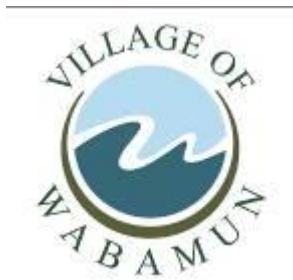


VILLAGE OF WABAMUN
LAND USE BYLAW



BYLAW NO. 07-2010
MAY 2010

TABLE OF CONTENTS

	Page
1.0 GENERAL	1
1.1 TITLE	1
1.2 SCOPE	1
1.3 PURPOSE	1
1.4 METRIC AND IMPERIAL MEASUREMENTS	1
1.5 INTERPRETATION	2
1.5 ESTABLISHMENT OF DEVELOPMENT AUTHORITY	22
1.6 SUBDIVISION AND DEVELOPMENT APPEAL BOARD	23
1.7 COUNCIL.....	23
2.0 DEVELOPMENT PERMITS, RULES AND PROCEDURES.....	24
2.1 CONTROL OF DEVELOPMENT.....	24
2.2 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT	24
2.3 NON-CONFORMING BUILDINGS AND USES.....	26
2.4 PERMISSION FOR DEVELOPMENT	27
2.5 PERMISSION FOR DEMOLITION.....	30
2.6 DECISIONS ON DEVELOPMENT PERMIT APPLICATIONS.....	31
2.7 NOTICE OF DECISION	36
2.8 EFFECTIVE DATE OF PERMIT.....	37
2.9 VALIDITY OF DEVELOPMENT PERMITS	37
2.10 DEEMED REFUSALS.....	38
2.11 SUBSEQUENT APPLICATIONS	38
2.12 SUSPENSION OR CANCELLATION OF DEVELOPMENT PERMITS.....	38
2.13 DEVELOPER'S RESPONSIBILITY	39
3.0 APPEAL AND AMENDMENT.....	40
3.1 DEVELOPMENT APPEALS AND PROCEDURES	40
3.2 APPEAL HEARING.....	41
3.3 DECISION	41
3.4 APPLICATION TO AMEND BYLAW	43
4.0 ENFORCEMENT, PENALTIES AND FINES.....	45
4.1 CONTRAVENTION.....	46
4.2 OFFENSES AND PENALTIES.....	47
4.3 VIOLATION TICKETS.....	48
5.0 GENERAL PROVISIONS	50
5.1 SUBDIVISION OF LAND.....	50
5.2 ACCESSORY BUILDINGS	50
5.3 SITE DEVELOPMENT	50
5.4 DWELLING UNITS ON A PARCEL.....	50
5.5 YARD REGULATIONS	50

	PAGE
5.6	PARKING AND LOADING REGULATIONS 53
5.7	SIGN REGULATIONS 58
5.8	ANIMAL/BIRD REGULATIONS 60
5.9	LANDSCAPING 60
5.10	OBJECTS PROHIBITED OR RESTRICTED IN YARDS 62
6.0	SPECIAL PROVISIONS 64
6.1	MOBILE AND MANUFACTURED HOMES 64
6.2	RELOCATION OF BUILDINGS OTHER THAN MOBILE AND MANUFACTURED HOMES 65
6.3	HOME OCCUPATIONS 65
6.4	BED AND BREAKFAST OPERATIONS 67
6.5	SURVEILLANCE SUITES 68
6.6	SECONDARY SUITES 69
6.7	PRIVATE LIQUOR STORE AND STORAGE FACILITIES 70
7.0	LAND USE DISTRICTS AND REGULATIONS 71
7.1	R1 - RESIDENTIAL - SINGLE UNIT (FRAME) 73
7.2	R2 - RESIDENTIAL - SINGLE UNIT (MIXED) 75
7.3	R3 - RESIDENTIAL - MULTI-UNIT 77
7.4	R-1R - RESIDENTIAL - LARGE LOT 79
7.5	DC - DIRECT CONTROL 81
7.6	C1 - COMMERCIAL 82
7.7	C2 – LAKEFRONT COMMERCIAL 84
7.8	M - INDUSTRIAL - GENERAL INDUSTRIAL 86
7.9	US - URBAN SERVICES 89
7.10	UR - URBAN RESERVE 90
7.11	VC - VILLAGE CENTRE 91
7.12	OS - OPEN SPACE 94
8.0	ADOPTION 94
8.1	SCHEDULE 94
8.2	REPEALING EXISTING CONTROLS 94
8.3	DATE OF COMMENCEMENT 94
	LAND USE DISTRICT MAP 95

BYLAW 07-2010

LAND USE BYLAW

Pursuant to the Municipal Government Act, R.S.A. 2000, as amended, the Council of the Village of Wabamun duly assembled, hereby enacts as follows:

1.0 GENERAL

1.1 TITLE

This Bylaw may be cited as "The Village of Wabamun Land Use Bylaw."

1.2 SCOPE

No development shall be permitted within the boundaries of the Village of Wabamun except in conformity with the provisions of this Bylaw.

1.3 PURPOSE

The purpose of this Bylaw is, amongst other things:

- (1) to divide the municipality into districts;
- (2) to prescribe and regulate the use(s) for each district;
- (3) to establish the Development Authority;
- (4) to establish a method for making decisions on development permit applications and issuing development permits;
- (5) to prescribe the manner in which notice is to be given of the issuance of a development permit;
- (6) to implement the policies of the statutory plans of the Village of Wabamun;
- (7) to establish supplementary regulations governing certain specific land uses; and
- (8) to establish the procedures for making amendments to this Bylaw.

1.4 METRIC AND IMPERIAL MEASUREMENTS

Whenever measurements are presented, metric values are used. Imperial equivalents, provided in parenthesis, are approximate and intended for information only.

1.5 INTERPRETATION

(1) In this Bylaw:

"ACCESSORY BUILDING" - means a building, separate from the principal building on the same parcel, the use of which, the Development Authority decides, is subordinate or incidental to that of the principal building;

"ACCESSORY USE" - means a use of a building or land which the Development Authority decides is subordinate or incidental to the principal use of the parcel on which it is located;

"ACT" - means the Municipal Government Act, R.S.A. 2000, as amended, and the regulations pursuant thereto;

"ADJACENT LAND" - means land that is contiguous to the parcel of land in question and includes;

- (i) land that would be contiguous if not for a highway, road, river or stream, and
- (ii) any other land identified in the Land Use Bylaw as adjacent land for the purpose of notification.

"AMENITY AREA" - means an area which shall be provided subject to the regulations of this Bylaw and which must be developed for the active or passive recreation and enjoyment of the occupants of a residential development. Such area may be for either private or communal use and may be under either individual or common ownership;

"AMENITY AREA - PRIVATE OUTDOOR" - means an amenity area which shall be provided subject to regulations in this Bylaw but which must be developed for the active or passive recreation and enjoyment of the residents of a specific dwelling unit and which is immediately adjacent to and directly accessible from the dwelling unit it is intended to serve;

"AMUSEMENT ESTABLISHMENTS" - means development providing facilities where patrons are normally, but not necessarily, participants. Typical uses include amusement parks, go-cart tracks and miniature golf establishments, and also include indoor amusement establishments such as billiard parlours, electronic games, arcades, bowling alleys and theaters;

"ANIMAL BOARDING FACILITY" - means a commercial facility used for feeding, grooming, housing, exercising and/or training of domestic animals not owned by the

occupant of the premises and for which the occupant of the premises receives remuneration;

"ANIMAL BREEDING FACILITY" - means an establishment for the keeping, breeding and raising of 3 or more domestic animals for profit or gain, but shall not apply to the keeping of animals in a veterinary clinic for the purpose of observation and/or recovery necessary to veterinary treatment;

"AREA OF COPY" - means the entire area within a single common continuous perimeter enclosing the extreme limits of the advertising message, announcement or decoration on the sign, and shall be for the purpose of area calculation be square or rectangular in shape;

"AREA REDEVELOPMENT PLAN" - means a plan accepted or adopted by Council as an area redevelopment plan pursuant to the Act;

"AREA STRUCTURE PLAN" - means a plan accepted or adopted by Council as an area structure plan pursuant to the Act;

"BASEMENT SUITE" - refers to a self-contained dwelling unit within the basement of a single detached dwelling;

"BED AND BREAKFAST OPERATION" - means a minor and ancillary/subordinate commercial use of a residence where accommodation is provided for periods of fourteen (14) days or less in three or fewer guest rooms. For the purposes of this Bylaw, bed and breakfast operations shall be considered to be a form of major home occupation and shall, in addition to the requirements specific to bed and breakfast operations, be subject to all of the requirements of major home occupations;

"BOARDING FACILITY" - means a residence offering sleeping rooms and meals, normally in exchange for a fee, and where private cooking facilities are not available to the tenants;

"BUILDING" - means any thing 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 lot grade and the highest point of a building; excluding an elevator housing, a mechanical housing, a roof stairway entrance, a ventilating fan, a skylight, a steeple, a chimney, a smoke stack, a fire wall, a parapet wall, a flagpole or similar device not structurally essential to the building (see Figure 1);

