

VILLAGE OF FOREMOST

LAND USE BYLAW



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(Consolidated to Bylaw No. 680)
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Contents

PART I – SHORT TITLE, PURPOSE AND DEFINITIONS1

1. SHORT TITLE.....1

2. PREVIOUS LEGISLATION1

3. PURPOSE.....1

4. APPLICATION OF THIS BYLAW1

5. INTERPRETATION1

6. DEFINITIONS2

PART II - ADMINISTRATIVE DUTIES AND RESPONSIBILITIES.....6

7. DEVELOPMENT OFFICER.....6

8. MUNICIPAL PLANNING COMMISSION6

9. PLANNING ADVISOR7

10. MUNICIPAL PLANNING COMMISSION7

11. SUBDIVISION AND DEVELOPMENT APPEAL BOARD8

12. CONTRAVENTION, ENFORCEMENT AND PENALTIES.....8

13. ESTABLISHMENT OF FEES8

14. APPLICATION TO AMEND THE BYLAW9

PART III – PROCEDURE FOR DEVELOPMENT PERMITS 10

15. PERMISSION FOR DEVELOPMENT.....10

16. DEVELOPMENT DEEMED APPROVED10

17. DEVELOPMENT APPLICATION.....10

18. PLANS AND INFORMATION REQUIRED10

19. APPLICATIONS DEEMED REFUSED11

20. RIGHT OF APPEAL.....12

21. CERTAINTY OF USE12

22. DEVELOPMENT AGREEMENT.....12

23. VALIDITY OF DEVELOPMENT PERMIT13

24. DEVELOPMENT PERMIT TRANSFERS.....13

25. RIGHT TO REVOKE DEVELOPMENT PERMIT13

26. PUBLIC NOTIFICATION-DEVELOPMENT PERMITS13

27. SUBSEQUENT APPLICATIONS.....14

PART IV – SUBDIVISION PROCEDURES 15

28. REQUIREMENT FOR A SUBDIVISION15

29. SUBDIVISION APPLICATION.....15

30. PLANS AND INFORMATION REQUIRED15

31. TIME PERIOD FOR MAKING DECISIONS.....16

32. PUBLIC NOTIFICATION – SUBDIVISION APPLICATIONS.....16

33. CONDITIONS OF SUBDIVISION APPROVAL.....17

34. RIGHT OF APPEAL.....17

35. SUBSEQUENT APPLICATIONS.....17

36. ENDORSEMENT OF FINAL PLANS AND SEPARATION DOCUMENTS.....17

37. VALIDITY OF SUBDIVISION APPROVALS.....18

PART V – GENERAL LAND USE REGULATIONS..... 19

38. USE OF LAND.....19

39. COMPLIANCE WITH OTHER LEGISLATION19

40. BUILDING DESIGN, CHARACTER AND APPEARANCE19

41. SITE DIMENSIONS19

42. DWELLING UNITS ON A PARCEL.....19

43. COVERAGE OF SITE.....20

44. FRONT, SIDE AND REAR YARD SETBACKS.....20

45. HEIGHT OF BUILDINGS20

46.	UTILITIES	20
47.	PARKING AND LOADING FACILITIES.....	20
48.	ACCESSORY BUILDINGS	21
49.	LANDSCAPING AND FENCING	21
50.	HOME OCCUPATIONS.....	22
51.	CANNABIS USES	22
52.	DEVELOPMENT STANDARDS FOR MOVE-IN BUILDINGS.....	22
53.	OBJECTS PROHIBITED OR RESTRICTED IN RESIDENTIAL DISTRICTS	23
54.	GENERAL MAINTENANCE	23
55.	PROJECTION OVER SETBACKS.....	23
56.	NON-CONFIRMING BUILDINGS AND USES	24
57.	THE LAND USE DISTRICT MAP.....	24

PART VI – LAND USE DISTRICTS AND REGULATIONS 25

58.	RESIDENTIAL – “R-1”	25
59.	RESIDENTIAL – “R-2”	27
60.	RESIDENTIAL – MOBILE HOME – “RMH-1”	29
61.	RESIDENTIAL – MOBILE HOME – “RMH-2”	31
62.	PUBLIC AND INSTITUTIONAL – “PI”	33
63.	RETAIL COMMERCIAL – “RC”	34
64.	HIGHWAY COMMERCIAL – “HC”	35
65.	INDUSTRIAL – “I”	36
66.	URBAN RESERVE – “UR”	37

PART I – SHORT TITLE, PURPOSE AND DEFINITIONS

1. SHORT TITLE

- (1) This Bylaw may be cited as the “Village of Foremost Land Use Bylaw”

2. PREVIOUS LEGISLATION

- (1) Land Use Bylaw No. 414 and all subsequent amendments is hereby repealed.
- (2) This Bylaw comes into force upon the date of final reading.
- (3) An application for a development permit is received in its complete and final form prior to the effective date of this Bylaw shall be processed as if Bylaw 414 and amendments thereto had remained in force.

3. PURPOSE

The purpose of this Bylaw is to prohibit or regulate and control the use and development of land and buildings within the Village of Foremost in accordance with the provisions of the Municipal Government Act.

4. APPLICATION OF THIS BYLAW

- (1) Except as permitted in this Bylaw, no person shall commence a development unless that person has been issued a development permit for the development.
- (2) If one or more provisions of this Bylaw are for any reason declared to be invalid, it is intended that all remaining provisions are to remain in full force and effect.

5. INTERPRETATION

- (1) In this Bylaw, unless the context otherwise requires, the expression “use” or “to use” includes any action taken or permitted by the owner or occupant of land, a building, or a structure, either directly or indirectly, by themselves or through a trustee, tenant, employee, or agent acting with their knowledge and consent, for the purpose of utilizing that land, building, or structure.
- (2) Unless the contrary intention appears, The Interpretation Act applies to the Bylaw.
- (3) If there is any uncertainty or dispute about the exact location of the boundary of any district as shown on the Land Use District Map the location shall be determined by the application of the following rules:
 - (a) where a district boundary is shown as approximately following the centre of a public roadway, it shall be deemed to follow the centre line thereof;
 - (b) where a district boundary is shown as approximately following the boundary of a lot, the lot boundary shall be deemed to be the boundary of the district for that portion of the district boundary which approximates the lot boundary;
 - (c) where a district boundary is shown approximately following village limits it shall be deemed to be following village limits;
 - (d) where a district boundary is shown as following pipelines, railway lines, or utility easements it shall be deemed to follow the centre line of the right-of-way thereof;
 - (e) where a district boundary is shown as approximately following the edge of a body of water, it shall be deemed to follow such lines, and in the event of change in such edge or shorelines, it shall be deemed as moving with the same;
 - (f) where a district boundary is shown as being parallel to or as an extension of features noted above, it shall be so construed;

- (g) where a district boundary is shown as approximately following a topographic contour line or a top-of-bank line, it shall be deemed to follow such line, and in the event of change in such line, it shall be deemed as moving with that line;
 - (h) where features on the ground are at variance with those shown on the Land Use District Map or in other circumstances not mentioned above, the Municipal Planning Commission shall interpret the district boundaries. Any such decision may be appealed to the Development Appeal Board;
 - (i) where a land use district boundary is not located in conformity to the provisions of Clauses (a) to (i) of this Section (3) and in effect divides or splits a registered parcel of land, the disposition of such boundary shall be determined by dimensions indicated on the Land Use District Map or by measurements directly from that Map.
- (4) **Metric and Imperial Measurements**
- If the conversion between metric and imperial measurements pertaining to a development permit application is not exact as prescribed in this Bylaw, the Development Officer or the Municipal Planning Commission, as the case may be, may apply metric or imperial measurement to the development permit application.

6. DEFINITIONS

- (1) **Act** means Municipal Government Act, being Chapter M26.1 of the Revised Statutes of Alberta 1994, as amended from time to time.
- (2) **Accessory Building** means a building separate and subordinate to the main building, the use of which is incidental to that main building and is located on the same lot.
- (3) **Accessory Use** means a use customarily incidental and subordinate to the main use or building and is located on the same lot with such main use or building.
- (4) **Adjacent Land** means land that is contiguous to the parcel of land that is being redesignated or subdivided and includes land that would be contiguous if not for a highway, road, river or stream.
- (5) **Apartment** means a residential building consisting of at least three dwelling units, but shall not include buildings containing units with separate exterior entranceway or entranceways.
- (6) **Appeal Board** means a Development Appeal Board appointed by the Municipal Council pursuant to the Act.
- (7) **Appellant** means a person who, pursuant to the Act, has served a notice of appeal on the Appeal Board.
- (8) **Building** includes anything constructed or placed on, in, over or under land but does not include a highway or public roadway or a bridge forming part of a highway or public roadway.
- (9) **Cannabis** means cannabis plant, fresh cannabis, dried cannabis, cannabis oil, cannabis plant seeds and any other substance defined as cannabis in the Cannabis Act (Canada) and its regulations, as amended from time to time and includes edible products that contain cannabis.
- (10) **Cannabis Lounge** means development where the primary purpose of the facility is the sale of cannabis to the public, for the consumption within the premises that is authorized by federal and provincial legislature.
- (11) **Cannabis Production and Distribution** means the development used principally for one or more of the following activities as it relates to cannabis;
 - (a) The production, cultivation and growth of cannabis;
 - (b) The processing of raw materials;
 - (c) The making, testing, manufacturing, assembling or in any way altering the chemical or physical properties of semi-finished or finished goods and products;

