



VILLAGE OF
Berwyn



VILLAGE OF BERWYN

LAND USE BYLAW NO. 601

ADOPTED: SEPTEMBER 26, 2013

CONSOLIDATED: MARCH 7, 2023



Prepared by:
The Village of Berwyn and
Mackenzie Municipal Services Agency



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Land Use Bylaw

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SECTION 1 GENERAL

1.1 TITLE

The Village of Berwyn Land Use Bylaw may be cited as the “Bylaw”.

1.2 PURPOSE

The purpose of this Bylaw is to regulate the use and development of land and buildings within the Village of Berwyn.

1.3 APPLICATION OF BYLAW

The provisions of the Bylaw apply to all land and buildings within the corporate boundaries of the Village of Berwyn.

1.4 CONFORMITY WITH BYLAW

No person shall commence any development unless it is in accordance with the terms and conditions of a Development Permit issued pursuant to this Bylaw, where such a permit is required.

1.5 DEFINITIONS

In this Bylaw, and any amendments thereto, the definitions and interpretations set out in the following subsections shall apply:

“ABATTOIR” means the use of land and/or buildings for the slaughtering of animals and the processing of meat products.

“ACCESSORY BUILDING OR STRUCTURE” means a detached building or structure on the same lot as the main building, the use of which is clearly secondary to the main building or use and includes a detached garage, detached deck, gazebo, private greenhouse, dock, boathouse, above ground swimming pool, in-ground swimming pool and satellite dish greater than 1.2 m (3.94 ft) in circumference but does not include Sea-Cans. The accessory building or structure shall not be used for overnight habitation except for a farm help accommodation located in an agricultural zone.

“ACCESSORY USE” means a use which is separate and subordinate to the principal use or building, and is located on the same parcel of land.

“ACT” means the Province of Alberta Municipal Government Act and amendments thereto.

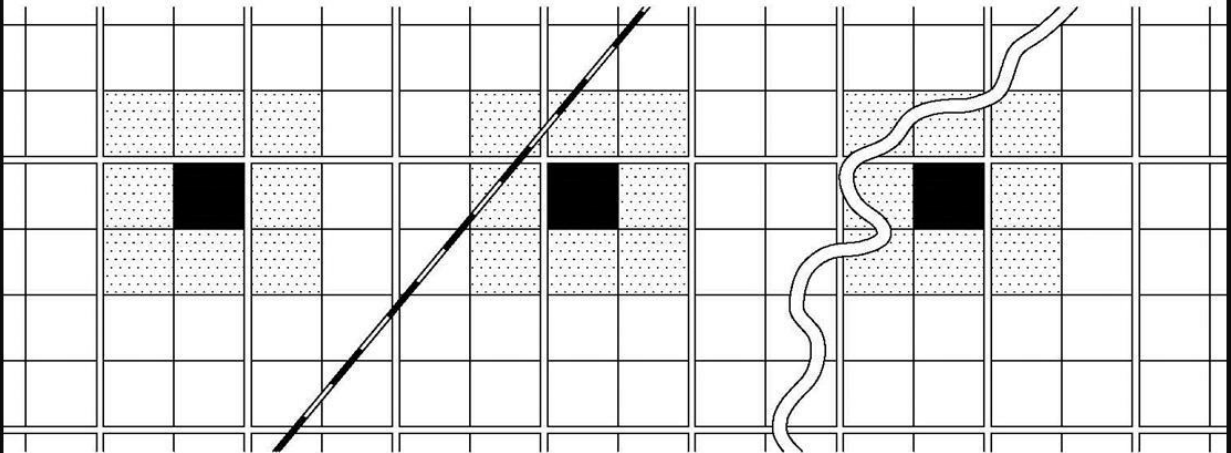
Bylaw 644
2018/01/11

EXPLANATION NOTES

Adjacent Land

This graphic is not part of this bylaw but is provided to aid in its interpretation.

"ADJACENT LAND" means land or a portion of land that shares a common boundary with a parcel of land that is subject to a development application and/or subdivision application and includes land that would be adjacent if not for a public roadway, railway, river, stream or reserve land.



 Adjacent Land

“ADJACENT LAND” means land or a portion of land that shares a common boundary with a parcel of land that is subject to a development permit application and/ or subdivision application and includes land that would be adjacent if not for a public roadway, railway, river, stream or reserve land.

“AUCTION FACILITY” means a building or land that is intended for the auctioning of goods and equipment, including the temporary storage of such goods and equipment.

“AMUSEMENT FACILITY” means a building that is used for amusement type activities and may include, but is not limited to, pool tables, video games, bowling alleys, roller-skating, and other similar activities. This definition includes a facility where four or more of any combination of mechanical games, electronic games and/ or pool tables is kept for the purpose of furnishing entertainment to the public for a fee.

“AVIATION INDUSTRY” means the use of land and/ or buildings for the operation and maintenance of an aviation related industry and may include the provision of land for the storage, safe operation and maintenance of such equipment.

“BANKS AND FINANCIAL AGENCIES” means a development, use, or building that is primarily for the banking or lending of money and other related services. It includes a trust company, chartered bank or credit union.

“BOARDING OR ROOMING HOUSE” means a building used for gain or profit (other than a hotel or motel) containing guest rooms for two or more persons where meals may or may not be served.

“BUFFER” means a row of trees or shrubs, a berm, or fencing to provide visual screening and separation and/ or sound dampening between sites or incompatible land uses.

“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.

“BUILDING HEIGHT” means the vertical distance between grade and the highest point of a building that is not: a roof stairway entrance, a ventilating fan, a skylight, a steeple, a chimney, a smoke stack, a firewall, a parapet wall, a flagpole or similar device not structurally essential to the building.

“BUILDING PERMIT” means a document or certificate issued by Alberta Labour- Building Standards Division prior to the construction of a building if the proposed building meets the requirements of the Alberta Building Code.

Bylaw 648
2019/03/14

"CAMP TRAILER" means a residential dwelling used to accommodate employees of the on-site industrial operation. The camp trailer usually includes a kitchen, laundry, bedroom(s), bathroom and may include a lounge. A Manufactured Home does not constitute a Camp Trailer. This building type is not intended for family accommodation.

Bylaw 664
2020/02/27

"CANNABIS" means cannabis plant, fresh cannabis, dried cannabis, cannabis oil and cannabis plant seeds and any other substance defined as cannabis in the Cannabis Act and its regulations, as amended from time to time.

Bylaw 664
2020/02/27

"CANNABIS RETAIL SALES" means a retail store licensed by the Alberta Liquor and Gaming Commission (AGLC) where cannabis and cannabis accessories are sold to individuals who attend at the premises.

Bylaw 664
2020/02/27

"CANNABIS PRODUCTION FACILITY" means a premise used for growing, producing, testing, destroying, storing, or distribution of cannabis authorized by a license issued by Health Canada.

Bylaw 633
2016/06/09

"CARETAKER'S RESIDENCE" means overnight residential accommodation within designated industrial areas, solely for the purpose of security for an individual business or industrial park. The caretaker's residence may only be permitted in a single-wide manufactured home, in order to ensure that it will not result in a permanent residential development within an industrial district.

"CARNIVAL" means temporary development providing a variety of patron-participant shows, games and amusement rides, in excess of seven (7) days but for a period of less than thirty (30) days.

"CARPORT" means a building, designed and used for the storage of not more than four private motor vehicles, consisting of a roof supported on posts or columns and not enclosed on more than two sides whether separate from or attached to the principal building on a site.

"CARWASH" means a use, building or structure where facilities are specifically used or intended to be used for washing vehicles either by production line methods employing mechanical devices or by hand.

"CASINO AND OTHER GAMING ESTABLISHMENTS" means development providing facilities for patrons to participate in gaming opportunities as the principal use. Typical uses include bingos and casinos.

"CHILD CARE FACILITY" means a facility licensed by the Provincial Government to provide daytime personal care and education to more than seven (7) children, but does not include overnight accommodation. Typical uses include

day care centres, play schools, kindergartens, nursery schools and after-school programs.

“COMMERCIAL SCHOOL” means development used for training and instruction in a specific trade, skill or service for the financial gain of the individual or company owning the school. Typical uses include secretarial, business, hairdressing, beauty culture, dancing, or music schools.

“COMPLIANCE CERTIFICATE” means a written confirmation from the municipality that development on a parcel of land conforms to the municipality’s land use regulation.

“CONDOMINIUM” means a form of property ownership and does not mean a type of development as is an apartment building or any other multi-unit residential development.

“CONVENIENCE RETAIL STORE” means a development used for the retail sale of those goods required by area residents on a day-to-day basis. Typical uses include small food stores, drug stores and variety stores selling confectionary, tobacco, groceries, beverages, pharmaceutical and personal care items, hardware or printed matter.

“CONSTRUCT” means to build, reconstruct, or relocate, and without limiting the generality of the word, also includes:

- a) any preliminary operation such as excavation, filling or draining;
- b) altering an existing building or structure by an addition, enlargement, extension or other structural change; and
- c) any work which requires a building permit.

“CONSTRUCTION YARD” means the use of land or buildings for a construction operation such as building construction, oilfield construction or another similar type of contracting operation.

“COUNCIL” means the Council of the Village of Berwyn.

“CULTURAL EXHIBITS” means development for the collection of literary, artistic, musical and similar reference materials in the form of books, manuscripts, recordings and films for public viewing.

“DECK” means a raised platform, extending from the principal building and used as an outdoor living space.

“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 the intensity of use of the land or building.

“DEVELOPMENT APPEAL BOARD” means a development appeal board established pursuant to the Act and by Council through the adoption of a bylaw.

“DEVELOPMENT OFFICER” means the person appointed by a resolution of Council to the office established by Section 2.1.1 of this Bylaw.

“DEVELOPMENT PERMIT” means a document or certificate issued by the municipality authorizing, with or without conditions, a development pursuant to this Land Use Bylaw.

“DISCRETIONARY USE” means the use of land or of a building which is listed in the column captioned “Discretionary Uses” in a Table of Uses for certain districts in this Bylaw, and for which, subject to the provisions of this Bylaw a development permit may be issued.

“DORMITORY RESIDENCE” means a building containing one or more dwelling units for the accommodation of students attending an educational institution on a temporary basis and includes a single detached dwelling, a semi-detached dwelling, a duplex, a single wide or double wide manufactured home or a multiple unit dwelling with associated cafeteria facilities.

“DRIVE-IN RESTAURANT” means a business offering food for sale to the public and designed on the basis that consumption will take place either within a motor vehicle parked in a permitted parking space on the site or within a building located on the site.

“DWELLING GROUP” means three or more dwelling units located on a site or a number of adjoining sites where all buildings, recreational areas, vehicular areas, landscaping and all other features have been planned as an integrated development and where each dwelling unit has a separate principal entrance accessible directly from ground level.

“DWELLING UNIT” means one or more self-contained rooms provided with a private entrance either from outside the building or from a common hall, lobby, vestibule or stairway inside the building, containing sleeping, cooking facilities

Bylaw 633
2016/06/09

and toilet facilities, intended for domestic use, and used or intended to be used permanently or semi-permanently as a residence.

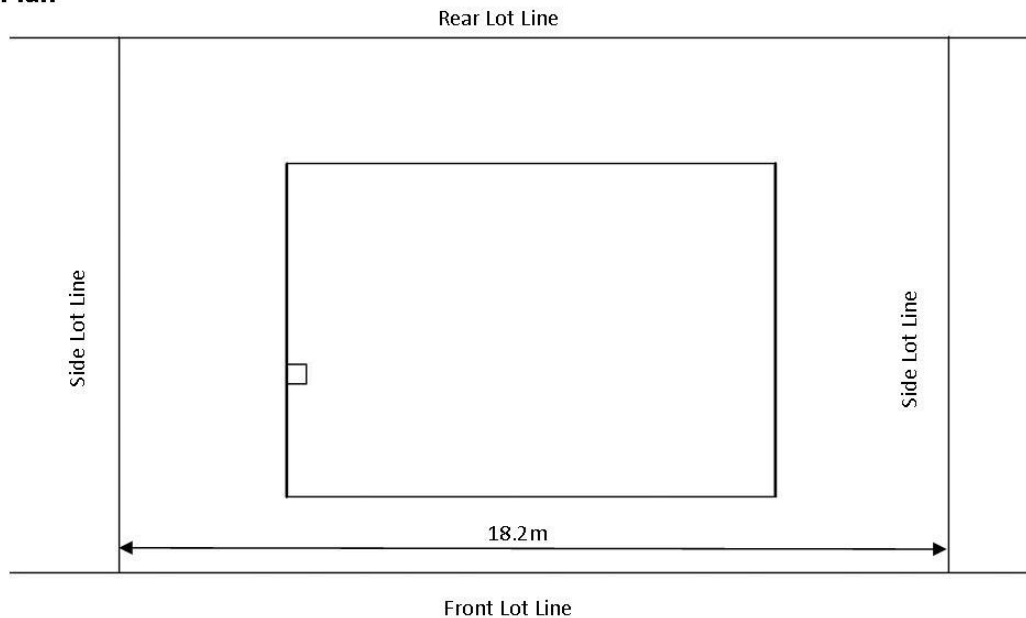
- a) **“APARTMENT”** means a building designed and built to contain three or more separate dwelling units, each of which has an independent entrance either directly from outside the building or through a common vestibule. (This definition includes buildings referred to as four-plexes, six-plexes and the like.)
- b) **“DUPLEX”** means a building containing two dwelling units, one above the other or side by side, each of which has an independent entrance either directly from outside the building or through a common vestibule. Both dwelling units are located on only one lot.
- c) **“ROW”** means three or more dwelling units constructed in a row and divided vertically and each of which has a separate rear and front entrance.
- d) **“SEMI-DETACHED”** means a building that is divided vertically into two dwellings units side by side and separated from each other by a common wall extending from foundation to roof, having separate entrances and not attached to any other residential building. Each dwelling unit is located entirely on a separate lot.

EXPLANATION NOTES

Duplex

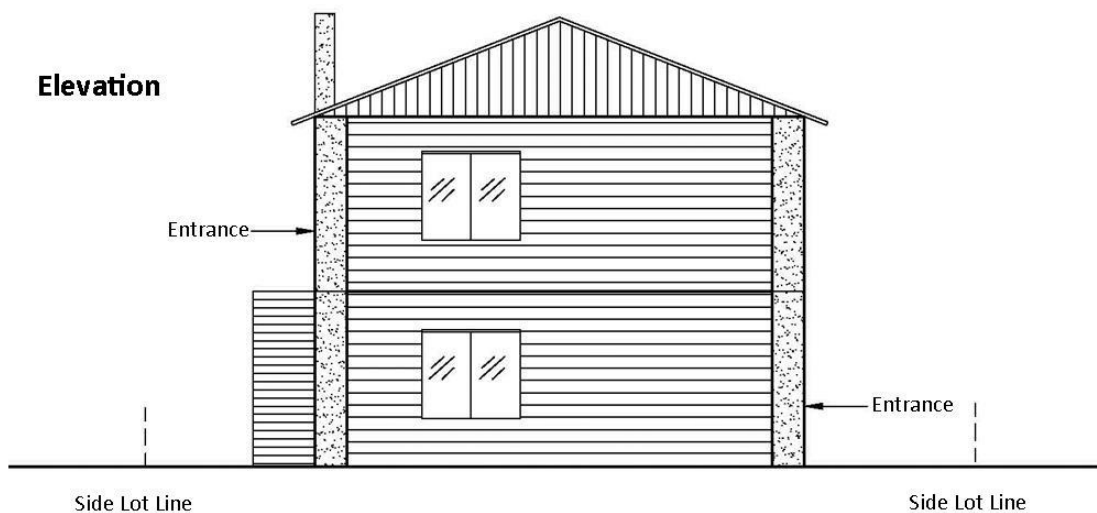
This graphic is not part of this bylaw but is provided to aid in its interpretation.

Plan



"DUPLEX" means a building containing two dwelling units, one above the other or side by side, each of which has an independent entrance either directly from outside the building or through a common vestibule. Both dwelling units are located on only ONE lot.

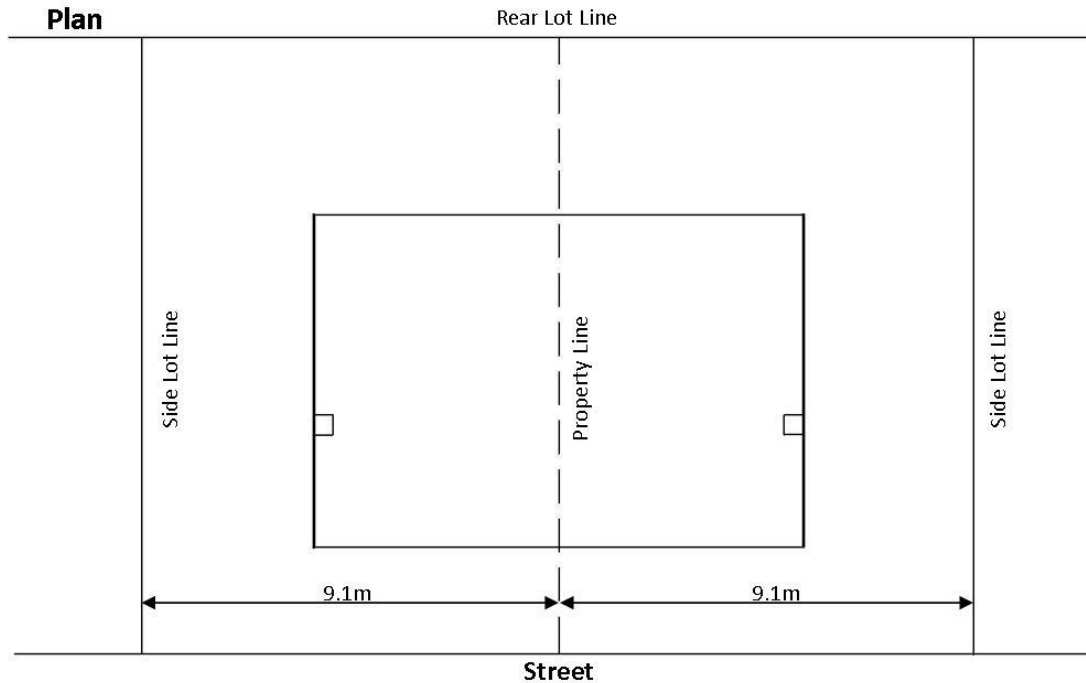
Elevation



EXPLANATION NOTES

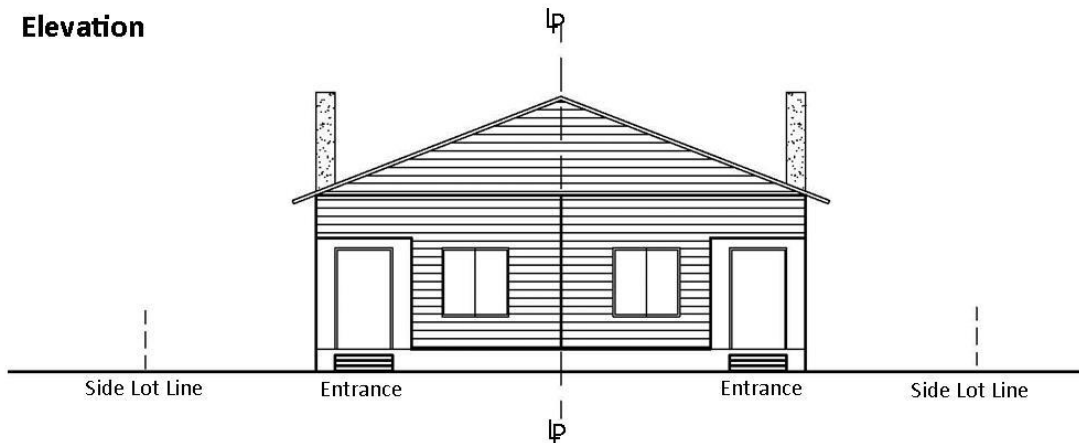
Semi-Detached Dwelling

This graphic is not part of this bylaw but is provided to aid in its interpretation.