"CANOPY" - means a projection extending from the outside wall of a building normally

for the purpose of shielding a part of the building from the sun;

"CANOPY SIGN" - see SIGN, CANOPY;

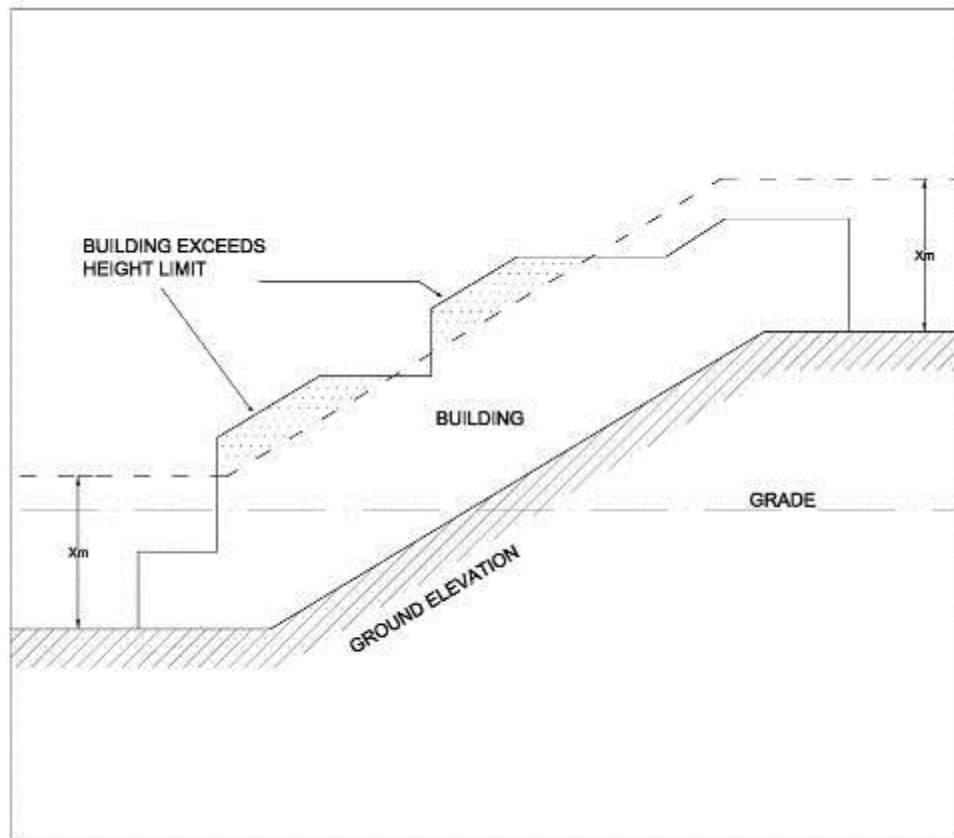


Figure 1: Building Height

"CARPORT" - means a roofed structure used for storing or parking of motor vehicles and which has not less than 40% of its perimeter open and unobstructed;

"CHILD CARE FACILITY" - means an establishment licensed by the regional Child and Family Services Authority intended to provide care, educational services and supervision for 7 or more children for a period less than 24 hours at a time. This use includes group day care centres, out-of-school centres, nursery or play schools, and drop-in centres;

"CORNER" - means the intersection of any two property lines of a parcel;

"CORNER PARCEL" - see PARCEL, CORNER;

"COUNCIL" - means the Council of the Village of Wabamun;

"CURB CUT" - means the lowering of a curb, sidewalk or boulevard to provide vehicular access to a parcel;

"DAY HOME" - means a child care operation within a dwelling unit that serves not more than 6 children and is operated either under contract with a Family Day Home Agency or independently as a private babysitting facility;

"DECK" - means any open structure attached to a building having a height greater than 0.6 m (2 ft.) above grade, and thereby requiring stairs and railings as outlined in regulations approved under the Safety Codes Act. A deck shall not have walls higher than 1.25 m (4.1 ft.);

"DESIGNATED OFFICER" - means a person authorized to exercise Development Authority powers on behalf of the Municipality pursuant to the provision of the Municipal Government Act;

"DEVELOPER" - means the owner of lands on which development is proposed, or any other person applying for a development permit;

"DEVELOPMENT" - means development as defined in the Act, and includes the following:

- (i) the carrying out of any construction or excavation, or other operations, in, on, over or under land, or the making of any change in the use or the intensity of use of any land, buildings or premises, and, without restricting the generality of the foregoing, includes the removal and/or placement of topsoil. For the purposes of this Bylaw, development also means the demolition of a building;
- (ii) in a building or on a parcel used for dwelling purposes, any increase in the number of families occupying and living in the building or on the parcel, and any alteration or additions which provide for an increase in the number of dwelling units within the building or on the parcel;
- (iii) the placing of refuse or waste material on any land;
- (iv) the resumption of the use for which land or buildings had previously been utilized;
- (v) the use of the land for the storage or repair of motor vehicles or other machinery or equipment;
- (vi) the continued use of land or of a building for any purpose for which it is being used unlawfully when this Bylaw comes into effect;

- (vii) the more frequent or intensive use of land for the parking of trailers, bunkhouses, portable dwellings, skid shacks, sea cans, or any other type of portable building whatsoever whether or not the same has been placed or affixed to the land in any way; and
- (viii) the erection of signs;

"DEVELOPMENT AUTHORITY" - means the Development Authority established by this Bylaw and appointed by Council;

"DEVELOPMENT AUTHORITY OFFICER" - means the Development Authority Officer established by this Bylaw and appointed by Council;

"DEVELOPMENT PERMIT" - means a permit, issued by the municipality, that authorizes a specified development and includes, where applicable, plans, drawings, specifications or other documents. This permit is separate and distinct from a building permit;

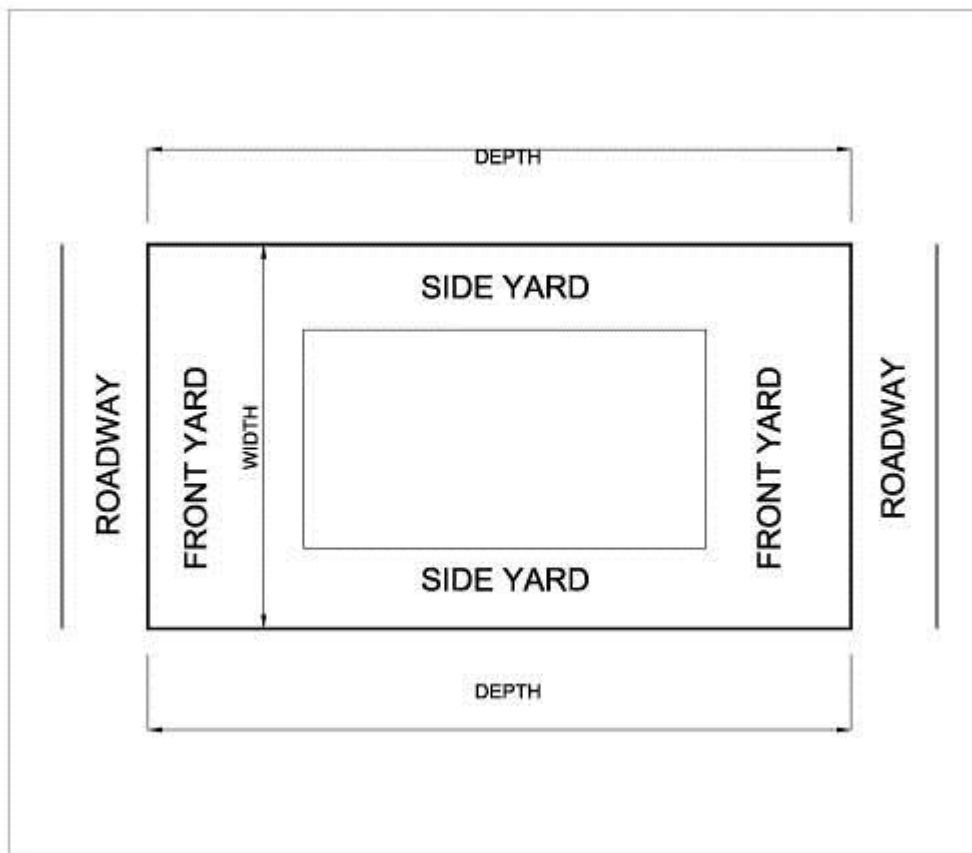


Figure 2: Double Fronting Parcel

"DISCONTINUED" - means the time at which, in the opinion of the Development Authority, substantial construction activity or use of land or a building has ceased;

"DISCRETIONARY USE" - means a use of land or buildings provided for in the District Regulations of this Bylaw, for which a development permit may be issued;

"DOUBLE FRONTING PARCEL" - means a parcel which abuts two streets (not including lanes), which are parallel or nearly parallel where abutting the parcel, but does not include a corner parcel (see Figure 2);