- (d) The storage or transshipping of materials, goods, and products; or
 - (e) The distribution and sale of materials, goods and products to cannabis retail stores or the individual customers.
- (12) **Cannabis Retail** means the development used for the retail sale of cannabis that is authorized by federal and provincial legislation.
- (13) **Council** means the Council of the Village of Foremost.
- (14) **Detached Dwelling** means a residential building containing one dwelling unit, which is physically separate from any other residential building, and does not include a mobile home.
- (15) **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.
- (16) **Development Officer** means the person appointed to the office of Development Officer.
- (17) **Development Permit** means a document authorizing a development issued pursuant to this Bylaw.
- (18) **Discretionary Use** means the use of land or a building provided for in this Bylaw, which may be compatible with other uses in the district, for which a development permit may be issued upon an application having been made.
- (19) **District** means Land Use District.
- (20) **Dwelling** means any building or structure used exclusively for human habitation which is supported on a permanent foundation or base extending below ground level, but does not include mobile homes of any kind whether standing on wheels or supported by blocks, jacks or any other temporary foundation.
- (a) Dwelling, single detached means a detached building consisting of one dwelling unit as herein defined and occupied as the permanent home or residence of one household;
 - (b) Dwelling, semidetached means development consisting of only two dwellings, each accommodating one household, situated side by side and sharing a common wall. Each dwelling shall have separate, individual and direct access to grade, with no interior access connections, and no common means of access with other dwellings.
 - (c) Dwelling, multi unit means a grouping of three or more dwelling units within one structure and may be constructed in an apartment style where entrance facilities are shared, or an attached style where each unit has a separate entrance at grade and is divided by a vertical party wall, or in a stacked dwelling style where units have separate entrances but may be located totally or partially above another.
- (21) **Dwelling Unit** means a complete building or self-contained portion of a building for the use of one or more individuals, containing sleeping, cooking and separate toilet facilities intended as a permanent or semi-permanent residence not separated from direct access to the outside by another separate or self-contained set or suite of rooms.
- (22) **Floor Area** for residential buildings means the total area of all floors in a building measured from the outside of exterior walls including a basement, but excluding floor areas of cellars, attached garages, sheds, carports, or open porches in all residential buildings.
- (23) **Front Yard** means a yard extending across the full width of a lot measured from the front line of the said lot to the front wall of the main building situated on the lot.

- (24) **Garage** means an accessory building designed and used for the shelter or storage of one or more motor vehicles.
- (25) **Health Facility** means development providing general health and wellness on an outpatient basis. This term includes but is not limited to uses such as dental offices, physiotherapy, counseling, chiropractic, naturopathic, and therapeutic massage.
- (26) **Home Occupation** means any occupation, trade, profession or craft carried on by an occupant of a residential building as a use secondary to the residential use of the building.
- (27) **Landscaped Area** means an area of land made attractive and desirable by the use of any or all of the following: grass, trees, shrubs, ornamental plantings, fences, walls and associated earthworks; however, it shall not include areas occupied by garbage, storage, parking lots or driveways.
- (28) **Lane** means a public thoroughfare not exceeding 10 metres in width, which provides secondary access to a lot.
- (29) **Loading Space** means an open area used to provide free access for vehicles to a loading door, platform or bay.
- (30) **Lot** means:
- (a) a quarter section, or
 - (b) a river lot or settlement lot shown on an official plan referred to in The Surveys Act that is filed or lodged in a land titles office, or
 - (c) a part of a parcel where the boundaries of the part 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 are described in a certificate of title by reference to a plan of subdivision.
- (31) **Main Building** means a building in which is conducted the main or principal use of the lot on which it is erected.
- (32) **Main Use** means the principal purpose for which a building or lot is used.
- (33) **Medical Clinic** means development where a doctor provides medical care on both an inpatient and outpatient basis to persons afflicted with or suffering from sickness, disease or injury or for the convalescent or chronically ill persons. This term includes provincially-approved extended medical care, walk-in clinics, hospitals, and nursing homes.
- (34) **Mobile or Modular Home** means a structure whether ordinarily equipped with wheels or not that is manufactured to be moved from one point to another by being towed or carried and which provides year-round living accommodation for one or more persons and can be connected to facilities.
- (35) **Municipal Planning Commission** means a Municipal Planning Commission established pursuant to the Village of Foremost Municipal Planning Commission Bylaw.
- (36) **Municipality** means the Village of Foremost.
- (37) **Non-Conforming Building** means a building:
- (a) that is lawfully constructed or lawfully under construction at the date a Land Use Bylaw or any amendment thereof affecting the building or land on which the building is situated becomes effective, and
 - (b) that on the date the Land Use Bylaw or any amendment thereof becomes effective does not, or when constructed will not, comply with the Land Use Bylaw.
- (38) **Owner** means the person shown as the owner of land on the assessment roll of a council prepared under The Municipal Taxation Act.
- (39) **Permitted Use** means a use of land or a building which is compatible with other uses in the district and for which a development permit shall be issued provided it otherwise conforms with this Bylaw.

- (40) **Planning Advisor** means a person or persons appointed to the office of planning advisor pursuant to this Land Use Bylaw
- (41) **Public Roadway** means a highway, local road, service road or lane which is registered as a public right-of-way in a Land Titles Office.
- (42) **Public Utility** means a system, works, plant, equipment or service whether owned or operated by or for the municipality, or by a corporation under agreement with or a franchise from the municipality or under a federal or provincial statute which furnishes services and facilities, available to or for the use of all the inhabitants of the municipality, including but not limited to:
- (a) communication by way of telephone, telegraph or television;
 - (b) public transportation by bus;
 - (c) production, transmission, delivery or furnishing of water, gas or electricity to the public at large;
 - (d) collection and disposal of sewage, garbage and other wastes.
- (43) **Public Utility Building** means the building in which the proprietor of a public utility:
- (a) maintains its office or offices, or
 - (b) maintains or houses equipment used in connection with the public utility.
- (44) **Rear Yard** means a yard extending across the full width of a lot from the rear wall of the main building situated on the lot to the rear property boundary of the lot.
- (45) **Registered Owner** means:
- (a) in the case of land owned by the Crown in right of Alberta or the Crown in right of Canada, the Minister of the Crown having the administration of the land, or
 - (b) in the case of any other land,
 - (i) the purchaser of the fee simple estate in the land under an agreement for sale that is the subject of a caveat registered against the certificate of title in the land and any assignee of the purchaser's interest that is the subject of a caveat registered against the certificate of title,
 - (ii) in the absence of a person described in paragraph (i), the person registered under The Land Titles Act as the owner of the fee simple estate in the land.
- (46) **Schools** means development providing academic and technical instruction. This use may also include supplementary programs such as before and after school care, or community programs. This term refers to uses such as public and private schools for grades K to 12 and colleges as defined by Provincial legislation.
- (47) **Screen** means a fence, berm, hedge, wall or building used to separate areas or functions which detract from the appearance of the street scene and the view from the surrounding areas.
- (48) **Side Yard** means a yard extending from the front wall of the main building situated on a lot to the rear wall of the main building and lying between the side line of the lot and the side wall of the main building.
- (49) **Sign** means any word, letter, model, placard, board, notice, device or representation, whether illuminated or not, in the nature of and employed wholly or in part for the purposes of advertisement, announcement or direction.
- (50) **Street** means any category of public roadway except a lane.
- (51) **Yard** means an open space on the same site as a building and which is unoccupied and unobstructed from the ground upward except as otherwise provided herein.

PART II - ADMINISTRATIVE DUTIES AND RESPONSIBILITIES

7. DEVELOPMENT OFFICER

- (1) The office of the Development Officer is hereby established and Council shall by resolution appoint a Development Officer.
- (2) The Development Officer shall receive all applications for development and shall review each development application to ascertain whether it is complete in accordance with the information requirements of this Bylaw.
- (3) The Development Officer shall not accept the application until it is in its complete and final form and the Development Officer is satisfied that all details required by the Bylaw have been submitted to him.
- (4) The Development Officer shall consider and decide upon applications for development permits in accordance with the provisions of this Bylaw.
- (5) The Development Officer shall upon receipt of a completed application for a development permit for a permitted use, if the application otherwise conforms with this Bylaw, issue a development permit with or without conditions.
- (6) The Development Officer shall refer, with his recommendation, to the Municipal Planning Commission all applications for development permits involving:
 - (a) discretionary uses;
 - (b) those matters requiring the specific approval of the Municipal Planning Commission pursuant to this Bylaw;
 - (c) any other matter which in the opinion of the Development Officer does not comply with the intent of the provisions of this Bylaw.
- (7) The Development Officer shall keep and maintain for the inspection of the general public during office hours a copy of this Bylaw and any adopted area structure plan and area redevelopment plan and all amendments thereto and ensure that copies of the same are available to the general public at a charge established by resolution of Council.
- (8) The Development Officer shall keep on file and make available for inspection by the general public during office hours a register of all applications for development, including the decisions thereon.
- (9) The Development Officer shall collect the fees payable for each development permit application made according to a scale of fees established by resolution of Council.

8. MUNICIPAL PLANNING COMMISSION

- (1) The Municipal Planning Commission, with the assistance of the Development Officer, shall administer this Bylaw.
- (2) The Municipal Planning Commission is hereby delegated the power to make decisions with respect to applications for a development permit in addition to the Development Officer.
- (3) The Municipal Planning Commission shall consider all development applications referred to it by the Development Officer.
- (4) The Municipal Planning Commission is authorized to decide upon an application for a development permit notwithstanding that the proposed development does not comply with this Bylaw if in the opinion of the Municipal Planning Commission:
 - (a) the proposed development would not
 - (i) unduly interfere with the amenities of the neighbourhood, or
 - (ii) materially interfere with or affect the use, enjoyment or value of neighbouring properties,
 - (b) the proposed development conforms with the use prescribed for that land or building in the Land Use Bylaw.

- (5) In exercising its authority under Section 8(4), the Municipal Planning Commission shall exercise its discretion if there is unnecessary hardship or particular difficulty peculiar to the land or building the subject of the development permit application and which is not generally common to other land or buildings in the same district but not if an application is made on the basis of self-inflicted hardship or on the individual personally.

