-plex, five-plex, and six-plex units which meet these criteria are considered to be attached houses.);

"Bed & Breakfast Establishment" means accommodation facilities within an owner-occupied dwelling comprising up to four (4) guest rooms but no cooking facilities in guest rooms;

"Building" includes anything constructed or placed on, in, over, or under land, but does not include a primary highway or a public roadway;

"Carport" means a structure attached to a principal or accessory building, designed and used for the shelter and storage of vehicles which has no door through which the vehicle enters the structure;

"Church" means a building primarily devoted to religious worship;

"Clinic" means an establishment in which medical, dental or other professional healing treatment is given to human beings;

"Community Centre" means a building owned and operated by the Municipality or a community service group that provides social, recreational and other facilities for the general public, but not religious institutions;

"Corner Site" means a site at the intersection of two or more streets;

"Council" means the Council of the Village of Consort;

"Daytime Child Care Services" means a development licensed by the Province of Alberta to provide daytime personal care and education to children, but does not include overnight accommodation. Typical uses include day care centres, day nurseries, kindergartens, nursery schools, and play schools;

"Development" means:

- (a) an excavation or stockpile and the creation of either of them; or
- (b) a building or an addition to, or replacement 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 that results in or is likely to result in a change in the use of the land or building; or
- (d) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building;

"Development Officer" means an official of the Village of Consort authorized to administer this Bylaw and to decide upon applications for development permits in accordance with the provisions of this Bylaw;

"Development Permit" means a document issued pursuant to this land use bylaw authorizing a development;

"Discretionary Use" means a use of land or a building, provided for in this land use bylaw for which a development permit may be issued upon an application having been made;

"Drinking Establishment" means an establishment licensed by the Alberta Liquor Control Board, in which alcoholic beverages are served for consumption on the premises and any preparation or serving of food is accessory thereto. This term includes but is not limited to bars, taverns, pubs and lounges;

"Duplex" means a structure on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced ceiling and floor extending from exterior wall to exterior wall, and may contain a common stairwell exterior to both dwellings;

"Dwelling" means any building or structure used exclusively for human habitation and which is supported on a permanent foundation or base extending below ground level and includes attached dwellings, apartments, lodging and boarding houses, but does not include manufactured homes of any kind whether standing on wheels or supported by blocks, jacks, or any other temporary foundation;

"Dwelling Unit" means a complete building or self-contained portion of a building, containing a room or suite of rooms operated as a single housekeeping unit, intended to be used as a permanent or semi-permanent domicile by one or more persons and containing cooking, eating, living, sleeping, and sanitary facilities;

"Easement" means a right to use land generally for access to other property or as a right-of-way for a public utility;

"Eating and Drinking Establishment" means a development where food and beverages are prepared and served and includes supplementary alcoholic beverage service licensed by the Alberta Liquor Control Board. This term includes but is not limited to such uses as restaurants, cafes lunch and tea rooms, ice cream parlors, banquet facilities and take-out restaurants;

"Existing" means existing as of the effective date of passage of this Bylaw;

"Fence" means a vertical physical barrier constructed out of typical building material for the purpose of providing privacy or preventing unauthorized access or both;

"Front Lot Line" means the boundary dividing the lot from an abutting street. In the case of a corner lot, the shorter boundary shall be deemed to be the front lot line;

"Front Yard" means a yard extending across the full width of a parcel from the front lot line of the parcel to the front foundation of the main building situated on the parcel;

"Garage, Private" means an accessory building designed and used for storage of motor vehicles;

"Garden Suite" means a detached one-bedroom dwelling unit occupied by:

- (a) either or both parents;
- (b) either or both of the parents-in-law;
- (c) a disabled adult child; or
- (d) a dependent adult, as defined in the Dependent Adults Act, RSA 1980, c D-32;

of an occupant of a single-family detached dwelling located on the same site.

"Gross Floor Area" means the total area of all floors of a building, excluding the area of basement floors, EXCEPT THAT basement suites in apartment buildings shall be included in the calculation of gross floor area;

"Group Care Facility" means a development that includes both residential care and either health services, rehabilitation, counseling or treatment, including addiction treatment for a maximum of six (6) non-related individuals or, the development may provide for residential care including meals, sleeping accommodation and limited incidental care supplied by care-givers or staff wherein the maximum number of permitted residents plus staff may not exceed six (6);

"Group Home" means a building or portion of a building used for the care or rehabilitation of children, adolescents or adults;

"Height" means, when used with reference to a building or structure, the vertical distance between a horizontal plane through grade level and a horizontal plane through:

- (a) the highest point of the roof in the case of a building with a flat roof or a deck roof;
- (b) the average level of a one-slope roof;
- (c) the highest point in the case of a pitched, gambrel, mansard, or hipped roof;

"Home Occupation" means any occupation, trade, profession, or craft carried on by an occupant of a residential building or a use secondary to the residential use of the building, and which does not change the residential nature of the building nor the neighborhood or have any exterior evidence of such secondary use other than a small name plate, not exceeding 0.28 m² (3 sq. ft.) in area. A home occupation does not include the outside storage of materials, goods or equipment, nor the employment of more than one paid assistant other than the occupant and the occupant's family;

"Lane" means a public thoroughfare, which provides a secondary means of access to a site or sites;

"Landscaping" means to change or modify the natural features of a site so as to make it more attractive by adding lawns, trees, shrubs, ornamental plantings, fencing, walks, drives, or other structures and materials;

"Light Manufacturing" means the assembly or packaging of articles from previously prepared materials, but does not include uses which may be obnoxious by reason of emission of odorous, dust, noise, smoke or vibrations;

"Loading Space" means a space for parking a commercial vehicle while it is being loaded or unloaded;

"Lot" means :

- (a) a quarter section;
- (b) a river lot or settlement shown on an official plan referred to in the Surveys Act that is filed or lodged in the Land Titles Office; or
- (c) a part of a parcel where the boundaries of the parcel are separately described in a certificate of title other than by reference to a legal subdivision; or
- (d) a part of a parcel where the boundaries of the part described in a certificate of title by reference to a plan of subdivision;

"Main Building" means a building in which is conducted the main or principal use of the site on which it is erected;

"Manufactured Home" means a detached dwelling built in an enclosed off-site factory environment in one or more sections and intended to be occupied in a location other than where it was manufactured. Manufactured homes include homes that are completely self-contained single section dwelling units or are incomplete multi-section modules that are placed together and completed on-site. A manufactured home is transported to the building site on dollies (wheels) or a flat bed truck and after placement, the dollies are removed from the site. Manufactured homes may be constructed to either the C.S.A. Z240 or C.S.A. A277 Standards;

"Manufactured Home Single-wide" means a manufactured home consisting of a single unit designed to be towed in a single load;

"Manufactured Home Double-wide" means a manufactured home consisting of two sections separately towable, but designed to be joined together at the site to form one dwelling unit;

"Manufactured Home Park" means a parcel of land under one title which has been planned and divided into manufactured home sites and improved for placement of manufactured homes for permanent residential use;

"Manufactured Home Subdivision" means an area subdivided by registered plan, containing lots for manufactured homes for free-hold or leasehold tenure;

"Municipality" means the area of land contained within the boundaries of the Village of Consort's corporate limits, as delineated on the Land Use Map, being Schedule A of this Bylaw;

"Municipal Planning Commission" or (M.P.C.) means the Consort Municipal Planning Commission established by Council pursuant to the Act;

"Non-Conforming Building" means a building lawfully constructed or lawfully under construction at the date this Bylaw becomes effective, as required by the Act, and which does not or will not comply with the requirements of this Bylaw;

"Non-Conforming Use" means a lawful specific use being made of land or a building or intended to be made of a building lawfully under construction at the date this Bylaw becomes effective, as required by the Act, and which does not or will not comply with the requirements of this Bylaw;

"Parcel" means the aggregate of the one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in a land titles office;

"Permitted Use" means the use of land or of a building which is listed in the column captioned, "Permitted Uses" in the lists of Permitted and Discretionary Uses appearing in this Bylaw and for which, when it meets the applicable provisions of this Bylaw, a Development Permit shall be issued;

"Public or Quasi-public Building, Facilities and Installations" includes any building which is used by the public for the purpose of assembly, instruction, culture or enlightenment or for a communal activity, but does not include a church, school, or place of public entertainment for which an admission fee is customarily charged. In addition, it includes a building as defined in the Municipal Government Act in which the proprietor of the public utility maintains its office or offices or maintains or houses any equipment used in connection with the public utility;

"Rear Yard" means a yard extending across the full width of a parcel from the rear foundation of the main building situated on the parcel to the rear boundary of the parcel;

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

"Semi-Detached Dwelling" means a single building designed and built to contain two side by side dwelling units, separated from each other by a common or party wall and each having separate access to the outside grade.

"Senior Citizens Housing" means any multiple dwelling constructed in compliance with the Senior Citizens Housing Act;

"Shopping Centre" means a group of commercial establishments planned, developed, owned, and managed as a unit with all parking provided on the site;

"Side Yard" 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 boundary of the parcel and the side foundation of the main building;

"Sign" means a device or structure for providing direction or providing information or calling attention to such things as a development, business, product, service, location, object, event or person;

- (a) **"Area of Sign"** means the total surface area within the outer periphery of the said sign, and, in the case of a sign comprised of individual letters or symbols, shall be calculated as the area of a rectangle enclosing the letters or symbols. Frames and structural members not bearing advertising matter shall not be included in computation of surface area;
- (b) **"Billboard"** means a structure, primarily self-supporting, which is used for the display of general advertising, the subject matter of which is not necessarily related to the use or ownership of the property on which the structure is located;
- (c) **"Fascia Sign"** means a sign placed flat and parallel to the face of the building so that no part projects more than one foot from the building;
- (d) **"Free-Standing Sign"** means a sign on a standard or column permanently attached to the ground and which is not connected in anyway to any building or other structure;
- (e) **"Projecting Sign"** means a sign which is attached to a building or structure so that part of the sign projects more than one foot from the face of the building or structure;
- (f) **"Roof Sign"** means any sign placed on or over a roof;

"Single-Family Dwelling" means a building containing one dwelling unit;

"Site" means a lot or parcel of land on which a development exists or occurs or for which an application for a development permit is made;

"Structural Alterations" means adjustments or changes made to load bearing walls within a structure;

"Subdivision and Development Appeal Board" means the Consort Subdivision and Development Appeal Board established by Council pursuant to the Act;

"Temporary Development" refers to a proposed development, where the intent is to operate the use or structure for a specified period of time, not to exceed one (1) year from the effective date of the permit issued in relation to the temporary development. Any temporary development permit will state a date on which the development will cease;

"Tradesman's Shop" means an establishment for the operation of a trade including but not limited to a painter, electrician, upholsterer, printer and appliance repairman, but does not include establishments which may be obnoxious by reason of emission of odorous, dust, smoke, noise or vibrations;

"Utilities" means any one or more of the following:

- (a) systems for the distribution of gas, whether artificial or natural;
- (b) facilities for the storage, transmission, treatment, distribution or supply of water;

- (c) facilities for the collection, treatment, movement, or disposal of sanitary sewage;
- (d) storm sewer drainage facilities;
- (e) systems for electrical distribution and lighting;
- (f) systems for telephone & cable television distribution;

“Warehouse” means a building for the storage of goods and merchandise;

"Yard" means a part of a parcel upon or over which no main building is erected;

All other words and expressions have the meanings respectively assigned to them in the Municipal Government Act.