"SEMI-DETACHED DWELLING" means a building that is divided vertically into two dwellings units side by side and separated from each other by a common wall extending from foundation to roof, having separate entrances and not attached to any other residential building. Each dwelling unit is located entirely on a SEPARATE lot.

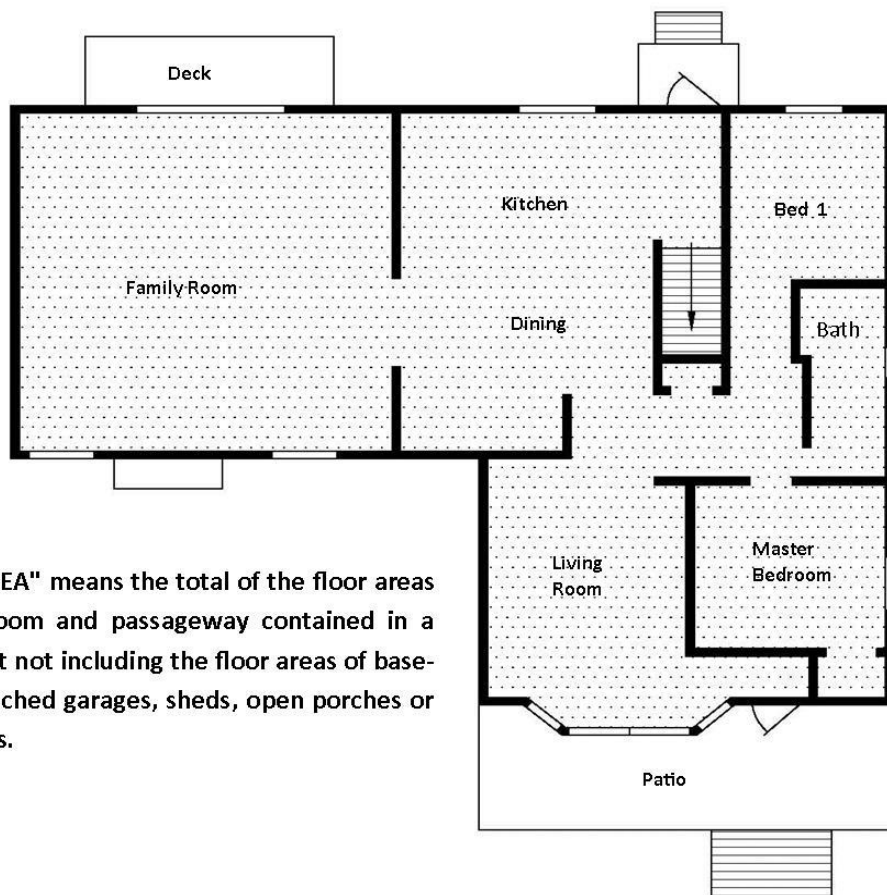
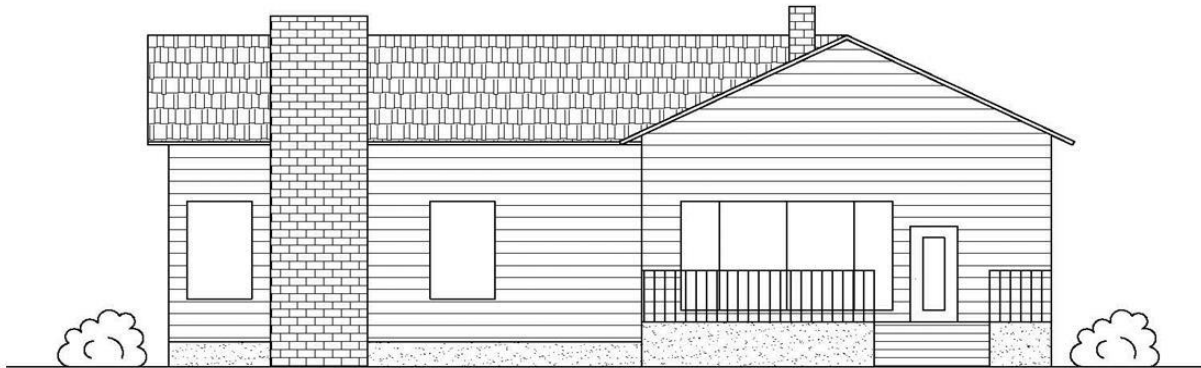
Elevation



EXPLANATION NOTES

Floor Area

This graphic is not part of this bylaw but is provided to aid in its interpretation.



"FLOOR AREA" means the total of the floor areas of every room and passageway contained in a building but not including the floor areas of basements, attached garages, sheds, open porches or breezeways.

Bylaw 633
2016/06/09

e) **"SINGLE DETACHED"** means a residential building containing one dwelling unit, but this definition does not include a manufactured home or a modular building.

Bylaw 648
2019/03/14

f) **"TINY HOME"** means a development of a transportable dwelling unit that is built off-site. It is designed to be transported on its own wheels or on a chassis and upon arriving at the site for placement is, apart from incidental operations such as installation of foundation supports and connections to utilities, ready for year round occupancy. This definition does not apply to recreational vehicles or industrial camp trailers. The residential building contains one dwelling unit, with a maximum floor area of 74.32 square metres (800 square feet) with no basement.

"FLOOR AREA" means the total of the floor areas of every room and passageway contained in a building but not including the floor areas of basements, attached garages, sheds, open porches or breezeways.

"GARAGE" means an accessory building or part of the principal building designed and used primarily for the storage of non-commercial motor vehicles and includes a carport.

"GROCERY STORE" means the use of that portion of a building for the sale of food and convenience goods.

Bylaw 656
2019/03/14

"GROUP CARE FACILITY" means the use of a dwelling unit as a facility that is authorized, licensed or certified by a provincial authority to provide living accommodation for five (5) residents or fewer, exclusive of staff, and to provide for the personal rehabilitation of its residents either through self-help or professional care, guidance and supervision. This includes supervised facilities such as group homes, halfway houses, resident schools, resident facilities, boarding homes, and psychiatric care facilities, but does not include foster homes. A Group Care Facility may provide professional care, rehabilitation, guidance and/or supervision for physically, mentally, socially or behaviourally challenged persons on a permanent or temporary basis, depending on need. The residential character of the development shall be maintained with the occupants living together as a single housekeeping group using shared kitchen facilities. A group care facility may incorporate accommodation for resident staff as an accessory use.

"HARDSURFACE" means a durable, dust free, all-weather surface constructed of concrete, asphalt, or similar pavement.

"HEALTH SERVICES" means development used for the provision of physical and mental Health Services on an out-patient basis. Services may be of a preventive, diagnostic, treatment, therapeutic, rehabilitative, or counseling nature. Typical uses include medical and dental offices, health clinics and counseling services.

"HOME-BASED BUSINESS" means the use of a building or a site which is normally incidental and subordinate to the principal use of the building or the site for the purpose of operating a home-based business.

"HOSPITAL" means an institutional development used to provide in-patient and out-patient health care to the public. Typical developments include a community health centre and a full service hospital.

"HOTEL" means a building designed for the accommodation of the travelling or vacationing public containing guest rooms served by a common entrance as well as general kitchen and dining or other public rooms.

Bylaw 648
2019/03/14

"INDUSTRIAL CAMP" means a residential complex used to accommodate employees of the on-site industrial operation. The industrial camp usually includes a number of modular units, clustered to provide sleeping, eating, recreation and other basic living facilities. The units may be dismantled and removed from the site from time to time. A Manufactured Home does not constitute an Industrial Camp. This building type is not intended for family accommodation.

"LANE" means a public roadway, not exceeding 9.1 metres (30 feet) in right-of-way width, which provides a secondary means of access to a site or sites.

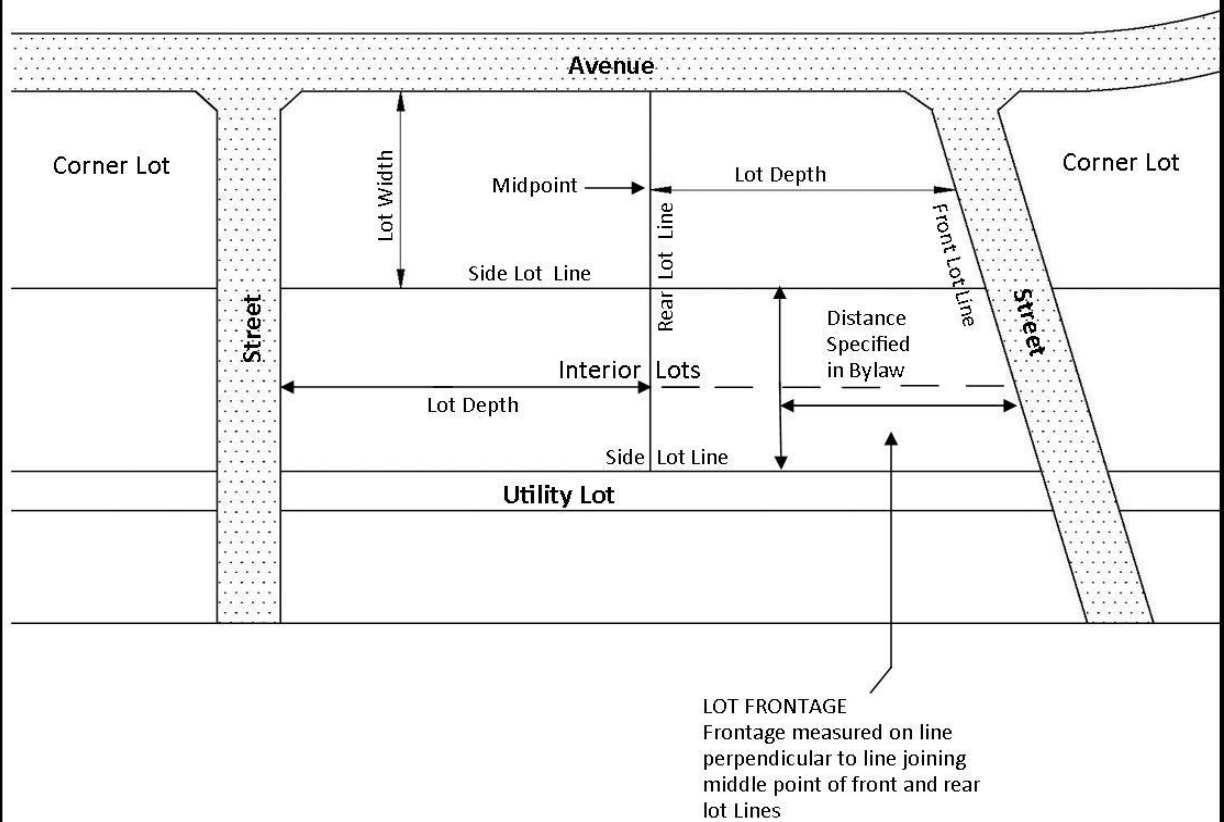
"LOADING SPACE" means a space for parking a commercial vehicle while being loaded or unloaded.

"LIQUOR STORE" means a building, or part of a building used for the display and retail sale of alcoholic beverages and products.

EXPLANATION NOTES

Lot Definitions

This graphic is not part of this bylaw but is provided to aid in its interpretation.



“LOT” means:

- a) a quarter section,
- b) a river lot or settlement lot shown on an official plan referred to in Section 32 of The Surveys Act that is filed or lodged in a land titles office,
- 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.

“LOT, CORNER” means a lot located at the intersection or junction of two or more streets.

“LOT COVERAGE” means that percentage of the area of any lot which is covered by all buildings on the lot excluding balconies, canopies and the like.

“LOT DEPTH” means the length of a straight line joining the middle of the front lot line with the middle of the rear lot line.

“LOT LINE” means a legally defined limit of any lot.

“LOT LINE, FRONT” means the boundary dividing the lot from an abutting street. In the case of a corner lot the owner of the site may select one of the street boundaries as the front.

“LOT LINE, REAR” means the lot line of a lot which is directly opposite to the front lot line.

“LOT LINE, SIDE” means any lot line other than a front or rear lot line.

“LOT, THROUGH” means any lot other than a corner lot having access on two abutting streets.

“LOT WIDTH” means the horizontal measurement between the side lot lines measured at a point 15.2 metres (50) feet) perpendicularly distant from the front lot line.

Bylaw 633
2016/06/09

“MANUFACTURED HOME” means a development of a transportable dwelling unit that is built off-site. It is designed to be transported on its own wheels or on a chassis and upon arriving at the site for placement is, apart from incidental operations such as installation of foundation supports and connections of utilities, ready for year round occupancy. This definition does not apply to recreational vehicles or industrial camp trailers. A manufactured home meets any one of the following design criteria:

- Has a roof pitch of less than 1:4;
- The eaves are equal to or less than 30.4 cm (1.0 ft.);
- The length to width ratio of the unit is more than 3:1.

Bylaw 633
2016/06/09

“MANUFACTURED HOME PAD” means that portion on an individual manufactured home park lot within a manufactured home park which has been reserved for the placement of the manufactured home, appurtenant structure or additions.

Bylaw 633
2016/06/09

“MANUFACTURED HOME PARK” means a lot under single ownership which is managed by a manufactured home park operator and which has been designed for the placement of manufactured homes and double wide manufactured homes on manufactured home site lots.

Bylaw 633
2016/06/09

“MANUFACTURED HOME PARK LOT” means that leasable or rentable portion of land within a manufactured home park which has been reserved for the placement of a manufactured home.

Bylaw 633
2016/06/09

“MANUFACTURED HOME SUBDIVISION” means a manufactured home development registered as a subdivision under freehold tenure.

Bylaw 648
2019/03/14

“MIXED INDUSTRIAL/RESIDENTIAL BUILDING” means a building containing both industrial and residential uses where the industrial use is the principal use while the residence is subordinate and is to provide accommodation to employees of the industrial use on site. The residential use will not contain a home-based business. This building type is not intended for family accommodation.

Bylaw 633
2016/06/09

“MODULAR BUILDING” means a development that is built off-site and designed to be transported and assembled on a permanent foundation at the building site. Upon arriving at the site for placement the modular building, apart from incidental operations such as installation of foundation supports and connections of utilities, is ready for year round occupancy. A modular building may include residential, commercial, industrial and institutional buildings. This definition does not apply to manufactured homes, recreational vehicles or industrial camp trailers.

Bylaw 633
2016/06/09

“MODULAR HOME” *deleted*

“MOTEL” means a building or group of buildings designed for the accommodation of the travelling or vacationing public containing guest rooms, each of which has a separate entrance directly from outside the building.

“MOVED-IN BUILDING” means any building moved-in or relocated from jurisdictions outside or within the corporate boundary of the Village of Berwyn to a parcel within the Village of Berwyn.

“NON-CONFORMING BUILDING” means a building:

- a) that is lawfully constructed or lawfully under construction at the date this 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 this land use bylaw or any amendment thereof becomes effective does not comply with this land use bylaw.

“NON-CONFORMING USE” means a lawful specific use:

- a) being made of land or a building or intended to be made of a building lawfully under construction, at the date this land use bylaw or any amendment thereof affecting the land or building becomes effective, and
- b) that on the date this land use bylaw or any amendment thereof becomes effective does not comply with this land use 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.

“PARK OR PLAYGROUND” means an area of land used for recreation purposes, usually including facilities such as picnic benches, slides, swings, and other playground type equipment, built in accordance with the Alberta Safety Codes Act.

“PARKING LOT” means an area that is used for the parking of vehicles. A Parking Area is comprised of one or more parking spaces, and includes a parking pad, but does not include a Driveway.

“PLACE OF WORSHIP” means a development including any meeting halls used for spiritual worship and related religious activities. It may include a minister’s residence, manse, parsonage or rectory; provided it is accessory to the principal use. It also means church or religious assembly.

“PERMANENT FOUNDATION” means a structure constructed or erected with a fixed location on the ground, or attached to something having a fixed location

on the ground, with a foundational system or arrangement composed of, but not limited to footing, raft, or pile, and renders the structure fixed and immovable.

“PERMITTED USE” means the use of land or of a building in a specific district as a permitted use for which a Development Permit shall be issued upon application having been made, subject to compliance with other requirements of law and this Bylaw.

“PERSONAL SERVICE ESTABLISHMENT” means a development used for the provision of personal services to an individual which are related to the care and appearance of the body, or the cleaning and repair of personal effects and includes such uses as barbershops, hairdressers, beauty salons, tanning salons, shoe repair shops, dry cleaning establishments, but does not include medical offices, health services or general retail businesses.

“PRINCIPAL BUILDING OR USE” means the main purpose for which, in the opinion of the Development Officer, a building or site is ordinarily used.

“PROFESSIONAL, FINANCIAL AND OFFICE SUPPORT SERVICES” means development primarily used for the provision of professional, management, administrative, consulting, and financial services, but does not include Health Services or Government Services. Typical Uses include: the offices of lawyers, accountants, engineers, and architects; offices for real estate and insurance firms; clerical, secretarial, employment, telephone answering, and similar office support services; and banks, credit unions, loan offices and similar financial Uses.

“PUBLIC ROADWAY” means any street, avenue, service roadway, residential collector roadway, walkway or rural road as defined in the Public Highway Development Act, intended to be used by the public generally, but does not include a highway.

“PUBLIC USE” means a building, structure or lot used for public services by the Municipality, by any local board or agency of the Municipality, by any department, commission or agency of any other municipal corporation or the Government of Alberta or Canada, by any railway company authorized under the Railway Act, or by any public utility.

“PUBLIC UTILITY” means a system or works used to provide one or more of the following for public consumption, benefit, convenience or use:

- a) water or steam;
- b) sewage disposal;
- c) public transportation operated on behalf of the municipality;
- d) irrigation;
- e) drainage;

- f) fuel;
- g) electric power;
- h) heat;
- i) waste management;
- j) telecommunications;

and includes the goods and services provided for public consumption, benefit, convenience or use.

“RADIO BROADCASTING STUDIO” means a facility for the production or broadcasting of audio programming associated with radio.

“RECYCLING DEPOT” means development used for the buying and temporary storage of bottles, cans, newspapers and similar household goods for reuse where all storage is contained within an enclosed building.

“RETAIL COMMERCIAL ESTABLISHMENT” means the use of a building for the purpose of selling goods to consumers and may include, but is not limited to, the following: clothing store, department store, rental shop, video store, etc.

“REPAIR SHOP” means a building that is used to repair various goods and appliances on a commercial basis.

Bylaw 656
2019/03/14

“RESIDENTIAL CARE FACILITY” means a private or publicly funded seniors lodge, nursing home, extended or congregate care facility, or a group care facility with six (6) or more occupants. GROUP CARE FACILITY IS DEFINED AS FIVE (5) OR LESS RESIDENTS.

Bylaw 656
2019/03/14

“RESIDENTIAL SUPPORT HOME TYPE 1” means a development within a dwelling unit authorized, licensed or certified by a public authority where support staff provides care, guidance or supervision for four (4) or fewer persons with mental or physical challenges in a residential setting. This use does not include a boarding house, half-way house or other types of group care facility.

Bylaw 656
2019/03/14

“RESIDENTIAL SUPPORT HOME TYPE 2” means a development within a dwelling unit authorized, licensed or certified by a public authority where support staff provides care, guidance or supervision for five (5) or more persons with mental or physical challenges in a residential setting. This use does not include a boarding house, half-way house or other types of group care facility.

“RESTAURANT” means the use of a building as a public eating place and may include a licensed dining lounge and other associated facilities.

“SATELLITE DISH” (or dish antenna) shall mean a combination of

- a) antenna or dish antenna whose purpose is to receive communication or other signals from orbiting satellites;
- b) a low noise amplifier which is situated at the focal point of the receiving component and whose purpose is to magnify and transfer signals; and
- c) a coaxial cable whose purpose is to carry the signals into the interior of the building.