9. PLANNING ADVISOR

- (1) The office of Planning Advisor is hereby established and shall be filled by a person or persons to be appointed by resolution of Council.
- (2) Pursuant to the Act, the Planning Advisor is hereby declared to be a subdivision authority.
- (3) The Planning Advisor shall:
 - (a) assist and advise the Council and the public with respect to the requirements of the Land Use Bylaw and other pertinent legislation to the best of his ability;
 - (b) keep and maintain for the inspection of the public during office hours a copy of this Bylaw and any adopted statutory plans and all amendments thereto and ensure that copies of the same are available to the public at a reasonable charge set by Council from time to time;
 - (c) provide a list of all complete subdivision applications to the Municipal Administrator for consideration by Council, including those which have been approved under subsection (4)(c);
 - (d) keep on file in his office and make available for inspection by the general public during office hours a register of all subdivision applications including the decisions therein, for a minimum period of ten years.
- (4) The Planning Advisor shall receive all completed applications for subdivision and shall:
 - (a) refer for comments any application which meet the requirements of the Land Use Bylaw to any agency or person when deemed appropriate or as required under the Subdivision and Development Regulation;
 - (b) consider and decide upon all applications considered pursuant to section 652(4) of the Act. The Planning Advisor may approve such applications with or without conditions;
 - (c) refer, with a recommendation, to the Council all other completed applications for subdivision which meet the requirements of the Land Use Bylaw.

10. MUNICIPAL PLANNING COMMISSION

- (1) The Municipal Planning Commission, with the assistance of the Development Officer, shall administer this Bylaw.
- (2) The Municipal Planning Commission is hereby delegated the power to make decisions with respect to applications for a development permit in addition to the Development Officer.
- (3) The Municipal Planning Commission shall consider all development applications referred to it by the Development Officer.
- (4) The Municipal Planning Commission is authorized to decide upon an application for a development permit notwithstanding that the proposed development does not comply with this Bylaw if in the opinion of the Municipal Planning Commission:
 - (a) the proposed development would not
 - (i) unduly interfere with the amenities of the neighbourhood, or
 - (ii) materially interfere with or affect the use, enjoyment or value of neighbouring properties,
 - (b) the proposed development conforms with the use prescribed for that land or building in the Land Use Bylaw.

- (5) In exercising its authority under subsection (4), the Municipal Planning Commission shall exercise its discretion if there is unnecessary hardship or particular difficulty peculiar to the land or building the subject of the development permit application and which is not generally common to other land or buildings in the same district but not if an application is made on the basis of self-inflicted hardship or on the individual personally.

11. SUBDIVISION AND DEVELOPMENT APPEAL BOARD

- (1) The powers, duties and responsibilities of the Subdivision and Development Appeal Board with respect to this Bylaw are those established in the Forty Mile Inter-Municipal Subdivision and Development Appeal Board Agreement.
- (2) If the decision of the Development Officer, the Municipal Planning Commission to approve a development permit is reversed by the Development Appeal Board, the development permit so approved shall be null and void.

12. CONTRAVENTION, ENFORCEMENT AND PENALTIES

- (1) If a development authority finds that a development, land use or use of a building is not in accordance with a development permit or subdivision approval, the development authority may, by written notice, order the owner, the person in possession of the land or building, or the person responsible for the contravention, or any or all of them to
 - (a) stop the development or use of the land or building in whole or part as directed by the notice;
 - (b) demolish, remove or replace the development; or
 - (c) carry out any other actions required by the notice so that the development or use of the land or building complies with the Land Use Bylaw or development permit or a subdivision approval;within the time set out in the notice.
- (2) A person who receives a notice referred to in subsection (1) may appeal to the appeal board.
- (3) If a person fails or refuses to comply with an order directed to him under sub-section (1), or an order of the appeal board, the Village may, in accordance with the Act, enter on the land or building and take any action necessary to carry out the order.
- (4) The Village may register a caveat under the Land Titles Act in respect of an order referred to in subsection (1) against the certificate of title for the land that is the subject of the order.
- (5) If a person refuses to allow the entry, inspection, or enforcement referred to in sub-section (3), the Village may apply to the Court of Queen's Bench by way of originating notice, for an injunction or other order restraining a person from interfering with the entry, inspection, or any action necessary to carry out the order. A copy of the originating notice and a copy of each affidavit in support must be served at least 3 days before the day named in the notice for hearing the application.
- (6) Prosecution for non-compliance with this Bylaw may be commenced within two years of the occurrence of the offence. A person who is found guilty of an offence under the Act or this Bylaw is liable to a fine of not more than \$10,000 or imprisonment for not more than a year, or both fine and imprisonment.

13. ESTABLISHMENT OF FEES

- (1) Council may from time to time establish by resolution such fees as are required for the purpose of this Bylaw.

14. APPLICATION TO AMEND THE BYLAW

- (1) A person may request an amendment to this Bylaw, by applying in writing, giving reasons in support of the application and paying the application fee, the amount of which shall be determined from time to time by resolution of Council.
- (2) Council may at any time amend this Bylaw in accordance with the Planning Act by directing the Development Officer to initiate the procedure therefore.
- (3) All amendments to this Bylaw shall be made by Council by Bylaw and in conformity with the Planning Act.

PART III – PROCEDURE FOR DEVELOPMENT PERMITS

15. PERMISSION FOR DEVELOPMENT

- (1) Subject to Section 16, a person shall not commence a development unless that person has obtained a development permit for the development from the Development Officer or the Municipal Planning Commission, as the case may be.

16. DEVELOPMENT DEEMED APPROVED

- (1) It shall not be necessary to obtain a development permit prior to commencement of any of the following types of development provided that such development complies with all applicable provisions of this Bylaw:
 - (a) the use of a building or part thereof as a temporary polling station, returning officers' headquarters, revising officers' headquarters, candidates campaign offices and any other official temporary use in connection with a federal, provincial, municipal or school election, referendum or census;
 - (b) municipal projects such as public roadways, traffic management installations, interchanges, vehicular and pedestrian bridges, water, sewer, gas, telephone, electric utility installations, substations and pumping stations, street furniture and major parks and landscaping projects;
 - (c) the Village's use of land which it either owns or has an equitable interest in for a purpose approved by Council in connection with any public utility;
 - (d) a temporary building, the sole purpose of which is incidental to the erection or alteration of a permit has been granted under the Building Bylaw, provided the building shall not be used for living purposes;
 - (e) the erection, construction or maintenance of fences or of other means of enclosure less than 1.8 metres in height, provided that the construction of the same does not contravene any other portions of the Bylaw;
 - (f) any non-structural alterations, renovations or maintenance to any building;
 - (g) official notices, signs, placards or bulletins required to be displayed pursuant to the provisions of federal, provincial or municipal legislation or displayed by or on behalf of the Village or on behalf of a department, a commission, board, committee or official of the Village authorized for such purposes;
 - (h) notices or signs for the guidance, warning or restraint of persons in respect of the premises on which they are displayed.

17. DEVELOPMENT APPLICATION

- (1) An application for a development permit required under this Bylaw shall be made to the Development Officer in writing in the prescribed form and shall be accompanied by a site plan and such other plans and specifications as may reasonably be necessary to consider the development proposal.

18. PLANS AND INFORMATION REQUIRED

- (1) Every application for a development permit shall be accompanied by the following:
 - (a) site plans, in triplicate, or as may be required by the Development Officer, showing the following information:
 - (i) north arrow;
 - (ii) scale of plan;
 - (iii) legal description of property,
 - (iv) municipal address;
 - (v) property lines shown and labelled;

- (vi) setbacks, shown and labelled;
 - (vii) side setback requirements, shown and labelled;
 - (viii) location of sidewalks and curbs;
 - (ix) location and dimensions to property lines of any building or structure. utility poles, retaining walls, trees, landscaping, physical features, etc.;
 - (x) dimensioned layout of parking areas, entrances and exits;
 - (xi) abutting streets, avenues and lanes shown and labelled;
 - (xii) existing and any proposed utilities shown in streets, avenues and lanes;
 - (xiii) all easements shown and labelled;
 - (xiv) such other plans, photographs or other materials as the Development Officer or the Municipal Planning Commission may consider necessary to properly evaluate the proposed development.
- (b) a set of plans, in triplicate, showing floor plans, elevations and perspectives of the proposed development, including a description of exterior finishing materials.
 - (c) proof of ownership or authority to apply for a development permit.
- (2) An applicant for a development permit for the excavation, stripping or grading of land, which is proposed without any other development on the same land, shall send with his application the following information:
- (a) location of the lot, including the municipal address, if any, and legal description;
 - (b) the area of the lot on which the development is proposed;
 - (c) the type of excavation, stripping or grading proposed, showing the dimensions of the operation or the area of the land and the depth to which the topsoil is to be removed;
 - (d) existing height of the land relative to any abutting public roadway, adjoining lot, ravines and escarpments expressed as an elevation above geodetic mean sea level;
 - (e) location of the lot where the excavation, stripping or grading is to be made or the topsoil removed in relation to the boundaries of the lot;
 - (f) the condition in which the excavation, stripping or grading is to be left when the operation is complete or the use of the area from which the topsoil is removed.
- (3) The Development Officer may require that an application for a development permit shall be accompanied by a plan of survey, in triplicate, of the site subject to the proposed development prepared by an Alberta Land Surveyor.
- (4) All drawings required to be submitted shall be drawn on standard drafting material to a scale of not less than 1:100 (1/8 inch=1 foot), or such lesser scale as the Development Officer may approve and shall be fully dimensioned, accurately figured, explicit and complete.
- (5) Landscaping plans shall show all existing and proposed physical features, including berms, slopes, walls, shrubs and trees. The plans shall clearly distinguish between existing vegetation which is to be retained and that which is to be removed or added.
- (6) The Development Officer or the Municipal Planning Commission may deal with an application and decide thereon without all of the information required by Section 14 if in his opinion, the nature of the development is such that a decision on the application can be properly made without such Information.