PART II

Administrative Agencies

3. Development Officer

- (1) The position of Development Officer established by Bylaw A-656 shall include such duties as are specified in Bylaw A-656 and in Part III of this Bylaw.

4. Municipal Planning Commission

- (1) The Municipal Planning Commission (M.P.C.) established by Bylaw A-656 shall perform such duties as are specified in Part III of this Bylaw.

5. Subdivision and Development Appeal Board

- (1) The Subdivision and Development Appeal Board (S.D.A.B.) established by Bylaw No. A-657 shall perform such duties as are specified in Part IV in this Bylaw.

PART III

Development Permit Application

6. Control of Development

- (1) No development other than those designated in Section 7 shall be undertaken within the Municipality unless an application for it has been approved and a development permit has been issued.

7. Development Permit Not Required

It shall not be necessary to obtain a Development Permit prior to commencement of the following developments but the developments shall otherwise comply with the provisions of this Bylaw.

- (1) The carrying out of works of maintenance or repair to a building provided that such works:
 - (a) do not include structural alterations;
 - (b) do not change the use of the structure.
- (2) The completion of a building which could be prohibited by this Bylaw, but was lawfully begun on or before the date of the first official notice (Sections 606 and 692 of the Act) of this Bylaw provided that the building:
 - (a) is completed within 12 months of the notice; and
 - (b) complies with any development permit issued for it.
- (3) The use of any such building as is referred to in subsection (2) for the purpose for which construction was commenced.
- (4) The erection or construction or replacement of one (1) garden/tool shed per site, which does not exceed 9.29 m² (100 sq. ft.) in floor area.
- (5) A temporary construction site building, the sole purpose of which is incidental to the erection or alteration of a building, for which a permit was issued under this Bylaw and which is removed from the site upon completion of construction/alteration.
- (6) The maintenance or repair of public works, services or utilities carried out by or on behalf of Federal, Provincial and Municipal public authorities on land which is publicly owned or controlled.
- (7) The use of a building or part thereof as a temporary polling station for a Federal, Provincial, or Municipal election, referendum or plebiscite.
- (8) The construction, maintenance and repair of private walkways, pathways, driveways, and similar works.

- (9) The placement of signs that:
- (a) Are for the purpose of identification, direction and warning, not exceeding 0.9 m² (10 ft.²) and limited to one sign per parcel;
 - (b) Are temporary and are for the advertising sale or lease of property, not exceeding 0.55 m² (6 ft.²) in area and not more than 1.8 m (6 ft.) in height;
 - (c) Relate to a person, partnership or company carrying on a profession, business or trade, not exceeding .28 m² (3 ft.²) and limited to one sign per parcel;
 - (d) Relate to an institution of a religious, educational, cultural, recreational, or similar character or to a residential motel, apartment block, club or similar institution, not exceeding 0.9 m² (10 ft.²) and limited to one sign per parcel;
 - (e) Related to the function of Local Authorities and Utilities Boards; and
 - (f) Relate to a Home Occupation and which do not exceed 0.28 m² (3 sq. ft.) and are fixed to the principal or accessory building.
- (10) An official notice, sign, placard or bulletin required to be displayed pursuant to provisions of Federal, Provincial or Municipal Legislation.

8. Application for a Development Permit

- (1) An application for a development permit shall be made to the Development Officer using the approved form and shall be accompanied by:
- (a) a site plan showing the legal description and the front, rear and side yards, if any, and any provisions for off-street loading, vehicle parking and access and egress points to the site;
 - (b) floor plans, elevations and sections if required by the Development Officer;
 - (c) a statement of uses;
 - (d) a statement of ownership of land and interest of the applicant therein;
 - (e) the estimated commencement and completion dates;
 - (f) the estimated cost of the project or contract price;
 - (g) the development permit fee as set down by Council.
- (2) The Development Officer may require additional copies of the application or of plans and specifications as well as such additional information as the Development Officer may deem necessary.

9. Deciding on Development Permit Applications

- (1) The Development Officer shall:
- (a) receive, consider and decide on an application for a development permit for those uses listed as permitted for the relevant land use district and that comply with the minimum standards for that district;
 - (b) receive, consider and decide on an application for gates, fencing, retaining walls, or other means of enclosure, of any height;
 - (c) refer, at his discretion, a permit application for an industrial development to those authorities (provincial and regional) whose interest or jurisdiction may be affected, for comments on the proposed development;

- (d) refer with recommendations, to the Municipal Planning Commission for its consideration and decision, applications for a development permit for Discretionary Uses and those uses which have been assigned to it for consideration and decision; and
 - (e) refer to the Municipal Planning Commission any application which in his opinion should be decided by the Commission.
- (2) The Municipal Planning Commission shall:
- (a) decide on applications for a development permit for those Discretionary Uses in the relevant land use district (excepting applications for Home Occupations and fencing);
 - (b) approve the application unconditionally or impose conditions considered appropriate, either permanently or for a limited period of time, or refuse the application.
- (3) An application may be approved where the proposed development does not comply with the required front yard, side yard, rear yard and/or floor area of any district in this Bylaw if in the opinion of the Municipal Planning Commission the proposed development would not:
- (a) unduly interfere with the amenities of the neighborhood;
 - (b) materially interfere with or affect the use, enjoyment or value of the neighboring properties and the amount of variance does not exceed 20% for front yard, side yard, rear yard and/or floor area requirements in any district.
- (4) In the case where a proposed specific use of land or a building is not provided for in any district in the Bylaw, the Municipal Planning Commission may determine that such a use is similar in character and purpose to a permitted or discretionary use prescribed for that district.
- (5) The Municipal Planning Commission may require, as a condition of issuing a development permit, the applicant to enter into an agreement to construct or pay for the construction of public roadways or parking facilities, to install or pay for the installation of utilities or to pay an off-site levy or redevelopment levy imposed by Bylaw.
- (6) If a development permit application is refused, the Development Officer need not accept another application for the same or similar use on the same parcel for six months after the refusal.
- (7) If a decision is not made on a development permit application within 40 days after its receipt by the Development Officer, the applicant may deem it to be refused at the end of the 40 day period.
- (8) The Development Officer or Municipal Planning Commission may issue a temporary Development Permit, for a period not exceeding one year.

10. Development Permits & Notices

- (1) (a) A development permit granted pursuant to this Bylaw does not come into effect until it is determined that no notice of appeal has

- been served on the Subdivision and Development Appeal Board within the 14 day appeal period. Any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant;
- (b) Notwithstanding subsection (a), a development permit granted pursuant to this Bylaw, for a permitted use, where the provisions of this Bylaw have not been relaxed or varied, comes into effect on the date that the decision is made.
- (2) Where an appeal is made pursuant to Section 11 of this Bylaw, a development permit which has been granted shall not come into effect until the appeal has been determined and the permit may be modified or nullified thereby.
 - (3) When a Development Permit has been granted, the following notification procedures shall be followed:
 - (a) in the case of a permit issued for a permitted use where the provisions of this Bylaw have not been relaxed or varied, the Development Officer is not required to notify adjacent or affected land owners;
 - (b) for all Home Occupation permit applications, a notice in writing shall be immediately mailed to all adjacent landowners who, in the opinion of the Development Officer, may be affected;
 - (c) in all other circumstances, a notice shall immediately be posted conspicuously on the property for which the Development Permit application has been made; and/or
 - (d) a notice, in writing, shall be immediately mailed to all adjacent landowners and to all registered owners of land who, in the opinion of the Development Officer, may be affected; and/or
 - (e) a notice shall be immediately published in a newspaper circulating in the municipality stating the location of the property for which the application has been made and the use approved.
 - (4) If the development authorized by a permit is not commenced within the 12 months from the date of its issue, the permit is deemed to be void, unless an extension to this period has previously been granted by the Development Officer or Municipal Planning Commission.
 - (5) A decision by the Development Officer or Municipal Planning Commission on an application for a development permit shall be given in writing and a copy of it sent to the applicant.
 - (6) When the Development Officer or Municipal Planning Commission refuses an application for a development permit, the decision shall contain the reasons for the refusal.
 - (7) If after the issuance of a development permit it becomes known to the Development Officer or Municipal Planning Commission that:
 - (a) the application for a development permit contains a misrepresentation;
 - (b) facts have not been disclosed which should have been disclosed at the time of consideration of the application for the development permit; or

(c) the development permit was issued in error;

the development permit may be suspended or cancelled by notice in writing, issued by the Development Officer or Municipal Planning Commission to the applicant at the address given in the development permit application.

PART IV

Appeals

11. Appeal Procedure

- (1) An appeal may be made to the Subdivision and Development Appeal Board where the Development Officer, Municipal Planning Commission or Subdivision Approval Authority as the case may be:
 - (a) refuses or fails to issue a development permit to a person within 40 days of receipt of the application. If the applicant has entered into an agreement with the Development Officer or Municipal Planning Commission to extend the 40 day time period this clause comes into effect at the time the extension expires;
 - (b) issues a development permit or subdivision approval subject to conditions;
 - (c) issues an order under Section 14 of this Bylaw;
 - (d) cancels or suspends a development permit under Section 10(7) of this Bylaw; or
 - (e) refuses or fails to approve a subdivision application within 21 or 60 days (whichever period is applicable) of receipt of the completed application, unless the applicant has entered into an agreement with the subdivision approval authority to extend the 21 or 60 day time period, as the case may be.
- (2) The person applying for a development permit or subdivision approval or any other person complying with the appeal requirements, as set out in the Act, may appeal the decision of the Development Officer, Municipal Planning Commission, or Subdivision Approval Authority to the Subdivision and Development Appeal Board.
- (3) Notwithstanding subsections (1) and (2), no appeals are allowed in respect of the issuance of a development permit for a Permitted Use listed in a Land Use District, unless the provisions of this Bylaw were relaxed, varied or misinterpreted.
- (4) An appeal shall be made by serving a written notice of appeal, stating the reasons for the appeal, to the Secretary of the Subdivision and Development Appeal Board within 14 days after the notice of the order, decision or permit issued by the Development Officer or Municipal Planning Commission or Subdivision Approval Authority was either:
 - (a) first published in a newspaper circulating in the area; or
 - (b) posted on the property which is the subject of the application; or
 - (c) received by the applicant, whichever of these occur first.
- (5) Each appeal made to the Subdivision and Development Appeal Board may be accompanied by a processing fee, the amount of which shall be set from time to time by resolution of Council.

- (6) For the purpose of subsection 4(c), the date of receipt of the decision is deemed to be five (5) days from the date the decision is mailed.