“SCHOOL” means a publicly or privately supported or subsidized development used for education and includes its administrative offices. Typical developments are elementary and secondary schools, but do not include commercial schools.

“SCREENING” means a fence, berm or hedge used to visually separate areas or functions, which in the opinion of the Development Officer, detract from the street or neighbouring land uses.

Bylaw 644
2018/01/11

“SEA-CAN” means a container that is new or was formerly used for transport of goods by means of rail, truck or sea. These containers are rectangular in shape and are generally made of metal also referred to as a sea cargo container, sea-can or cargo container.

“SECONDARY SUITE” means development consisting of a Dwelling located within, and Accessory to, a structure in which the principal use is Single Detached Housing. A Secondary Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are physically separate from those of the principal Dwelling within the structure. A Secondary Suite also has an entrance separate from the entrance to the principal Dwelling, either from a common indoor landing or directly from the side or rear of the structure. This Use Class includes the Development or Conversion of Basement space or above-grade space to a separate Dwelling, or the addition of new floor space for a Secondary Suite to an existing Single Detached Dwelling. This Use Class does not include Duplex Housing, Semi-detached Housing, or Apartment Housing, and does not include Garage Suites, Garden Suites, or Boarding and Lodging Houses.

“SENIOR CITIZENS HOUSING” means assisted and independent style residential development in the form of self-contained units, lodges or nursing homes that provides housing for seniors.

“SERVICE STATION” means any building, land area or other premises used for the retail dispensing or sales of vehicular fuels; and including as an accessory use the sale and installation of lubricants, tires, batteries and other similar accessories. It may also include an enclosed restaurant facility or convenience store facility as a secondary use to the principal fuel sale use.

“SETBACK” means the distance that a development or a specified portion of it, must be set back from a property line. A setback is not a yard, amenity space, or separation space.

“SHED” means an accessory building used for storage, having a floor area of no more than 13.4 square metres (144 square feet), and is not connected to any utilities. For the purposes of this bylaw, shed also means a garden shed that can be located in the rear yard of a residential lot, obeying the setback requirements, and does not need a development permit.

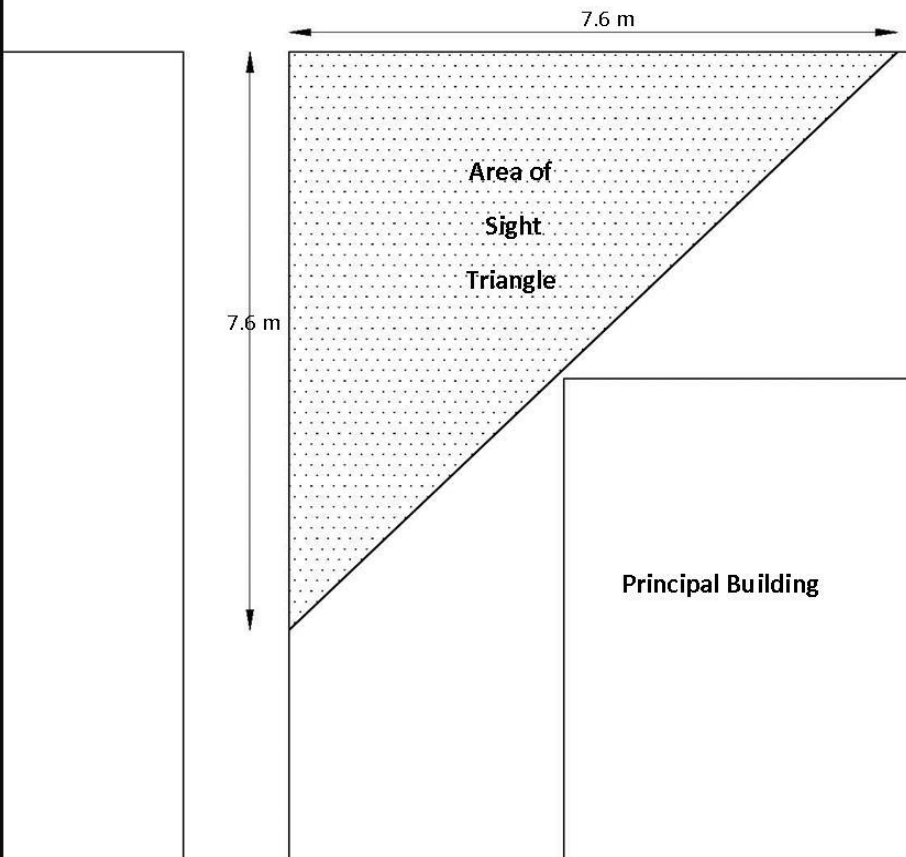
“SIGHT TRIANGLE” means that triangle formed by a straight line drawn between two points on the exterior boundaries of the said site 7.6 metres (25 feet) from the point where they intersect.

EXPLANATION NOTES

Sight Triangle

This graphic is not part of this bylaw but is provided to aid in its interpretation.

A "SIGHT TRIANGLE" means that triangle formed by a straight line drawn between two points on the exterior boundaries of the said site 7.6 metres from the point where they intersect.



“SIGN” means any device or fixture intended to identify or convey information or to advertise or attract attention to a product, service, place, activity, event, person, institution or business.

“SITE” means an area of land consisting of one or more abutting lots under single title or control.

“STORAGE FACILITY” means a facility that is used to store goods, products or equipment and is usually associated with a commercial and/or industrial operation.

“STOREY” means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost storey shall be that portion of the building included between the upper surface of the topmost floor and the ceiling above. If the finished floor level directly above grade is more than 1.8 metres (6 feet) above such grade then the portion of the building below finished floor level shall be considered a storey in calculating the height of any building.

“STRUCTURAL ALTERATION (CHANGE)” means the addition to, deletion from, or change to any building which modifies any foundation, floor area, interior load-bearing wall, exterior wall, and/or roof, and includes any changes in permanent material to those respective parts of the building, with the exception of roofing materials whose functional life span is equal to or greater than that of the materials being replaced.

“SUBDIVISION AND DEVELOPMENT APPEAL BOARD” means an Appeal Board established pursuant to the Act

“VETERINARY CLINIC” means the use of a building for the medical care and treatment of animals.

“WAREHOUSE OR WHOLESALE USE” means the use of a building for the storage and/or sale of merchandise or commodities, and may include an office space and ancillary retail sales.

“YARD” means a part of a lot upon or over which no building or structure other than a boundary fence is erected except for specifically permitted accessory buildings.

“YARD, EXTERIOR SIDE” means a side yard immediately adjoining a street.

“YARD, FRONT” means a yard extending across the full width of a lot and situated between the front lot line and the nearest portion of the principal building.

“YARD, INTERIOR SIDE” means a side yard other than an exterior side yard.

“YARD, REAR” means a yard extending across the full width of a lot and situated between the rear lot line and the nearest portion of the principal building.

“YARD, SIDE” means a yard extending from the front yard to the rear yard and situated between the side lot line and the nearest part of the principal building.

YARD DEPTH, FRONT” means the least horizontal dimension between the front lot line of the lot and the nearest part of any building or structure.

“YARD DEPTH, REAR” means the least horizontal dimension between the rear lot line of the lot and the nearest part of the principal building.

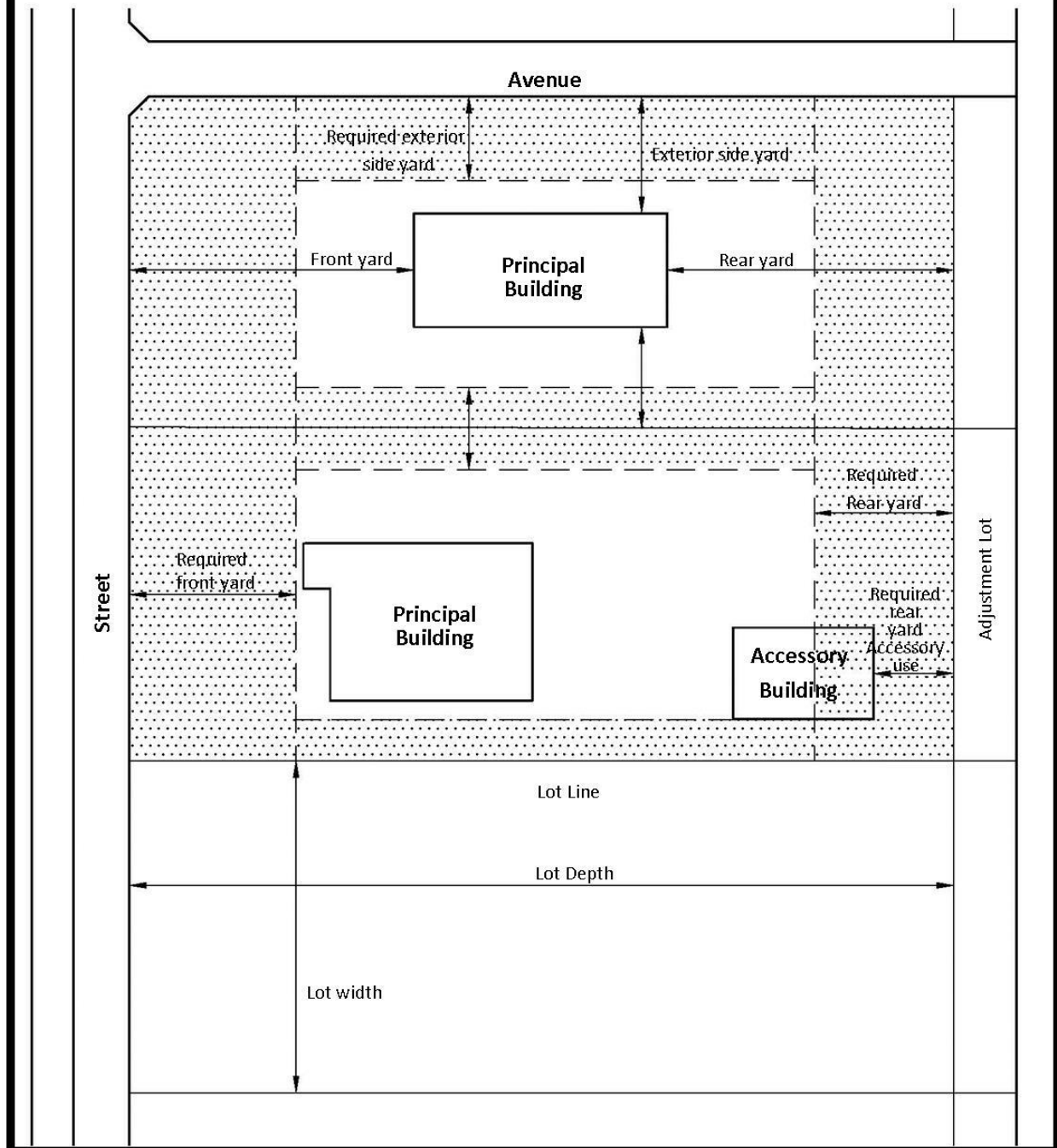
“YARD WIDTH, SIDE” means the least horizontal dimension between the side lot line of the lot and the nearest part of the principal building.

“OTHER WORDS AND EXPRESSIONS” All other words and expressions have the meaning respectively assigned to them by the Province of Alberta Municipal Government Act, R.S.A 2000 and other applicable Statute of Alberta.

EXPLANATION NOTES

Yard Definitions

This graphic is not part of this bylaw but is provided to aid in its interpretation.



SECTION 2 ADMINISTRATIVE AGENCIES

2.1 DEVELOPMENT OFFICER

- 1) The office of the Development Officer is hereby established.
- 2) The Council shall, by resolution, appoint a person to the office of the Development Officer.
- 3) The Development Officer is hereby considered to be an “authorized person” in accordance with the Act.

2.2 DUTIES AND RESPONSIBILITIES OF THE DEVELOPMENT OFFICER

- 1) In accordance with the Act, the Development Officer shall:
 - a) Receive, consider and decide upon applications for a development permit;
 - b) Keep and maintain for inspection of the public during office hours, a copy of this Bylaw and all amendments and resolutions thereto and ensure that copies are available to the public at reasonable charge; and
 - c) Keep a register of all applications for development, including the decisions and reasons for the decisions, for a minimum period of seven (7) years.
- 2) The Development Officer shall approve all applications for a “Permitted Use” unconditionally if it conforms with the Bylaw or with conditions necessary to bring the application into conformity with the Bylaw.
- 3) In making a decision on an application for a “Discretionary Use” the Development Officer may:
 - a) Approve the application unconditionally; or
 - b) Approve the application subject to conditions; or
 - c) Refuse the application.

- 4) The Development Officer may allow a minor variance of 10% to each of the following requirements when considering development permits where, in the Development Officer's discretion, such variance does not unduly affect the amenities, use or enjoyment of the site or neighbouring properties:
 - a) development setback requirements;
 - b) height of buildings;
 - c) site width; or
 - d) site area.
- 5) The Development Officer may require with respect to a development that, as a condition of issuing a development permit, the applicant enters into an agreement with the Village to do all or any of the following:
 - a) To construct or pay for the construction of a public roadway required to give access to the development.
 - b) To install or pay for the installation of utilities that are necessary to serve the development.
 - c) To construct or pay for the construction of :
 - i. off-street or other parking areas; and
 - ii. loading and unloading areas,
 - d) To pay an off-site levy or redevelopment levy imposed by Bylaw.
- 6) When, in the opinion of the Development Officer, sufficient details of the proposed development have not been included with the application for a development permit, the Development Officer may return the application to the applicant for further details. The application so returned shall be deemed not to have been in its complete and final form until all required details have been submitted to the satisfaction of the Development Officer.
- 7) The Development Officer shall consider and decide on applications for development permits within forty (40) days of the receipt of the application in its complete and final form.
- 8) Notwithstanding Section 2.2 (7), an application shall, at the option of the applicant, be deemed refused when a decision is not made within forty (40) days of the receipt of the application in its complete and final form.
- 9) When, in the opinion of the Development Officer, satisfactory arrangements have not been made by a developer for the supply of water,

electrical power, sewage, and street access, or any of them, including payment of the costs of installation or construction, the Development Officer shall refuse to issue a development permit.

10) The Development Officer may refer any application to the Mackenzie Municipal Services Agency or any other agency in order to receive qualified comment and advice.

11) Notwithstanding any specific provisions and standards set out in this bylaw, the Development Officer may establish a more stringent standard for a discretionary use when it is deemed necessary to do so.

Bylaw 664
2020/02/27

12) Where the proposed use is not listed in the specific land use district, the Development Authority may consider it so listed if, in their opinion, it is sufficiently similar in character and purpose to a listed use, but is not listed as a use in another district or defined in the Definitions section.

Bylaw 666
2020/02/27

13) Notwithstanding subsection 4, the Development Officer may decide on an application for a development permit even though the proposed development does not comply with this Bylaw or is a non-conforming building if, in the opinion of the Development Officer:

- a) The proposed development would not:
 - i. Unduly interfere with the amenities of the neighbourhood;
or,
 - ii. Materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land; and,
- b) The proposed development conforms with the use prescribed for that land or building in this Bylaw

Bylaw 666
2020/02/27

14) The Development Officer may suspend or revoke an approved development permit, if following the issuance of the development permit, it becomes known to the Development Officer that:

- a) the application for the 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.
by issuing a notice to the applicant at the address given in the application.

2.3 ESTABLISHMENT OF SUBDIVISION AND DEVELOPMENT APPEAL BOARD

- 1) The Subdivision and Development Appeal Board for the Village is established by separate bylaw in accordance with Section 627 of the *Municipal Government Act*.
- 2) The Subdivision and Development Appeal Board for the Village shall perform such duties as are specified in the *Act*.

2.4 THE MACKENZIE MUNICIPAL SERVICES AGENCY

The Director, or a representative of the Director, shall serve as an advisor to the Village, its Council and agencies upon their request.

2.5 DEVELOPMENT PERMIT: PAYMENT OF TAXES

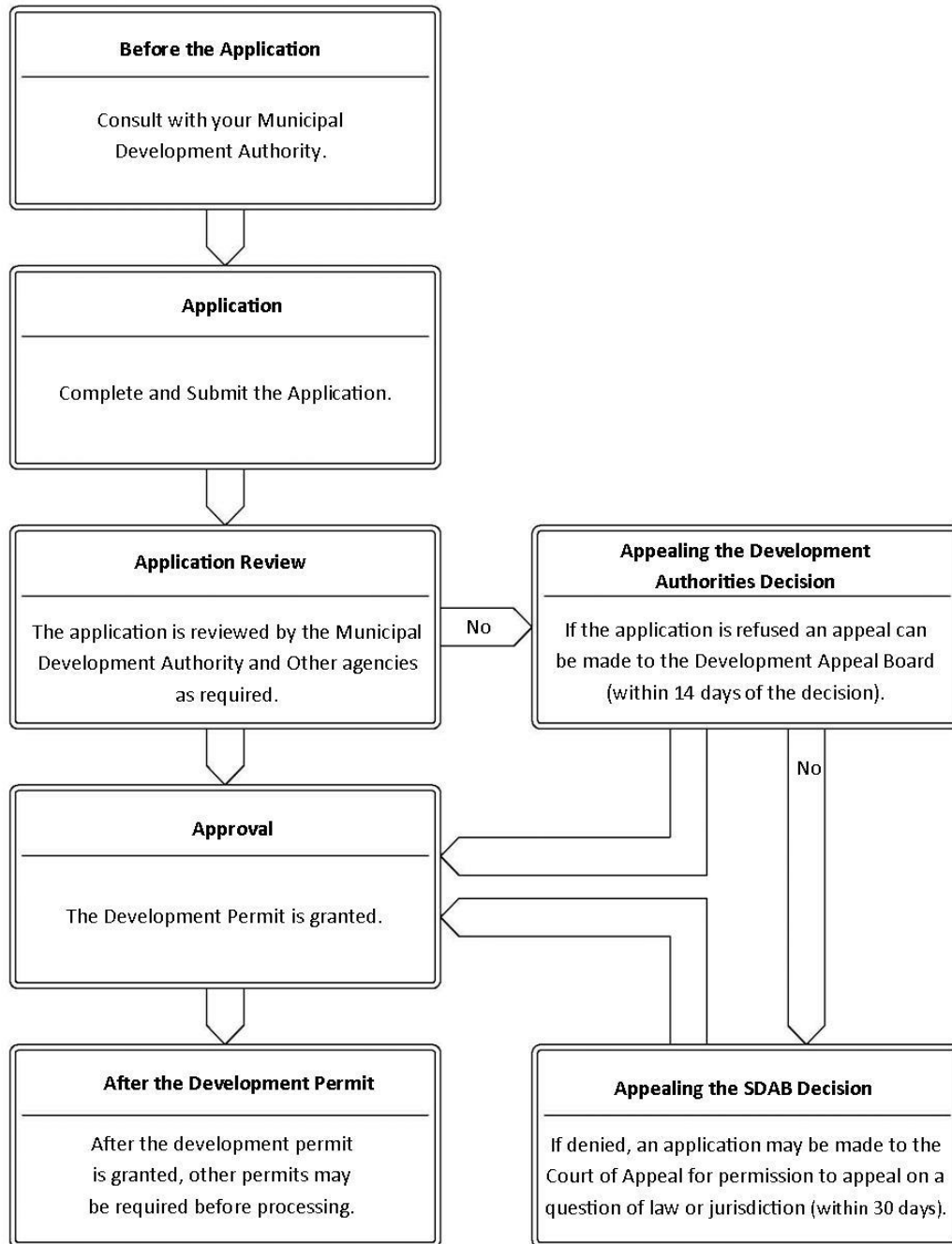
- 1) As a condition of development permit approval, the Development Officer may require the applicant to make the necessary arrangements to ensure that all property taxes are paid in full at the time of development permit approval to the satisfaction of the Village.