19. APPLICATIONS DEEMED REFUSED

- (1) An application for a development permit shall, at the option of the applicant, be deemed to be refused when a decision on the application is not made by the Development Officer or the Municipal Planning Commission, as the case may be, within 40 days of the receipt of the completed application.

20. RIGHT OF APPEAL

- (1) A person may appeal to the Appeal Board where:
 - (a) the Development Officer or Municipal Planning Commission
 - (i) refuses or fails to issue a Development Permit to a person, or
 - (ii) issues a Development Permit subject to conditions, or
 - (iii) issues an order of compliance under the Act.
 - (b) no decision on a Development Application is made within 40 days of receipt of the completed application.
- (2) A person affected by an order, decision or development permit made or issued by the Development Officer or Municipal Planning Commission, as the case may be, other than a person having a right of appeal under Section 20(1) of this Bylaw may appeal to the Appeal Board in accordance with the Act and this Bylaw.
- (3) An appeal to the Appeal Board shall be commenced by serving a written notice of the appeal on the Development Appeal Board within 14 days after:
 - (a) in the case of an appeal made by a person referred to in Section 20(1)(a) of this Bylaw, the date on which:
 - (i) the person is notified of the order or decision or the issuance of the development permit, or
 - (ii) if no decision is made with respect to the application for a development permit, the 40-day period referred to in Section 20(1)(b) of this Bylaw.
 - (b) in the case of an appeal made by a person referred to in Section 20(2) of this Bylaw, the date on which the notice of the approval of the development permit is published in a newspaper circulating in the Village.

21. CERTAINTY OF USE

- (1) Where an application is for a use listed in the permitted use tables of the land use districts for which the lot is designated, the application shall not be refused by the Development Officer or Municipal Planning Commission on the grounds of use only.
- (2) Where an application is for a use listed in the discretionary use tables of the land use district for which the lot is designated, the application shall not be refused by the Municipal Planning Commission on the grounds of the use If the proposed use conforms to an adopted area structure plan or area redevelopment plan in accordance with the provisions of the Act.

22. DEVELOPMENT AGREEMENT

- (1) If as a result of an application for a development permit:
 - (a) construction of a public roadway will be required to give access to the development the subject of the development application,
 - (b) the installation of utilities to serve the development will be necessary,
 - (c) the construction of off-street or other parking facilities and loading and unloading facilities will be required,
 - (d) an off-site levy or redevelopment levy under the Act is required to be paid, or
 - (e) the construction of
 - (i) pedestrian walkway system to serve the development, or

- (ii) a pedestrian walkway to connect the pedestrian walkway system serving a development with a system serving or proposing to serve an adjacent development.

is required, the applicant for the development permit shall enter into a development agreement with the Village.

- (2) The development agreement pursuant to Section 22(1) shall be registered in the Land Titles Office in the form of a caveat against the certificate of title for the land that is the subject of the development agreement.
- (3) A caveat registered pursuant to Section 22(2) of this Bylaw shall be discharged by the Village when the requirements and conditions of the agreement have been met.

23. VALIDITY OF DEVELOPMENT PERMIT

- (1) When an application for a development permit has been approved by the Development Officer or the Municipal Planning Commission, as the case may be, the development permit shall not be valid unless and until:
 - (a) any conditions of approval, save those of a continuing nature, have been fulfilled; and
 - (b) no notice of appeal from such approval has been served on the Appeal Board within the time period specified in Section 20 of this Bylaw.
- (2) Unless a development permit is:
 - (a) specified by the Development Officer or the Municipal Planning Commission to remain in effect for less than 12 months, or
 - (b) suspended or cancelled,a development permit remains in effect for 12 months from the date of its issue.

24. DEVELOPMENT PERMIT TRANSFERS

- (1) A development permit is not transferrable without the prior consent of:
 - (a) if the permit was issued by the Development Officer in the first instance, the Development Officer or the Municipal Planning Commission, or
 - (b) if the permit was issued by the Municipal Planning Commission in the first instance, the Municipal Planning Commission.

25. RIGHT TO REVOKE DEVELOPMENT PERMIT

- (1) The Development Officer or the Municipal Planning Commission may revoke a development permit if:
 - (a) there is a contravention of any condition under which such permit was issued,
 - (b) the said permit was issued in error,
 - (c) the said permit was issued on the basis of incorrect information.
- (2) A person whose development permit is suspended or cancelled under this Section may appeal to the Appeal Board in accordance with the provisions of this Bylaw and the Forty Mile Subdivision and Development Appeal Board Agreement.

26. PUBLIC NOTIFICATION-DEVELOPMENT PERMITS

- (1) Immediately after approving or refusing a development permit for a permitted use or for a discretionary use by the Development Officer or Municipal Planning Commission, the Development Officer shall publish in a local newspaper, on any day other than a Saturday,

- Sunday or statutory holiday, a notice stating the location of the property for which the application has been approved and the use to be made on the land.
- (2) The applicant shall immediately be notified of the decision in writing.
 - (3) Prior to an application being considered for a development permit involving a discretionary use by the Municipal Planning Commission, the Development Officer may notify the adjacent land owners with respect to the proposed development in the following manner:
 - (a) by ordinary letter post to each adjacent owner of land as defined in the Act, or
 - (b) by publication once in a newspaper circulating in the Village, or
 - (c) by posting in a conspicuous place on the site of the proposed development not less than 7 days prior to the date of consideration of the application, or any combination of the above.

27. SUBSEQUENT APPLICATIONS

- (1) Subject to Section 27(2), if an application for a development permit is refused, another application for a permit on the same lot of land and for the same or similar use of land by the same or any other applicant shall not be accepted for at least six months after the date of refusal, or if an appeal is made, six months from the date of the final determination of the appeal.
- (2) An application referred to in Section 27(1) may be accepted by the Development Officer if it is for a permitted use and complies in all respects with the Bylaw.

PART IV – SUBDIVISION PROCEDURES

28. REQUIREMENT FOR A SUBDIVISION

- (1) Land Titles Office will not accept for registration an instrument that has the effect or may have the effect of subdividing a parcel of land unless the subdivision has been approved by a subdivision authority.
- (2) Notwithstanding subsection (1) but subject to subsection (4), a subdivision is not required if registration of the instrument results in the issuing of one or more certificates of title and the parcel of land described in each certificate of title so issued would consist only of any or all of the following:
 - (a) a quarter section;
 - (b) a river lot shown on an official plan, as defined in the Surveys Act, that is filed or lodged in a land titles office;
 - (c) a lake lot shown on an official plan, as defined in the Surveys Act, that is filed or lodged in a land titles office;
 - (d) a settlement lot shown on an official plan, as defined in the Surveys Act, that is filed or lodged in a land titles office;
 - (e) a part of the parcel of land described in the existing title if the boundaries of the part are shown and delineated on a plan of subdivision;
 - (f) a parcel of land created pursuant to a Bylaw passed by a municipality under section 665 of the Act.
- (3) For the purpose of subsection (2), a parcel of land is deemed to be a quarter section, river lot, lake lot, or settlement lot if the parcel of land would consist of a quarter section, river lot, lake lot or settlement lot except that land has been removed from the parcel of land by a subdivision effected only for a purpose referred to in the Act or by a plan of subdivision or any other instrument that effected a subdivision.
- (4) A subdivision is required for registration of a separation instrument or caveat that has the effect or may have the effect of subdividing a parcel of land
 - (a) if the parcel of land is described in a plan of subdivision that was registered in a land titles office before July 1, 1950; and
 - (b) if the parcel of land contains 2 or more lots one or more of which is less than 8.0 hectares in area.

29. SUBDIVISION APPLICATION

- (1) A person may apply to the Planning Advisor for subdivision approval in accordance with the subdivision and development regulations by submitting a proposed plan of subdivision or other instrument that describes the subdivision.

30. PLANS AND INFORMATION REQUIRED

- (1) One (1) copy of the completed and signed application form which includes a section in which the applicant for subdivision approval may or may not consent to the municipality or its delegate carrying out an inspection at a reasonable time of the land that is the subject of the application.
- (2) An application fee to be determined from time to time by resolution of Council.
- (3) One (1) copy of the current Duplicate Certificate of Title for the land proposed for subdivision.

- (4) In the case of a subdivision proposal with not more than one new lot, and no public roadways or reserve lots, a sketch plan consisting of the following is required:
 - (a) the location, dimensions and boundaries of the land to be subdivided;
 - (b) the location, dimensions and boundaries of each new lot to be created;
 - (c) the location and dimensions of buildings, utilities, underground storage tanks and other improvements on the land that is the subject of the application and specifying those buildings and improvements that are proposed to be demolished or moved;
 - (d) the use proposed for the land that is the subject of the application;
 - (e) the method for provision of sewer and water to the proposed parcel.
- (5) In the case of a subdivision application involving more than two lots, a proposed plan of subdivision drawn by a Land Surveyor to a scale of not less than 1:2000, consisting of the following is required:
 - (a) the location, dimensions and boundaries of the land to be subdivide;
 - (b) the land which the applicant wishes to register in the Land Titles Office;
 - (c) the location, dimensions and boundaries of
 - i. each new lot to be created,
 - ii. the reserve land, if any,
 - iii. all rights-of-way and easements;
 - (d) the location and dimensions of buildings and improvements on the land that is the subject of the application and specifying those buildings or improvements that are proposed to be demolished or moved;
 - (e) the location of any existing or proposed railway lines or spur tracks;
 - (f) the use or uses proposed for the land that is the subject of the application;
 - (g) the method for provision of sewer and water to the proposed parcel.