12. Public Hearing

- (1) Within 30 days of receipt of a notice of appeal, the Subdivision and Development Appeal Board shall hold a public hearing respecting the appeal.
- (2) The Subdivision and Development Appeal Board shall give at least 5 days notice in writing of the public hearing to:
- (a) the appellant;
 - (b) The Development Officer, the Municipal Planning Commission or Subdivision Approving Authority as the case may be, from whose order, decision or development permit the appeal is made;
 - (c) those land owners adjacent to the affected land and all other registered owners of land in the municipality who were notified under Section 10(3) and any other person who in the opinion of the Subdivision and Development Appeal Board, is affected by the order, decision or permit;
 - (d) the Director/Sr. Planner of the Palliser Regional Municipal Services;
 - (e) such other persons as the Subdivision and Development Appeal Board specifies.
- (3) The Subdivision and Development Appeal Board shall make available for public inspection before the commencement of the public hearing, a copy of all relevant documents and materials respecting the appeal, as they become available, subject to Section 217 of the Act, including:
- (a) the application for the development permit, its refusal and the appeal therefrom; or
 - (b) the order of the Development Officer under Section 14, as the case may be.
- (4) At the public hearing referred to in subsection (1), the Board shall hear:
- (a) the appellant or any person acting on his behalf;
 - (b) the Development Officer / Chairman of the Municipal Planning Commission from whose order, decision or development permit the appeal is made, or if a person is designated to act on behalf of the Development Officer, that person;
 - (c) any other person who was served with notice of the hearing and who wishes to be heard or a person acting on his behalf; and
 - (d) any other person who claims to be affected by the order, decision or permit and that the Subdivision and Development Appeal Board agrees to hear or a person acting on his behalf.

13. Decision

- (1) The Subdivision and Development Appeal Board shall give a written decision together with reasons for the decision within 15 days of the conclusion of the hearing.

- (2) A decision made under this part of the Bylaw is by the Subdivision and Development Appeal Board and is subject only to an appeal upon a question of jurisdiction or law pursuant to Section 688 of the Municipal Government Act. An application for leave to appeal to the Court of Appeal shall be made:
- (a) to a judge of the Court of Appeal; and
 - (b) within 30 days after the issue of the order, decision, permit, or approval sought to be appealed.

PART V

Enforcement & Administration

14. Orders of Compliance / Stop Order

- (1) Where the Development Officer finds a development or use of land or buildings is not in accordance to:
- (a) Part 17 of the Act or the regulations under that part of the Act;
 - (b) a development permit or subdivision approval;
 - (c) this Bylaw; or
 - (d) an order, decision or permit of the Subdivision and Development Appeal Board or Municipal Government Board;

the Development Officer may, by notice in writing, order the registered owner, the person in possession of the land or buildings or the person responsible for the contravention or all or any of them to:

- (a) stop the development or use of the land or buildings in whole or in part as directed by the notice; or
 - (b) demolish, remove or replace the development; or
 - (c) take such other measures specified in the notice so that the development or use of the land or buildings is in accordance with Part 17 of the Municipal Government Act, the regulations, under Part 17, a development permit, subdivision approval or this Bylaw, as the case may be, within the time period set out in the notice.
- (2) A person who receives an order referred to in Subsection (1) may appeal to the Subdivision and Development Appeal Board in accordance with Part IV of this Bylaw.

15. Enforcement

- (1) Where a person fails or refuses to comply with an order directed to him under Section 14(1), or an order of the Subdivision and Development Appeal Board under Section 687(3)(c) of the Act within the time specified, the Council or a person appointed by it may, in accordance with Sections 545 and 646 of the Municipal Government Act, enter upon the land or building and take such action as is necessary to carry out the order.
- (2) Where the Council or a person appointed by it carries out an order under Section 14(1), the Council shall cause the costs and expenses incurred in carrying out the order to be added to the roll of the parcel of land and the amount:
- (a) is deemed for all purposes to be a tax imposed under the Act from the date it was added to the tax roll; and
 - (b) it forms a special lien against the parcel of land in favor of the Municipality from the date it was added to the tax roll.

- (3) A person who contravenes or fails to comply with a development permit or a condition attached thereto is guilty of an offense and is liable on summary conviction to a fine.

16. Amendments to the Bylaw

- (1) Any person may apply to have this Bylaw amended.
- (2) The Council may initiate amendments by its own motion.
- (3) All applications for amendments of this Bylaw shall be made using the approved form, accompanied by:
 - (a) the fee determined by resolution of Council;
 - (b) a statement of the applicant's interest in the land;
 - (c) any drawings, plans or maps required by the Development Officer;
 - and
 - (d) any documents as required by the Development Officer.
- (4) All amendments of this Bylaw shall be made by the Council by bylaw in conformity with the Act and the regulations.
- (5) Before second reading is given to any amending bylaw, it shall be referred to the Director/Sr. Planner of Palliser Regional Municipal Services for comment and such comments are to be read at the public hearing.
- (6) If an application for an amendment to this Bylaw has been refused by Council, then Council need not accept an application for an amendment for the same use on the same parcel for six months from the date of the refusal.

17. Existing Land Use Bylaw

- (1) Bylaw No. A-558 and amendments thereto are hereby repealed.

PART VI

Land Use Districts

18. Districts

- (1) For the purpose of this Bylaw, the Village of Consort is divided into the following districts.

R-1	- Residential District
R-2	- Residential District
M-H	- Manufactured Home District
C-1	- Central Commercial District
C-2	- General Commercial District
I	- Industrial District
P	- Community Service District
UR	- Urban Reserve District

19. District Boundaries

- (1) The locations and boundaries of the land use districts are shown on the Land Use District Map, which forms Part VIII of this Bylaw.

- (2) The locations of boundaries shown on the Land Use District Map shall be governed by the following rules:

Rule 1. Where a boundary is shown as following a street, lane, stream or canal, it shall be deemed to follow the center line thereof.

Rule 2. Where a boundary is shown as approximately following a lot line, it shall be deemed to follow the lot line.

Rule 3. In circumstances not covered by Rules 1 and 2 the location of the district boundary shall be determined:

- (a) using any dimensions given on the map; or
- (b) where no dimensions are given, measurement using the scale shown on the map.

- (3) Where the exact location of the boundary of a land use district cannot be determined using the rules in subsection (2), the Council, on its own motion or on a written request, shall fix the location:

- (a) in a manner consistent with the provisions of this Bylaw; and
- (b) with the appropriate degree of detail required.

- (4) The location of a district boundary, once fixed, shall not be altered except by an amendment of this Bylaw.

- (5) The Council shall keep a list of its decisions fixing the locations of district boundaries.
- (6) In addition to the provisions for development as contained under each Land Use District, the General Land Use Regulations listed in Part VII of the Land Use Bylaw shall apply to every development.

20. R-1 - Residential District

(1) Purpose

The purpose and intent of this district is to provide for single-family residential development.

(2) Permitted Uses

- Single-family dwellings
- Accessory buildings and uses
- Permitted signs

(3) Discretionary Uses

- Public parks
- Home occupations
- Public and quasi-public buildings, facilities and installations
- Daytime child care services
- Garden suites
- Manufactured Homes on lots where a Manufactured Home has previously been situated

(4) Minimum Requirements

(a) Site Area:

- (i) 464.5 m² (5,000 sq. ft.) for a single-family dwelling;
- (ii) Other uses at the discretion of the Municipal Planning Commission.

(b) Lot Width:

- (i) 15.24 m (50 ft.) for a single-family dwelling;
- (ii) Other uses at the discretion of the Municipal Planning Commission.

(c) Front Yard:

- (i) 7.6 m (25 ft.) for a single-family dwelling;
- (ii) Other uses at the discretion of the Municipal Planning Commission.

(d) Side Yard:

- (i) 1.2 m (4 ft.) for a single-family dwelling;
- (ii) 4.57 m (15 ft.) for a single-family dwelling abutting the flanking street on corner lots;
- (iii) One 3.0 m (10 ft.) side yard (excluding corner lots) to provide alternate access to the rear of the buildings in a laneless subdivision;
- (iv) Accessory buildings shall be sited in accordance with Section 31 of the Land Use Regulations of this bylaw;

- (v) Other uses at the discretion of the Municipal Planning Commission.
- (e) Rear Yard:
 - (i) 7.6 m (25 ft.) for principal buildings;
 - (ii) Accessory buildings shall be sited in accordance with Section 31 of the Land Use Regulations of this bylaw.
- (f) Gross Floor Area:
 - (i) 74.3 m² (800 sq. ft.)

(5) Maximum Limits

- (a) Height:
 - (i) 10.67 m (35 ft.) for principal buildings;
 - (ii) 4.57 m (15 ft.) for accessory buildings;
 - (iii) Other uses at the discretion of the Municipal Planning Commission.
- (b) Site Coverage:
 - (i) 40% for single-family dwellings;
 - (ii) 55% for single-family dwellings with an attached garage
 - (iii) 15% for accessory buildings;
 - (iv) Total site coverage including accessory buildings shall not exceed 55%;
 - (v) Other uses at the discretion of the Municipal Planning Commission.

(6) Off-Street Parking

Off-Street Parking shall be provided according to the following:

- (a) Single-family dwellings - Two (2) parking spaces per dwelling unit;
- (b) Schools:
 - Elementary / Junior High - One (1) parking space per classroom;
 - Senior High - Four (4) parking spaces per classroom;
- (c) Churches - One (1) parking space per 15 seats;
- (d) Other uses - At the discretion of the Municipal Planning Commission.

(7) Screening

Garbage and waste material must be stored in weather and animal proof containers. Garbage and waste material storage must be screened from public thoroughfares, excluding lanes.

(8) Design, Character & Appearance of Buildings

The design, siting, external finish, architectural appearance and landscaping generally of buildings, including accessory buildings or structures and signs and any reconstruction shall be to the satisfaction of the Development Officer / Municipal Planning Commission in order that these shall be in general conformity in such matters with adjacent buildings.

21. R-2 - Residential District

(1) Purpose

The purpose and intent of this district is to provide for residential neighborhoods in which a variety of housing types may be permitted.

(2) Permitted Uses

- Single-family dwellings
- Semi-detached dwellings
- Duplexes
- Accessory buildings and uses
- Public parks

(3) Discretionary Uses

- Attached housing
- Apartment buildings
- Bed & Breakfast establishments
- Home occupations
- Churches
- Public and quasi-public buildings, facilities and installations
- Daytime child care services
- Family and group care facilities
- Signs
- Senior citizens housing
- Garden suites
- Manufactured Homes on lots where a Manufactured Home has previously been situated

(4) Minimum Requirements

(a) Site Area:

- (i) 366 m² (3,940 sq. ft.) for a single-family dwelling;
- (ii) 456 m² (4,909 sq. ft.) for a duplex;
- (iii) 228.0 m² (2,454 sq. ft) for each unit in a semi-detached dwelling;
- (iv) 183.0 m² (1,970 sq. ft) for interior units and 228.0 m² (2,454 sq. ft.) for end units for attached housing;
- (v) 650 m² (7,000 sq. ft) for apartment buildings;
- (vi) Other uses at the discretion of the Municipal Planning Commission.