2.6 FORMS AND NOTICES - *deleted*

EXPLANATION NOTES

Development Process

This graphic is not part of this bylaw but is provided to aid in its interpretation.



SECTION 3 ISSUANCE OF DEVELOPMENT PERMITS AND NOTIFICATIONS

3.1 DEVELOPMENT PERMIT NOTIFICATIONS

- 1) A decision of the Development Officer on an application for a Development Permit shall be given in writing and a copy of it sent to the applicant.
- 2) When an application for a Development Permit is approved for a permitted use, the Development Officer may mail a notice in writing to all adjacent landowners stating the location of the property for which the application has been made and the Development Permit approved.
- 3) In the case of a permit issued for a permitted use where the provisions of the Bylaw have not been relaxed or varied, the Development Officer is not required to notify adjacent or affected land owners.
- 4) When an application for a Development Permit is approved for either a discretionary use or a permitted use where the provisions of this Bylaw have been relaxed or varied , the Development Officer shall:
 - a) Immediately mail a notice in writing to all adjacent landowners advising of the decision and the right to appeal the decision; and/or
 - b) Immediately publish a notice in a newspaper circulating in the municipality, stating the location of the property for which the application has been made and the use approved.
- 5) When an application for a Development Permit is refused, an official of the Village shall mail a notice by registered mail in writing, to the applicant or his agent stating the reasons for refusal.
- 6) For the purposes of this Bylaw, notice of the decision of the Development Officer is deemed to have been given on the day when Notice of Decision has been published in a newspaper, and/or posted on the site, and upon a decision of refusal, mailed to the applicant.
- 7) In accordance with the Farming Practises Protection Statutes Amendment Act, written notices of any development or application for an amendment to the Land Use Bylaw or for a development permit or subdivision approval, with regard to a property that is situated adjacent to an existing agricultural operation or a proposed one, shall be given to residents and owners of the properties situated adjacent to that agricultural operation. The methods of notification may include publications in a newspaper, on-

site signs, or other means as deemed appropriate by the Development Officer.

3.2 CONDITIONS OF A DEVELOPMENT PERMIT

- 1) A development permit lapses and is automatically void if the development authorized is not commenced within twelve(12) months from the date of issuing the permit, or within such longer periods as may be approved by the Development Officer.
- 2) 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.
- 3) A development permit for a discretionary use is automatically effective twenty-four (24) days after its issuance unless an appeal is lodged.
- 4) When an appeal is made, the development permit shall not come into effect until the appeal has been determined, at which time the permit may be modified or nullified thereby.
- 5) When an application for a development permit has been refused, the submission of another application on the same parcel of land and for a similar or the same use of the land by the same or another applicant may not be accepted by the Development Officer for at least six (6) months after the date of the refusal, unless the application was deemed refused or refused under section 4.3 (7)(b).
- 6) The Development Officer shall consider and decide on development permits within 40 days of receipt of the application in its complete and final form.

Bylaw 668
2020/03/12

Bylaw 668
2020/03/12

SECTION 4 DEVELOPMENT PERMITS

4.1 DEVELOPMENT PERMITS REQUIRED

- 1) Except as provided in Section 4.2 of this Bylaw, no person shall undertake any development unless it is in accordance with the terms and conditions of a development permit issued pursuant to this Bylaw.

4.2 DEVELOPMENT PERMITS NOT REQUIRED

- 1) A development permit is not required for the following developments but they shall otherwise comply with the provisions of this Bylaw:
 - a) works of maintenance, repair or alterations on a structure, both internal and external, if in the opinion of the Development Officer, such work:
 - i. does not include structural alterations;
 - ii. does not change the use or intensity of the use of the structure, and
 - iii. is performed in accordance with obligatory legislation or other government regulations.
 - b) the completion of a building which was lawfully under construction at the date this Bylaw comes into full force and effect, provided that:
 - i. the building is completed in accordance with the terms of any permit granted by the Village, subject to the conditions of that permit, and
 - ii. the building, whether or not a permit was granted in respect of it, is completed within a period of twelve (12) months from the date this Bylaw comes into full force and effect;
 - c) the use of any building referred to in Section 4.2(1)(b) for the purpose for which construction was commenced;
 - d) the erection, construction, or the maintenance of gates, fences, walls, or other means of enclosure less than 1.8 metres (6 feet) in height for the portion that does not extend beyond the foremost portion of the principal building abutting a front yard or for the erection, construction, or the maintenance of gates, fences, walls, or other means of enclosure less than 0.9 m (3 feet) in height for the portion that does extend beyond the foremost portion of the principal building.

- e) the erection or installation of machinery needed in connection with operations for which a Development Permit has been issued, for the period of those operations;
- f) the construction and maintenance of that part of a public utility placed in or upon a public thoroughfare or public utility easement;
- g) the use by the Village of land of which the Village is the legal or equitable owner for a purpose approved by two-thirds majority vote of Council in connection with any public utility carried out by the Village;
- h) the use of a building or part thereof as a temporary polling station for a Federal, Provincial or Municipal election or referendum;
- i) an official notice, sign, placard, or bulletin required to be displayed pursuant to the provisions of Federal, Provincial or Municipal legislation;
- j) one temporary, on-site sign which does not exceed 3 square metres (32 square feet) in area nor 2.4 metres (8 feet) in height and is intended for:
 - i. advertising the sale or lease of a dwelling unit, or property for which a development permit has been issued for the development on the said property; or
 - ii. identifying a construction or demolition project for which a development permit has been issued for such a project; or
 - iii. identifying a political campaign: such a sign may be displayed for 30 days prior to an election or referendum and must be removed within 7 days following election or referendum; or
 - iv. advertising a campaign drive which has been approved by Council: such a sign may be posted for a maximum period of 14 days.
- k) a non-commercial satellite dish antenna less than 1 metre (3.2 feet) in diameter.
- l) the erection or construction of a shed in any residential district, provided that the gross floor area of the shed is not more than 13.4 sq. metres (144 sq. feet).

4.3 APPLICATION FOR A DEVELOPMENT PERMIT

- 1) An application for a development permit shall be made to the Development Officer in writing in the prescribed form, and shall be signed by the owner and his agent. The Development Officer may require any of the following information with the application:
 - a) building plans, in duplicate, showing:
 - i. floor plans,
 - ii. elevations,
 - iii. exterior finishing materials;
 - b) site plans, in duplicate, showing:
 - i. the legal description and municipal address,
 - ii. dimensions of the site,
 - iii. utilities, site drainage, grade elevations, existing and finished lot grades, the grades of the streets and the location of proposed sewer and water lines,
 - iv. the height, dimensions, and relationship to property lines of all existing and proposed buildings and structures including retaining walls, trees, landscaping, other features and location of fencing if deemed necessary by the Development Officer;
 - v. on applications for multiple-family, commercial, industrial, recreational and institutional uses;
 - loading and parking provisions,
 - access locations to and from the site,
 - garbage and storage areas and the fencing and screening proposed for same,
 - location and approximate dimensions of existing and proposed culverts and crossings;
 - c) the applicant shall submit electronic drawings in PDF format, showing all of the information required in 4.3(1)(a) and 4.3(1)(b).
 - d) All drawings that are submitted must be drawn on standard drafting material or be digitally produced by an appropriate software to the satisfaction of the Development Officer and shall be fully dimensioned, drawn to scale, explicit and complete.

- e) the application fee for a Development Permit shall be established by a resolution of Council;
 - i. the development permit application fee will be doubled if development has been started before a development permit is obtained.
- f) a statement of ownership of land and interest of the applicant therein;
- g) the estimated commencement and completion dates;
- h) such additional information as the Development Officer may require.

Bylaw 668
2020/03/12

- 2) Within 20 days after receipt of a development permit application, the Development Officer shall determine whether the application is complete or incomplete,

Bylaw 668
2020/03/12

- 3) Notwithstanding subsection 2, the Development Officer may extend the time period for determining the completeness of a development permit application, based on a written agreement between the Development Authority and the applicant.

Bylaw 668
2020/03/12

- 4) When, in the opinion of the Development Officer:
 - a) sufficient details of a proposed development have been included with the application for a development permit, the Development Officer shall, in a form and manner appropriate, issue a notice of complete application to the applicant, advising that the application is complete within the timeline provided for in subsection 2 or 3.
 - b) sufficient details of a proposed development have not been included with the application for a development permit, the Development Officer shall, in a form and manner appropriate, issue a notice of incomplete application to the applicant, advising that the application is incomplete within the timeline provided for in subsection 2 or 3. The notice shall outline any outstanding information and/or documentation that must be provided by the applicant for the application to be considered complete by a date stated in the notice or as agreed upon between the Development Authority and the applicant.

Bylaw 668
2020/03/12

- 5) If the Development Officer does not issue a notice of complete or incomplete application for a development permit application within 20 days from the date of receipt of the application, or the extended time period agreed upon between the Development Officer and the applicant, the application is deemed to be complete.

Bylaw 668
2020/03/12

- 6) Notwithstanding the issuance of a notice of complete or incomplete application pursuant to subsection 4, or failure to issue a notice under subsection 5, the Development Authority may request additional information or documentation from the applicant that the Development Authority considers necessary to review the application.

Bylaw 668
2020/03/12

- 7) If an applicant who has been issued a notice of incomplete application:
 - a) submits all the required information and/or documentation by the date given in subsection 4(b), the Development Officer shall, in a form and manner appropriate, issue a notice of complete application to the applicant, advising that the application is now complete.
 - b) fails to submit all the required information and/or documents by the date given in subsection 4(b), the application is deemed refused.

Bylaw 668
2020/03/12

- 8) Where an application for a development permit is deemed refused under subsection 7(b), the Development Officer shall issue a notice to the applicant, stating that the application has been refused and the reason for the refusal.

Bylaw 668
2020/03/12

- 9) Unless extended by a written agreement between the Development Authority and the applicant, the Development Authority shall decide on a development permit application either:
 - a) within 40 days of receipt by the applicant the notice of complete application if issued under subsection 4 (a) or 7 (a), or
 - b) within 40 days from the receipt of the application, if no notice is issued under subsection 5.

4.4 SUBDIVISION STANDARDS

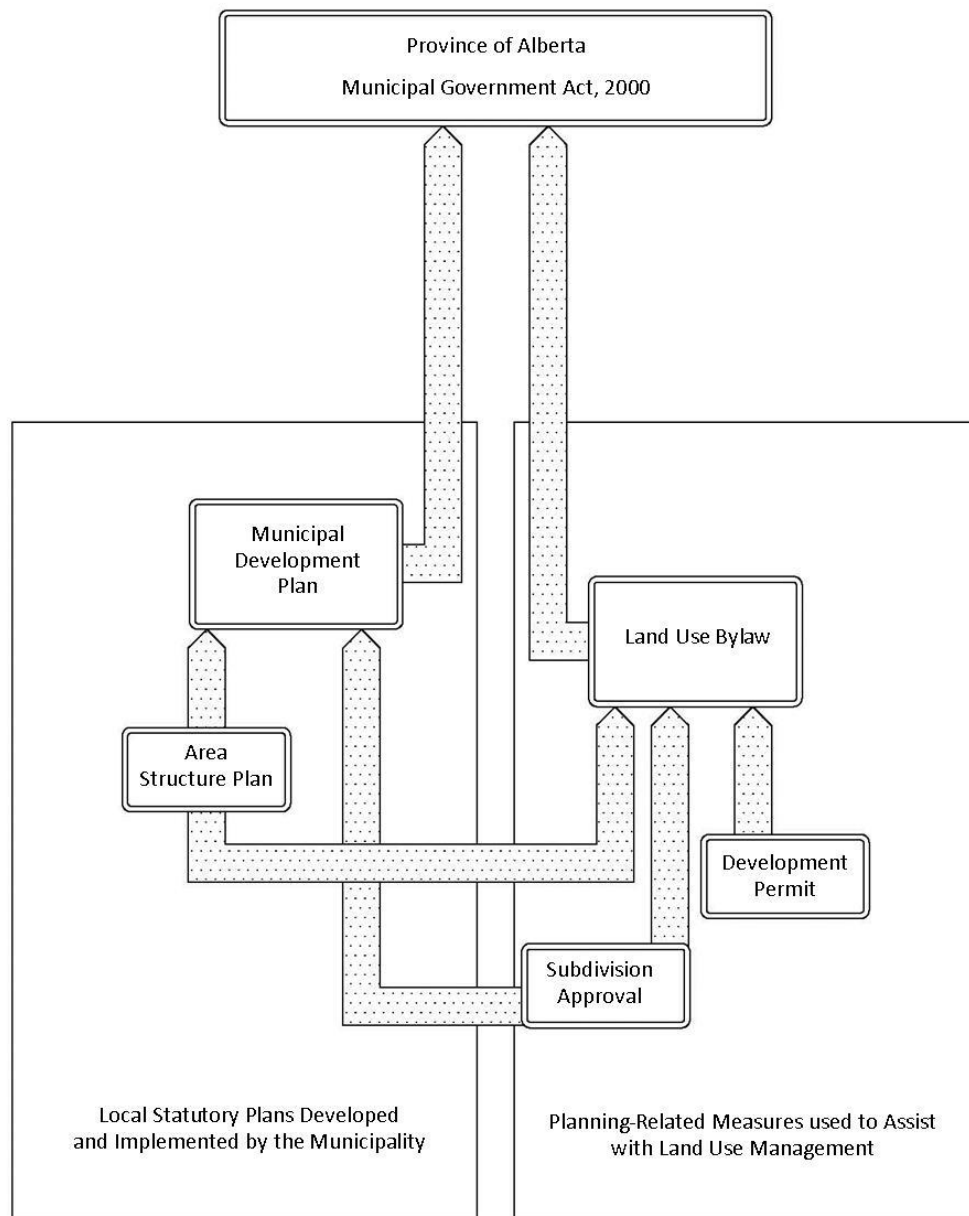
- 1) Notwithstanding the district requirements in all districts for lot width, lot depth and lot size, the Council may recommend a variance to the district requirements.
- 2) Upon recommendation from Council, the subdivision approving authority may approve a subdivision application which requires a variance in accordance to subsection 4.4(1).
- 3) Where Council has deemed it necessary to allow for a variance, written reasons for their recommendation will be sent to the subdivision approving authority.

- 4) Prior to making a recommendation for a subdivision variance, Council may notify adjacent landowners and indicate a time and place at which they may speak for or against the proposed variance, if Council deems it necessary.

EXPLANATION NOTES

Relationship between Plans and Planning Related Measures

This graphic is not part of this bylaw but is provided to aid in its interpretation.



SECTION 5 GENERAL LAND USE PROVISIONS

5.1 ACCESSORY BUILDINGS

- 1) For the purpose of calculating yard setbacks and site coverage requirements as provided in the Bylaw when an accessory building is attached to the principal building on a site by a roof, an open or enclosed structure, a floor, or a foundation, it is to be considered a part of the principal building and not as an accessory building.
- 2) Any accessory building which is not physically connected to a principal building shall be located at least 1.8 metres (6 feet) from any principal building.
- 3) Any accessory building erected on a site in any residential district shall not be used as a dwelling.
- 4) No side yard is required for any accessory building in a residential district or an industrial district where a mutual wall is erected on a common property line and is constructed of brick, stone or equivalent fire resistant material, there will be no overhang of eaves and all drainage is confined to the site.
- 5) With the exception of driveways, no accessory building or use shall be located in the front yard of any residential district.

Bylaw 675
2020/07/27

5.2 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 minimum area or width specified for the district may be used subject to the discretion of the Development Officer if all other requirements of the Bylaw and amendments thereto are observed.

5.3 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.

5.4 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.

5.5 PROJECTIONS INTO YARDS

- 1) The following fixtures may project into a front, side or rear yard of a site in a residential district;
 - a) Verandas, porches, eaves, shade projections, bay windows, chimneys, sills, balconies, unenclosed steps without a roof and not more than 0.9 metres (3 feet) above ground level, and any other architectural features, which in the opinion of the Development Officer, are of similar nature, providing that the total projection does not exceed 0.6 metres (2 feet).

5.6 RESTRICTIONS ON CORNER SITES

- 1) Notwithstanding any other provision contained in this Bylaw, no person shall place or maintain any object, structure, fence, hedge, shrub, or tree in or on that part of a sight triangle, if such objects or structures, in the opinion of the Development Officer, interfere with traffic safety.

5.7 HEIGHT OF BUILDING

- 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.

5.8 HOME BASED BUSINESS

- 1) Home based business shall be limited to those uses which do not interfere with the rights of other residents to quiet enjoyment of a residential neighbourhood. Home based businesses 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. create a nuisance by way of dust, noise, smell, smoke or traffic generation;

- c. require alterations to any building unless the alterations are approved by the Development Officer; nor
 - d. employ any more than one person other 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 .09 square metres (1 square foot).

5.9 ILLUMINATION

- 1) Any lighting proposed to illuminate areas in any district shall be located and arranged to the satisfaction of the Development Officer so that all direct rays of light are directed upon the area to be illuminated and not on any adjoining properties.

5.10 INDUSTRIAL STANDARDS

- 1) Any industrial operation including production, processing, cleaning, testing, repair, storage or distribution of any material shall conform to the following standards:
 - a) Toxic, nuisance or noxious materials, dust or ash shall not be released or permitted to escape to the atmosphere at such a rate as to interfere with the use and enjoyment of property or to endanger the health or safety of the public.
 - b) No industrial operation shall be carried out which would result in the projection of glare or heat onto adjacent properties.
 - c) Non-regulated waste products shall not be discharged into any sewer or private sewage disposal system if the nature of such waste products, or the manner of their discharge, would exceed the design standards for the sewer or sewage disposal system.
 - d) Regulated waste products shall be disposed of in a manner that meets the regulations of the Alberta Environmental Protection and Enhancement Act.
- 2) The Development Officer may consult with the Public Health Officer, Alberta Environment, Alberta Labour – General Safety Services Division,

or any other qualified consultant prior to making a decision on an application for a Development Permit.

5.11 LANDSCAPING AND SCREENING

- 1) An area required to be landscaped may, at the discretion of the Development Officer, be left in its natural state or be loamed and planted with grass, trees, shrubs and/ or flowers, or similar materials or a combination thereof, which enhance the appearance of the site and which complement the development thereon.
- 2) Any area requiring landscaping or topographic reconstruction shall be landscaped or reconstructed so that the finished surface grade does not direct drainage onto an adjoining site.

5.12 FENCING IN RESIDENTIAL DISTRICTS

- 1) The height of a fence above grade, at any point along a fence line, must not exceed:
 - a) 0.9 metres (3 feet) for that portion of the fence extending beyond the foremost portion of the principal building on the parcel;
 - b) 1.8 metres (6 feet) for that portion of the fence that does not extend beyond the foremost portion of the principal building on the parcel; and
 - c) 2.5 metres (8.2 feet) to the highest point of a gateway, provided that the gateway does not exceed 2.5 metres in length.
- 2) Notwithstanding Section 5.12(1), a Development Authority may approve, upon application for a development permit, a higher fence for public safety, security, or buffering reasons.

5.13 OBJECTS PROHIBITED OR RESTRICTED IN RESIDENTIAL DISTRICTS

- 1) No person shall be allowed to keep or maintain:
 - a) a commercial vehicle with a gross vehicle weight rating in excess of 4091 kilograms (9000 pounds) to remain on the street in a residential district;
 - b) an unlicensed, dismantled or derelict vehicle to remain on a site or a street in a residential district for more than forty-eight (48) hours;

- c) an excavation, building, or storage of material upon a site during the construction stage of any development unless all safety requirements are complied with and the owner and developer of any such site shall assume full responsibility for on-site safety measures;
- d) any excavation, equipment, or construction materials to remain on a site over a period longer than is reasonably necessary for completion of construction; or
- e) any object or chattel which, in the opinion of the Development Officer, is unsightly or tends to adversely affect the amenities of the district.