31. TIME PERIOD FOR MAKING DECISIONS

- (1) A decision on an application for subdivision must be made within
 - (a) 21 days from the date of receipt of a completed application under section 28(4) of the Bylaw or;
 - (b) 60 days from the date of receipt of all other applications;
 unless an agreement to extend the time has been entered into with the subdivision authority within 14 days of the time prescribed.
- (2) When an applicant refuses to enter into a time extension agreement, the application is deemed refused and the applicant may appeal to the Appeal Board.

32. PUBLIC NOTIFICATION – SUBDIVISION APPLICATIONS

- (1) On receipt of an application for subdivision approval, the planning advisor must give a copy of the application to the Government departments, persons and local authorities required by the subdivision and development regulations.
- (2) On receipt of an application for subdivision approval, the planning advisor must give notice of the application to owners of land located adjacent to the land that is the subject of the application.
- (3) The notice under subsection (2) must describe the nature of the application, the method of obtaining further information about the application and the manner in which and time within which written submissions may be made to the subdivision authority.
- (4) A subdivision authority, when considering an application under this section,

- (a) must consider the written submissions of those persons and local authorities to whom an application for subdivision approval or notice of application was given in accordance with this section but is not bound by the submissions unless required by the subdivision and development regulations; and
- (b) is not required to hold a hearing.

33. CONDITIONS OF SUBDIVISION APPROVAL

- (1) A subdivision authority may impose conditions to ensure that the requirements of the Act, the regulations, the statutory plans and the Bylaw are complied with.
- (2) A subdivision authority may impose a condition requiring the applicant to enter into a Development Agreement with the Village for:
 - (a) construction of a public roadway required to give access to the development; or
 - (b) the installation of utilities necessary to serve the development; or
 - (c) an off-site levy or redevelopment levy under the Act.
- (3) The Development Agreement pursuant to subsection (2) may, at the option of the Village, be registered in the Land Titles Office in the form of a caveat against the certificate of title for the land that is the subject of the development agreement.
- (4) A caveat registered pursuant to subsection (2) shall be discharged by the Village when the requirements and conditions of the agreement have been met.

34. RIGHT OF APPEAL

- (1) A decision of a subdivision authority must state
 - (a) whether an appeal lies to the Appeal Board or to the Municipal Government Board; and
 - (b) if an application for subdivision approval is refused, the reasons for the refusal.
- (2) The decision of a subdivision authority may be appealed by:
 - (a) the applicant for the approval;
 - (b) a government department which is entitled to a referral under section 32(1) of the Bylaw;
 - (c) a school authority with respect to the allocation, location, or amount of school reserve.
- (3) An appeal may be commenced by filing a notice of appeal with the appropriate appeal body within 1-4 days of receipt of the written decision of the subdivision authority (deemed to be 5 days from the date the decision is mailed), or the date that the application is deemed refused.

35. SUBSEQUENT APPLICATIONS

- (1) If an application for subdivision approval is refused, the subdivision authority may refuse to accept for consideration with respect to the same land or part of the same land, a further application for subdivision approval submitted to it within the 6-month period after the date of the subdivision authority's decision to refuse the application.

36. ENDORSEMENT OF FINAL PLANS AND SEPARATION DOCUMENTS

- (1) An applicant for subdivision approval must submit to the planning advisor the plan of subdivision or other instrument that effects the subdivision within one year of the latest of the following dates:
 - (a) the date on which the subdivision approval is given to the application;

- (b) if there is an appeal to the Appeal Board or the Municipal Government Board, the date of that board's decision or the date on which the appeal is discontinued;
 - (c) if there is an appeal to the Court of Appeal under the Act, the date on which the judgment of the Court is entered or the date on which the appeal is discontinued;
- (2) On being satisfied that a plan of subdivision or other instrument complies with a subdivision approval and that any conditions imposed have been met or will be met, the planning advisor must endorse the plan or other instrument in accordance with the subdivision and development regulations.

37. VALIDITY OF SUBDIVISION APPROVALS

- (1) If the plan of subdivision or other instrument is not submitted to the subdivision authority within the time prescribed by section (36) or any longer period authorized by the subdivision authority, the subdivision approval is void.
- (2) If the plan of subdivision or other instrument is not registered in land titles office within one year after the date on which it is endorsed pursuant to this section or within the extended period prescribed under subsection (3), the subdivision approval of the plan or instrument and the endorsement are void and the plan or instrument may not be accepted by a Registrar for registration.
- (3) The Subdivision Authority which made the original decision may extend the periods referred to in subsection (1) and (2).

PART V – GENERAL LAND USE REGULATIONS

38. USE OF LAND

- (1) On receipt of a development permit a person may develop land for the purposes approved subject to meeting the regulations and any conditions imposed and shall not develop land otherwise.

39. COMPLIANCE WITH OTHER LEGISLATION

- (1) Nothing in this Bylaw effects the duty or obligation of a person
 - (a) to obtain any other permit, license or other authorization required by any Act or regulation, or under any other Bylaw;
 - (b) to comply with the conditions of any easement, covenant, or agreement affecting the building or land.

40. BUILDING DESIGN, CHARACTER AND APPEARANCE

- (1) The Development Officer or Municipal Planning Commission may impose any one or more of the following conditions:
 - (a) to ensure that the design, character and appearance of a building is compatible with other buildings in the vicinity unless it is setting a new standard of design, character and appearance for the land use district or a particular locality of it;
 - (b) to ensure that the design, character and appearance of a building is consistent with the purpose of the land use district in which the building is located;
 - (c) to ensure that a development complies with any provision of a statutory plan applicable to the design, character and appearance of the building in the district.

41. SITE DIMENSIONS

- (1) No permit shall be issued for any development on a site, the area or width of which is less than the minimum prescribed for the district in which the site is located, except that a lot of separate record in the Land Titles Office containing less than the required minimum area or width may be used subject to the discretion of the Development Officer if all other requirements of this Bylaw and amendments thereto are observed.

42. DWELLING UNITS ON A PARCEL

- (1) No person shall construct, locate or cause to be constructed or located more than one dwelling unit on a parcel, unless:
 - (a) the second dwelling unit is located on parcel located within the Urban Reserve District and is to be occupied by a person who is engaged on a full-time basis for at least 6 months each year in an agricultural pursuit, or
 - (b) the dwelling is a semi-detached, multiple unit, or apartment dwelling, or forms part of a comprehensively-planned condominium development, or
 - (c) the second or additional dwelling unit is a mobile home forming part of a park for mobile homes,
or
 - (d) as otherwise provided for in this Bylaw.

43. COVERAGE OF SITE

- (1) The maximum area of a site that may be covered with either principal buildings or accessory buildings, or both, shall not be greater than the maximum limits prescribed for the district in which the site is located.

44. FRONT, SIDE AND REAR YARD SETBACKS

- (1) On each site there shall be established and maintained front, side and rear yards of such dimensions as will meet the minimum requirements of this Bylaw. Corner sites which have frontages on two streets are recognized as having two front yards and the development shall comply with the setbacks for the respective district.
- (2) Notwithstanding any other specific provisions contained in this Bylaw, yards in excess of the minimum requirements may be required when deemed necessary by the Development Officer.
- (3) The minimum distances required for yards do not apply to construction wholly beneath the surface of the ground.

45. HEIGHT OF BUILDINGS

- (1) No building shall be erected to a greater height than the maximum height prescribed for buildings in the district in which the building is proposed to be located.
- (2) The base from which to measure the height of a building is the mean grade of all streets and lanes abutting the sites where the building is located or the mean elevation of the ground adjoining the front wall of the building whichever is higher.

46. UTILITIES

- (1) When any services or facilities are required, a person shall not begin the excavation for the foundation nor commence the development until he has made provisions for such services or facilities to the satisfaction of the Development Officer.
- (2) No development permit shall be issued for a development to be served by private sewer and water systems until the systems have been approved by the appropriate Municipal and Provincial Departments.

47. PARKING AND LOADING FACILITIES

- (1) Off-street parking and loading spaces shall be provided as required by this Bylaw and as shown in the following table:

Use of Buildings	Minimum Number of Spaces	
	Parking	Loading
Dwellings	1 space/dwelling unit	
Community Buildings	1 space/28 sq. metres	
Manufacturing Plants, Mills, Shops	1 space/56 sq. metres	1/1,858 sq. metres
Motels, Hotels	1 space/guest unit	
Office: Administrative, Business & Professional	1 space/37 sq. metres	
Restaurants	1 space/6 seats for patrons	
Retail Stores & Service Repair Shops	1 space/37 sq. metres	
Schools	1 space/classroom	
Warehouses	1 space/93 sq. metres	1/1,858 sq. metres
Theatres	1 space/15 seats	
Churches	1 space/15 seats	
Assembly Halls	1 space/9.3 sq. metres	

- (2) A parking space shall be located on the same site as the building or the use for which it is intended to serve and shall be located and constructed so that:
 - (i) reasonable access is provided to each parking space;
 - (ii) it can be properly maintained; and
 - (iii) it is satisfactory to the Development Officer in size and shape.
- (3) A parking space shall not be less than 14.8 square metres in area nor less than 2.4 metres wide.
- (4) Any loading space shall have at least 27.8 square metres in area nor less than 2.4 metres wide.
- (5) Any parking space or any loading space that is provided shall be developed and surfaced to the satisfaction of the Development Officer.
- (6) When a building is enlarged or the use of the building is altered in such a manner that additional parking spaces are required, provision shall be made for the total number of parking spaces required by this Bylaw.
- (7) Adequate curbs or fences shall be provided to the satisfaction of the Development Officer if, in his opinion, it becomes necessary to protect adjacent fences, walls, boulevards, landscaped areas or buildings on the site or an abutting site from contact with vehicles using such parking space or area.
- (8) The off-street parking shall be provided in the manner shown on the approved site plan with the entire area to be graded and surfaced so as to ensure that drainage will be confined to the site and disposed of in a manner satisfactory to the Development Officer.