"DRIVE-IN BUSINESS" - means an establishment which normally provides service to customers travelling in motor vehicles driven onto the site;

"DUPLEX, SIDE-BY-SIDE" - means a building containing two dwelling units sharing one common wall regardless of the number of storeys, and in no case being located above or below each other;

"DUPLEX, VERTICAL" - means a building containing two dwelling units, the dwelling area of one being located above the dwelling area of the other, either in whole or in part, each with a separate private entry;

"DWELLING" - means any building used exclusively for human habitation, whether or not it is supported on a permanent foundation or base extending below ground level. This definition shall include all single detached dwellings, including all site built homes, modular homes, and manufactured homes, duplexes, and multi-unit dwellings;

"DWELLING, SINGLE DETACHED TYPE A" – means a dwelling consisting of one (1) dwelling unit, no matter how or where constructed, for which the ratio of depth vs. width (or width vs. depth) is equal to or less than 2.5:1, the roof pitch is equal to or greater than 1:4, and the depth of eaves is equal to or greater than 30 cm (1.0 ft.). A Type A single detached dwelling must be constructed on a permanent foundation. According to this definition, both modular and site built homes may be considered type A single detached dwellings;

"DWELLING, SINGLE DETACHED TYPE B" - means a dwelling consisting of one (1) dwelling unit, no matter how or where constructed, for which the ratio of depth vs. width (or width vs. depth) is more than 2.5:1, the roof pitch is less than 1:4, or the depth of eaves is less than 30 cm (1.0 ft.). According to this definition, both modular and site built homes may be considered type B single detached dwellings;

"DWELLING UNIT" - means a room or suite of rooms used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities, and which is not separated from direct access to the outside by another separate dwelling unit. A dwelling unit does not contain more than one room,

which, due to its design, plumbing, equipment, and/or furnishings, may be used as a kitchen;

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

"EXCAVATION" - means the space created by the removal of soil, rock or fill for the purposes of construction;

"FENCE" - means a vertical physical barrier constructed for visual screening, sound abatement or security;

"FLOOR AREA" - means the space on any storey of a building between exterior walls and required firewalls, including space occupied by interior walls and partitions, but not including exits and vertical spaces that pierce the storey or the area of the basement floor, EXCEPT THAT all basement suites and all dwelling units in apartment buildings shall be included in the calculation of floor area;

"FOUNDATION" - means a system or arrangement of foundation units through which the loads from a building are transferred to the supporting soil or rock;

"FREESTANDING SIGN" - see SIGN, FREESTANDING;

"FRONT YARD" - see YARD, FRONT;

"FRONTAGE" - means a front parcel boundary abutting on a street. On double fronting parcels any side which abuts a street shall be considered a frontage;

"GARAGE" - means a fully enclosed accessory building or part of the principal building, erected on a permanent foundation, which is designed and/or used primarily for the storage of motor vehicles;

"GARAGE SHELTER" - means an accessory building, commonly consisting of a metal frame covered by canvas and erected on a temporary foundation, which is used primarily for the storage of motor vehicles;

"GRADE" - means the lowest of the average levels of finished ground adjoining each exterior wall of a building, but does not include localized depressions such as for vehicle or pedestrian entrances;

"GROSS LEASABLE AREA" - means the total floor area of a building, and includes enclosed and heated malls but excludes mechanical and utility rooms, public washrooms, stairwells and elevators;

"GROUP CARE FACILITY" - means a residence which is licensed or funded under an Act of the Parliament of Canada or the Province of Alberta to provide accommodation for a small group of persons living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, social or physical condition or legal status, require a group living arrangement for their well-being;

"HIGHWAY COMMERCIAL BUILDING" - means a building intended primarily to provide commercial services for recreational, industrial and commercial travellers;

"HOME OCCUPATION, MAJOR" - means any business, occupation, trade, profession, or craft that is carried on as a secondary use within a dwelling by at least one permanent resident of said dwelling, and which increases traffic circulation in the neighbourhood in which it is located. A major home occupation does not change the character of the dwelling in which it is located or have any exterior evidence of secondary use other than a small sign as provided for in this Bylaw. A major home occupation does not include day homes, bed and breakfast establishments, or animal breeding and/or boarding facilities;

"HOME OCCUPATION, MINOR" - means any business, occupation, trade, profession, or craft that is carried on as a secondary use within a dwelling by at least one permanent resident of said dwelling, and which does not increase traffic circulation in the neighbourhood in which it is located. A minor home occupation does not change the character of the dwelling in which it is located or have any exterior evidence of secondary use other than a small sign as provided for in this Bylaw;

"INDOOR EATING ESTABLISHMENT" - means an establishment where food and drink are intended to be consumed within the confines of the establishment;

"INDUSTRY, HEAVY" - means development which involves the manufacturing, processing, fabrication, storage, transportation, distribution or wholesaling of goods and services, and which may, in the sole opinion of the Development Authority, emit noise, smoke, odour, dust, or vibration beyond the boundaries of the lot on which the heavy industry is located. For the purpose of this Bylaw, dust refers to that which is produced as a result of the land use of the lot, rather than that which is produced as a result of travelling to and from the lot. A heavy industrial use may also include the retail of goods and/or services to the general public, so long as any such retail component is secondary to the principal heavy industrial use;

"INDUSTRY, LIGHT" - means development which involves the manufacturing, processing, fabrication, storage, transportation, distribution or wholesaling of goods and services, and which is wholly contained within an enclosed building and thus does not emit undue noise, smoke, odour, dust, or vibration beyond the boundaries of the building in which the light industry is located. For the purpose of this bylaw, dust refers to that which is produced as a result of the land use of the lot, rather than that which is produced

as a result of travelling to and from the lot. A light industrial use may also include the retail of goods and/or services to the general public, so long as any such retail component is secondary to the principal light industrial use;

"INDUSTRY, MEDIUM" - means development which involves the manufacturing, processing, fabrication, storage, transportation, distribution or wholesaling of goods and services, and which does not emit undue noise, smoke, odour, dust, or vibration beyond the boundaries of the lot on which the medium industry is located. For the purpose of this bylaw, dust refers to that which is produced as a result of the land use of the lot, rather than that which is produced as a result of travelling to and from the lot. A medium industrial use may also include the retail of goods and/or services to the general public, so long as any such retail component is secondary to the principal medium industrial use;

"INTERIOR PARCEL" - see PARCEL, INTERIOR;

"LANDSCAPING" - means to preserve or change the natural features of a parcel by adding lawns, trees, shrubs, ornamental plantings, fencing, walks, driveways or other structures and materials as used in modern landscape architecture;

"LANE" - means a public thoroughfare for vehicles, the right-of-way of which does not exceed 10.0 m (32.8 ft.), providing a secondary means of access to a parcel, or as defined as an alley in the Traffic Safety Act, R.S.A. 2000, as amended;

"LOADING SPACE" - means a space entirely on the same parcel as a building or group of buildings, intended for the temporary parking of a commercial vehicle while commodities are being loaded or unloaded;

"MANUFACTURED HOME" - means a single detached dwelling comprised of one or more large factory-built sections. It is manufactured in full compliance with both the CSA Z240 MH National Mobile Home Standard and the Alberta Building Code (ABC), bearing a prominently displayed CSA Z240MH Mobile Home Label and an Alberta Municipal Affairs label that certifies compliance to both the CSA Z240MH Standard and the ABC;

"MOBILE HOME" - means a single detached dwelling comprised of one or more large factory-built sections. It is manufactured in compliance with the CSA Z240 MH National Mobile Home Standard but not with the Alberta Building Code (ABC). A mobile home refers to a modular home that was constructed prior to 1991;

"MANUFACTURED HOME PARK" - means a parcel designated for placing and occupying type B single detached dwellings on sites which have not been legally subdivided and which are leased or rented to the occupant, and may also include such services and facilities as administration, recreation, laundry, vehicle storage, and others to serve the residents of the park;

"MANUFACTURED HOME SUBDIVISION" - means an area which has been separated by legal subdivision into parcels designated for type B single detached dwellings;

"MODULAR HOME" - means a dwelling constructed in large sections, away from the home site, and under controlled conditions. It does not refer to a type of home but rather to a method of construction, and includes both manufactured and mobile homes;

"MULTI-UNIT DWELLING" - means a dwelling containing three or more dwelling units;

"MUNICIPAL DEVELOPMENT PLAN" - means the plan adopted by bylaw as a Municipal Development Plan pursuant to Section 632 of the Act;

"MUNICIPALITY" - means the Village of Wabamun, in the Province of Alberta;

"NON-CONFORMING BUILDING" - means a building:

- (i) that is lawfully constructed or lawfully under construction at the date a Land Use Bylaw or any amendment thereof affecting the building or land on which the building is situated becomes effective, and
- (ii) that on the date the Land Use Bylaw or any amendment thereof becomes effective does not, or when constructed will not, comply with the Land Use Bylaw;

"NON-CONFORMING USE" - means a lawful specific use:

- (i) being made of land or a building or intended to be made of a building lawfully under construction, at the date the Land Use Bylaw or any amendment thereof affecting the land or building becomes effective, and
- (ii) that on the date the Land Use Bylaw or any amendment thereof becomes effective does not, or in the case of a building under construction, will not comply with the Land Use Bylaw;

"OCCUPANCY" - means the use or intended use of a building or part thereof for the shelter or support of persons or property;

"OFF-SITE SIGN" - see SIGN, OFF-SITE;

"OFF-STREET PARKING" - means an off-street facility for the parking of three or more vehicles;

"OUTDOOR EATING ESTABLISHMENT" - means an establishment where food and drink are normally consumed either outside or inside the confines of the establishment;

"PARAPET WALL" - means that part of an exterior, party wall or fire wall extending above the roof line or a wall which serves as a guard at the edge of a balcony or roof;

"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;

"PARCEL, CORNER" - means a parcel at the intersection of two abutting streets;

"PARCEL, FLANKING" - means a corner parcel with a side boundary abutting a public street on which no other parcels within 9.1 m (30.0 ft.) have a front boundary;

"PARCEL, INTERIOR" - means a parcel which is bounded by only one street;

"PARCEL AREA" - means the total area of a parcel;

"PARCEL COVERAGE" - means the combined area of all buildings on a parcel excluding specific features permitted under this Bylaw as projections into required yards;

"PARCEL DEPTH" - means the average distance between the front and rear property lines;

"PARCEL WIDTH" - means the distance between the side property lines of a parcel at the minimum permissible front yard, measured parallel to the road or to the tangent on a curved road;

"PARK MODEL" - is a type of recreational vehicle. There are two types of park models which are currently recognized by the recreational vehicle industry. Park models are not considered to be dwellings for the purpose of this Bylaw.

- (a) **Park Model Trailer 102** (Figure 3) is a unit designed to be towed by a heavy-duty tow vehicle (auto, van, pick-up truck, etc.) but is of restricted size and weight so that it does not require a special highway movement permit. The maximum width when being towed is 2.6 m (8.5 ft.). These units are designed for infrequent towing, and are **not** fitted with a 12-volt system for fixtures and appliances. Once on site in the set-up mode it must be connected to the local utilities. This style of recreational vehicle is built on a single chassis mounted on wheels. It usually has one or more slide-outs, but when in set-up mode the gross trailer area does not exceed 37.2 m² (400 ft.²). It conforms to the **CSA Z-240** Standard for RVs.



Figure 3: Park Model Trailer 102

- (b) **Park Model Recreational Unit** (Figure 4) is built on a single chassis mounted on wheels, which may be removed and returned to the factory. The unit is designed to facilitate occasional relocation, with living quarters for a temporary residence or seasonal use, and must be connected to those utilities necessary for the operation of installed fixtures and appliances.

It has a gross floor area, including lofts, not exceeding 50 m² (540 ft.²) in the set-up mode and has a width greater than 2.6 m (8.5 ft.) in the transit mode.



Figure 4: Park Model Recreational Unit

Park Model recreational units always require a special tow vehicle and a special permit to move on the road as the width of the unit is greater than 2.6 m (8.5 ft.). It conforms to the **CSA Z-241** Standard for RVs.

"PARKING FACILITY" - means the area set aside for the storage and parking of vehicles and includes parking stalls, loading spaces, aisles, entrances and exits to the area, and traffic islands where they are part of the parking facility;

"PARKING STALL" - means a space set aside for the parking of one vehicle;

"PATIO" - means any developed surface adjacent to a building on a site which is less than 0.6 m (2.0 ft.) above grade;

"PERMITTED USE" - means the use of land or a building within a specific land use district, for which a development permit shall be issued, with or without conditions,

provided the development conforms to the Land Use Bylaw;

"PERSONAL SERVICE SHOP" - means a development used for the provision of personal services to an individual, which are related to the cleaning and repair of personal effects or of the care and appearance of the body;

"PLACE OF WORSHIP" - a facility for people to assemble in order to conduct religious services and related educational, philanthropic, or social activities and may include rectories, manses, classrooms, dormitories and accessory buildings;

"PLANTING" - see LANDSCAPING;

"PRINCIPAL BUILDING" - means a building which, in the opinion of the Development Authority,

- (i) occupies the major or central portion of a parcel,
- (ii) is the main building on the parcel, or
- (ii) constitutes the primary use for the parcel;

"PRINCIPAL USE" - means the primary purpose, in the opinion of the Development Authority, of a building or parcel. There shall be only one principal use on a parcel unless otherwise permitted in this Bylaw;

"PRIVATE LIQUOR STORE" - means a development where alcoholic beverages are offered to the public for retail sale for consumption off premises;

"PROJECTING SIGN" - see SIGN, PROJECTING;

"REAR YARD" - see YARD, REAR;

"RECREATIONAL USE" - means a development providing for commercial or non commercial leisure activities located to take advantage of the natural setting. Without restricting the generality of the foregoing, this shall include:

- (i) non facility-oriented recreational activities such as hiking, cross country skiing, rustic camping, and other similar uses; and
- (ii) facility-oriented recreational activities such as serviced campgrounds, recreational vehicle parks, picnic grounds, golf courses, marinas, swimming beaches, boat launches, parks, and other similar uses;

"RECREATIONAL VEHICLE" - means a vehicular-type unit primarily designed as temporary living quarters for recreational camping or travel use, which either has its own motive power, or is mounted on or drawn by another vehicle. Recreational vehicles include vehicles commonly referred to as travel trailers, 5th wheels, tent trailers, camping trailers, truck campers, park models, and motor homes;

"RECREATIONAL VEHICLE PARK" - means any lot of land on which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes. Occupancy of the recreational vehicles located within the park is not to exceed a maximum of six months of any calendar year. The park may include accessory facilities for the use of the occupants as well as a permanent residence for the owner/operator of the park;

"ROOF SIGN" - see SIGN, ROOF;

"SEA CAN" - means a container which is used as a storage vault and includes sea/land/rail shipping containers;

"SECONDARY SUITE" - means a self-contained additional dwelling unit within a single family dwelling or within an accessory structure that is located on a residential lot. A secondary suite may be a basement suite.

"SERVICE STATION" - means a parcel or the portion thereof used or intended to be used for any of the following: the servicing or repairing of motor vehicles, the sale of gasoline, the sale of lubricating oils and other automotive fluids, accessories for motor vehicles, and a towing service dispatch point;

"SETBACK" - means the minimum horizontal distance between the parcel boundary and the nearest point on the exterior wall of a building on the parcel (see Figure 5);

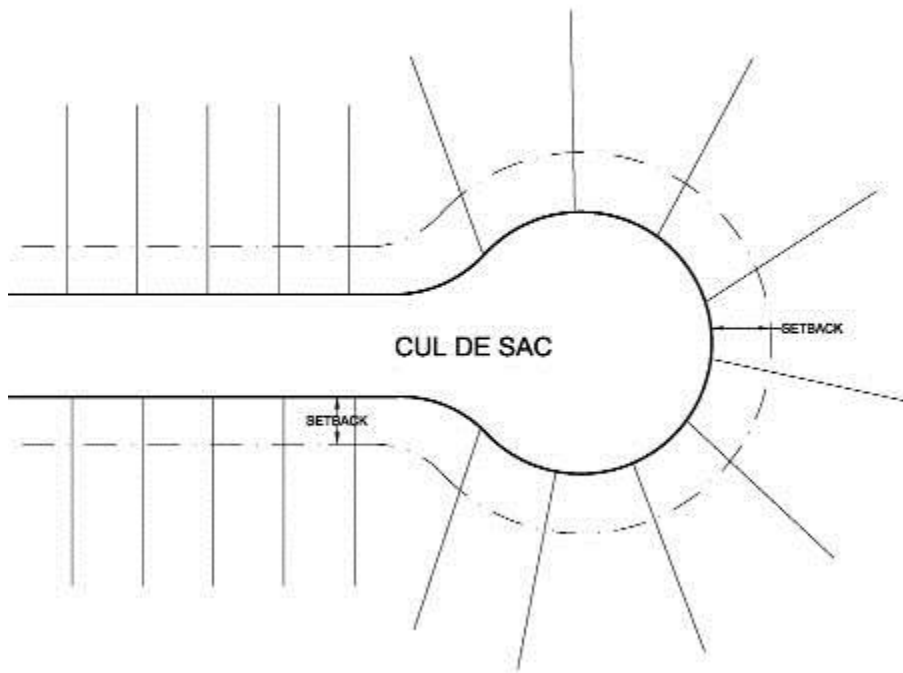
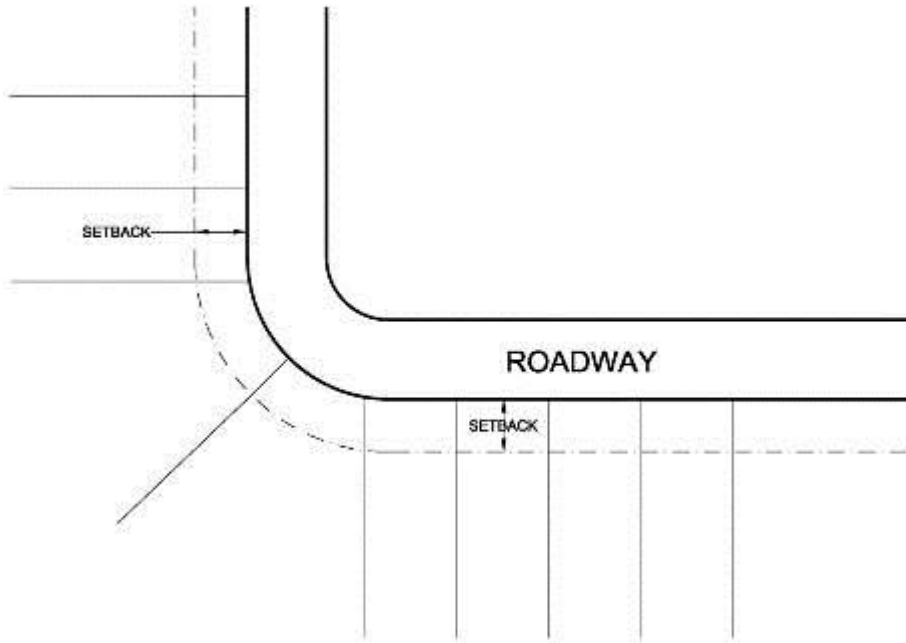