(b) Lot Width:

- (i) 12.2 m (40 ft.) for a single-family dwelling;
- (ii) 15.2 m (50 ft.) for a duplex;
- (iii) 7.6 m (25 ft.) for each unit in a semi-detached dwelling;

- (iv) 6.1 m (20 ft.) for interior units and 7.6 m (25 ft.) for end units for attached housing;
 - (v) 18.3 m (60 ft.) for apartment buildings;
 - (vi) Other uses at the discretion of the Municipal Planning Commission.
 - (c) Front Yard:
 - (i) 5.0 m (16.4 ft.) for dwellings;
 - (ii) Other uses at the discretion of the Municipal Planning Commission.
 - (d) Side Yard:
 - (i) 1.2 m (4 ft.) for dwellings;
 - (ii) 2.1 m (7 ft.) for dwellings having the principal entrance provided from a side yard;
 - (iii) 4.57 m (15 ft.) for dwellings abutting the flanking street on corner lots;
 - (iv) Accessory buildings shall be sited in accordance with Section 31 of the General Land Use Regulations of this bylaw;
 - (v) Other uses at the discretion of the Municipal Planning Commission.
 - (e) Rear Yard:
 - (i) 7.6 m (25 ft.) for principal buildings; and
 - (ii) Accessory buildings shall be sited in accordance with Section 31 of the General Land Use Regulations of this bylaw.
 - (f) Gross Floor Area:
 - (i) 79 m² (850 sq. ft.) for single-family dwellings;
 - (ii) 75 m² (807 sq. ft.) for semi-detached and attached housing units;
 - (iii) 56 m² (600 sq. ft.) for each dwelling unit in a duplex;
 - (iv) Other uses at the discretion of the Municipal Planning Commission.
- (5) Maximum Limits**
- (a) Height:
 - (i) 13.7 m (45 ft.) for principal buildings;
 - (ii) 4.5 m (15 ft.) for accessory buildings;
 - (iii) Other uses at the discretion of the Municipal Planning Commission.
 - (b) Site Coverage:
 - (i) 40% for single-family dwellings, semi-detached dwellings, duplexes and attached housing;

- (ii) 55% for single-family dwellings with an attached garage;
- (iii) 40% for apartment buildings;

- (iv) 15% for accessory buildings;
- (v) Total site coverage including accessory buildings shall not exceed 55%;
- (vi) Other uses at the discretion of the Municipal Planning Commission.

(6) Off-Street Parking

Off-Street Parking shall be provided according to the following:

- (a) Dwellings - Two (2) parking or garage spaces per dwelling unit;
- (b) Apartment buildings and attached housing- One (1) parking or garage space per dwelling unit plus one (1) parking or garage space per seven (7) dwelling units shall be assigned for guest parking;
- (c) Churches - One (1) parking space per 15 seats;
- (d) Daytime child care service - One (1) parking or garage space per staff member;
- (e) Family and Group care facility - One (1) parking or garage space per staff member and one (1) visitor parking space per 6 residents;
- (f) Other uses - at the discretion of the Municipal Planning Commission.

(7) Landscaping & Screening

- (a) A minimum of 10% of the site area for apartment buildings and attached housing shall be landscaped or developed in order that it can be utilized as an amenity area.
- (b) Garbage and waste material must be stored in weather and animal proof containers and screened from adjacent sites and public thoroughfares, including lanes to the satisfaction of the Development Officer / Municipal Planning Commission.
- (c) Attached housing and apartment complexes shall store garbage and waste material in a single weather and animal proof collective container, designed and located on the site to the satisfaction of the Development Officer / Municipal Planning Commission.

(8) Design, Character & Appearance of Buildings

The design, siting, external finish, architectural appearance and landscaping generally of buildings, including accessory buildings or structures and signs and any reconstruction shall be to the satisfaction of the Development Officer / Municipal Planning Commission in order that these shall be in general conformity in such matters with adjacent buildings.

22. MH- Manufactured Home District

(1) Purpose

The purpose and intent of this district is to permit the placement of manufactured homes suitable for residential purposes, with access to all community services

(2) Permitted Uses

- Manufactured homes
- Permitted signs
- Accessory buildings and uses
- Carports

(3) Discretionary Uses

- Single-family homes
- Home occupations
- Daytime child care services
- Bed & breakfast establishments

(4) Minimum Requirements

- (a) Area of Site:
 - (i) 450 m² (4844 sq. ft.) for manufactured homes;
 - (ii) With approval of the Municipal Planning Commission, the site area may be less in the case of lots legally created prior to this Bylaw;
 - (iii) Other uses at the discretion of the Municipal Planning Commission.
- (b) Width of Site:
 - (i) 15.2 m (50 ft.) for manufactured homes;
 - (ii) Other uses at the discretion of the Municipal Planning Commission.
- (c) Front Yard:
 - (i) 7.5 m (25 ft.).
- (d) Side Yard:
 - (i) 1.5 m (5 ft.) for manufactured homes;
 - (ii) 3 m (10 ft.) abutting the flanking street on corner lots;
 - (iii) 3 m (10 ft.) separation between manufactured homes, including any porch or addition;
 - (iv) Accessory buildings shall be sited in accordance with Section 31 of this Bylaw;
 - (v) Other uses at the discretion of the Municipal Planning Commission.

- (e) Rear Yard:
 - (i) 7.5 m (25 ft.);
 - (ii) Accessory buildings shall be sited in accordance with Section 31 of this Bylaw.
- (f) Gross Floor Area:
 - (i) 55.7 m² (600 sq. ft.) for manufactured homes;
 - (ii) Other uses at the discretion of the Municipal Planning Commission.

(5) Development Requirements

- (a) Foundation:

A permanent foundation shall be provided on the stand of each manufactured home lot capable of supporting the maximum anticipated load of the manufactured home at all seasons without settlement or other movement.

- (b) Skirting:

The undercarriage of each manufactured home shall be completely screened from view by the foundation or by skirting within 30 days of placement of the manufactured home.

- (c) Additions, Porches etc.:

All accessory structures such as steps, patios, porches, additions, skirting and storage facilities shall be factory pre-fabricated units or of a quality equivalent thereto, so that design and construction will complement the manufactured home. Additions to a manufactured home shall have a foundation and skirting equivalent to that of the manufactured home. All manufactured homes shall be provided with steps and landings to all entrances within 45 days of their placement.

- (d) Utilities:

Each manufactured home shall be connected to and be serviced by electrical power, natural gas, telephone, and the Village's sanitary sewer and water supply.

- (e) Age:

All manufactured home units shall have Canadian Standards Association (CSA) Certificates. Manufactured Homes constructed more than ten (10) years before the date of application for a development permit shall not be allowed. The Municipal Planning Commission in the performance of its duties in discretionary approval of Development Permits may relax this condition where it is satisfied that the manufactured Home meets the standards of manufactured Homes constructed within the last (10) ten years.

(6) Parking

- (a) A minimum of one (1) car parking stall shall be provided on each manufactured home lot.

(7) Screening

- (a) Garbage and waste material must be stored in weather and animal proof containers and screened from adjacent sites and public thoroughfares.

23. C-1 - Central Commercial District

(1) Purpose

The purpose and intent of this district is to provide for pedestrian oriented and centralized commercial and retail development.

(2) Permitted Uses

- Financial institutions
- Retail stores and services
- Professional, financial and administrative offices
- Permitted signs

(3) Discretionary Uses

- Accessory buildings and uses
- Convenience stores
- Service stations
- Hair & beauty salons
- Amusement centers
- Restaurants
- Automobile and farm equipment sales and service
- Printing shops
- Public and quasi-public buildings and facilities and installations
- Automotive dealerships
- Hotels and motels
- Private clubs and lodges
- Funeral homes

(4) Minimum Requirements

- (a) Site Area:
 - (i) As required by the Development Officer / Municipal Planning Commission.
- (b) Front Yard:
 - (i) Based on the front yard provided by neighboring buildings and is to be determined for each application by the Development Officer / Municipal Planning Commission.
- (c) Side Yards:
 - (i) 1.5 m (5 ft.) adjacent to residential districts;
 - (ii) No side yard is required where a rated firewall is provided, but if a side yard is provided it must be 1.2 m (4 ft.).

- (d) Rear Yard:
 - (i) 6.1 m (20 ft.) or as required by the Development Officer / Municipal Planning Commission.

(5) Maximum Limits

- (a) Height:
 - (i) 13.7 m (45 ft.) unless otherwise approved by the Development Officer / Municipal Planning Commission.
- (b) Site Coverage:
 - (i) 80%.

(6) Off-Street Parking and Loading

Off-Street Parking shall be provided according to the following:

- (a) Professional, financial & administrative office
 - One (1) parking space per 74.3 m² (800 sq. ft.) of gross floor area in the building.
- (b) Retail shops, repair and service shops
 - One (1) parking space per 74.3 m² (800 sq. ft.) of gross floor area in the building.
- (c) Clinics
 - Two (2) parking spaces per 93 m² (1,000 sq. ft.) of gross floor area in the building.
- (d) Restaurants
 - One (1) parking space per eight (8) seats.
- (e) Hotels & Motels
 - One (1) parking space per guest suite.
- (f) Libraries
 - Two (2) parking space per 93 m² (1,000 sq. ft.) of gross floor area in the building.
- (g) Other uses
 - at the discretion of the Development Officer / Municipal Planning Commission.

Notwithstanding Section 23(6), the Municipal Planning Commission, deem it advisable, may reduce or waive the parking space requirements for proposed development or redevelopment of a commercial site within the Retail Commercial District:

- (i) where the configuration of the buildings to be developed and those adjacent buildings is such that the provision of required parking is not practical; or
- (ii) where the dimensions or site area are inadequate to reasonably accommodate the proposed development and required parking.

In which case the requirements of Section 33(5) may be applied.

- (h) Loading and unloading spaces shall be provided in conformance with the requirements of Section 32.

(7) Landscaping and Screening

- (i) Sites abutting a residential district shall be screened from view to the satisfaction of the Development Officer / Municipal Planning Commission;
- (ii) Outside storage areas of material and equipment shall be screened from adjacent sites and public thoroughfares;
- (iii) Garbage and waste material must be stored in weather and animal proof containers and screened from adjacent sites and public thoroughfares including lanes;
- (iv) The side and rear walls which are exposed to public view should be appropriately finished as required by the Development Officer or Municipal Planning Commission.

24. C-2 - General Commercial District

(1) Purpose

The purpose and intent of this District is to provide for a range of commercial uses.

(2) Permitted Uses

- Permitted signs
- Automobile sales and service
- Retail stores
- Building material sales and storage

(3) Discretionary Uses

- Bed & breakfast establishments
- Warehousing
- Wholesale outlets
- Public and quasi-public buildings
- Restaurants
- Hotels and motels
- Farming and industrial machinery sales and service
- Tradesman's shops
- Bulk fuel depots
- Manufactured home sales
- Service stations - which may include servicing facilities, car washes, eating facilities and convenience stores
- Veterinary clinics / hospitals

(4) Minimum Requirements

(a) Site Area:

- (i) 557 m² (6,000 sq. ft.) or as required by the Development Officer / Municipal Planning Commission.

(b) Lot Width:

- (i) 15.2 m (50 ft.) or as required by the Development Officer / Municipal Planning Commission.

(c) Front Yard:

- (i) Based on the front yard provided by neighboring buildings and is to be determined for each application by the Development Officer / Municipal Planning Commission;
- (ii) 6.1 m (20 ft.) adjacent to a highway with a service road;
- (iii) 20 m (66 ft.) adjacent to a highway without a service road.

(d) Side Yard:

- (i) 1.5 m (5 ft.) adjacent to residential districts.

- (ii) No side yard where a rated firewall is provided, but if a side yard is provided it must be 1.2 m (4 ft.);
 - (ii) 3 m (10 ft.) abutting the flanking street on corner lots;
- (e) Rear Yard:
- (i) 6.1 m (20 ft.) for principal buildings;
 - (ii) 0.9 m (3 ft.) for accessory buildings.