5.14 PARKING AND LOADING FACILITIES

- 1) Off-street parking shall be provided in accordance with the following table:

TYPE OF USE	MINIMUM PARKING
Residential Uses	
Apartments, Row Housing	1.5 spaces/ dwelling unit
Boarding House, Lodging House	1 space / 2 beds
Other Residential Uses	1 space/ dwelling unit
Commercial Uses	
Business, Administrative and Professional Offices	1 space/ 46.5 square metres (500 square feet) of gross floor area
Retail Shops and Personal Service Establishments	1 space/ 28.9 square metres (300 square feet) of gross floor area
Drive-In Restaurants and Eating Establishments	1 space/ 4 seats
Where a hotel and/ or eating establishment and/ or motel and/ or beer parlours are grouped in any combination on a site, the parking required shall be based on a combination of the standards for each specific use.	1 space/ guest unit 1 space/ 4 seats 1 space/ guest unit plus 1 space/ two employees
Other Non-Residential Uses	
Public Assembly Auditoriums, Theatres, Convention Halls, Gymnasiums, Private Clubs, Ball Parks	1 space/ 3.5 seats or 1 space/3.3 square metres (35 square feet) of floor area used

	by patrons, whichever is greater
Places of Worship	1 space/ 15 seating spaces
Schools: Elementary	1 space/ each classroom
Schools: Junior High, Senior High	2 spaces/ each classroom
Hospitals or Clinics	1 space/ 93.0 square metres (1000 square feet) of gross floor area
Industrial: Manufacturing and Industrial Plants, Warehouse, Wholesale and Storage Buildings and Yards, Servicing and Repair Establishments and Public Utility Buildings	1 space/ 3 employees on a maximum working shift
Any Other Uses	1 space/ 37.1 square metres (400 square feet)

- 2) A parking space shall be located on the same site as the building or the use in respect of which it is required and shall be designed, located and constructed 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 Development Officer in size, shape, location and construction.
- 3) Notwithstanding Section 5.14(2), should the Development Officer deem it advisable, he may:
 - a) Accept payment in lieu on the number of off-street parking spaces deficient, which payment shall be based on the amount of money Council considers reasonable in return for the equivalent parking space to be provided by the Village elsewhere in the district in which the development is proposed.
 - b) Require the developer to provide the required off-street parking on land other than that to be developed provided that:
 - i. the alternate parking site is within 122.0 metres (400 feet) of the site where the principal building is located or where the approved 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. the absolute control is established to the satisfaction of the Council;
 - iv. should the alternate parking site cease to be available, another parking site must be provided which meets the above criteria or the approved use of the building or the site must be discontinued;
 - v. the person wishing to use an alternate site shall agree with the Municipality in writing under seal, which document shall be in such form that it can be 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.
- 4) A parking space shall not be less than 15.0 square metres (160 square feet) in area.
- 5) Any loading space shall have an area of at least 29.0 square metres (300 square feet), 3.7 metres (12 feet) of width and 4.3 metres (14 feet) of overhead clearance.
- 6) Any parking space or any loading space provided shall be developed and surfaced to the satisfaction of the Development Officer within 12 months of the completion of the development for which the development permit was issued.
- 7) Every off-street parking space provided or required in any commercial district and the access thereto, including the whole area contained within the municipal land to which the curb crossing applies, shall be hard-surfaced if the access thereto is from a street or land which is hard-surfaced.
- 8) When a building is enlarged, altered, or changed in use, in such a manner as to cause an intensification of the use of that building, provision shall be made for the additional parking spaces required under the parking provisions of this Bylaw. The required parking shall be based only on the number of additional parking spaces required because of the enlargement, change in use, or intensification of the use of the building.
- 9) Adequate curbs or concrete bumpers or fences shall be provided to the satisfaction of the Development Officer if, in his opinion, it is or becomes necessary to protect adjacent fences, walls, boulevards, landscaped area or buildings on the site, or an abutting site, from contact with vehicles using such parking space or area.

- 10) Off-street parking shall be provided in the manner shown on the approved site plan with the entire area to be graded so as to ensure that drainage will be confined to the site and disposed of in a manner satisfactory to the Development Officer.

5.15 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 Development Officer shall require the applicant to provide a performance bond of such amount to ensure completion of any renovations set out as a condition of approval of a permit.
- 2) Renovations shall be completed within one year of the issuance of a development permit.

5.16 SIGN CONTROL

- 1) No sign of advertising, directional 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 by the Development Officer.
- 2) Signs shall comply with the setback requirements for principal buildings in the district in which the sign is located unless otherwise allowed by the Development Officer.
- 3) In considering a development permit application for a sign, the Development Officer shall have due regard to the amenities of the district in which the sign is located and to the design of the proposed sign.
- 4) On each industrial site the following signs may be allowed subject to the following limitations:
 - a) no sign shall project more than 1.5 metres (5 feet) above the top of any main wall or parapet to which it is affixed, unless, in the opinion of the Development Officer, it has been designed as an integral part of the building;
 - b) no sign shall be illuminated unless the source of light is steady and suitably shielded.
- 5) On each commercial site, signs may be allowed subject to the following limitations:

- a) signs and billboards shall be prohibited, excepting signs advertising the principal use of the premises or the principal products offered for sale on the premises, or signs advertising any business possessing a valid business licence operating within the municipal boundaries of the Village;
- b) no more than two signs shall be allowed on the premises;
- c) no sign shall be illuminated unless the source of light is suitably shielded;
- d) signs shall not protrude from the face of the building a distance exceeding 1.5 metres (5 feet); and
- e) written permission from the landowner shall be obtained for signs advertising businesses not operating on the property.

5.17 ENTRANCES AND EXITS

- 1) Curb cuts shall be set back a minimum distance of 6.0 metres (20 feet) from the intersection of site boundaries on corner lots.
- 2) Notwithstanding Section 5.17(1) the setback distance for curb cuts may be increased where, in the opinion of the Development Officer, such increase is necessary for reasons of public safety and convenience.
- 3) The maximum width of curb cutting shall not exceed 10.7 metres (35 feet).
- 4) The minimum distance between adjacent curb cutting on the same side of the property shall be determined by the Development Officer.

5.18 DWELLING UNITS PERMITTED ON A LOT

- 1) One dwelling unit per lot may be allowed by the Village in accordance with the provisions of this Bylaw.
- 2) Notwithstanding Section 5.18(1), multi-parcel residential buildings (apartments, duplexes, manufactured home parks, etc.) and secondary suites may be allowed to be developed on a lot in accordance with the provision of this Bylaw.

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2016/06/09

SECTION 6 SPECIAL LAND USE PROVISIONS

6.1 CAR WASHING ESTABLISHMENT

- 1) Site Area: The minimum site area shall be 743.0 square metres (8000 square feet) and shall contain storage space for ten vehicles prior to their entry into any part of the cleaning process. In the case of service stations including car washes, the minimum site area shall be 1115.0 square metres (12,000 square feet).

6.2 PLACES OF WORSHIP

- 1) Maximum height requirements may be exceeded only if one extra foot of side yard per foot over the maximum height requirement is provided.
- 2) The site upon which a place of worship is situated shall have a frontage of not less than 30.5 metres (100 feet) and an area of not less than 929 square metres (10,000 square feet).
- 3) In the case where a manse, rectory, parsonage or other building for a minister's residence is to be erected on the same site as the place of worship, the combined area of the site shall not be less than 1394.0 square metres (15,000 square feet).

6.3 DRIVE-IN RESTAURANTS

- 1) A minimum of fifteen (15) parking stalls are required on any lot so used.
- 2) Exits and entrances shall be as approved by the Development Officer and circulation within the lot shall be inter-directional and adequately signed.
- 3) Side and rear boundaries abutting residential areas, shall be screened by a fence or wall to the satisfaction of the Development Officer

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6.4 MANUFACTURED HOMES

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- 1) Before a development permit is issued for a manufactured home, the Development Authority shall receive verification that the home fully complies with CSA A277 Procedure for Factory Certification of Buildings Standard. If the CSA A277 sticker or the Alberta Municipal Affairs sticker is missing, the Development Authority may require an inspection by an Alberta Safety Codes Officer.

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- 2) Should an inspection by an Alberta Safety Codes Officer be required, and should the inspection indicate that upgrades to the manufactured home are necessary to bring the home into compliance with the CSA A277 standard, all required upgrades shall be made before the issuance of a development permit.

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- 3) Every manufactured home shall be placed on, or anchored to, permanent pilings or other types of foundations that extend below the frostline,

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- 4) In addition to the requirements of subsection (1) and (2) above, a manufactured home must meet the following aesthetic regulations:
 - a) The height of the main floor above grade shall be consistent with the height of the main floor of dwellings in the immediate area.
 - b) The roof shall be peaked.
 - c) Exterior finishing materials used on the roof and exterior walls shall be in good condition.
 - d) Minimum roof overhang or eaves should be equal to or more than 30.4 cm (1.0 ft).
 - e) The undercarriage of a manufactured home shall be completely screened from view by skirting or by such other means satisfactory to the Development Officer.
 - f) The design of each manufactured home shall ensure the side or end of the building facing the street contains a front door, and/or windows in quantity and size to provide a strong visual connection between the building and the street and in a style that mimics adjacent buildings.
 - g) All accessory structures, additions, porches, and skirting shall:
 - i. be of a quality and appearance equivalent to that manufactured home;
 - ii. be considered as part of the main building; and
 - iii. be erected only after obtaining a development permit.
 - h) Additions shall not exceed 30% of the gross floor area of the manufactured home subject to setback requirements being met.
- 5) The hitch and wheels are to be removed from the manufactured home.

- 6) Any required aesthetic upgrades to the manufactured home must be completed before the issuance of the development permit. The completion of foundation or skirting material must be completed within thirty (30) days of the placement of the manufactured home on a site.
- 7) Used manufactured homes under consideration or relocation on a parcel shall meet the following criteria:
 - a) enclosed by a peaked roof;
 - b) be no older than 10 years; and
 - c) be architecturally similar to existing dwellings in the vicinity of the proposed development.
- 8) Notwithstanding subsection (7), the Development Authority may consider applications for used manufactured homes that are older than ten (10) years, subject to the following additional criteria:

Bylaw 675
2020/07/27

- a) The manufactured home shall be in a good visual condition, evidenced by pictures of all the exterior sides taken no more than 30 days prior to and submitted as part of the development permit application. The Development Authority may refuse a development permit application on the basis of poor appearance.
- b) The Development Authority may require a life safety audit or inspection by an Alberta Safety Codes Officer confirming that the manufactured home is safe and/or a stamped report from a qualified structural engineer confirming that the manufactured home is structurally sound, prior to the application being considered complete.
- c) Where an inspection or stamped report determines that upgrades are necessary, all required upgrades shall be made before the issuance of a development permit. The Development Authority may require a second report to confirm that the upgrades have been completed prior to issuing the development permit.

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6.5 MANUFACTURED HOME PARKS

- 1) Every Manufactured Home Park owner shall maintain on their own property a treed buffer of a width that shall not be less than 3.0 metres (10 feet) along the park boundaries.
- 2) For parks containing over 50 lots, two separate means of access shall be provided and may be in the form of a boulevard road with a central

dividing strip, so that in the event of a blockage on one side, the other side is accessible for emergency vehicles.

- 3) The park owner is to ensure the site complies with Minimum Housing and Health standards.
- 4) All manufactured homes shall be located on lots defined on the site plan for the park.
- 5) Prior to the location of manufactured homes in the park, the park owner shall submit a site plan and landscape plan in conformance with development permit requirements.
- 6) Prior to the location of manufactured homes in the park, the owner shall submit a drainage plan, clearly indicating how storm water is to be managed on site. Examples of site drainage are in Appendix "A" of Land Use Bylaw No. 601.
- 7) All lots are to be serviced by a public or private water and sanitary sewer system in accordance with Alberta Environment regulations.
- 8) The park operator shall provide on-site containerized and appropriately screened/enclosed garbage collection facilities or garbage cans for the storage of garbage and refuse awaiting final disposal. Such location must be indicated on the site plan submitted with the application for development permit and is to be in conformance with the following requirements:
 - a) Located at a distance from manufactured homes to mitigate odour impacts;
 - b) Located adjacent to private road with convenient access to residents;
 - c) Located with easy access to public road for garbage and refuse removal;
- 9) All areas of the park not developed or occupied by park roads, walkways, driveways, parking aprons, buildings or other development facilities including playgrounds, shall be landscaped by the developer.
- 10) Outdoor lighting in the park shall conform to the development agreement.
- 11) Signs shall be of a character that fit within the context of the residential area including size, height and style, satisfactory to the Development Officer.

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2016/06/09

12) Vehicular and pedestrian areas shall conform to the following:

- a) All roads and pedestrian walkways within a manufactured home park shall be well drained and surfaced and maintained to the satisfaction of the Development Authority. Minimum right-of-way width shall be 8.2 metres (27 feet) including the one side pedestrian walkway width of 0.9 metres (3 feet).
- b) One off-street parking space per unit shall be provided either on the manufactured home lot or in small communal parking areas as identified on the site plan;
- c) Internal pedestrian walkways, shall be provided with a minimum hard surfaced width of 0.9 metres (3 feet);
- d) The park owner shall be responsible for the removal of snow from all internal pedestrian walkways and vehicular parking areas, excluding individual parking spaces located within the Manufactured Home Park.

13) Lot Requirements:

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2016/06/09

- a) The Manufactured Home Park owner shall ensure that each manufactured home is levelled blocked, skirted, and the hitch removed or skirted within 30 days of being installed on the lot. The manufactured home, including attached structures shall be:
 - i. Within the boundaries of the lot;
 - ii. At least 3.0 metres (10 feet) from every adjacent manufactured home, carport, porch, and any structure or permanent park structure, and 3.0 metres (10 feet) from any park boundary;
 - iii. At least 3.0 metres (10 feet) from any park street;
 - iv. Abut a park street and have a driveway, with a minimum width of 2.7 metres (9 feet) along the park street;
 - v. At least 19.8 metres (65 feet) from any manufactured home, including any attached structures, or permanent park structures, located directly on the opposite side of a park street;
 - vi. Be clearly defined on the ground by permanent flush stakes, markers or other means, and permanently marked with a lot number for civic addressing;
 - vii. Fences shall not exceed 0.9 metres (3 feet) in height for front yards;

- viii. Fences shall not exceed 1.8 metres (6 feet) in side and rear yards, to be measured as the average elevation from the ground at the fence or wall.

14) Service and Auxiliary Buildings:

- a) All service buildings must be accessible by a park street;
- b) A screened storage compound may be provided for trucks, campers, travel trailers, snowmobiles, boats and are to be identified on the site plan and are to conform to development standards.

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2016/06/09

6.6 MODULAR BUILDING

- 1) Any development for a modular building is considered discretionary in every district.
- 2) Before a development permit is issued for a modular building, the Development Authority shall receive verification that the building fully complies with the CSA A277 Procedure for Factory Certification of Buildings Standard. If the CSA A277 sticker or the Alberta Municipal Affairs sticker is missing, the Development Authority may require an inspection by an Alberta Safety Codes Officer.
- 3) Should an inspection by an Alberta Safety Codes Officer be required, and should the inspection indicate that upgrades to the modular building are necessary to bring the building into compliance with the CSA A277 standard, all required upgrades shall be made before the issuance of a development permit.
- 4) A proposed modular building shall be architecturally similar to existing buildings in the vicinity of the proposed development, including its exterior finish, roofline, size, scale, placement on site, to the satisfaction of the Development Authority.
- 5) The full perimeter foundation should be finished in order to create the same finished appearance customarily found in single detached dwellings in the immediate area.
- 6) Modular homes shall be securely fastened and placed on a permanent foundation, excluding the use of pilings.
- 7) A modular single-detached dwelling placed in the R-1and R-G District shall have a front door and a minimum of one window facing the street to provide a strong visual connection between the building and the street.

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2016/06/09

- 8) The quality of the completed modular construction shall be consistent with the quality of the other structures in the area.

6.7 SERVICE STATIONS AND GAS BARS

- 1) Site Area and Coverage:
 - a) The minimum site area shall be 557.4 square metres (6000 square feet) and the maximum building coverage shall be 15 percent of the site area.
 - b) Where a service station forms part of a shopping centre development, the minimum site area and maximum building coverage may be varied at the discretion of the Development Officer.
- 2) Site and Building Requirements:
 - a) All parts of the site to which vehicles may have access shall be hardsurfaced and drained to the satisfaction of the Development Officer.
 - b) No activity may be carried on which constitutes a nuisance or annoyance to persons occupying land in the immediate vicinity of the site, by reason of dust, noise, gases, odours, smoke or vibration.
 - c) The site of the building shall be maintained in a clean and tidy condition and free from all rubbish and debris.
- 3) Landscaping shall be provided and maintained to the satisfaction of the Development Officer.
- 4) Fencing of at least 1.5 metres (5 feet) in height but no higher than 2.1 metres (7 feet) shall be provided along the boundary of a site where it abuts a residential district.

6.8 SATELLITE DISHES

- 1) Notwithstanding Section 4.2(1)(k), no person shall install a satellite dish antenna without a development permit.
- 2) Private non-commercial radio and television antennas may be permitted to be constructed to a height in excess of the maximum height limit of the land use district, provided that the development complies with the other requirements set out in this Bylaw.

- 3) All satellite antennas shall be required to meet setbacks as determined by the Development Officer taking into account:
 - a) the amenities of the neighbourhood;
 - b) the use and enjoyment of neighbouring properties; and
 - c) the location of overhead power and telephone wires.
- 4) A satellite dish shall not be located in the front yard of any lot.
- 5) A site plan, showing the location of the satellite dish on the lot must be submitted at the time of application for a development permit. The cost for a development permit for each application to install a satellite dish shall be established by a resolution of Council.

6.9 COMMERCIAL COMMUNICATION TOWERS AND ANTENNA SUPPORTING STRUCTURES

- 1) Installation of any proposed commercial communication tower or antenna supporting structure with a total height exceeding 15.0 metres (49.2 feet) above ground level at the point of proposed installation shall require both provisional and final approval. Total height so measured shall include attached antennas, guying devices, and similar appurtenances.
- 2) Commercial communications towers and antenna supporting structures shall be commercially manufactured for the purpose, be installed in accordance with the manufacturer's instructions, and be founded on soil of adequate bearing capacity to preclude detrimental settlement and/or soil yielding. Antennas connected to such structures shall not present a wind load in excess of that specified by the manufacturer as the maximum for the structure.
- 3) Provisional approval may be granted at the proposal stage, prior to any actual installation work being undertaken. Any granting of final approval, among other provisions, shall be pending confirmation of compliance of the proposed tower or structure with both the Federal Radiocommunication Act, and the Federal Aeronautics Act.

Bylaw 644
2018/01/11

6.10 SEA-CANS

- 1) Sea-cans may be permitted as a discretionary use, at the discretion of the Development Officer, but will not be considered in residential districts, except for a temporary use, as regulated under S. 6.10 15).