Figure 5: Setbacks

"SIGN" - means an object or device intended for the purpose of advertising or calling attention to any person, matter, thing or event;

"SIGN, CANOPY" - means a sign which is part of or attached to the outside edge of a canopy but which does not extend below the bottom edge or surface of the canopy (see Figure 6);

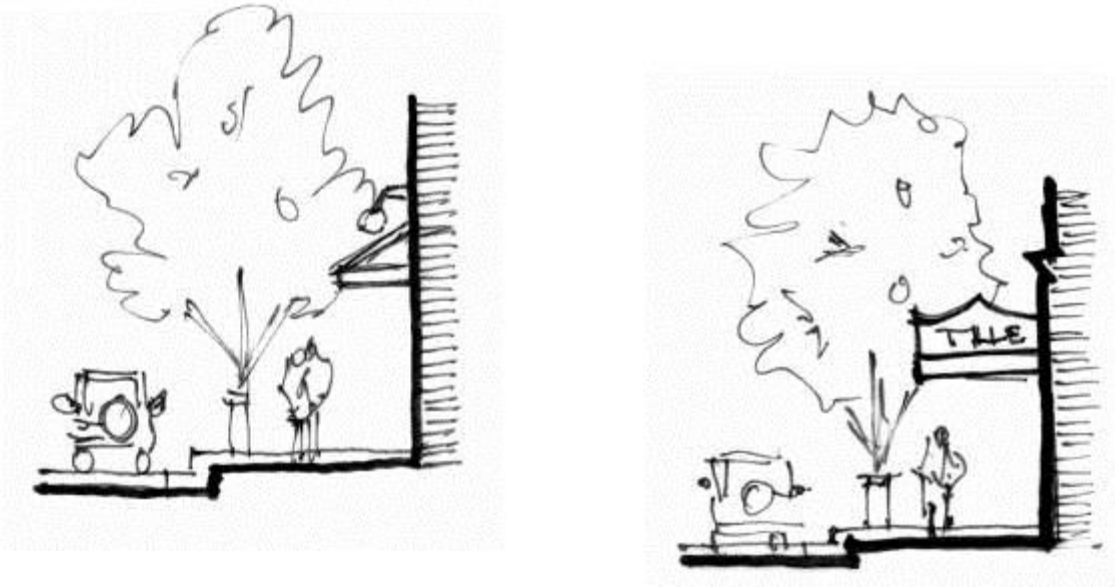


Figure 6: Canopy Sign

"SIGN, FREESTANDING" - means a sign supported by one or more uprights, braces or pylons, and stands independently of another structure (see Figure 7);

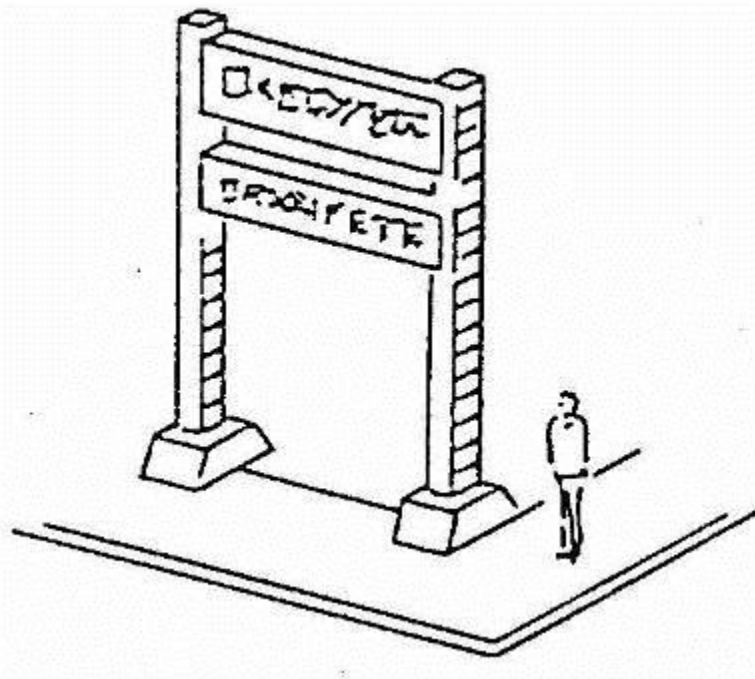


Figure 7: Freestanding Sign

"SIGN, OFF-SITE" - means a sign that advertises goods, products, services or facilities not available on the site where the sign is located, and which may also direct persons to another location;

"SIGN, PROJECTING" - means a sign affixed to a building or part thereof and extending beyond the building by more than 0.3 m (1.0 ft.). This does not include a sign attached to the ground;

"SIGN, ROOF" - means a sign erected upon, against or directly above the roof of a building or the top of a parapet wall (see Figure 8);

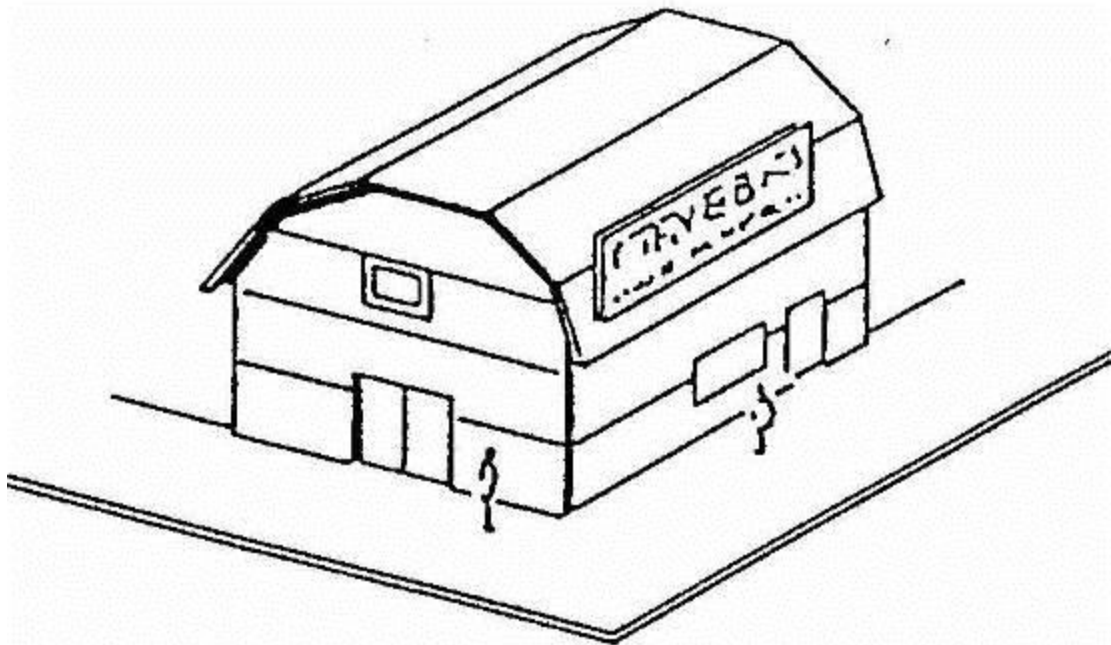


Figure 8: Roof Sign

"SIGN, TEMPORARY/ PORTABLE" - means a sign on a standard or column fixed to its own self-contained base and capable of being moved manually (see Figure 9);