(5) Maximum Limits

- (a) Height:
- (i) 13.7 m (45 ft.) for the principal building unless otherwise approved by the Municipal Planning Commission;
 - (ii) 4.57 m (15 ft.) for accessory buildings.
- (b) Site Coverage:
- (i) 80% for all uses unless otherwise approved by the Municipal Planning Commission.

(6) Off-Street Parking and Loading

Off-Street Parking shall be provided according to the following:

- (a) Professional, financial & administrative office
 - One (1) parking space per 74 m² (800 sq. ft.) of gross floor area in the building.
- (b) Retail shops, repair and service shops
 - One (1) parking space per 93 m² (1,000 sq. ft.) of gross floor area in the building.
- (c) Restaurants
 - One (1) parking space per eight (8) seats.
- (d) Hotels & motels
 - One (1) parking space per guest suite.
- (e) Other uses
 - At the discretion of the Development Officer / Municipal Planning Commission.

Loading and unloading spaces shall be provided in conformance with the requirements of Section 32.

(7) Landscaping and Screening

- (a) The boulevard where existing and a minimum of 10% of the site area must be landscaped in accordance with the plan approved by the Municipal Planning Commission.

- (b) Any trees or shrubs which die, that were planted under the approved plan, must be replaced the next planting season.
- (c) Sites abutting a residential district shall be screened from the view to the satisfaction of the Municipal Planning Commission.
- (d) If permitted, outside storage areas for material and equipment shall be screened from adjacent sites and public thoroughfares.
- (e) Garbage and waste material must be stored in weather proof and animal proof containers and screened from adjacent sites and public thoroughfares.
- (f) All walls should be appropriately finished as required by the Development Officer or Municipal Planning Commission.

25. I - Industrial District

(1) Purpose

The purpose and intent of this district is to provide for a range of manufacturing, warehousing and other industrial land uses.

(2) Permitted Uses

- Permitted signs
- Accessory buildings and uses
- Automotive, truck and recreation vehicle service and repair establishments
- Building materials sales, storage and processing
- Equipment and machinery sales and rental establishments
- Warehousing, including retail and wholesale outlets

(3) Discretionary Uses

- Professional, financial and administrative offices
- Truck and freight terminals
- Automobile body and paint shops
- Electrical, plumbing, heating, building, and mechanical contractor establishments
- The manufacturing, packaging or assembly of articles from previously prepared materials
- The manufacturing, assembly, repair and maintenance of electrical and mechanical equipment
- Bulk fuel depots and sales
- Recycling, storage, salvage, and wrecking yards
- Sand, gravel and building material storage
- Fertilizer storage and sales
- Flour and feed mills
- Propane gas distribution
- Grain elevators
- Equipment maintenance storage
- Public and quasi-public buildings, installations and facilities

(4) Minimum Requirements

- (a) Area of Site:
 - (i) 557.4 m² (6,000 sq. ft.).
- (b) Width of Site:
 - (i) 18.3 m (60 ft.).
- (c) Front Yard:
 - (i) 6.1 m (20 ft.).

- (d) Side Yard:
 - (i) 1.5 m (5 ft.);
 - (ii) 3 m (10 ft.) abutting the flanking street on a corner lot;
 - (iii) At least one 4.5 m (15 ft.) side yard to provide alternate access to the rear of the buildings in a laneless subdivision.
- (e) Rear Yard:
 - (i) 6.1 m (20 ft.), however, the Municipal Planning Commission may modify the rear yard requirement if parking, loading and unloading facilities are in the rear yard.

(5) Maximum Limits

- (a) Height:
 - (i) 10.67 m (35 ft.) unless otherwise approved by the Municipal Planning Commission.
- (b) Site Coverage:
 - (i) 60%.

(6) Landscaping and Screening

- (a) The boulevard, where existing, and a minimum of 5% of the site area should be landscaped in accordance with the plan approved by the Municipal Planning Commission;
- (b) Any trees or shrubs which die, that were planted under the approved plan, must be replaced the next planting season;
- (c) Sites abutting a residential district shall be screened from the view of the residential district to the satisfaction of the Municipal Planning Commission;
- (d) Outside storage areas of material and equipment should be screened from adjacent sites and public thoroughfares; and
- (e) Garbage and waste material must be stored in weather and animal proof containers and screened from adjacent sites and public thoroughfares excluding lanes.

(7) Off-Street Parking and Loading

Off-Street Parking requirements to be determined by the Development Officer / Municipal Planning Commission at their discretion, based on the evaluation of each individual application.

Loading and unloading spaces shall be provided in conformance with the requirements of Section 32.

(8) Special Requirements

- (a) The operation of all uses shall comply with the environmental and public health performance standards of the Provincial Government. If the Development Officer / Municipal Planning Commission believes a proposed use may conflict with these standards, he shall refer the application to the appropriate Provincial Department for clarification prior to issuing a Development Permit;
- (b) The Municipal Planning Commission may prescribe screening and landscaping for uses which involve storage of goods, machinery, vehicles, building materials, waste materials, and other items.

26. P - Community Service District

(1) Purpose

The purpose and intent of this district is to provide for recreational, educational and community uses.

(2) Permitted Uses

- Community halls
- Museums
- Public Parks
- Libraries
- Accessory buildings and uses
- Schools
- Churches

(3) Discretionary Uses

- Swimming pools
- Public and quasi-public buildings, installations and facilities
- Senior citizens' housing
- Sports fields
- Tennis courts
- Cemeteries
- Hockey arenas
- Curling rinks
- Golf courses
- Campgrounds
- Hospitals
- Medical clinics
- Fire halls
- Signs

(4) Development Requirements

The Development Officer / Municipal Planning Commission shall evaluate each development permit for this district on its merit and establish suitable development requirements for each individual application.

(5) Off-Street Parking and Loading

Off-Street Parking shall be provided according to the following:

- | | |
|---|--|
| (a) Recreational or amusement parks-
public places of assembly including
sports arenas, ball parks and others | - One space per 10 seating |
| (b) Hospitals | - One (1) parking space per
93 m ² (1,000 sq. ft.) of gross
floor area. |

- (c) Libraries and Clinics
 - One (1) parking spaces per 93 m² (1,000 sq. ft.) of gross floor area.
- (d) Schools
 - Elementary & Junior High
 - One (1) parking space per classroom.
 - Senior High
 - Four (4) parking spaces per classroom.
- (e) Churches
 - One (1) parking space per 15 seats;

Loading and unloading spaces shall be provided in conformance with the requirements of Section 32.

(6) Screening & Landscaping

- (a) Garbage and waste material must be stored in weather and animal proof containers and screened from adjacent sites and public thoroughfares including lanes.

27. UR - Urban Reserve District

(1) Purpose

The purpose and intent of this district is to reserve lands outside of the developed area of the Village which are intended for future development.

(2) Permitted Uses

- Parks
- Extensive agriculture
 - Accessory buildings and uses
 - Permitted signs

(3) Discretionary Uses

- Public and quasi-public buildings, installations and facilities
- Single-family dwelling units - on existing parcels only
- Market gardens
- Horticultural nurseries
 - Greenhouses

(4) Regulations

- (a) The design, siting, site coverage, yards, height of buildings, external finish and landscaping generally of all buildings and structures shall be to the satisfaction of the Development Officer / Municipal Planning Commission who in determining a development permit application shall take into account:
 - (i) the general purpose of the district; and
 - (ii) the existing uses and prospective uses of land in the vicinity.
- (b) The Municipal Planning Commission may require an area structure plan before recommending approval of subdivision.
- (c) The Development Officer / Municipal Planning Commission shall be satisfied prior to the granting of a development permit that the proposed use will not prejudice the orderly development of the area including the future establishment of residential, commercial, industrial, recreational, and service facilities on a neighborhood and community basis.
- (d) Where a proposed use or development is listed as a permitted or discretionary use in the Land Use Districts in this Bylaw, the standard governing yards, setbacks, height, etc., applied to that use in that district shall be applied to the proposed use in this district.

PART VII

General Land Use Regulations

28. Subdivision of Land

- (1) A development requiring subdivision of land shall not be issued a development permit until such time as subdivision approval has been received from the Palliser Regional Municipal Services or upon appeal, the Subdivision and Development Appeal Board or the Municipal Government Board.

29. Non-Conforming Buildings and Uses

- (1) A non-conforming use of land or a non-conforming use of 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 shall conform with the provisions of the Land Use Bylaw then in effect.
- (2) 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, shall not be enlarged or added to and no structural alterations shall be made thereto or therein.
- (3) A non-conforming use of part of a lot shall not be extended or transferred in whole or in part to any other part of the lot and no additional buildings shall be erected upon the lot while the non-conforming use is continued.
- (4) A non-conforming building may continue to be used but the building shall not be enlarged, added to, rebuilt or structurally altered except:
 - (a) as may be necessary to make it a conforming building, or
 - (b) as the Development Officer considers necessary for the routine maintenance of the building.
- (5) 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 shall not be repaired or rebuilt except in accordance with the Land Use Bylaw.
- (6) The use of land or the use of a building is not affected by reason only of a change of ownership, tenancy or occupancy of the land or building.

30. Fencing

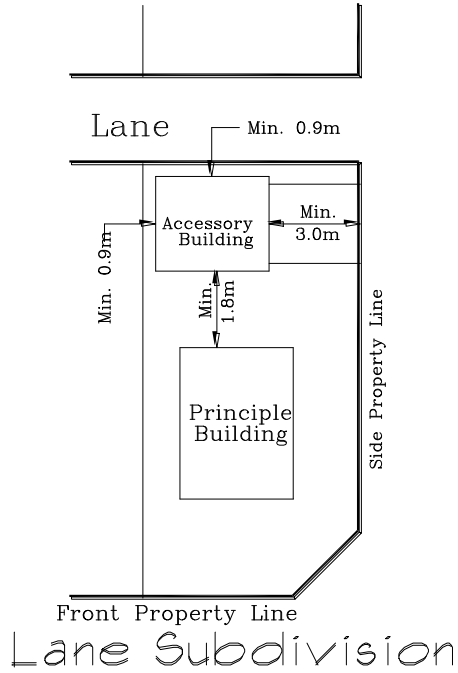
- (1) In a residential district, a fence or hedge located within the required rear or side yard of a lot, shall not exceed 1.8 m (6 feet) in height.
- (2) In a residential district, a fence or hedge located within the required front yard of a lot, shall not exceed 1.0 m (3.2 feet) in height.

- (3) In all districts, hedges and trees shall be planted and trimmed to ensure public safety and/or good visibility for traffic and pedestrian purposes.
- (4) Swimming pools shall be fenced to a height of 1.8 m (6 feet) to the satisfaction of the Development Officer.