48. ACCESSORY BUILDINGS

- (1) Any accessory building shall be located at least 1.5 metres from any principal building.
- (2) For the purpose of calculating yard setbacks and site coverage requirements as provided in this Bylaw, when an accessory building is to be attached to the principal building it shall be deemed to be part of the principal building.
- (3) An accessory building erected on a site in a residential zone shall not be used for dwelling accommodation.

49. LANDSCAPING AND FENCING

- (1) Any area required to be landscaped shall be loamed and planted with grass, trees, shrubs, and/or flowers which enhance the appearance of the site and which complement the building thereon.
- (2) Any area required to be landscaped shall be landscaped so that the finished surface contours do not direct surface drainage onto an adjoining lot.
- (3) Notwithstanding anything elsewhere contained in this Bylaw, no person using a corner site in a Residential or Industrial District shall place or maintain in or upon that portion of the site within a triangle formed by the common boundaries of the site and the streets abutting it and a straight line connecting the two points on the said boundaries distant 7.6 metres from the point where they intersect, a wall, fence, shrub, hedge, tree or other natural or artificial object or structure, if such object or structure interferes with or obstructs the view of the driver of any vehicle using the streets.

50. HOME OCCUPATIONS

- (1) Home occupations shall be limited to those uses which do not interfere with the rights of other residents to quiet enjoyment of a residential neighbourhood. Home occupations shall be no more than supplementary uses to the principal residential building and shall not:
 - (a) have outside storage of material goods or equipment on or off the site;
 - (b) display any form of commercial advertising related to the home occupation and discernible from the outside of the building;
 - (c) require alterations to any building unless the alterations are approved by the Development Officer;
 - (d) create a nuisance by way of dust, noise, smell or smoke, or traffic generation;
 - (e) employ no other persons than the occupants of the principal residential building in which they take place.
- (2) An unlighted sign to identify the use conducted on the site may be placed in a window or attached to the exterior of the residence on the street side of the residence and the size of the sign shall be limited to 0.93 square metres.
- (3) Home occupations are limited to those which are approved by the Development Officer for the dwelling where they are carried on for a period not exceeding one year at which time application may be made for the continuance of the use.
- (4) The Development Officer may issue a temporary permit for a home occupation.

51. CANNABIS USES

- (1) For the purposes of this section 'Cannabis Uses' shall include Cannabis Lounges, Cannabis Retail Sales, and Cannabis Production and Distribution.
- (2) Cannabis Uses shall be stand-alone uses and cannot be combined with another use. However, a Cannabis Retail Sales can occur in a multi-tenant building or as part of a mixed-use development assuming there is no common entry or way of passing from one unit to another.
- (3) Cannabis Uses shall be separated by 100m from Medical Clinics and Schools as defined in this Bylaw. For the purposes of this subsection:
 - (a) Separation distance shall be measured from the closest point of the subject site boundary to the closest point of another site boundary, and shall not be measured from edge of structures.
 - (b) The Development Authority shall not grant variances to the established separation distances.
- (4) Prior to issuance of a development permit the Development Authority may require specific design requirements that ensure that the development provides a safe environment, including but not limited to facade design, exterior illumination, landscaping, screening, building orientation and access, and/or measures that prevent nuisances such as odour.
- (5) Unless specifically addressed in this Bylaw, Cannabis Related Uses shall comply with all Federal and Provincial Legislation and Alberta Gaming and Liquor (AGLC) regulations.

52. DEVELOPMENT STANDARDS FOR MOVE-IN BUILDINGS

- (1) An application for a move-in building shall be considered as a Discretionary Use by the Municipal Planning Commission after the following information has been submitted:
 - (a) recent colour photographs of the structure

- (b) a report indicating the changes that are to be made to the building, both structurally and aesthetically, and the estimated cost.
 - (c) a site plan, application form, and non-refundable processing fee as established by Council.
- (2) Prior to deciding upon an application for a move-in building, the Municipal Planning Commission may request a report from a qualified building inspector on the structural condition of the building, and/or an inspection of the structure by the Development Officer and/or members of the Municipal Planning Commission. The applicant shall be responsible for the travel costs associated with any required inspections.
- (3) The standards to which the building shall comply shall be established by the Municipal Planning Commission at the time of the approval of the application and shall be such that the standard of construction of the building is at least equal to or better than the average condition of other buildings in the area prior to being moved.
- (4) The Municipal Planning Commission may request a performance bond or other acceptable surety which shall be equal to the value of the work required as determined by a qualified contractor.
- (5) All renovations to a "move-in" building shall be completed within one year of the issuance of the development permit.
- (6) For purposes of this Bylaw, mobile homes or modular homes shall be considered move-in buildings.

53. OBJECTS PROHIBITED OR RESTRICTED IN RESIDENTIAL DISTRICTS

- (1) No person shall allow:
 - (a) a commercial vehicle with a gross vehicle weight (GVW) rating in excess of 7,257 kg. to remain on a site or streets in a residential district for longer than is reasonably necessary to load or unload the vehicle and/or
 - (b) an unlicensed or derelict vehicle to remain on a site or street in a Residential District.

54. GENERAL MAINTENANCE

- (1) All sites at all times shall be maintained clean and free from waste and debris.
- (2) All doors and windows shall open within the bounds of the site.
- (3) All roof drainage shall be directed onto the lot or as required by the Approving Authority.

55. PROJECTION OVER SETBACKS

- (1) Except as provided in this part, no portion of the principal building shall project over on the minimum setbacks as required by the land use district regulations.
- (2) Those portions of and attachments to a principal building which may project over or on a minimum setback are:
 - (a) cornices, sills, canopies or eaves which project for a distance not exceeding one half of the minimum side yard required for the site;
 - (b) a chimney or fireplace which projects 0.6 metres or less provided that It is at least 1 metre from the property line;
 - (c) unenclosed steps which project not more than 2 metres over a minimum front or rear yard, and not more than .5 metres over a minimum side yard.

56. NON-CONFIRMING 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 buildings shall conform with the provision of this Bylaw.
- (2) A non-conforming use of part of a lot shall not be extended or transferred to other parts of the lot and no additional buildings shall be erected upon the lot while non-conforming use continues.
- (3) A non-conforming use of part of a building may be extended throughout the building, whether the building is non-conforming or not, however, the building shall not be enlarged or structurally altered except:
 - (a) as may be necessary to make it a conforming building; or
 - (b) as the Development Officer or the Municipal Planning Commission, as the case may be, considers necessary for the routine maintenance of the building; or
 - (c) as the Municipal Planning Commission approves for minor alterations up to a maximum of 10% of the value of the building.
- (4) 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 this Bylaw.
- (5) The use of land or the use of a building is not affected by a change of ownership, tenancy or occupancy of the land or building.

57. THE LAND USE DISTRICT MAP

- (1) The Village of Foremost is divided into land use districts shown on the Land Use District Map in Schedule A.

PART VI – LAND USE DISTRICTS AND REGULATIONS

58. RESIDENTIAL – “R-1”

58.1 Purpose

The purpose of this district is primarily to provide single unit residential development.

58.2 Permitted Uses

Single unit dwellings

Accessory buildings (private garages, greenhouses and/or tool sheds) and uses

Parks

58.3 Discretionary Uses

Community buildings and facilities

Home occupations

Public utility buildings and installation

Schools

Churches

Duplex buildings

Accessory buildings and uses

58.4 Site Regulations

In addition to the general land use regulations and provisions, the following regulations shall apply to every development in this district:

(1) Minimum Lot Size

<u>Use</u>	<u>Width (metres)</u>	<u>Length (metres)</u>	<u>Area (square metres)</u>
Single unit dwelling	15	30.5	457.5
Duplex buildings	18	30.5	564.5
All other uses	As required by the Development Officer		

(2) Minimum Yard Dimensions

<u>Use</u>	<u>Front (metres)</u>	<u>Side* (metres)</u>	<u>Rear (square metres)</u>
Single unit dwelling	7.5	1.5	7.5
Duplex buildings	7.5	1.5	7.5
Carports, garages, and accessory buildings	7.5	1.5	1.5
All other uses	As required by the Development Officer		

*When no lane is provided, a minimum side yard of 3 metres is required. On corner lots, the side yard adjoining the street shall be 4 metres.