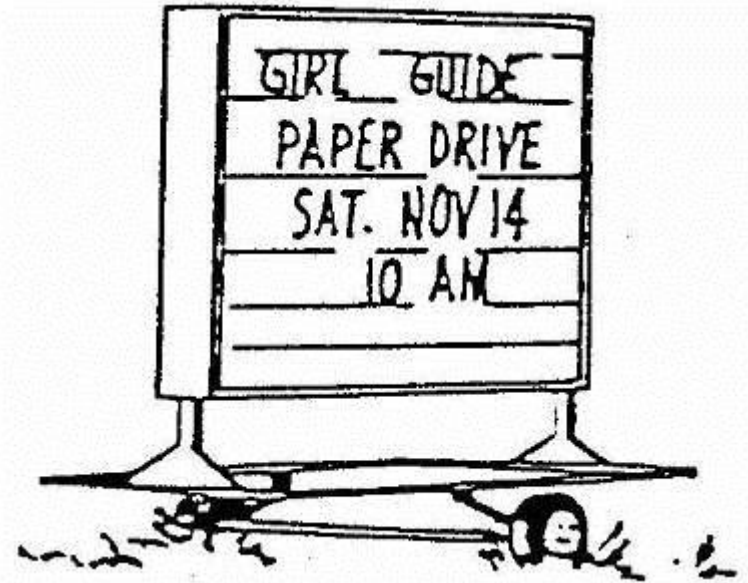


Figure 9: Temporary/Portable Sign

"SIGN, UNDER-CANOPY" - means a sign which is attached to the bottom surface or edge of a canopy;

"SIGN, FASCIA" - means a sign attached to or placed flat against an exterior vertical surface of a building, and projects no more than 0.1 m (0.33 ft.) from the surface of the building, and does not project above the roof or parapet (see Figure 10);

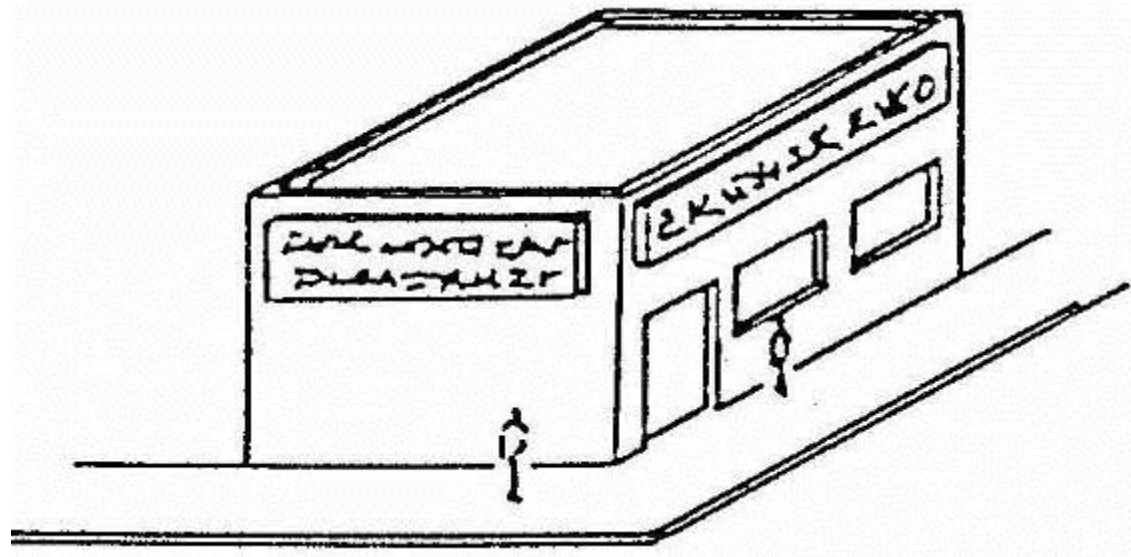


Figure 10: Fascia Sign

"SIMILAR USE" - means a use which, in the opinion of the Development Authority, closely resembles another specified use with respect to the type of activity, structure and

its compatibility with the surrounding environment.

"SITE BUILT" - means a building that is constructed primarily on its site. Although some components may be prefabricated off-site, the building is erected, framed, and finished by workers on location using stock materials;

"STATUTORY PLAN" - means an intermunicipal development plan, municipal development plan, area structure plan or area redevelopment plan pursuant to the Act;

"STOREY" - means the habitable space between the upper face of one floor and the ceiling or next floor above it. A basement or cellar shall be considered a storey if the upper face of the floor above it is more than 1.8 m (5.9 ft.) above grade;

"STREET" - means a right-of-way no less than 10.0 m (32.8 ft.) in width for a public thoroughfare and designed for the use of vehicular or pedestrian traffic, but does not include a lane or as defined as a street in the Traffic Safety Act, R.S.A. 2000, as amended;

"STRUCTURE" - means anything constructed or erected on the ground, or attached to something on the ground, and includes all buildings;

"SUBDIVISION AUTHORITY" - means a Subdivision Authority established pursuant to Section 623 of the Act;

"SUBDIVISION AUTHORITY OFFICER" - means a person authorized to accept, process and endorse subdivisions on behalf of the subdivision authority pursuant to the provisions of the Act;

"SUBDIVISION AND DEVELOPMENT APPEAL BOARD" - means a Subdivision and Development Appeal Board appointed for the Village of Wabamun pursuant to Section 627 of the Act;

"SURVEILLANCE SUITE" - means a dwelling unit, either a single detached dwelling or a dwelling unit within a principal building, used solely to accommodate a person or persons related as a family, or employee, whose official function is to provide surveillance, maintenance and/or security for a development provided for in the land use districts in which surveillance suites are listed either as a permitted or discretionary use. The single detached dwelling shall form part of the development with which it is associated and clearly be a subordinate use of the parcel on which it is located;

"TEMPORARY BUILDING" - means a structure that has been permitted to exist on a parcel for a limited time only;

"USE" - means a use of land or a building as determined by the Development Authority;

"UTILITY" - means any of the components of a sewage, storm water or solid waste disposal system, or an electric power, telecommunication, water, gas or oil distribution system;

"UTILITY BUILDING" - means a building which contains the offices or any equipment used in connection with the utility;

"VEHICLE, HEAVY" - means any vehicle, with or without a load, that exceeds a maximum gross vehicle weight rating of Class 3 or higher as designated by the Canadian Transportation Equipment Association (4537 kg or 10,000 lbs.), or a bus with a designated seating capacity of more than ten (10). Heavy vehicles do not include recreational vehicles;

"YARD" - means a required open space unoccupied and unobstructed by any structure or portion of a structure above the general ground level of the graded lot, unless otherwise permitted in this Bylaw (see Figure 11);

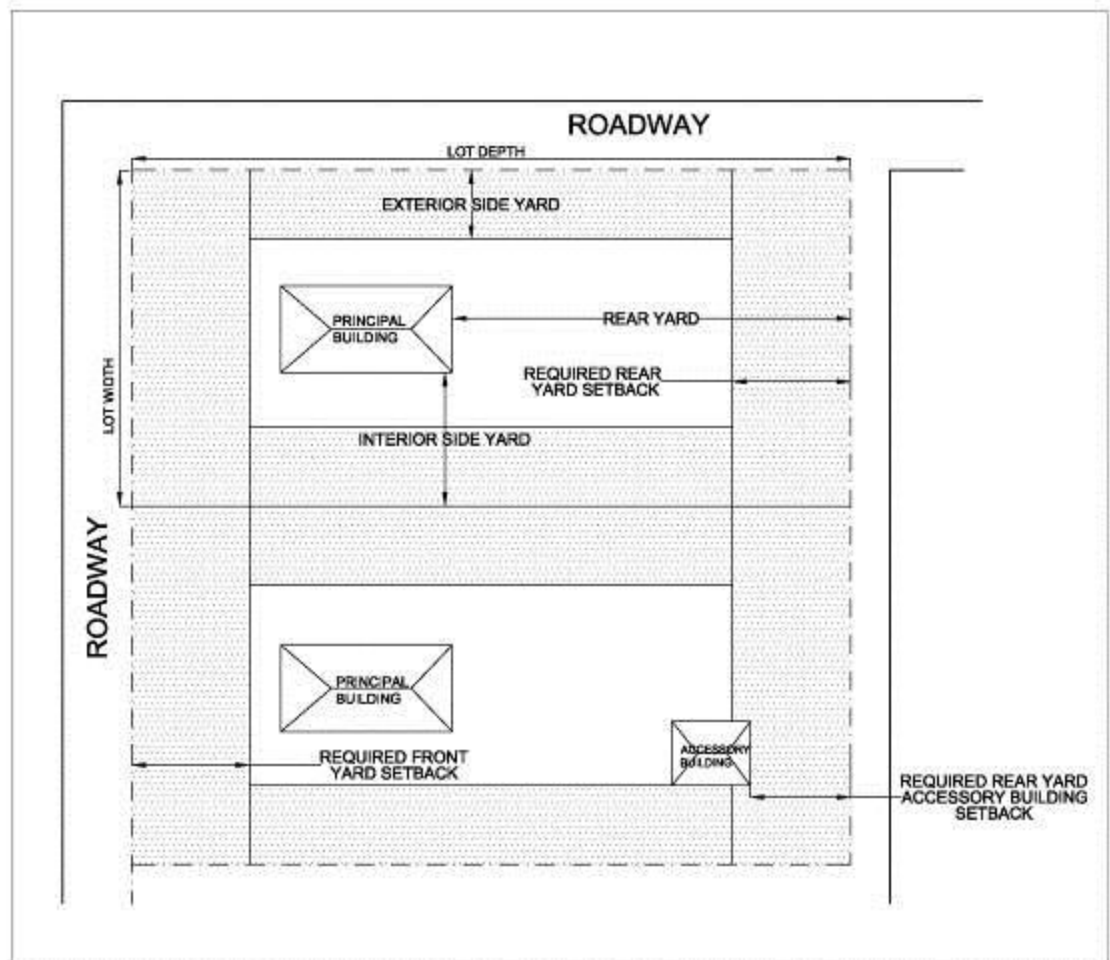


Figure 11: Yards

"YARD, FRONT" - means that portion of the parcel extending across the full width of the parcel from the front parcel boundary to the exterior wall of the building;

"YARD, REAR" - means that portion of the parcel extending across the full width of the parcel from the rear parcel boundary to the exterior wall of the building; and

"YARD, SIDE" - means that portion of the parcel extending from the front yard to the rear yard and lying between the side parcel boundary and the nearest portion of the exterior wall of the building.