- 2) Sea-cans will be considered as an accessory use and shall not be the primary use on a lot.
- 3) Sea-cans are considered accessory uses and are to be used for storage purposes only.
- 4) If hazardous materials are proposed to be stored in a sea-can, structural changes to the sea-can will be required as a condition of development permit approval.
- 5) Sea-cans shall not be used as a dwelling, nor shall they have services connected to them.
- 6) Prior to the Development Officer accepting an application for a development permit for a sea-can, colour photographs of all four sides of the proposed sea-can(s) shall be provided.
- 7) In addition to obtaining a development permit, a building permit must also be obtained.
- 8) Sea-cans shall not be stacked one upon another.
- 9) Sea-cans shall not be placed in the front yard.
- 10) Sea-cans shall be located at least 1.8 metres (6 feet) from any principal building.
- 11) Sea-cans must have an exterior finish to match or complement the exterior finish of other buildings on the subject property and/or be screened from view to the satisfaction of the Development Officer. If the exterior finish is not acceptable, the Development Officer may require the sea-can be painted to match the surrounding building colours. Note: Addition of exterior cladding materials or structural alterations to the sea-can may affect the required separation distances.
- 12) Where a sea-can is to be placed on a property which abuts a residential or the Parks and Recreation District, the sea-can shall be fully screened from view from any such property through the use of landscaping, opaque fencing or a combination of fencing and landscaping to the satisfaction of the Development Officer.
- 13) The maximum number of sea-cans that may be allowed per lot is as follows:
 - a) less than 0.40 ha (1.0 acre) – two (2) sea-cans;
 - b) 0.41 ha (1.01 acres) to 1.21 ha (3.0 acres) – three (3) sea-cans;

- c) 1.22 ha (3.01 acres) or more – five (5) sea-cans.
- 14) Section 6.10 (14) does not apply where sea-cans are being sold or rented as part of an authorized storage or sea-can related business.
- 15) Sea-cans may be used temporarily in any districts for the storage of equipment and materials during the period of constructing the primary structure on the site, subject to the following:
- a) new construction must have an approved development permit issued by the Village; and
 - b) sea-cans must be placed wholly within the subject property and not within any Village road rights-of-way; and
 - c) the sea-can(s) shall be removed from the property no later than seven (7) calendar days after completion of the project; and
 - d) if construction ceases for a period of thirty (30) days or is abandoned, the sea-can(s) shall be removed no later than seven (7) days after notice to remove it is issued by the Village; and
 - e) sea-cans temporarily used in the Restricted Residential District (R-1), General Residential District (R-G), or Residential Manufactured Home Park District (R-MHP) shall not exceed 6.0 metres (20 feet) in length.

Bylaw 648
2019/03/14

6.10 MIXED INDUSTRIAL/RESIDENTIAL BUILDING

Mixed Industrial/Residential Building shall comply with the following standards:

- 1) Each application for a Development Permit for a Mixed Industrial/Residential Building shall include:
 - a) a description of the industrial use to be undertaken at the premises;
 - b) provision for vehicular parking, and
 - c) where any materials or equipment associated with the industrial use are to be stored.
- 2) No portion of a Mixed Industrial/Residential Building shall be separately rented to any person not working with the industrial business.
- 3) As permitted by Section 651.1 of the Municipal Government Act, as amended from time to time, a restrictive covenant shall be required to be registered against the certificate of title for the subject property to ensure that the residential portion of the building shall not be separated from the

principal industrial portion through condominium conversion or subdivision.

- 4) Uses that are not permitted in a Mixed Industrial/Residential Building include, but are not limited to any activity or use as determined by the Development Authority to be incompatible with a residential use.
- 5) The residential component of a Mixed Industrial/Residential Building shall not exceed 50% of the floor area of the building up to a maximum of 111.48 square metres (1200 square feet per unit).

Bylaw 651
2018/08/30

6.11 CANNABIS RETAIL SALES

- 1) The owner or applicant must obtain any other approval, permit, authorization, consent or licence that may be required to ensure compliance with applicable federal, provincial or other municipal legislation.
- 2) Cannabis Retail Sales use shall not be located within 100 metres from:
 - a) a private or public school; or
 - b) a provincial health care facility;
- 3) The separation distance between uses shall be measured from lot line to lot line.
- 4) The development shall not operate in conjunction with another approved use.
- 5) Customer access to the store is limited to a store-front that is visible from the street.
- 6) No customer parking shall be located behind a facility and all parking areas in front of the building shall be well lit.
- 7) Parking shall be provided in accordance with Section
- 8) 5.14 and the minimum requirements for Retail Shops and Personal Service Establishments.

6.12 CANNABIS PRODUCTION FACILITY

- 1) The owner or applicant must provide as a condition of development a copy of the current licence for all activities associated with cannabis production as issued by the Federal Government.
- 2) The owner or applicant must obtain any other approval, permit, authorization, consent or licence that may be required to ensure compliance with applicable federal, provincial or other municipal legislation.
- 3) The development must be done in a manner where all of the processes and functions are fully enclosed within a stand-alone building including all loading stalls and docks, and garbage containers and waste material.
- 4) The development shall not operate in conjunction with another approved use.
- 5) The development shall not include an outdoor area for storage of goods, materials or supplies.
- 6) The development must include equipment designed and intended to remove odours from the air where it is discharged from the building as part of a ventilation system.
- 7) The Development Officer may require, as a condition of a development permit, a waste management plan, completed by a qualified professional, which includes but not limited to, details on:
 - a) the incineration of waste products and airborne emissions, including smell;
 - b) the quantity and characteristics of liquid and waste material discharged by the facility; and
 - c) the method and location of collection and disposal of liquid and waste material discharged by the facility.
- 8) Parking shall be provided in accordance with the minimum requirements for Industrial under Other Non- Residential Uses in Section 5.14 Parking and Loading Facilities.

SECTION 7 ESTABLISHMENT OF DISTRICTS

7.1 DISTRICT CLASSIFICATION

- 1) For the purpose of this Bylaw, all land within the boundaries of the Village shall be divided into the following land use districts:

DISTRICT	SYMBOL
Restricted Residential	R-1
General Residential	R-G
Residential Manufactured Home Park	R-MHP
Primary Commercial	C-1
Secondary Commercial	C-2
Industrial	M-1
Parks and Recreation	PR
Agriculture-Urban Reserve	A-UR

Bylaw 633
2016/06/09

7.2 DISTRICT SYMBOLS

- 1) Throughout this Bylaw and any amendments thereto, a district may be referred to either by its full name or by its symbol as set out in Section 7.1(1).

7.3 DISTRICT MAP

- 1) The District Map, as may be amended or replaced by Bylaw from time to time, is the map attached to and forming part of this Bylaw and among other things bears the following identification:
 - a) Village of Berwyn Land Use Bylaw No. 601;
 - b) Map 1: Land Use Bylaw Districts;
 - c) Adopted by Council this 26 Day of September, 2013;
 - d) Signatures of the Mayor and the Chief Administrative Officer.
- 2) In the event that a dispute arises over the precise location of a boundary of any district as shown on the District Map, the council may request planning advice and shall decide thereon.

SECTION 8 RESTRICTED RESIDENTIAL DISTRICT (R-1)

8.1 PURPOSE

The purpose of this district is to allow low density residential development and to preserve the character of the neighbourhood.

8.2 PERMITTED AND DISCRETIONARY USES

1) Permitted Uses

Bylaw 633
2016/06/09

- accessory buildings and structures
- modular single detached dwelling - *deleted*
- parks and playgrounds
- residential support home type 1
- single detached dwelling

Bylaw 656
2019/03/14

2) Discretionary Uses

Bylaw 656
2019/03/14

- group care facility
- moved-in building
- public buildings, utilities, uses and services
- residential care facility
- residential support home type 2

8.3 GENERAL REQUIREMENTS

- 1) In addition to the general and special land use regulations and provisions contained in Sections 5 and 6 respectively, the following regulations shall apply to every development in this district.

8.4 MINIMUM REQUIREMENTS

- 1) Area of Site: 557.4 square metres (6000 square feet)
- 2) Width of Site: 18.2 metres (60 feet)
- 3) Front Yard: 7.6 metres (25 feet)
- 4) Side Yard:
 - a) Principal Buildings:
 - i. street side of a corner site: 3.0 metres (10 feet)
 - ii. all other sides: 1.5 metres (5 feet)

- b) Accessory Buildings:
 - i. street side of corner site: 3.0 metres (10 feet)
 - ii. all other sides: 0.9 metres (3 feet)
- 5) Rear Yard:
 - a) Principal Buildings: 7.6 metres (25 feet)
 - b) Accessory Buildings: 1.5 metres (5 feet)
- 6) Floor Area: 89 square metres (960 square feet)

8.5 MAXIMUM LIMITS

- 1) Coverage of Site: All buildings together (including accessory buildings): 40% of the site.
- 2) Height of Buildings:
 - a) Principal Buildings: 8.5 metres (28 feet)
 - b) Accessory Buildings: 4.8 metres (16 feet)

8.6 ADDITIONAL REQUIREMENTS

- 1) The relocation of existing structures into this district shall be allowed.
- 2) Modular homes older than five (5) years old shall not be moved into this district.
- 3) Accessory buildings shall be of comparable quality and construction as the principal building to the satisfaction of the Development Officer.
- 4) The Development Officer may decide on such other requirements as are necessary having regard to the nature of a proposed development and the intent of this district.

Bylaw 606
2013/11/28

SECTION 9 GENERAL RESIDENTIAL DISTRICT (R-G)

9.1 PURPOSE

The purpose of this district is to allow a diverse range of residential uses that are compatible with low and medium density housing.

9.2 PERMITTED AND DISCRETIONARY USES

1) Permitted Uses

Bylaw 656
2019/03/14

- accessory buildings and structures
- parks and playgrounds
- residential support home type 1
- single detached dwelling

2) Discretionary Uses

Bylaw 656
2019/03/14

Bylaw 633
2016/06/09

Bylaw 656
2019/03/14

- apartments
- child care facility
- duplexes
- group care facility
- home-based business
- hospital
- modular single detached dwelling - *deleted*
- manufactured home
- moved-in building
- place of worship
- public buildings, utilities, uses and services
- residential care facility
- residential support home type 2
- row dwelling
- school
- secondary suite
- semi-detached dwelling
- senior citizen home
- signs

9.3 GENERAL REQUIREMENTS

- 1) In addition to the general and special land use regulations and provisions contained in Sections 5 and 6 respectively, the following regulations shall apply to every development in this district.

9.4 MINIMUM REQUIREMENTS

1) Area of Site:

- a) Apartments: 697 square metres (7500 square feet)
- b) Semi-detached dwellings:
 - i. 279 square metres (3000 square feet) for each interior unit
 - ii. 325 square metres (3500 square feet) for any unit situated on a corner lot
- c) Duplexes: 557.4 square metres (6000 square feet)
- d) Single detached dwelling: 464.5 square metres (5000 square feet)

2) Width of Site:

- a) Apartments: 22.8 metres (75 feet)
- b) Semi-detached dwellings:
 - i. 9.1 metres (30 feet) for each interior unit
 - ii. 13.1 metres (43 feet) for any unit situated on a corner lot
- c) Duplexes: 18.2 metres (60 feet)
- d) Single detached dwellings: 15.2 metres (50 feet)

3) Front Yard:

- a) Manufactured Homes: 7.6 metres (25 feet)
- b) All other uses: 7.6 metres (25 feet)

4) Side Yard:

- a) Principal Buildings:
 - i. street side of a corner site: 3.0 metres (10 feet)
 - ii. all other sides: 1.5 metres (5 feet)
- b) Accessory Buildings:
 - i. street side of corner site: 3.0 metres (10 feet)
 - ii. all other sides: 0.9 metres (3 feet)

5) Rear Yard

Bylaw 633
2016/06/09

Bylaw 633
2016/06/09

- a) Manufactured Homes: at the discretion of the Development Officer
 - b) All other principal buildings: 7.6 metres (25 feet)
 - c) Accessory buildings: 0.9 metres (3 feet)
- 6) Floor Area:
- a) Apartments: 46.4 square metres (500 square feet) per unit
 - b) All other cases: 74.3 square metres (800 square feet)

9.5 MAXIMUM LIMITS

- 1) Coverage of Site: All buildings together (including accessory buildings): 40% of the site.
- 2) Height of Buildings:
 - a) Apartments: 12.2 metres (40 feet)
 - b) All other cases: 8.5 metres (28 feet)
- 3) Density:
 - a) Apartments: The total floor area of the building shall not exceed the ratio of 9.3 square metres (100 square feet) of building to every 11.6 square metres (125 square feet) of site area.

9.6 ADDITIONAL REQUIREMENTS

Bylaw 606
2013/11/28

- 1) Modular homes older than ten (10) years old shall not be moved into this district.

Bylaw 675
2020/07/27

- 2) *Deleted*
- 3) A minimum of 15% of a site to be used for an apartment shall be landscaped to the satisfaction of the Development Officer.
- 4) The Development Officer may decide on such other requirements as are necessary, having regard to the nature of a proposed development and the intent of this district.

SECTION 10 RESIDENTIAL MANUFACTURED HOME PARK DISTRICT (R-MHP)

10.1 PURPOSE

The purpose of this District is to provide for lots within a Manufactured Home Park, in which manufactured homes are accommodated on an individual site basis with individual service connections.

10.2 PERMITTED AND DISCRETIONARY USES

- 1) Permitted Uses:
 - accessory buildings and structures
 - manufactured home
 - parks and playgrounds
 - residential support home type 1

- 2) Discretionary Uses:
 - child care facility
 - group care facility
 - home-based business
 - relocated or moved-in buildings
 - residential care facility
 - residential support home type 2

10.3 GENERAL REQUIREMENTS

- 1) No person shall use any lot or erect, alter or use any building or structure unless such lot is served by public water and public sanitary sewer systems.
- 2) In addition to the general and special land use regulations and provisions contained in Sections 5 and 6 respectively, the following regulations shall apply to every development in this district.

10.4 MAXIMUM LIMITS

- 1) Coverage of Site:
 - a) All buildings together (including accessory buildings): 40% of the site

2) Height of Buildings:

- a) Principal building: 5.4 metres (18 feet)
- b) Accessory building: 4.5 metres (15 feet)

SECTION 11 PRIMARY COMMERCIAL DISTRICT (C-1)

11.1 PURPOSE

The purpose of this land use district is to provide for the development of the Village's central business district.

11.2 PERMITTED AND DISCRETIONARY USES

1) Permitted Uses

- accessory buildings and uses
- amusement facility
- casino and other gaming establishments
- child care facility
- clothes cleaning establishments
- convenience retail store
- cultural exhibits
- grocery store
- hotel
- liquor store
- parks and playgrounds
- professional, financial and office support services
- restaurants
- retail commercial establishment

Bylaw 651
2018/08/30

2) Discretionary Use

- cannabis retail sales
- commercial school
- group care facility
- public buildings, utilities, uses and services
- parking lots
- radio broadcasting studio
- residential care facility
- residential dwellings
- residential support home type 1
- residential support home type 2
- Sea-Cans
- signs
- veterinary clinic
- other similar uses deemed appropriate by the Development Officer

Bylaw 656
2019/03/14

Bylaw 644
2018/01/11

Bylaw 656
2019/03/14

11.3 GENERAL REQUIREMENTS

- 1) In addition to the general and special land use regulations and provisions contained in Sections 5 and 6 respectively, the following regulations shall apply to every development in this district.

11.4 MINIMUM REQUIREMENTS

- 1) Area of Site: 232.2 square metres (2500 square feet)
- 2) Width of Site: 7.6 metres (25 feet)
- 3) Front Yard: none, except where deemed necessary by the Development Officer
- 4) Side Yard:
 - a) Side yard adjacent to a residential district: 1.5 metres (5 feet)
 - b) All other sides: none, where a firewall is provided, but if a side yard is provided it must be a minimum of 1.2 metres (4 feet)
- 5) Rear Yard: 7.6 metres (25 feet)

11.5 MAXIMUM LIMITS

- 1) Building Height: at the discretion of the Development Officer in consultation with the Fire Chief.
- 2) Signs:
 - a) All commercial signs shall be designed to the satisfaction of the Development Officer.
 - b) Signs shall not exceed the maximum height requirements of structures in this district.
 - c) A sign perpendicular to its business establishment frontage shall not protrude past the edge of the sidewalk fronting the establishment. If there is no sidewalk, a sign shall not extend more than 1.5 metres (5 feet) in front of the main structure.
 - d) Bulletin boards may be placed and maintained in this district providing they are mounted flush to the front wall of the building.

11.6 ADDITIONAL REQUIREMENTS

- 1) Screening and Fencing:
 - a) All sites abutting a residential district shall be screened from the view of the residential district to the satisfaction of the Development Officer.
 - b) All apparatus on the roof of any building shall be screened to the satisfaction of the Development Officer.
 - c) Outside storage areas shall be screened from adjacent sites and public thoroughfares to the satisfaction of the Development Officer.
- 2) Building and Landscaping: The design, construction and architectural appearance of any building and landscaping undertaken shall be subject to the satisfaction of the Development Officer.
- 3) The Development Officer may decide on such other requirements as are necessary, having regard to the nature of the proposed development and the intent of this district.

11.7 ADDITIONAL DEVELOPMENT REGULATIONS FOR RESIDENTIAL DWELLING(S)

- 1) The following regulations shall apply to dwelling unit(s) developments:
 - a) A dwelling unit(s) shall only be permitted in a building where the first storey is used for commercial purposes;
 - b) The dwelling unit shall have access at grade, with a separate and private entrance;
 - c) The dwelling unit shall be designed and sited to minimize any impacts from the commercial component of the development related to noise, traffic circulation or loss of privacy; and
 - d) Any dwelling unit within the commercial district must be a secondary use to the commercial development.

SECTION 12 SECONDARY COMMERCIAL DISTRICT (C-2)

12.1 PURPOSE

The purpose of this land use district is to provide for the development of the Village's secondary commercial district.

12.2 PERMITTED AND DISCRETIONARY USES

1) Permitted Uses

- accessory buildings and uses
- parking lots
- public buildings, utilities, uses and services

2) Discretionary Uses

- auction facility
- banks and financial agencies
- cannabis retail sales
- carnival
- carwash
- clothes cleaning establishments
- commercial school
- cultural exhibits
- drive-in restaurants
- grocery store
- group care facility
- hotel
- liquor store
- motels
- radio broadcasting studio
- recycling depot
- repair shops
- residential care facility
- residential dwellings
- residential support home type 1
- residential support home type 2
- retail outlets
- sea-cans
- service station, gas bars and garages
- veterinary clinic
- warehouse
- other similar uses deemed appropriate by the Development Officer

Bylaw 651
2018/08/30

Bylaw 656
2019/03/14

Bylaw 605
2013/11/28

Bylaw 656
2019/03/14

Bylaw 644
2018/01/11

12.3 GENERAL REQUIREMENTS

- 1) In addition to the general and special land use regulations and provisions contained in Sections 5 and 6 respectively, the following regulations shall apply to every development in this district.

12.4 MINIMUM REQUIREMENTS

- 1) Area of Site: 464.5 square metres (5000 square feet)
- 2) Width of Site: 15.2 metres (50 feet)
- 3) Front Yard: 6 metres (20 feet)
- 4) Side Yard:
 - a) Side yard adjacent to a residential district: 3.0 metres (10 feet)
 - b) All other sides: none, when a firewall is provided, but if a side yard is provided it must be a minimum of 1.2 metres (4 feet)
- 5) Rear Yard: 6 metres (20 feet)

12.5 MAXIMUM LIMITS

- 1) Height of Building: 10.6 metres (35 feet)
- 2) Signs in this district shall conform with those requirements in Section 11.5(2).

12.6 ADDITIONAL REQUIREMENTS

- 1) Screening and fencing in this district shall conform with those requirements in Section 11.6(1).
- 2) Landscaping: A minimum of 15% of the site shall be landscaped to the satisfaction of the Development Officer.
- 3) The design, construction and architectural appearance of buildings in this district shall be subject to the satisfaction of the Development Officer.

- 4) The Development Officer may decide on such other requirements as are necessary, having regard to the nature of a proposed development and the intent of this district.

Bylaw 605
2013/11/28

12.7 ADDITIONAL DEVELOPMENT REGULATIONS FOR RESIDENTIAL DWELLING(S)

- 1) The following regulations shall apply to dwelling unit(s) developments:
 - a) The dwelling unit shall be designed and sited to minimize any impacts from a commercial component of the development related to noise, traffic circulation or loss of privacy: and
 - b) The dwelling unit shall have access at grade, with a separate and private entrance.