(3) Maximum Percentage of Lot to be Occupied by all Uses

- A. Principal building and accessory building – 33%
- B. Accessory building – 10%

(4) **Minimum Floor Area**

Single unit dwellings – 74.5 square metres

Duplex buildings – 65 square metres

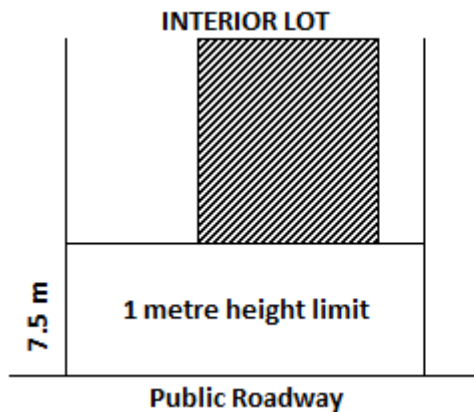
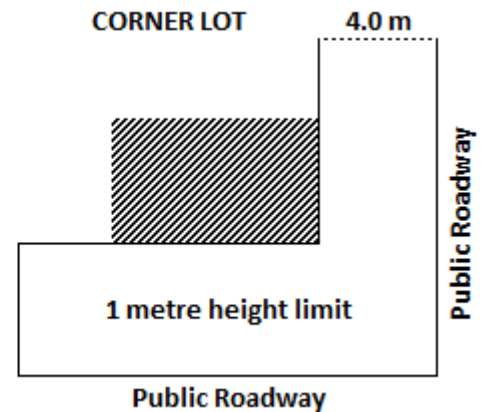
All other uses – As required by the Development Office

(5) **Maximum Height of Accessory Buildings**

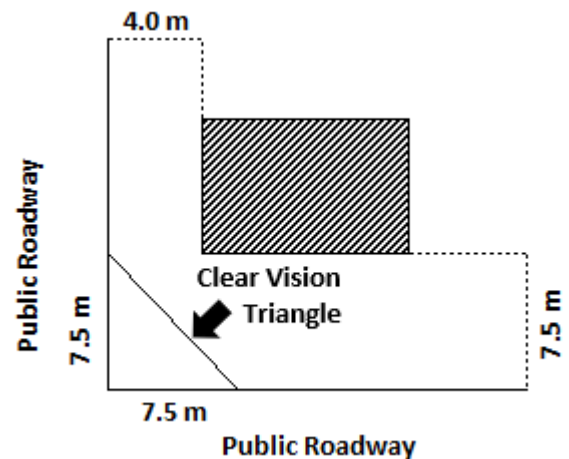
4.5 metres

(6) **Maximum Height of Fences**

- (a) No fence, wall, vegetation, or any combination thereof, lying within 7.5 metres of the right-of-way of a public roadway (excluding lanes), shall extend more than 1 metre above the ground (except in the case of corner lots where one yard is considered as the side yard, and in accordance with 6(b) below) without a special permit issued by the Development Officer. This applies to interior and corner lots.



- (b) On a corner lot nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of 1 metre and 3 metres above the centre line grades of the intersecting streets in the area bounded by the property lines of such corner lots and a line joining points along the said property lines 7.5 metres from the point of intersections.



59. RESIDENTIAL – “R-2”

59.1 Purpose

The purpose of this district is to provide low density residential development.

59.2 Permitted Uses

Single unit dwellings
Accessory buildings and uses
Parks
Duplex buildings

59.3 Discretionary Uses

Apartments and multiple unit dwellings
Churches
Community buildings and facilities
Home occupations
Public utilities and buildings
Row dwellings or townhouses
Schools
Accessory buildings and uses

59.4 Site Regulations

In addition to the general land use regulations and provisions, the following regulations shall apply to every development in this district:

(1) Minimum Lot Size

<u>Use</u>	<u>Width (metres)</u>	<u>Length (metres)</u>	<u>Area (square metres)</u>
Single unit dwelling	15	30.5	457.5
Duplex buildings	18	30.5	564.5
Apartments	24.5	30.5	747.5
All other uses	As required by the Development Officer		

(2) Minimum Yard Dimensions

<u>Use</u>	<u>Front (metres)</u>	<u>Side* (metres)</u>	<u>Rear (square metres)</u>
Single unit dwelling	7.5	1.5	7.5
Duplex buildings	7.5	1.5	7.5
Carports, garages, and accessory buildings	7.5	1.5	1.5
All other uses	As required by the Development Officer		

*When no back alley is provided, minimum side yard of 3 metres is required. On corner lots, the side yard adjoining the street shall be 4 metres.

(3) Maximum Percentage of Lot to be Occupied by all Uses

- A. Principal building and accessory building – 33%
- B. Accessory building – 10%

(4) **Minimum Floor Area**

Single unit dwellings – 74.5 square metres

Duplex buildings – 65 square metres

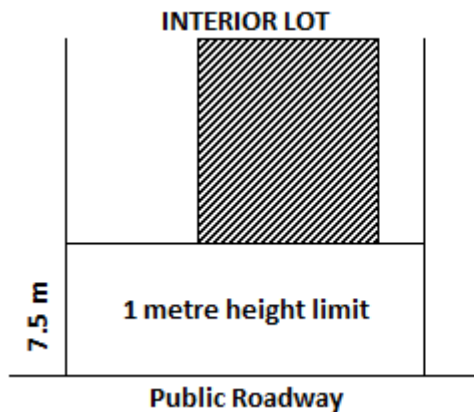
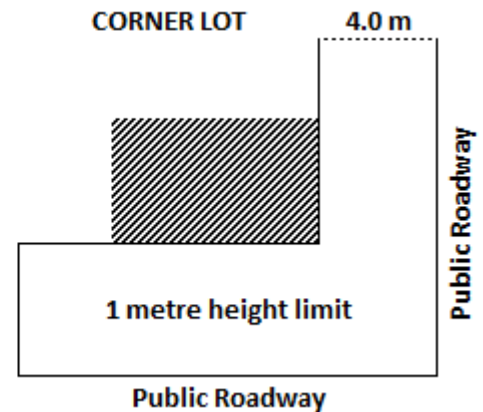
All other uses – As required by the Development Office

(5) **Maximum Height of Accessory Buildings**

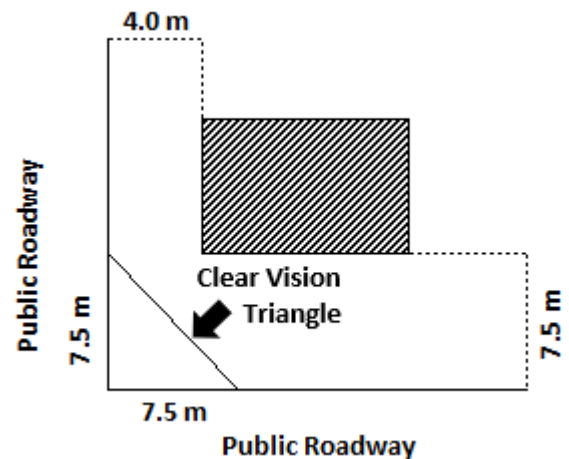
4.5 metres

(6) **Maximum Height of Fences**

- (a) No fence, wall, vegetation, or any combination thereof, lying within 7.5 metres of the right-of-way of a public roadway (excluding lanes), shall extend more than 1 metre above the ground (except in the case of corner lots where one yard is considered as the side yard, and in accordance with 6(b) below) without a special permit issued by the Development Officer. This applies to interior and corner lots.



- (b) On a corner lot nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of 1 metre and 3 metres above the centre line grades of the intersecting streets in the area bounded by the property lines of such corner lots and a line joining points along the said property lines 7.5 metres from the point of intersections.



60. RESIDENTIAL – MOBILE HOME – “RMH-1”

60.1 Purpose

The purpose of this district is to provide for residential development in the form of mobile homes.

60.2 Permitted Uses

Double wide mobile homes

60.3 Discretionary Uses

Accessory buildings and uses
Home occupations

60.4 Site Regulations

In addition to the general land use regulations and provisions, the following regulations shall apply to every development in this district:

(1) Minimum Lot Size

<u>Use</u>	<u>Width (metres)</u>	<u>Length (metres)</u>	<u>Area (square metres)</u>
Double wide mobile home	13.5	30.5	412

(2) Minimum Yard Dimensions

<u>Use</u>	<u>Front (metres)</u>	<u>Side* (metres)</u>	<u>Rear (square metres)</u>
Double wide mobile home	7.5	A** 4.5 B 1.5	3.0

*On corner lots the side yard adjoining the street shall be 4 metres.

**Side A is the entrance side.

(3) Maximum Percentage of Lot to be Occupied by all Uses

- A. Principal building and accessory building – 33%
- B. Accessory building – 10%

(4) Minimum Floor Area

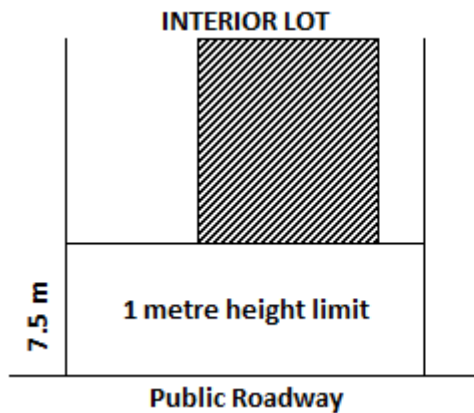
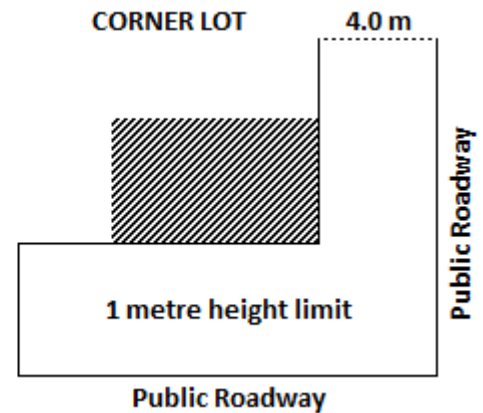
Mobile homes – 67 square metres
All other uses – As required by the Development Office

(5) Maximum Height of Accessory Buildings

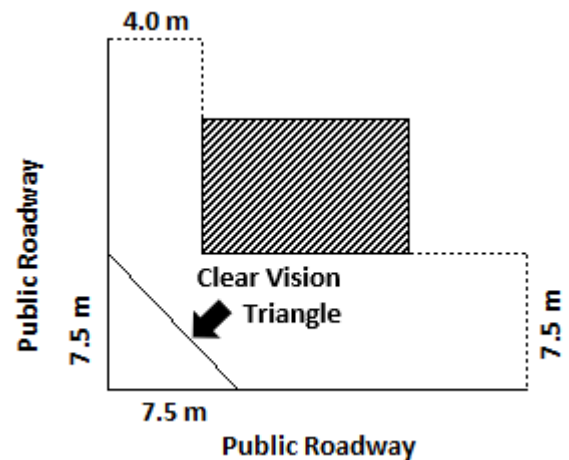
4.5 metres

(6) **Maximum Height of Fences**

- (a) No fence, wall, vegetation, or any combination thereof, lying within 7.5 metres of the right-of-way of a public roadway (excluding lanes), shall extend more than 1 metre above the ground (except in the case of corner lots where one yard is considered as the side yard, and in accordance with 6(b) below) without a special permit issued by the Development Officer. This applies to interior and corner lots.