- (2) All other words and expressions have the meanings respectively assigned to them in the Act.

1.5 ESTABLISHMENT OF DEVELOPMENT AUTHORITY

- (1) The Development Authority is hereby established, comprising:
- (a) in the Direct Control District(s), the Council, and
 - (b) in all other districts, the Development Authority Officer.
- (2) The office of the Development Authority Officer shall be filled by a person or persons to be appointed by resolution of Council.
- (3) The Development Authority Officer shall perform such duties that are specified in this Land Use Bylaw, including among other things:
- (a) keeping and maintaining for the inspection of the public during all regular hours, a copy of this Land Use Bylaw and all amendments thereto, and
 - (b) keeping a register of all applications for development including the decisions thereon and the reasons therefore.
- (4) For the purposes of the Municipal Government Act, the Development Authority Officer or his designate(s) is/are hereby declared to be a Designated Officer of Council.
- (5) If the Development Authority Officer is to be making the decision on a development permit application, the term "Development Authority", when used in this Bylaw, shall be the Development Authority Officer.
- (6) If Council is to be making the decision on a development permit application, the term "Development Authority", when used in this Bylaw, shall be Council.

1.6 SUBDIVISION AND DEVELOPMENT APPEAL BOARD

The Subdivision and Development Appeal Board established by the municipality's Subdivision and Development Appeal Board Bylaw shall perform such duties as are specified in Part Four of this Bylaw.

1.7 COUNCIL

The Council shall perform such duties as are specified for it in this Bylaw and issue any permits in the Direct Control District.

2.0 DEVELOPMENT PERMITS, RULES AND PROCEDURES

2.1 CONTROL OF DEVELOPMENT

No development other than that designated in Section 2.2 of this Bylaw shall be undertaken within the municipality unless an application for it has been approved and a development permit has been issued.

2.2 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

All development undertaken in the Village of Wabamun requires an approved development permit prior to commencement, except the following if they conform to all other provisions of this Bylaw:

- (a) works of improvement, maintenance or renovation to any building provided that such works do not include structural alterations or additions or require a building permit;
- (b) completion of development lawfully commenced before passage of this Bylaw, or amendments thereto, provided the development is completed in accordance with any permit granted in respect of it, within the time limit of such a permit or within twelve (12) months of the effective date of the Bylaw, whichever is earlier;
- (c) the use of a development referred to in subsection (b) for the purpose for which development was commenced;
- (d) the erection or placement of a temporary building or sign, the sole purpose of which is incidental to the erection of a building for which a development permit has been granted, provided the temporary building is removed within thirty (30) days of substantial completion or as determined by the development authority;
- (e) the completion, alteration, maintenance or repair of a street, lane or utility within a public thoroughfare or utility easement, or connecting the same with any lawful use of buildings or land;
- (f) any development carried out by or on behalf of the Crown but not including that carried out by or on behalf of a Crown corporation;
- (g) any development carried out by or on behalf of the Village of Wabamun provided that such development complies with all applicable provisions of this Land Use Bylaw;
- (h) a single storey accessory building not exceeding 11.1 m² (120.0 ft.²) in floor area or 2.5.m (8.2 ft.) in height, in the rear yard of a residential parcel;
- (i) signs posted or exhibited in a building;

- (j) signs posted or exhibited in or on an operating motor vehicle if the vehicle is not temporarily or permanently parked solely for the purpose of displaying the sign;
- (k) a statutory or official notice of a function of the Village of Wabamun;
- (l) traffic signs authorized by the Village of Wabamun and/or Alberta provincial authorities;
- (m) a sign exhibited solely to identify the land or building on which it is displayed, or to direct visitors to a specific occupant of a building, if the sign does not exceed 0.19 m² (2.0 ft.²) in area and conforms with all other orders, bylaws and regulations affecting such signs;
- (n) a maximum of two signs relating to the sale, lease or rental of the building or parcel on which they are located provided that, in the opinion of the Development Authority, they do not constitute a hazard to persons using the public road or reduce the amenity of an adjacent parcel;
- (o) campaign signs for federal, provincial, municipal or school board elections on private properties for no more than thirty (30) days, or such other time as regulated under provincial or federal legislation provided that:
 - (i) such signs are removed within one (1) day after the election date, and
 - (ii) the consent of the property owner or occupant is obtained, and
 - (iii) such signs do not obstruct or impair vision or traffic, and
 - (iv) such signs are not attached to trees or utility poles, and
 - (v) such signs indicate the name and address of the sponsor and the person responsible for removal;
- (p) landscaping, where it does not include significant grade changes, stockpiling or excavation and in the opinion of the Development Authority does not adversely affect any adjacent parcel;
- (q) a patio;
- (r) the demolition or removal of any building or structure for which a development permit would not be required pursuant to subsections (a) through (q) above, both inclusive.

2.3 NON-CONFORMING BUILDINGS AND USES

- (1) A non-conforming use of land or a non-conforming use of a building may be continued but if that use is discontinued for a period of six (6) consecutive months or more, any future use of the land or building shall conform with the regulations of the Land Use Bylaw then in effect.
- (2) The non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, shall not be enlarged or added to and no structural alterations shall be made thereto or therein unless specifically authorized by the Development Authority pursuant to the Act, and in accordance with the variance provisions set forth in Sections 2.6(4) and 2.6(5) of this Bylaw.
- (3) A non-conforming use of part of a parcel shall not be extended or transferred in whole or in part to any other part of the parcel and no additional buildings shall be erected upon the parcel while the non-conforming use continues.
- (4) A non-conforming building may continue to be used but the building shall not be enlarged, added to, rebuilt or structurally altered except:
 - (a) as may be necessary to make it a conforming building; or
 - (b) as the Development Authority considers necessary for the routine maintenance and ongoing use of the building.
 - (c) as specifically authorized by the Development Authority pursuant to the Act, and in accordance with the variance provisions set forth in Sections 2.6(4) and 2.6(5) of this Bylaw.
- (5) Pursuant to the Act, when
 - (a) on or before the day on which this Bylaw or any Bylaw for the amendment thereof comes into force, a development permit has been issued; and
 - (b) the enactment of the Bylaw would render the development in respect of which the permit was issued a non-conforming use or non-conforming building; the development permit continues in effect.
- (6) If a non-conforming building is damaged or destroyed to the extent of more than 75% of the value of the building above its foundation, the building shall not be repaired or rebuilt except in accordance with the Land Use Bylaw.
- (7) The use of land or the use of a building is not affected by reason only of a change of ownership, tenancy or occupancy of the land or building.