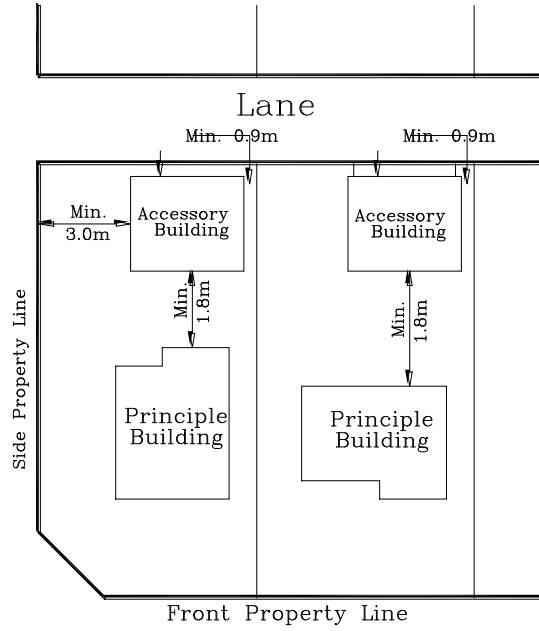
31. Accessory Building & Uses

- (1) A structure which is attached to the principle building by a roof, a floor or a foundation is not an accessory building, and it is to be considered part of the principal building.
- (2) An accessory building shall not be used as a dwelling.
- (3) The total combined floor area of an accessory building(s) shall not exceed 15% of the site area.
- (4) On corner lots, the distance between an accessory building and the street flanking the lot shall not be less than the side yard requirement for the principal building in that particular land use district.
- (5) No accessory building, satellite receiving dish, communication towers, or use shall be located in the front yard or the required side yard abutting a street in a residential district.
- (6) The siting of an accessory building shall be in accordance with Exhibit 1.

EXHIBIT 1 - Siting of Accessory Buildings

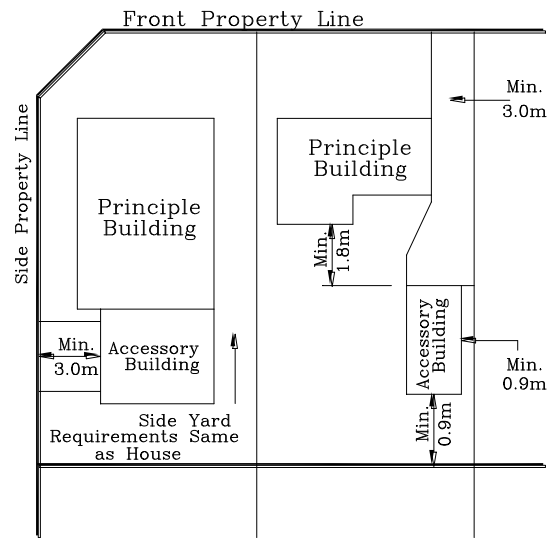
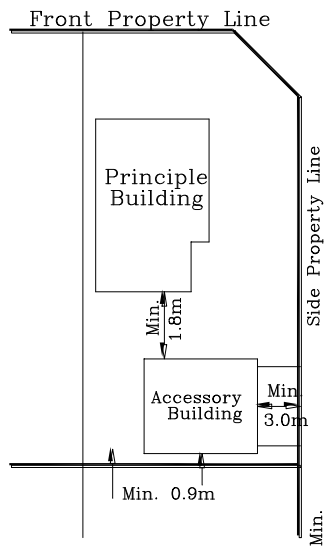


Street or Avenue



Street or Avenue

Laneless Subdivision



32. Off-Street Loading & Unloading for Non-Residential Development

Any new non-residential development or a substantial expansion of an existing development shall provide and maintain off-street loading and unloading spaces according to the following requirements:

- (1) The space shall not be less than 2.5 m (8 feet) wide and shall provide no less than 3.6 m (12 feet) overhead clearance.
- (2) The space shall be hard surfaced if the access is from a street or lane that is hard surfaced.
- (3) Access to the space shall be such that no backing and turning movements of vehicles cause interference with traffic on the adjoining or abutting streets or lanes.
- (4) Off-street loading and unloading spaces should be provided in accordance with the following:

<u>Use of Building or Site</u>	<u>Total Gross</u>	<u>Spaces Required</u>
<u>Floor Area</u>		
(a) Retail, industry warehousing or similar use	Less than 464.5 m ² (5,000 sq. ft.)	One (1)
	464.5 m ² (5,000 sq. ft.) to 2322.5 m ² (25,000 sq. ft.)	Two (2)
	Each Additional 2,322.5 m ² (25,000 sq. ft.) or fraction thereof	One (1) additional
(b) Office Building, hospitals, public school or similar use	Up to 2,782 m ² (30,000 sq. ft.)	One (1)
	Each additional 2787 m ² (30,000 sq. ft.) or fraction thereof	One (1) additional

- (5) The above standards can be modified at the discretion of the Development Officer / Municipal Planning Commission.

33. Off-Street Parking

- (1) The number of off-street parking spaces for any development shall be according to requirements set out for the land use district in which the space is located; and
- (2) For multiple use sites, parking requirements shall be based on the calculation of parking required for each individual use.
- (3) Parking spaces for an apartment building shall not be located in the front yard.

- (4) Parking shall be on the same site as the development and located and constructed to the Village's standards so that:
 - (a) it is reasonably accessible to the vehicle intended to be accommodated there;
 - (b) it can be properly maintained; and
 - (c) it is satisfactory to the Municipal Planning Commission in size - being no less than 14 m² (160 sq. ft.) and less than 2.4 m (8 ft.) in width, shape, location and construction.

- (5) The Municipal Planning Commission may:
 - (a) Accept a payment in lieu of the number of on-site parking spaces not provided. The payment shall be based on the amount of money Council considers reasonable in return for the equivalent parking space to be provided by the municipality elsewhere in the District in which the development is proposed;
 - (b) The developer may be required to ensure off-street parking on land other than that to be developed provided that:
 - (i) the alternative parking site is within 152 m (500 feet) of the site where the principal building is located or where the approval use is carried on,
 - (ii) the person wishing to use an alternate parking site must have absolute control of it for a length of time equal to the life of the approved use of the building or site, and will use that site for no other purpose than to provide alternate parking,
 - (iii) should the alternate parking site cease to be available, another parking site must be provided meeting the above criteria or the approved use of the building on the site must be discontinued,
 - (iv) the person wishing to use an alternate site shall agree with the Municipality in writing under seal and protected by registration of a caveat under the Land Titles Act, that the site on which the alternate parking site is located shall be used for such purposes as long as it is required by this part.

- (6) A parking space shall not be less than 14.8 m² (160 sq. ft.) in area and not less than 2.4 m (8 ft.) wide.

- (7) When a building is enlarged, altered, or a change in the use occurs, provision shall be made for the additional parking spaces required under the parking provisions of this Bylaw.

- (8) Any parking space or loading space provided shall be developed and surfaced to the satisfaction of the Development Officer or Municipal Planning Commission.

- (9) Adequate curbs or fences shall be provided to the satisfaction of the Development Officer or Municipal Planning Commission. In so doing, one should consider adjacent fences, walls, boulevards, landscaped areas or buildings.

34. Objects Prohibited or Restricted in Yards

No person shall keep or permit in any part of a yard in any residential district:

- (1) Any dismantled or wrecked vehicle for more than 14 successive days.
- (2) Any object or chattel which, in the opinion of the Development Officer is unsightly or tends to adversely affect the amenities of the district.
- (3) Any excavation, storage of material required during the construction stage unless all necessary safety measures are undertaken; the owner of such materials or excavations assumes full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work.
- (4) Any recreational vehicle parked on a lot within a residential district may be used for living and sleeping accommodation only by bonafide tourists and/or family members of the land owner(s) of that lot for a maximum period of 30 days per annum.

35. Site Development

The design, siting, external finish, architectural appearance and landscaping generally of all buildings, including any accessory buildings or structures and signs and any reconstruction shall be to the satisfactions of the Development Officer / Municipal Planning Commission in order that these shall be in general conformity in such matters with adjacent buildings.

36. Home Occupations

- (1) All development permits issued for Home Occupations shall be revocable at any time by the Municipal Planning Commission, if in its opinion, the use is or has become detrimental to the amenities of the neighborhood.
- (2) Home Occupations shall be Temporary Developments and shall be subject to the standards set out herein.
- (3) Where the applicant for the Home Occupation is not the registered owner of the dwelling unit proposed to be used for a Home Occupation, the applicant shall provide to the Municipal Planning Commission written authorization from the registered owner(s).
- (4) One name plate not exceeding 0.28 m² (3 sq. ft.) may be posted on a building to advertise a Home Occupation.
- (5) A Home Occupation shall not include any use or operation which will cause or create a nuisance by way of noise, dust, smoke or excessive traffic. No industrial/commercial equipment or a motor vehicle associated with a Home Occupation having a G.V.W. rating of 7300 Kilograms (16,000 lbs.) or more, may be stored/parked on a residential Home Occupation site.

- (6) There shall be no outside storage of materials, commodities or finished products.
- (7) No more than 25% of the gross floor area of the principal building shall be used for the Home Occupation. An ancillary building may be used if permitted by the Development Officer if in his/her opinion this would not be detrimental to the neighborhood.

37. Industrial Development

- (1) An application for the establishment of industries shall be considered by the Development Officer / Municipal Planning Commission who may request advisory comment by the following authorities whose interest or jurisdiction may be affected:

Palliser Regional Municipal Services
Alberta Economic Development and Tourism
Alberta Infrastructure
Alberta Agriculture
Alberta Environment Protection
Alberta Energy and Utilities Board
Health Authority No. 7
Palliser Regional Municipal Services - Safety Codes
Service

The Development Officer / Municipal Planning Commission may request that such comments be made in writing.

- (2) Each application for industrial development shall be accompanied by the following information:

- Location map
- Type of industry
- Size of buildings
- Estimated number of employees
- Estimated water demand and anticipated source
- Type of effluent and method of treatment
- Transportation routes to be used (rail and road)
- Reason for specific location
- Any accessory works required (pipeline, railway spurs, etc.)
- Anticipated residence location of employees

and/or any other such information as may be reasonably required by the Development Officer or Municipal Planning Commission.

38. Utilities

- (1) A development shall not be permitted if the development is not served by the public sewer and water system or a provincially approved private system.

- (2) A development shall not be permitted until satisfactory arrangements have been made by the developer for the supply of water, electric power, sewerage and street access to the development including payments of costs of installing or constructing any such utility or facility by the developer.

39. Drainage

- (1) At the discretion of the Development Officer or Municipal Planning Commission, the applicant shall be required to grade a parcel in such a manner that all surface water will drain from the building site to the back lane and/or front street.
- (2) The Development Officer or Municipal Planning Commission at its discretion may establish parcel and building elevation as a development condition if it is felt that drainage will affect neighboring parcels.
- (3) At the discretion of the Development Officer or Municipal Planning Commission, the applicant may be required to submit a storm drainage plan, indicating how drainage will be managed on the site.
- (4) At the discretion of the Development Officer or Municipal Planning Commission, the applicant may be required to install a catch basin or similar drainage system on site if it is felt that drainage will otherwise affect neighboring parcels.