- (b) On a corner lot nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of 1 metre and 3 metres above the centre line grades of the intersecting streets in the area bounded by the property lines of such corner lots and a line joining points along the said property lines 7.5 metres from the point of intersections.



61. RESIDENTIAL – MOBILE HOME – “RMH-2”

61.1 Purpose

The purpose of this district is to provide for residential development in the form of mobile homes.

61.2 Permitted Uses

Double wide mobile homes
Single wide mobile homes

61.3 Discretionary Uses

Accessory buildings and uses
Home occupations

61.4 Site Regulations

In addition to the general land use regulations and provisions, the following regulations shall apply to every development in this district:

(1) Minimum Lot Size

<u>Use</u>	<u>Width (metres)</u>	<u>Length (metres)</u>	<u>Area (square metres)</u>
Mobile Home			
- Single Wide	12.0	30.5	366
- Double Wide	13.5	30.5	412
All other uses	As required by the Development Officer		

(2) Minimum Yard Dimensions

<u>Use</u>	<u>Front (metres)</u>	<u>Side* (metres)</u>	<u>Rear (square metres)</u>
Mobile Home			
- Single Wide	7.5	A** 4.5	3.0
- Double Wide		B 1.5	

*On corner lots the side yard adjoining the street shall be 4 metres.

**Side A is the entrance side.

(3) Maximum Percentage of Lot to be Occupied by all Uses

- A. Principal building and accessory building – 33%
- B. Accessory building – 10%

(4) Minimum Floor Area

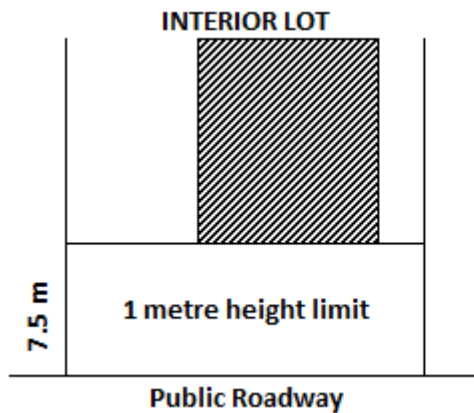
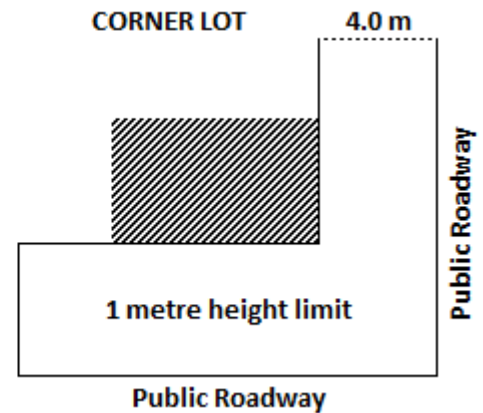
Mobile homes – 67 square metres
All other uses – As required by the Development Office

(5) Maximum Height of Accessory Buildings

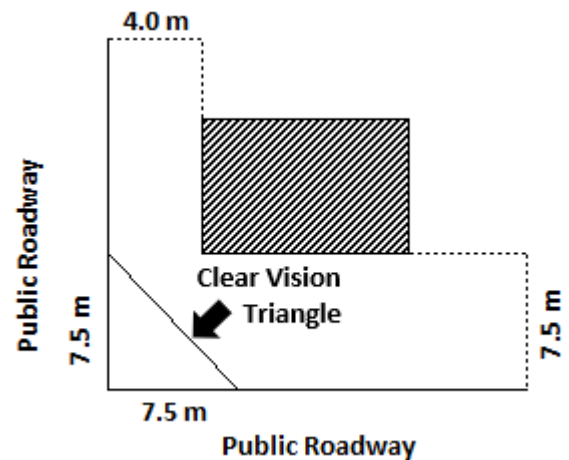
4.5 metres

(6) **Maximum Height of Fences**

- (a) No fence, wall, vegetation, or any combination thereof, lying within 7.5 metres of the right-of-way of a public roadway (excluding lanes), shall extend more than 1 metre above the ground (except in the case of corner lots where one yard is considered as the side yard, and in accordance with 6(b) below) without a special permit issued by the Development Officer. This applies to interior and corner lots.



- (b) On a corner lot nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of 1 metre and 3 metres above the centre line grades of the intersecting streets in the area bounded by the property lines of such corner lots and a line joining points along the said property lines 7.5 metres from the point of intersections.



62. PUBLIC AND INSTITUTIONAL – “PI”

62.1 Purpose

The purpose of this district is to provide land for the development of public services.

62.2 Permitted Uses

Parks, playgrounds, sports fields, open spaces and other public recreation areas

62.3 Discretionary Uses

Churches
Courthouse
Fire Hall
Health Facility
Library
Medical Clinic
Municipal offices
Private and public recreation buildings
Accessory private and public recreation buildings, areas or uses
Police station
Public assembly halls
Public utility structures
Schools

62.4 Site Regulations

In addition to the general land use regulations and provisions, the following regulations shall apply to every development in this district:

(1) Minimum Lot Size

Use

All uses

Width (metres)	Length (metres)	Area (square metres)
As required by the Development Officer		

(2) Minimum Yard Dimensions

Use

All uses

Front (metres)	Side* (metres)	Rear (square metres)
As required by the Development Officer		

63. RETAIL COMMERCIAL – “RC”

63.1 Purpose

The purpose of this district is to provide land for the development of retail and commercial services.

63.2 Permitted Uses

Banks, trust companies, and other financial institutions
Coffee shops, restaurants
Offices
Retail stores

63.3 Discretionary Uses

Auto sales
Cannabis Lounge
Cannabis Retail Sales
Health Facility
Licensed beverage rooms, theatres, lodges
Medical Clinic
Public and semi-public buildings and uses
Public utility structures
Residential accommodation in conjunction with an approved use
Service stations (including repair garages or accessory uses)
Workshop accessory to retail stores
Accessory buildings and uses

63.4 Site Regulations

In addition to the general land use regulations and provisions, the following regulations shall apply to every development in this district:

(1) Minimum Lot Size

<u>Use</u>	<u>Width (metres)</u>	<u>Length (metres)</u>	<u>Area (square metres)</u>
All uses	7.5	30.5	229

(2) Minimum Yard Dimensions

<u>Use</u>	<u>Front (metres)</u>	<u>Side* (metres)</u>	<u>Rear (square metres)</u>
All uses	Nil	Nil	9 – or as required by the Development Officer

(3) Maximum Percentage of Lot to be Occupied by all Uses

Principal building and accessory building – 80%

64. HIGHWAY COMMERCIAL – “HC”

64.1 Purpose

The purpose of this district is to for commercial development in locations with high levels of traffic exposure abutting highways.

64.2 Permitted Uses

Hotels
Motels
Restaurants
Service stations

64.3 Discretionary Uses

Agriculture equipment sales and service
Automotive sales and service
Cannabis Lounge
Cannabis Retail Sales
Drive-in restaurants
Health Facility
Medical Clinic
Retail and commercial establishment
Accessory buildings and uses

64.4 Site Regulations

In addition to the general land use regulations and provisions, the following regulations shall apply to every development in this district:

(1) **Minimum Lot Size**

<u>Use</u>	<u>Width (metres)</u>	<u>Length (metres)</u>	<u>Area (square metres)</u>
All uses	30.5	30.5	930

(2) **Minimum Yard Dimensions**

<u>Use</u>	<u>Front (metres)</u>	<u>Side* (metres)</u>	<u>Rear (square metres)</u>
All uses	As required by the Development Officer		

(3) **Maximum Percentage of Lot to be Occupied by all Uses**

Principal building and accessory building – 80%

65. INDUSTRIAL – “I”

65.1 Purpose

The purpose of this district is to provide land for general industrial operations.

65.2 Permitted Uses

Agricultural produce cleaning and packings
Automotive/farm machinery sales and service outlets
Grain elevators, lumber yards
Repair garages
Accessory buildings and uses

65.3 Discretionary Uses

Bulk oil depots
Cannabis Retail Sales
Cannabis Production and Distribution
Light industrial
Manufacturing and processing uses that are not noxious or injurious to public health, safety and welfare of the community
Outdoor storage and ancillary sales
Public utility structures
Warehousing and wholesaling

65.4 Site Regulations

In addition to the general land use regulations and provisions, the following regulations shall apply to every development in this district:

(1) Minimum Lot Size

<u>Use</u>	<u>Width (metres)</u>	<u>Length (metres)</u>	<u>Area (square metres)</u>
All uses	As required by the Development Officer		743

(2) Minimum Yard Dimensions

<u>Use</u>	<u>Front (metres)</u>	<u>Side* (metres)</u>	<u>Rear (square metres)</u>
All uses	7.5	3.0	9 – or as required by the Development Officer

66. URBAN RESERVE – “UR”

66.1 Purpose

The purpose of this district is to preserve land for future urban uses.

66.2 Permitted Uses

66.3 Discretionary Uses

Agricultural buildings and uses
Accessory buildings and uses
Utilities

66.4 Site Regulations

In addition to the general land use regulations and provisions, the following regulations shall apply to every development in this district:

(1) **Minimum Lot Size**

As required by the Municipal Planning Commission.

(2) **Minimum Yard Dimensions**

<u>Use</u>	<u>Front (metres)</u>	<u>Side* (metres)</u>	<u>Rear (square metres)</u>
All uses	As required by the Municipal Planning Commission.		