SECTION 13 INDUSTRIAL DISTRICT (M-1)

13.1 PURPOSE

The purpose of this land use district is to provide space for industrial development.

13.2 PERMITTED AND DISCRETIONARY USES

- 1) Permitted Uses
 - accessory building and uses
- 2) Discretionary Uses
 - abattoir
 - auto body and paint shops
 - aviation industry
 - bulk retail outlets and services
 - camp trailer
 - cannabis production facility
 - caretaker's residence
 - construction yard
 - equipment repair and storage
 - farm equipment sales
 - grain elevators
 - industrial camp
 - manufactured home
 - manufacturing plants engaged in secondary processing, assembly and packaging
 - mixed industrial/residential building
 - public buildings, utilities, uses and services
 - sea-cans
 - signs
 - tiny home
 - trucking firms
 - warehousing and distribution
 - welding shops
 - other similar uses deemed appropriate by the Development Officer

Bylaw 648
2019/03/14
Bylaw 651
2018/08/30

Bylaw 648
2019/03/14
Bylaw 648
2019/03/14

Bylaw 644
2018/01/11

Bylaw 648
2019/03/14

13.3 GENERAL REQUIREMENTS

- 1) In addition to the general and special land use regulations and provisions contained in Sections 5 and 6 respectively, the following regulations shall apply to every development in this district.

13.4 MINIMUM REQUIREMENTS

- 1) Area of Site: 464.5 square metres (5000 square feet)
- 2) Width of Site: 15.2 metres (50 feet)
- 3) Front Yard: 6 metres (20 feet)
- 4) Side Yard: None when a firewall is provided, but if a side yard is provided it must be a minimum of 1.5 metres (5 feet)
- 5) Rear Yard: 6 metres (20 feet)
- 6) Buffer: A minimum 1.8 metre (6 foot) height buffer between a manufactured home, modular building, camp trailer and/or tiny home use and an Industrial Building and/or use is required.

Bylaw 648
2019/03/14

13.5 MAXIMUM LIMITS

- 1) Maximum number of units by Building Type based on a minimum 1463 square metre (4800 square foot) industrial building on a 0.4 ha (1 acre) parcel:

Building Type (based on one building type per lot)	Maximum number of units (based on one building type per lot)
Mixed Industrial/Residential Building	12
Tiny Home	14
Camp Trailer	12
Manufactured Home	6
Industrial Camp	At the discretion of the Development Officer

- 2) The maximum number of units by Building Type permitted would be reduced if the industrial building on site is smaller than 1463 square metres (4800 square feet) and/or the lot size is smaller. This provision is to be determined by the Development Officer on a site specific basis.

- 3) Height of Building:
 - a) Grain elevators: 45.7 metres (150 feet)

Bylaw 648
2019/03/14

- b) All other uses: at the discretion of the Development Officer in consultation with the Fire Chief.

Bylaw 648
2019/03/14

4) Signs:

- a) The location and appearance of a sign shall be subject to the satisfaction of the Development Officer.
- b) No sign shall exceed 9.3 square metres (100 square feet) in area.

13.6 ADDITIONAL REQUIREMENTS

- 1) A minimum of 15% of the site shall be landscaped to the satisfaction of the Development Officer. The entire site shall be maintained in a neat and orderly fashion to the satisfaction of the Development Officer.
- 2) All sites abutting a residential district shall be screened from view of the residential district to the satisfaction of the Development Officer.
- 3) The Development Officer may decide on such other requirements as are necessary, having regard to the nature of a proposed development and the intent of this district.

SECTION 14 PARKS AND RECREATION DISTRICT (PR)

14.1 PURPOSE

The purpose of this land use district is to provide space for both active and passive public recreation.

14.2 PERMITTED AND DISCRETIONARY USES

- 1) Permitted Uses
 - parks and playgrounds
- 2) Discretionary Uses
 - ancillary buildings and uses
 - extensive recreation
 - intensive recreation
 - Sea-Cans

Bylaw 644
2018/01/11

14.3 GENERAL REQUIREMENTS

- 1) All site requirements shall be determined and approved by the development authority in accordance with the proposed use within the district.

SECTION 15 AGRICULTURE-URBAN RESERVE DISTRICT (A-UR)

15.1 PURPOSE

The purpose of this land use district is to reserve those lands in the undeveloped areas of town for future subdivision and development, and prevent premature subdivision and development.

15.2 PERMITTED AND DISCRETIONARY USES

- 1) Permitted Uses
 - none
- 2) Discretionary Uses
 - accessory building or structure
 - extensive agricultural use
 - farm produce outlet
 - manufactured home
 - market garden
 - natural resource extraction
 - nursery or garden centre
 - public use
 - recreational use not requiring permanent facilities
 - Sea-Cans
 - sewage lagoon
 - single detached dwelling

Bylaw 633
2016/06/09

Bylaw 644
2018/01/11

15.3 GENERAL REQUIREMENTS

- 1) In addition to the general and special land use regulations and provisions contained in Sections 5 and 6 respectively, the following regulations shall apply to every development in this district.

15.4 MINIMUM REQUIREMENTS

- 1) Front Yard: 7.6 metres (25 feet)
- 2) Side Yard: 4.6 metres (15 feet)
- 3) Rear Yard: 7.6 metres (25 feet)
- 4) Height of Buildings: At the discretion of the Development Officer

15.5 ADDITIONAL REQUIREMENTS

- 1) Notwithstanding any other provisions of this Bylaw, no person shall use land in this district for an intensive livestock operation (i.e. chicken hatchery or hog farm).
- 2) The Development Officer may decide on such other requirements as are necessary, having regard to the nature of a proposed development and the intent of the district.

SECTION 16 ENFORCEMENT AND PENALTIES

16.1 ENFORCEMENT AND PENALTIES PROCEDURE

- 1) All applications for amendment to this bylaw shall be made to the Council in the prescribed form and shall be accompanied by the following:

- a) the Municipal Government Act or any amendments thereto;
- b) a development permit;
- c) a subdivision approval; or
- d) this Land Use Bylaw;

the Development Officer or any other persons or agency authorized by Council to perform bylaw enforcement may, by written notice, order the registered owner, the person in possession of the land or buildings, or the person responsible for the contravention, or all of them to:

- e) stop the development or use of the land or buildings in whole or in part as directed by the notice;
 - f) demolish, remove or replace the development; or
 - g) take such other measures as are specified in the notice so that the development or use of the land or buildings is in accordance with the Act and regulations thereto, a development permit, a subdivision approval, an order or decision of the Subdivision and Development Appeal Board or this Bylaw within the time frame specified in the notice.
- 2) A person who receives a notice pursuant to subsection (1), other than a notice of an order or decision of the Subdivision and Development Appeal Board, may appeal to the Subdivision and Development Appeal Board.
- 3) Where a person fails or refuses to comply with an order pursuant to subsection (1), the municipality may:
 - a) apply to the courts to enter upon the land or building and take such action as is necessary to carry out the order and all of the costs incurred in so doing may be placed on the tax roll against the property concerned and shall be collected in the same manner as taxes;

- b) instruct the Development Officer or any other persons or agency authorized by Council to perform bylaw enforcement, to have an application made to the Court of Queen's Bench of Alberta for an injunction restraining the non-compliance; or
 - c) apply to the Court of Queen's Bench of Alberta to have a charge laid for an offence under this Bylaw.
- 4) Contravention of any provision of this Bylaw constitutes an offence and any person convicted thereof may be liable to a penalty in the amount of:
 - a) a fine of \$500.00 for a first offence, \$1000.00 for a second offence, and \$2,500.00 for a third or subsequent offence; and
 - b) shall be subject to the costs and expenses pursuant to subsections (3) and (4).
- 5) Where a person is found guilty of an offence pursuant to this Section, the municipality may, in addition to any other penalty imposed, order the person to comply with the Act and any regulations thereto, a development permit, a subdivision approval, an order or decision of the Subdivision and Development Appeal Board, or this Bylaw.
- 6) The offenses and penalties in Subsection 4 are supplementary to Sections 557, and 565 to 569 inclusive of the Municipal Government Act and amendments thereto, under which any person who commences a development and fails or neglects to obtain a development permit or comply with a condition of a permit, is guilty of an offence.
- 7) A person applying for, or in possession of a valid development permit is not relieved from full responsibility for complying with development in accordance with:
 - a) The requirements of the Safety Codes Act, and regulations including the Alberta Building Code, Alberta Fire Code, and the Environmental Protection and Enhancement Act;
 - b) The requirements of any federal, provincial or municipal enactment or any other law; and
 - c) The conditions of any caveat, covenant, easement or other instrument affecting a building or land.
- 8) The Village is not responsible for, nor does the Village have any legal obligation whatsoever to determine any other legislation which may apply to a development, nor monitor or enforce compliance with such legislation.

- 9) Pursuant to the Municipal Government Act, a designated officer may only enter land or a building if:
- a) The owner or person in possession of it gives their consent to the entry; or
 - b) The entry is authorized by an Order of the Court of Queen's Bench of Alberta;
 - c) And then, only for the purpose of ensuring compliance with the Municipal Government Act and the Regulations thereunder, or this Bylaw.

SECTION 17 AMENDMENTS

17.1 AMENDMENT PROCEDURE

Bylaw 634
2016/05/12

- 1) All applications for amendment to this Bylaw shall be made to the Council in prescribed form and shall be accompanied by the following:
 - a) An application fee for each application shall be established by a resolution of Council;
 - b) The certificate of title for the land affected or other documents satisfactory to the Council including the applicant's interest in the said land;
 - c) All drawings required to be submitted shall:
 - i. be drawn on standard drafting material;
 - ii. be fully dimensioned, drawn to scale, explicit and complete;
 - iii. clearly indicate the name and contact information of the person, persons or company responsible for preparing the drawing.
 - d) The applicant shall submit one hard copy and one electronic copy of each required drawing.
 - e) All amendments to this Bylaw shall be made by Council by bylaw in conformance with the Municipal Government Act.

SECTION 18 ADOPTION

18.1 REPEAL OF EXISTING BYLAW

The existing Village of Berwyn Land Use Bylaw No. 528 and all amendments thereto are hereby rescinded.

18.2 EFFECTIVE DATE

This Bylaw comes into effect upon the date of its third and final reading.

First reading given on the 22 day of Aug, 2013.


Ron Longtin, Mayor


Olive Toews, Chief Administrative Officer

Second Reading given on the 26 day of September, 2013.


Ron Longtin, Mayor


Olive Toews, Chief Administrative Officer

Third Reading and Assent given on the 26 day of September, 2013.


Ron Longtin, Mayor


Olive Toews, Chief Administrative Officer



APPENDIX A

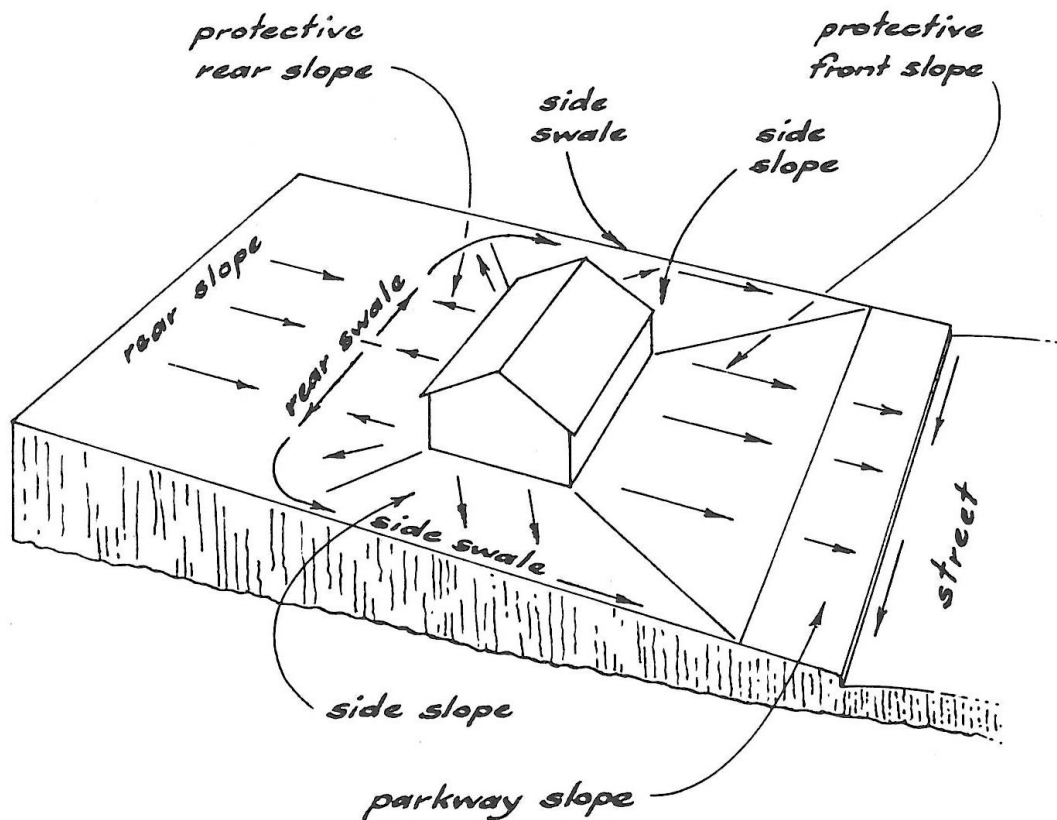
SITE DRAINAGE EXAMPLES

Below are three examples of lot grading to manage storm water on a manufactured home park site. Note that the three lot grading types can be combined in a variety of ways to create a drainage plan that works as much as possible with the existing site topography, thereby minimizing the need to modify the topography.

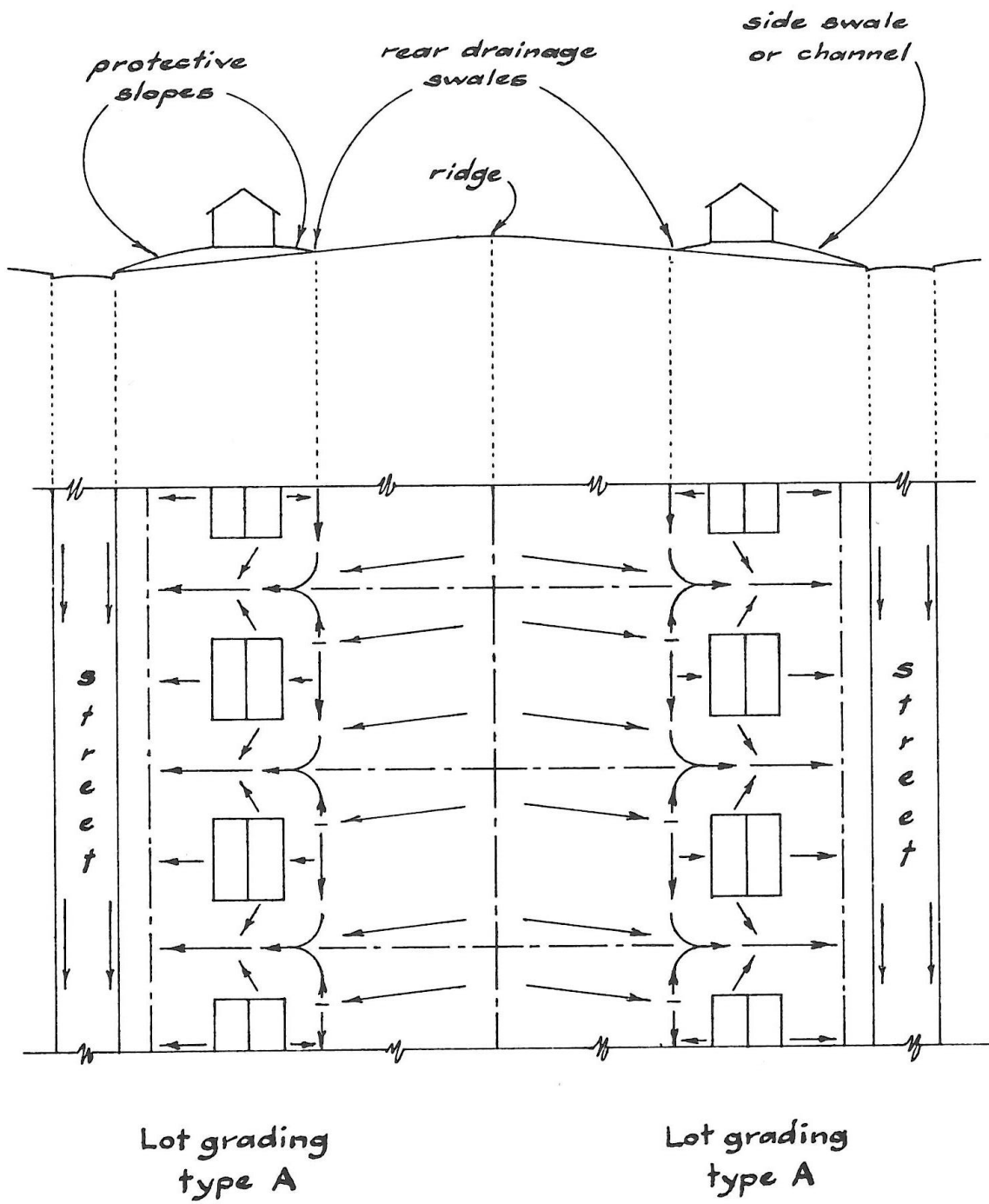
Grading Type A

This method is the simplest of all the methods. It provides for a ridge (high point) along the rear lot line, then each lot is sloped down directly to the street, independent of other lots.

- Lot grading Type A - all drainage to street, ridge along rear lot lines.