40. Bed and Breakfast Establishments

- (1) Bed and Breakfast Establishments shall conform to the following and to any standards as the Alberta Building Code may have:
 - (a) No cooking facilities allowed in guest rooms;
 - (b) Minimum room size of 7 m² (75 sq. ft.) per single occupant and 4.65 m² (50 sq. ft.) per person for multiple occupancy;
 - (c) Each room shall have a window;
 - (d) Bathroom facilities are required by the Health Authority;
 - (e) Smoke alarms shall be installed on each level of the building;
 - (f) Portable fire extinguishers shall be provided in each level of the building.
- (2) Off street parking shall be provided with a minimum of one stall per owner plus one stall per guest room.
- (3) Access to a public lane or street shall be to the satisfaction of the Development Officer.
- (4) Signage is restricted to one sign per site, attached to the building with a maximum size of 0.28 m² (3 sq. ft.). Appearance of the sign shall be of a professional quality to the satisfaction of the Development Officer.
- (5) All development permits issued for Bed and Breakfast Establishments shall be revocable at any time, if in the opinion of the Development Officer / Municipal Planning Commission, the use is or has become detrimental to the amenities of the neighborhood.
- (6) Bed and Breakfast establishments shall have a maximum of four (4) guest rooms.

41. Motels

A person applying to develop a site as a motel where permitted under this bylaw, shall comply with the following provisions:

- (1) For the purposes of this subsection, a rentable unit means a separate unit on a motel site used or intended to be used for the dwelling accommodation of one or more persons;

(2) Site Requirements for Motels

Minimum Site Area / Unit	Yards	Site	Parking On Area / Unit	Minimum Floor
One Storey				
140 m (1500 sq. ft)		Front 7.6 m (25 ft.)	One per	26.5 m ²
	Side 3 m (10 ft.)	Sleeping Unit	(285 sq. ft.)	
	Rear 3 m (10 ft.)			
Two Storey				
93 m (1000 sq. ft.)		Front 7.6 m (25 ft.)	One per	26.5 m ²
	Side 3 m (10 ft.)	Sleeping Unit	(285 sq. ft.)	
	Rear 3 m (10 ft.)			

- (3) Each rentable unit shall face onto or abut a driveway not less than 6.1 m (20 ft.) in width and shall have unobstructed access thereto;
- (4) Not more than one motor vehicle entrance and one motor vehicle exit to a street, each of a minimum width of 7.6 m (25 ft.), measured at its minimum dimension shall be permitted, provided that one combined motor vehicle entrance and exit shall be permitted, not less than 9.1 m (30 ft.) in width.

42. Service Stations

Service stations, where permitted by this Bylaw, shall comply with the following standards:

- (1) Minimum requirements:
 - (a) No part of a service station building or any pump island shall be within 6.1 m (20 ft.) of side or rear property lines;
 - (b) Front yard of no less than 12.2 m (40 ft.) with no pumping island closer than 6.1 m (20 ft.) to the front property line;
 - (c) The minimum site area shall be 743.2 m² (8,000 sq. ft.).
- (2) The boundaries of a service station site, other than those fronting streets, shall be fenced at the discretion of the Development Officer / Municipal Planning Commission.
- (3) Where possible, the use of above ground storage tanks is the preferred means of storage of petroleum products.

43. Car Washing Establishments

(1) Site Area:

The minimum site area shall be 557 m² (6,000 sq. ft.) and shall contain storage space for three (3) vehicles prior to their entry into any part of the cleaning process for which they are bound. In the case of service stations including car washes, minimum site area shall be 1,115 m² (12,000 sq. ft.).

(2) Site and Building Requirements:

- (a) The site and all improvements thereon shall be maintained in a clean and tidy condition, free from rubbish and debris;
- (b) Receptacles for the purpose of disposing of rubbish and debris shall be provided as required by the Development Officer;
- (c) All parts of the site to which vehicles may have access shall be hard surfaced and drained to the satisfaction of the Development Officer; and
- (d) All sump drainage systems shall be provided in accordance with the appropriate regulations and all sump materials shall be disposed of in the appropriate manner.

44. Signs

- (1) No signs or advertising structures of a commercial, direction or information nature shall be erected on land or affixed to any exterior surface of any building or structure unless an application for this purpose has been approved and a development permit has been issued, excepting those outlined in Section 7(9).
- (2) No signs or advertising structures shall be erected on or affixed to private property without the prior consent of the property owner or tenant.
- (3) No signs, billboards, advertising structures or signboards shall be erected on or affixed to public property without the prior consent of the appropriate public body.
- (4) No signs or advertisement shall resemble or conflict with a traffic sign.
- (5) All signs, with the exception of temporary signs, allowed under a Temporary Development Permit, shall be attached to a permanent foundation capable of supporting the sign.
- (6) All signs shall be designed and manufactured to a professional standard of quality equivalent thereto.
- (7) All signs shall be kept in a safe, clean, tidy and legible condition and may, at the discretion of the Municipal Planning Commission, be required to be renovated or removed. Signs advertising businesses no longer in operation shall be removed.
- (8) No signs or advertising structures other than those specified under subsection 7(9), shall be permitted in a residential district.
- (9) No signs or advertising of any kind shall be permitted adjacent to a highway unless the prior approval of Alberta Infrastructure has been obtained.
- (10) The following separation distances between signs shall be applied:

- (a) 9.14 m (30 ft.) adjacent to a municipal road;
 - (b) 100 m (328 ft.) adjacent to a primary highway or as required by Alberta Infrastructure.
- (11) Projecting signs may be permitted provided that:
- (a) a minimum height clearance of 2.7 m (9 ft.) be provided from any sidewalk below;
 - (b) the signs shall not project above the roof by more than 1 m (3.2 ft.);
 - (c) the sign does not project within 0.6 m (2 ft.) of the curb;
 - (d) the sign does not project more than 2 m (6.4 ft.) from the face of the building;
 - (e) the sign does not exceed 9.3 m² (100 ft.²) in area.
- (12) Free standing signs (directional, advertising or identification) may be permitted provided that:
- (a) the sign does not exceed 9 m (30 ft.) in overall height;
 - (b) the maximum total sign area allowable is 13.9 m² (150 ft.²);
 - (c) the sign shall be a minimum of 6.1 m (20 ft.) from a curb or 1.5 (5 ft.) from the property line.
- (13) Roof signs shall not exceed 9.3 m² (100 ft.²) and no portion of the sign shall extend beyond the periphery of the roof on which it is located.
- (14) Fascia signs may be permitted provided that:
- (a) the total sign area does not exceed a ratio of 20% of the face building to which the sign is attached;
 - (b) it shall not project above the roof or marquee by more than 1 m (3.2 ft.).
- (15) Solid awnings containing advertising shall be treated as projecting signs. However, at the discretion of the Development Officer or Municipal Planning Commission the minimum height clearance from the sidewalk may be relaxed.
- (16) Mobile signs may be permitted provided that:
- (a) Maximum sign area shall not exceed 10 m² (107.6 sq. ft.);
 - (b) Maximum height shall not exceed 2.5 m (8.2 ft.);
 - (c) The sign is not located in the sight triangle formed on a corner site by the two street property lines and a straight line which intersects them 5 m (16.4 ft.) from the corner where they meet;
 - (d) The lighting of a mobile sign does not adversely affect residential sites and/or traffic lights; and
 - (e) A valid development permit has been obtained for signs to be in place for more than 7 consecutive days.

45. Relocation of Buildings

- (1) Where a development permit has been granted for the relocation of a building on the same site or from another site, the Municipal Planning Commission may require the applicant to provide a letter of credit up to the amount of \$10,000.00 (\$1,000.00 where the building to be relocated is accessory to a dwelling) to ensure completion of any renovations set out as a condition of approval of a permit.
- (2) All renovations to a relocated building are to be completed within one year of the issuance of the Development Permit.
- (3) All applications to relocate a building or structure shall be accompanied by a recent photograph of the structure and, where possible, the structures shall be inspected by the Development Officer.
- (4) The design, external finish and architectural appearance of any relocated structure shall be similar to compliment the existing structures located on the parcels adjacent to the parcel on which it is to be located.

46. Projection Into Yards

- (1) Front Yards:
 - (a) Eaves, balconies, bay windows, shade projections, chimneys, un-enclosed decks, may project a maximum of 0.6 m (2 ft.) over or onto a required front yard;
 - (b) Un-enclosed steps may project a maximum of 1.8 m (6 ft.) over or onto a required front yard.
- (2) Side Yards:
 - (a) Eaves, shade projections, chimneys, may project a distance not exceeding one half of the minimum side yard requirement for the lot;
 - (b) Un-enclosed steps and landings shall be at grade to a side entrance and may project onto the entire required side yard. Un-enclosed steps and landings above grade shall be at the discretion of the Municipal Planning Commission;
 - (c) Residential buildings with a side entrance requiring a side yard relaxation and/or having projections as described above shall maintain one side yard with no relaxation or projection except for eaves.
- (3) Rear Yards:
 - (a) Eaves, balconies, bay windows, shade projections, chimneys, un-enclosed decks and steps may project a maximum of 1.5 m (4.9 ft.) over or onto a required rear yard.

47. Daytime Child Care Services

- (1) The Municipal Planning Commission shall, in deciding whether to approve or refuse a Daytime Child Care Service, consider among other matters, potential traffic generation, proximity to parks or other open or recreation areas, isolation of the proposed site from other residential uses, buffering or other techniques

designed to limit any interference with other uses or the peaceful enjoyment of their properties by nearby residents, and consistency in terms of intensity of use with other development in the area.

- (2) The number of children within a Daytime Child Care Service established as a secondary use within a dwelling shall not exceed six (6).
- (3) All Daytime Child Care Services shall be licensed and approved by the relevant provincial agency.

48. Resource Conservation

The Development Officer or Municipal Planning Commission may encourage the incorporation of cost-effective measures which use water and energy resources wisely and will reduce their consumption in new developments and renovations.

49. Elevation and Grade Plans

- (1) The Development Officer or Municipal Planning Commission may, at their discretion, control the elevation (height of foundation and finished grades above street and land grades) for all new development and subdivisions.
- (2) At the discretion of the Development Officer and/or Municipal Planning Commission, overall grade plans shall be prepared as part of a development which can be in the form of an agreement and completed at the cost of the developer.

50. Manufactured Homes

- (1) All manufactured homes shall be C.S.A. approved.
- (2) Manufactured homes shall have a foundation capable of supporting the maximum anticipated load of the manufactured home during all seasons. The foundation shall comply with the Alberta Building Code.
- (3) All manufactured homes shall have a minimum width of 4.2 m (14 ft.).
- (4) Manufactured homes constructed more than ten (10) years prior to the date of the development permit application may not be permitted.
- (5) The under carriage of each manufactured home shall be completely screened from view by the foundation or skirting within 30 days of placement of the manufactured home.
- (6) All accessory structures such as steps, patio, porches, additions, skirting and storage facilities shall be factory pre-fabricated units or of an equivalent quality, so that the design and construction will compliment the home. Additions to a manufactured home shall have a foundation equivalent to that of the manufactured home.
- (7) All manufactured homes shall be provided with steps and landing to all entrances within 45 days of their placement on the site.

51. Physical Environment

The Development Officer / Municipal Planning Commission may consider the environmental impact of any proposed development. The Development Officer / Municipal Planning Commission may refer the proposal to a relevant government department for comment in the nature of the environmental concern. Where a proposal is considered to have a significant environmental impact, the Development Officer / Municipal Planning Commission may request the developer to have an environmental evaluation prepared and submitted or undertake its own environmental evaluation regarding the proposed development, all at the cost of the developer.