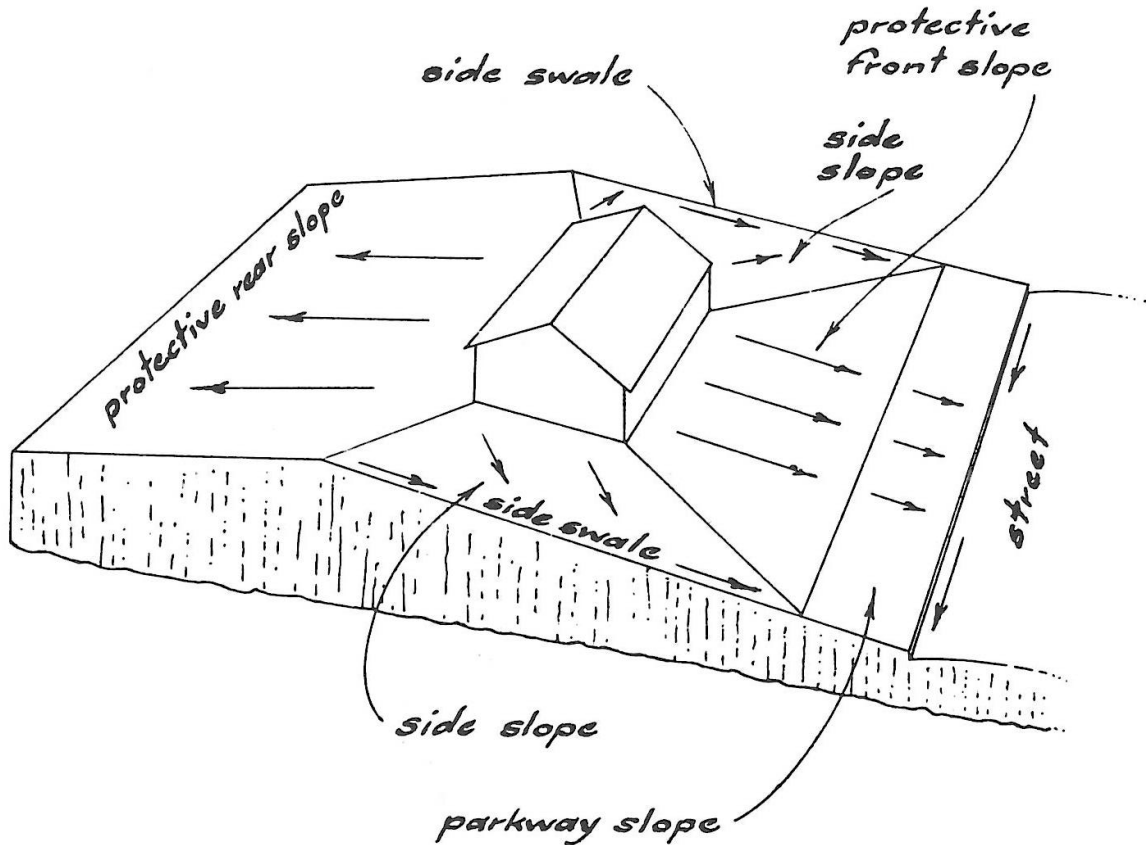
Lot grading
type A



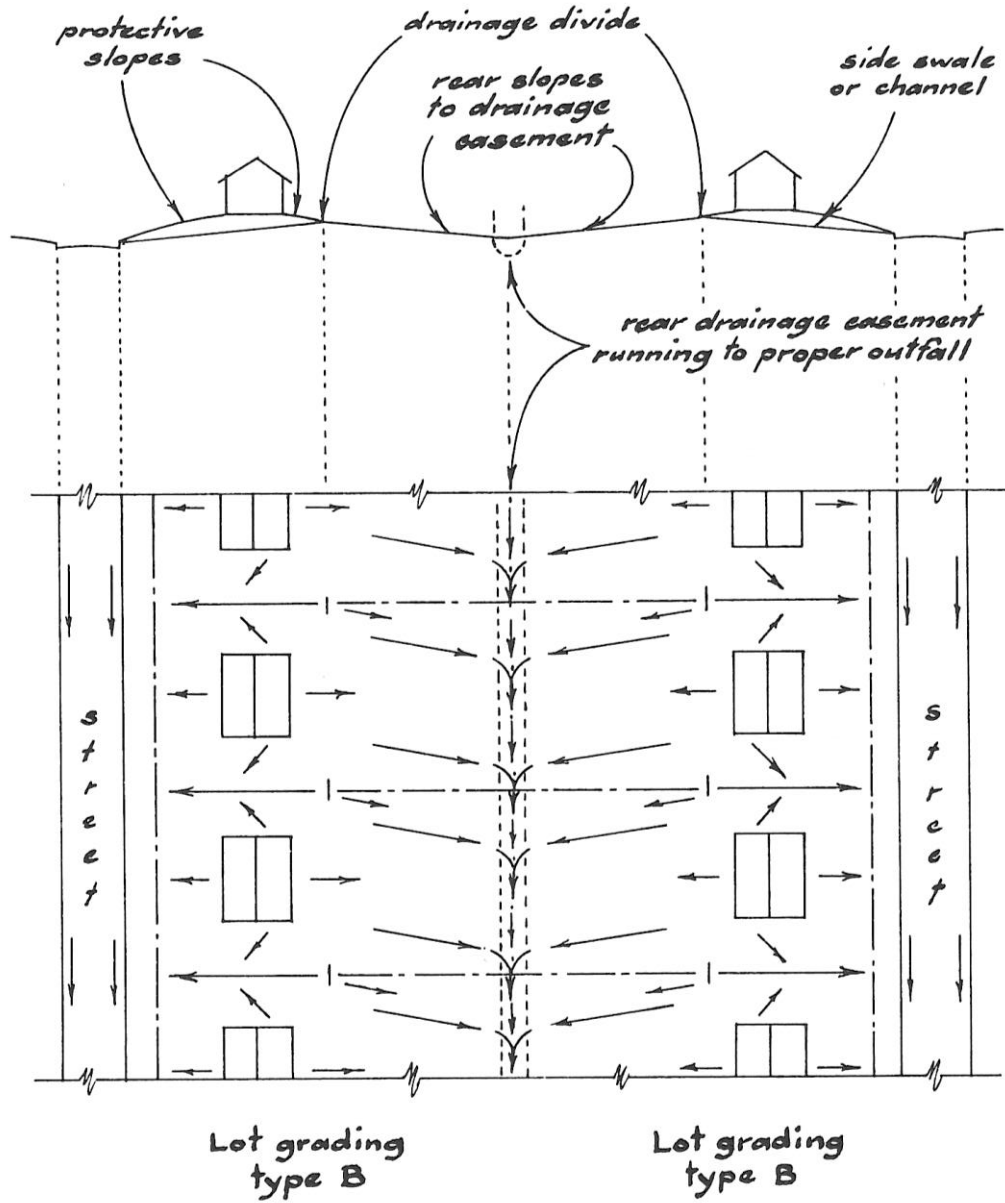
Grading Type B

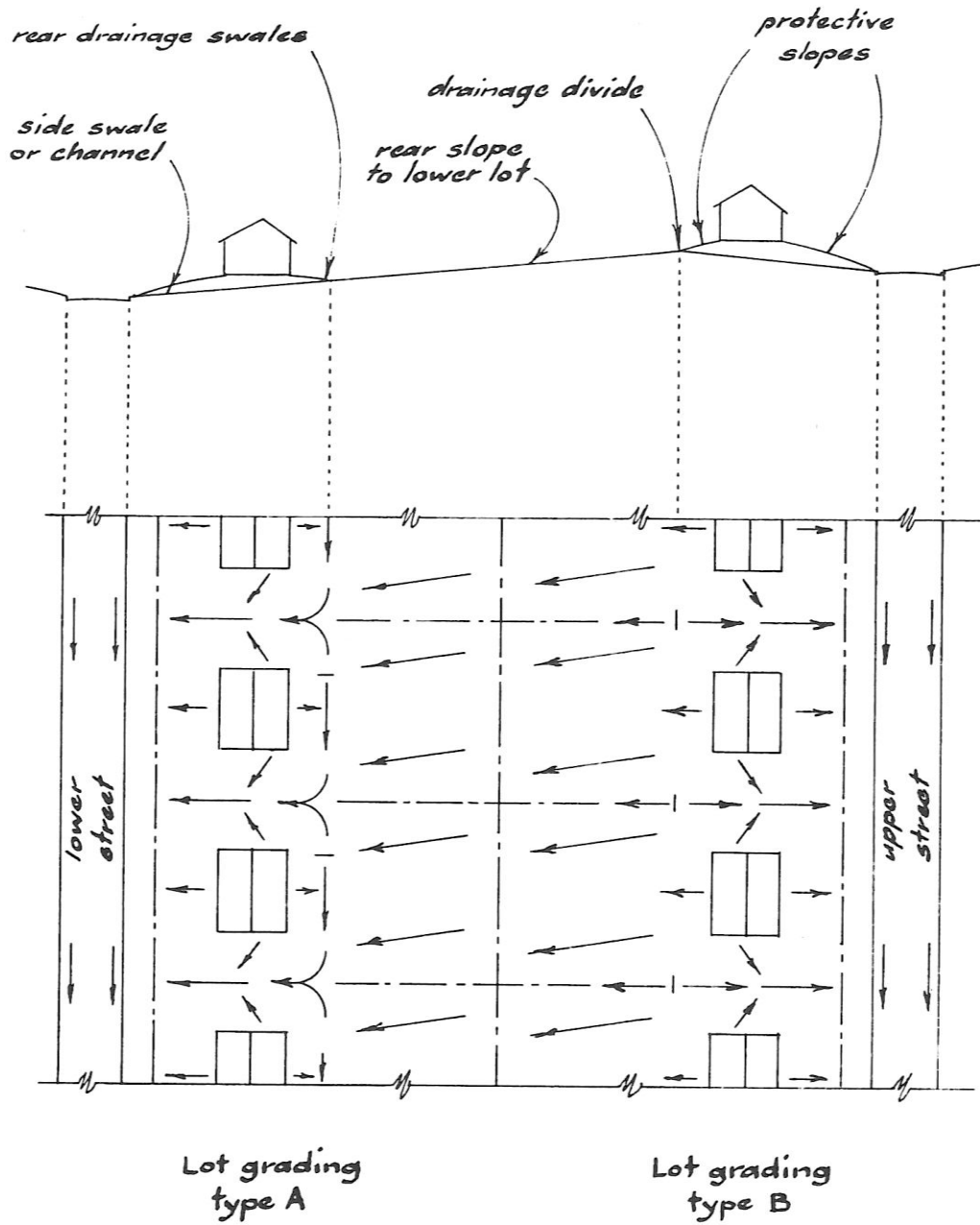
This method provides for drainage to a valley (low point) along rear lot lines. The front portion is drained towards the street. The drainage along the rear lot lines will require an easement to properly handle the runoff.

- Log grading Type B, drainage both to street and the rear lot line



- Valley along rear lot lines

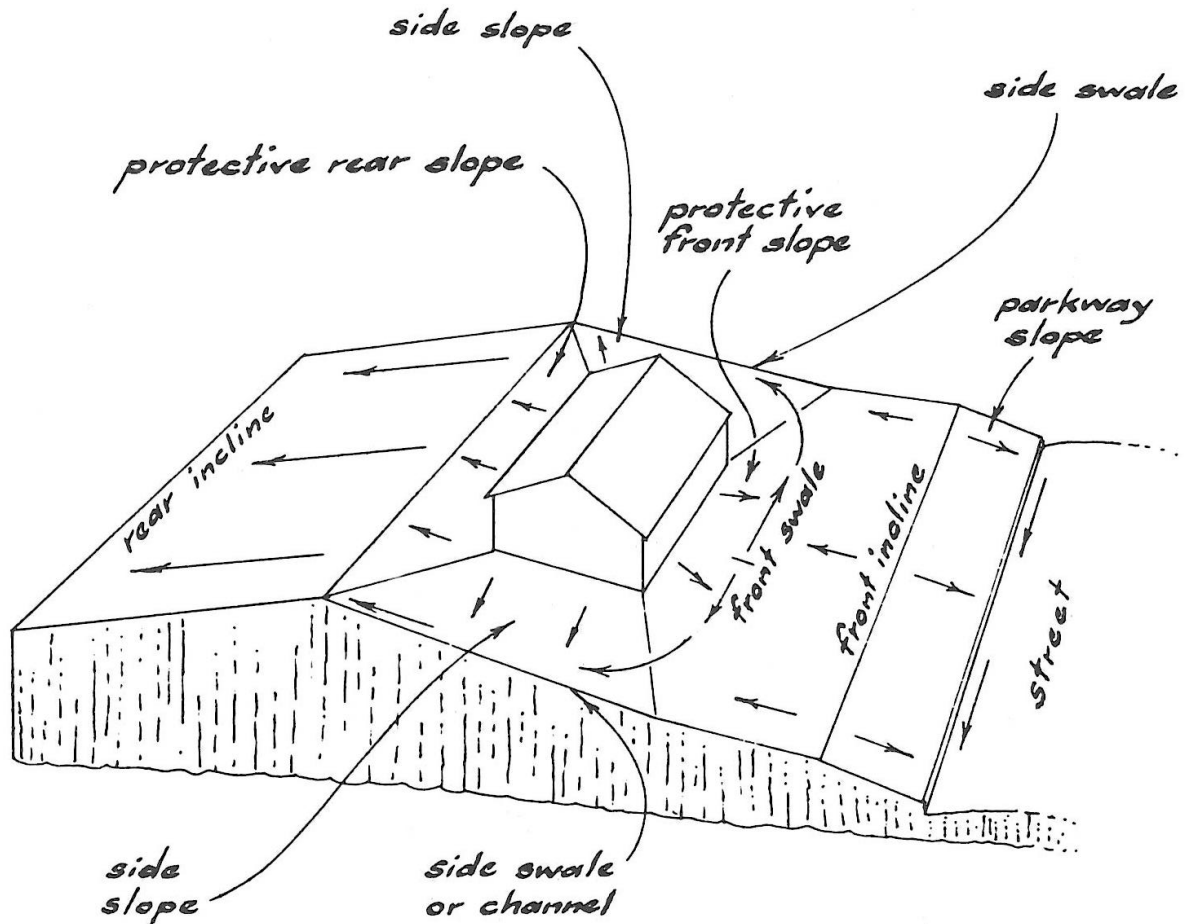


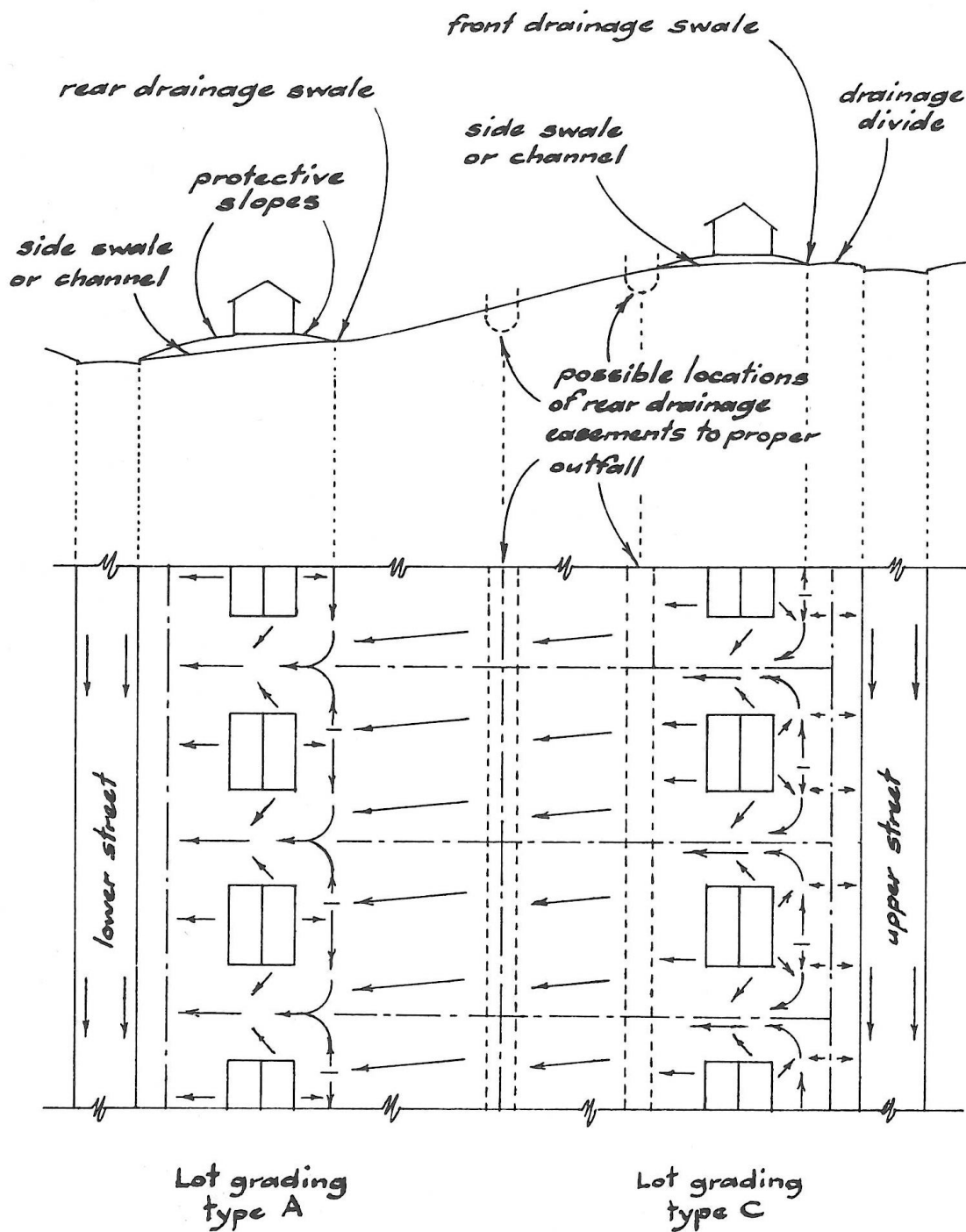


Grading Type C

This method is similar to type B except that the drainage runs to side swales or channels.. From the side of this house the water flows back to the rear lot line.

- Lot grading Type C, all drainage to rear lot line





¹ De Chiara, Joseph and Lee Koppleman, Urban Planning and Design Criteria, Third Edition, c 1982 by Van Nostrand Reinhold Company Inc., pages 7-30 to 7-33.



SCHEDULE A: AMENDMENTS

LIST OF AMENDMENTS

BYLAW No.	DATE	PURPOSE	LAND AFFECTED
603	2013/11/28	From C-1 to R-G	Lots 9&10 Block 2 Plan 1090CL
605	2013/11/28	Add Residential Dwellings and Regulations to C-2 District	
606	2013/12/12	Place age limits on Used Modular & Manufactured Homes	
609	2014/03/13	From C-2 to R-G	Lots 22A-D Block 1 Plan 1090CL, Lots 2,3,4,16,17,18,19 Block 3 Plan 1446EO and Lot 13 Block 4 Plan 1090CL
621	2015/09/10	Establish Land Use Enforcement Regulations	
630	2016/03/24	From R-1 to R-G	Lots 18-25 Block 4 Plan 4555NY, Lots 26-37&R Block 1 Plan 4555NY, Lots 1-10 Block 2 Plan 4675MC, Lots 1-3,5&R Block 3 Plan 4675MC Lot 6 Block 3 Plan 6583NY
633	2016/06/09	Definition and Provision changes to Manufactured Homes and Modular Buildings	
634	2016/05/12	Remove Schedule A Forms	
644	2018/01/11	Sea-Can Placement	
648	2019/03/14	Add mixed Industrial/Residential and other residential dwellings within M-I; Redesignate CN Lands	Lot 11 Block 5 Plan 0826354 Lot 12MR Block 5 Plan 0826354 Lot 1MR Block 10 Plan 7921617 Lot R18 Block 8 Plan 782 1034 Lot 82 Block RLY Plan 1373CL Block RLY Plan 1373CL

BYLAW No.	DATE	PURPOSE	LAND AFFECTED
651	2018/08/30	Cannabis Provisions and Uses	
656	2019/03/14	Supportive Housing	
664	2020/02/27	Cannabis Definitions	
666	2020/02/27	Revisions to the Duties of the Development Officer regarding Variance and Development Permit Revocation	
675	2020/07/23	Revisions to selected Manufactured Home provisions	
681	2021/10/09	From C-2 to R-G	Lots 5 Bock 5 Plan 9322862

SCHEDULE B: MAP 1:

LAND USE BYLAW DISTRICTS



VILLAGE OF
Berwyn

Bylaw No. 601

Village Boundary

Land Use Districts

- Restricted Residential (R-1)
- General Residential (R-G)
- Residential Manufactured Home Park (R-MHP)
- Primary Commercial (C-1)
- Secondary Commercial (C-2)
- Industrial (M-1)
- Parks and Recreation (PR)
- Agriculture - Urban Reserve (A-UR)
- Road Closure (Bylaw 642)

Schedule B: Land Use Bylaw Districts

Adopted by Council this 26th day of September, 2013

Original Signed By:

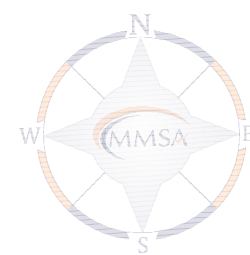
Mayor: RON LONGTIN

Original Signed By:

Chief Administrative Officer: OLIVE TOEWS

Amendments

Bylaw No.	Date	Bylaw No.	Date
603	Nov. 28, 2013		
609	Mar. 13, 2014		
630	Mar. 24, 2016		
648	Mar. 14, 2019		
681	Dec. 9, 2021		



100 50 0 100 200 Metres

1:2,800

Coordinate System: NAD 1983 UTM Zone 11N



Cadastral Data Source (Date): AltaLIS Ltd. (Feb 2023)
Map Updated: March 2023