52. Dwelling Units on a Parcel

- (1) No person shall construct or locate more than one dwelling on a lot unless:
 - (a) the second or additional dwelling is contained in a building designed for or divided into two or more dwellings.
- (2) The Municipal Planning Commission may issue a development permit for a second or additional dwelling unit(s) on a parcel provided the proposed development would not:
 - (a) unduly interfere with the amenities of the neighborhood;
 - (b) materially interfere with or affect the use, enjoyment or value of the neighboring properties; and
 - (c) the proposed development conforms with the use prescribed for that land or building in this Bylaw.

53. Auto Body Shops

- (1) The Municipal Planning Commission may impose any or all of the following conditions to a development permit issued for an auto body shop:
 - (a) all vehicle access doors to the building shall be located at the rear of the building;
 - (b) any areas of the site used for vehicle or materials or waste storage shall be fenced to a height of eight (8) feet (2.44 m) and the fence shall be a solid fence of either metal or wood, so that the vehicles or materials are not visible through the fence;
 - (c) customer vehicle parking and the vehicles awaiting repair may be permitted, provided the vehicles are not parked for a period of greater than eight (8) hours;
 - (d) any vehicles left for repair shall be stored within the fenced area and not be visible from streets or lanes;
 - (e) sandblasting of vehicles shall not be permitted outside the building except in the "M-1"-Industrial District.

54. Hospital Helipad Vicinity

- (1) The Hospital Helipad Vicinity shall be defined as that area within a 200-m (656 ft.) radius measured from the center of the landing/takeoff pad located on Lot 1, Block 1, Plan 832 1984.
- (2) Any new development, or part thereof, within the Hospital Helipad Vicinity shall not exceed a height of 20.6 m (35 ft.).
- (3) Any new development within 30.5 m (100 ft.) of the center of the landing/takeoff pad shall not exceed a height of 1.5 m (5 ft.).
- (4) Any new development within the Hospital Helipad Vicinity shall not be permitted if, in the opinion of the Development Officer, generates a large amount of smoke, dust, or attracts birds.

55. Garden Suites

- (1) A garden suite shall not be located upon any site which contains two (2) or more dwelling units.
- (2) A garden suite shall:
 - (a) have a maximum floor area of 79 m² (850 sq. ft);
 - (b) not be located within a front yard;
 - (c) not exceed one (1) storey in height;
 - (d) maintain the yard requirements of an accessory building (Exhibit 1).
- (3) A development permit for a garden suite shall expire three (3) years after the date of issue, unless it is extended by the Development Authority prior to its expiration.

PART VIII

**Land Use District Map
Forms**

FORM A - DEVELOPMENT PERMIT APPLICATION

FORM B - STOP ORDER / ORDER OF COMPLIANCE

FORM C - APPLICATION FOR LAND USE BYLAW AMENDMENT

FORM D - NOTICE OF SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING

FORM E - NOTICE OF DECISION OF THE SUBDIVISION AND DEVELOPMENT
APPEAL BOARD

VILLAGE OF CONSORT
 LAND USE BYLAW NO. A-683
DEVELOPMENT PERMIT APPLICATION

FOR ADMINISTRATIVE USE ONLY
Application # _____
Tax Roll # _____
Date Received _____
Application Fee _____

I/We hereby make application under the provisions of the Land Use Bylaw for a Development Permit in accordance with the plans and supporting information submitted herewith and which form part of this application.

APPLICANT: _____ **TEL: (Res.)** _____ **(Bus.)** _____
ADDRESS: _____ **POSTAL CODE:** _____
REGISTERED OWNER: (If different from applicant) _____ **TEL:** _____

ADDRESS: _____ **POSTAL CODE:** _____

MUNICIPAL ADDRESS OF PROPERTY TO BE DEVELOPED: _____
LEGAL DESCRIPTION OF PROPERTY: **LOT:** _____ **BLOCK:** _____ **PLAN:** _____
QTR./L.S.D.: _____ **SEC.:** _____ **TWP.:** _____ **RNG.:** _____ **M.:** _____ **C. OF T.:** _____
DESCRIBE EXISTING USE OF LAND: _____
LAND USE DISTRICT: _____

DESCRIBE THE PROPOSED USE OF THE LAND: _____

LOT WIDTH: _____ **LOT LENGTH:** _____ **LOT AREA:** _____
FRONT YARD: _____ **SIDE YARD:** _____ **REAR YARD:** _____
FLOOR AREA: _____ **PERCENT OF LOT OCCUPIED:** _____
OFF-STREET PARKING: SIZE OF SPACE: _____ **NUMBER OF STALLS:** _____

ACCESSORY USE: _____
PERCENT OF LOT OCCUPIED: _____ **HEIGHT OF ACCESSORY BUILDING:** _____
SET BACK FROM SIDE LOT LINE: _____ **SET BACK FROM REAR LOT LINE:** _____

ESTIMATED PROJECT COST OR CONTRACT COST: _____
ESTIMATED START DATE: _____ **ESTIMATED COMPLETION DATE:** _____

I/We hereby give my consent to allow all authorized persons the right to enter the above land and/or buildings, with respect to this application only, and I/We hereby declare that the above information is, to the best of my/our knowledge, factual and correct.

DATE OF APPLICATION: _____ **SIGNATURE OF APPLICANT:** _____

This is not an application for a building permit.

This form shall be accompanied by:

- (a) A detailed and scaled site plan showing the legal land description and the front, rear and side yards, if any, and any provision for off-street loading and vehicle parking, and entry and exit to and from the parcel;
- (b) Floor plans, elevations and sections if required by the Development Officer;
- (c) Such other plans and information as the Development Officer may request.

(Further information required over....)

DECISION

This is to notify you that the proposed development described above has been:

APPROVED:

APPROVED **(with the following conditions):**

- Applicant to obtain Approved Building Permit & Inspections from Palliser Regional Municipal Services.
- Applicant to obtain Approved Plumbing and/or Sewage Disposal Permit from Palliser Regional Municipal Services.
- Applicant to obtain Approved Electrical Permit & Inspection from Palliser Regional Municipal Services.
- Applicant to obtain Approved Gas or Propane Hook-up Permit & Inspection from Palliser Regional Municipal Services.
- Applicant to pay Water Meter Installation fee.
- Applicant to pay Refuse Container fee.
- Other: _____

REFUSED **(for the following reasons):**

DATE OF DECISION: _____

DATE OF ISSUE OF NOTICE OF DECISION: _____

You are further notified that you may appeal this decision to the Subdivision and Development Appeal Board in accordance with the provisions of Section 5 of this Bylaw. Such an appeal shall be made in writing and shall be delivered personally or mailed so as to reach the Secretary of the Subdivision and Development Appeal Board at the Village Office NO LATER THAN 14 DAYS FOLLOWING THE DATE OF ISSUE OF THIS NOTICE. The notice of appeal shall contain a statement of the grounds of the appeal.

Signature of Development Officer

VILLAGE OF CONSORT
LAND USE BYLAW NO. A-683
STOP ORDER / ORDER OF COMPLIANCE

ORDER # _____

You are hereby notified in respect of the development involving:

located on:

Street Address: _____

Legal Description: _____

That this development is not in accordance with:

The Municipal Government Act, in respect of _____

The Land Use Bylaw No. A-683, in respect of _____

The Development Permit No. _____ **in respect of** _____

Therefore, pursuant to Section 6 of Land Use Bylaw No. A-683 and Sections 545, 645 and 646 of the Municipal Government Act, you are hereby ordered to:

- Stop the development
- Demolish/remove/replace the development
- Take the following measures _____

THIS ORDER SHALL BE COMPLIED WITH BY _____

Failure or refusal to comply with this Order may result in the Council of the Village of Consort or a person or persons appointed by it, entering upon the land or building and taking such action as is necessary to carry out the Order. In such circumstances, the Council shall cause the costs incurred to be placed on the tax roll, as an additional tax against the property concerned.

You may appeal this Order to the Subdivision and Development Appeal Board in accordance with the provisions of Section 5 of this Bylaw. Such an appeal shall be made in writing and shall be delivered personally or mailed so as to reach the Secretary of the Subdivision and Development Appeal Board at the Village office NO LATER THAN 14 DAYS FOLLOWING THE DATE OF ISSUE OF THIS NOTICE.

DATE OF ISSUE OF ORDER: _____

SIGNATURE OF THE DEVELOPMENT OFFICER: _____

VILLAGE OF CONSORT
LAND USE BYLAW NO. A-683
APPLICATION FOR AMENDMENT TO LAND USE BYLAW NO. A-683

I/We hereby make application to amend the Land Use Bylaw.

APPLICANT:

NAME: _____ **TELEPHONE:** _____

ADDRESS: _____

OWNER OF LAND:

NAME: _____ **TELEPHONE:** _____

ADDRESS: _____

LEGAL DESCRIPTION:

LOT: _____ **BLOCK:** _____ **REGISTERED PLAN:** _____

QTR./L.S.D.: _____ **SEC.:** _____ **TWP.:** _____ **RNG.:** _____ **M.:** _____

CERTIFICATE OF TITLE: _____

AMENDMENT PROPOSED:

FROM: _____

TO: _____

REASONS IN SUPPORT OF APPLICATION FOR AMENDMENT:

DATE: _____

SIGNED: _____

VILLAGE OF CONSORT
LAND USE BYLAW A-683
NOTICE OF SUBDIVISION AND DEVELOPMENT APPEAL BOARD HEARING

Application/Subdivision No. _____

This is to notify you an appeal has been made to the Subdivision and Development Appeal Board against a decision in respect of Application/Subdivision No. _____ which involves a development/subdivision described as follows:

The decision of the Development Officer/Subdivision Authority was to:

- APPROVE**
- APPROVE (with conditions)**
- REFUSE**

the development permit/subdivision application, with the following conditions/for the following reasons:

A Public Hearing of the Subdivision and Development Appeal Board has been scheduled; at which point the Board will hear arguments both for and against the above noted appeal.

PLACE OF HEARING: _____

TIME OF HEARING: _____

DATE OF HEARING: _____

Any person affected by the proposed development/subdivision has the right to present a written brief prior to the hearing and to be present and be heard at the hearing. Persons submitting the written briefs to the Secretary of the Subdivision and Development Appeal Board at the Village Office, should do so not later than 4:00 P.M. on _____.

VILLAGE OF CONSORT
LAND USE BYLAW A-683
NOTICE OF DECISION OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD

Application/Subdivision No. _____

This is to notify you that an appeal against the

- APPROVAL**
- APPROVAL WITH CONDITIONS**
- REFUSAL**

of a development permit/subdivision application with regard to the following:

was considered by the Subdivision and Development Appeal Board on _____
2000, and the decision of the Subdivision and Development Appeal Board with regard to the
appeal is as follows:

FINDINGS OF FACT:

DECISION:

REASONS:

Date

Signature of Secretary of Subdivision
and Development Appeal Board

NOTE:

A decision of the Subdivision and Development Appeal Board is final and binding on all parties and persons and is subject only to an appeal upon a question of jurisdiction or law pursuant to Section 688 of the Municipal Government Act. An application for leave to appeal the Appellate Division of the Supreme Court of Alberta shall be made:

- (a) to a Judge of the Court of Appeal, and
- (b) within 30 days after the issue of the order, decision, permit or approval sought to be appealed.