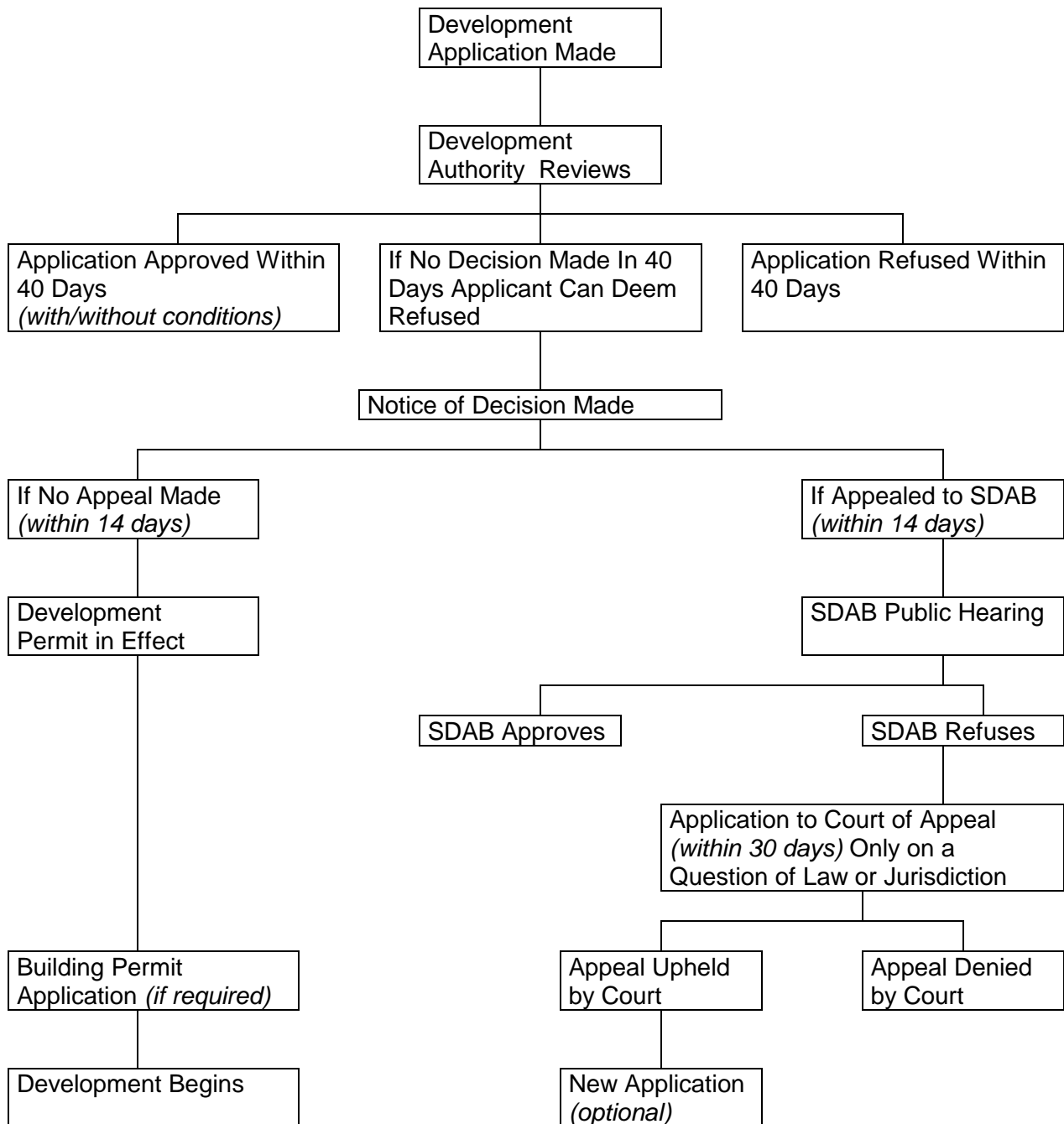
2.4 PERMISSION FOR DEVELOPMENT

- (1) An application for a development permit shall be made to the Development Authority in writing on the application form provided, and shall:
 - (a) be signed by the registered owner or his or her agent where a person other than the owner is authorized by the owner to make application. The correctness of the information supplied shall, when required by the Development Authority, be verified by a Statutory Declaration;
 - (b) state the proposed use or occupancy of all parts of the land and buildings, and such other information as may be required by the Development Authority;
 - (c) at the discretion of the Development Authority and in addition to the application form, include parcel plans in duplicate at a scale satisfactory to the Development Authority, showing any or all of the following:
 - i) north point,
 - ii) legal description of parcel,
 - iii) location of principal building and other structures including accessory buildings, garages, carports, fences, driveways, paved areas, and major landscaped areas including buffering and screening areas where provided,
 - iv) outlines of the roof overhangs on all buildings,
 - v) front, side and rear yards,
 - vi) the provision of off-street loading and vehicle parking,
 - vii) access and egress points to and from the parcel,
 - viii) the exterior elevations showing height, horizontal dimensions and finishing materials of all buildings, existing and proposed,
 - ix) a parcel grading plan indicating the elevations of the parcel at all corners and the grade at all corners of the proposed development as well as the grades of the adjacent streets, lanes and sewers servicing the parcel,
 - x) storm drainage plan,

- xi) the location of existing and proposed municipal and private local improvements as well as an estimation of the installation thereof,
 - xii) the lowest finished floor elevation in either the basement or main floor in the principal and accessory buildings where applicable,
 - xiii) on a vacant parcel in a residential land use district, the suggested location for a future driveway and garage or carport, if the application itself does not include such building as part of the proposal,
 - xiv) estimated cost of the project, excluding land prices, and
 - xv) any other pertinent information or tests required by the Development Authority respecting the parcel or adjacent lands.
- (2) Each application for a development permit shall be accompanied by a fee as established by Council.
 - (3) The Development Authority may also require with an application for a development permit information prepared by a Professional Engineer describing the potential of a subject site being flooded from a 1:100 year flood event, the potential subsidence or erosion of a subject site, and the ground compaction of a subject site, and further information describing the mitigative measures necessary to eliminate the defined flood, subsidence, erosion hazard or to resolve any ground compaction concerns.
 - (4) The Development Authority may also require a biophysical assessment to assess the impact of a proposed development on the environment or any phase of environmental site assessment to determine the possible contamination of a subject site and the mitigative measures necessary to eliminate such contamination.
 - (5) Where a proposed development is to occur adjacent to a railway, the Development Authority may require a vibration study to ascertain whether the proposed development can withstand the vibration produced by the railway.
 - (6) Where physical constraints can be overcome by using engineering techniques such as the construction of pilings or retaining walls, or the installation of pumps or recharging wells, the Development Authority may issue a development permit based on the implementation of a plan or report presenting the solution and bearing the signature and seal of a qualified, professional engineer.
 - (7) In making a decision, the Development Authority may impose such conditions as are required to ensure compliance with this Bylaw including both the verification by either an official appointed by the Village or by certification by either an engineer or an Alberta Land Surveyor that the implementation of any technical studies requested by the

Development Authority have been completed in accordance with the Development Authority's approval, as well as the undertaking of any mitigative or elimination measures described in the reports and information indicated in 2.4(1), (3) and (5) above. The applicant may be required to give security to ensure that the terms of the agreement noted herein are carried out.

FIGURE 12: DEVELOPMENT PERMIT PROCESS



Note: This diagram is not adopted as part of this Bylaw.

- (8) The Development Authority may require an irrevocable letter of credit from the developer to secure performance of any of the conditions of a development permit.

2.5 PERMISSION FOR DEMOLITION

- (1) The demolition of any structure must be done in accordance with the Alberta Building Code and CSA Standard S350-M1980, “Code of Practice for Safety in Demolition of Structures.”
- (2) In addition to the requirements of Section 2.4 of this Bylaw, an application for a development permit for the demolition of a building shall include the following information:
 - (a) the value of the building,
 - (b) the alternatives to demolition if the building is of historic or architectural value,
 - (c) the purpose of the building demolition and the type of structure to replace the demolished building, if applicable,
 - (d) a work schedule of the demolition and site cleanup (the sequence of demolition must be such that at no time will a wall or a portion of a wall be left standing unsupported in an unstable condition or in danger of accidental collapse),
 - (e) an indication that asbestos materials have been or will be removed,
 - (f) the destination of debris materials,
 - (g) the length of time before the site is to be redeveloped and treatment of the site after demolition but prior to development (if materials are to be stored on site, a site plan will be required indicating the location of such materials in relation to property lines and other buildings),
 - (h) a copy of the development approval,
 - (i) the form of demolition to be used (heavy equipment or by hand),
 - (j) the method whereby public safety is to be protected (normally a fence that is at least 1.8 m (5.9 ft.) in height is required around the excavation or structure to be demolished),
 - (k) an indication that all utility services to the site and/or the building have been disconnected,

- (l) an indication that buildings on adjoining properties have been considered to ensure that damage will not occur to them or their foundations from the demolition,
 - (m) an indication that the local Fire Chief has been consulted for determining the fire safety plan required, and
 - (n) an indication that any tanks containing flammable or combustible liquids must be removed before demolition begins and be purged of inert materials.
- (2) Before consideration of a development permit application for demolition, the Development Authority may also require the applicant to complete:
- (a) a Hazardous Materials Assessment Report, and/or
 - (b) any phase of an environmental site assessment in order to determine whether the site is contaminated and the mitigative measures necessary to eliminate such contamination.
- (3) As a condition of approving a development permit for the demolition of a building, the Development Authority may, in addition to other requirements, require that the applicant undertake any and all actions he deems, in his sole opinion, necessary to ensure the complete and safe demolition of the building, disposal of materials and debris, and site cleanup.

2.6 DECISIONS ON DEVELOPMENT PERMIT APPLICATIONS

(1) Permitted Use Applications

- (a) Upon receipt of a completed application for a development permit for a permitted use, the Development Authority shall approve, with or without conditions, an application for a permitted use where the proposed development conforms to this Bylaw and may:
 - i) require a Real Property Report, signed by an Alberta Land Surveyor, along with a signed authorization form or letter from the Alberta Land Surveyor stating that the Village may utilize the Surveyor's Real Property Report for evaluating the compliance of the proposed or existing development against all land use regulations relating to the use and building(s) that is (are) the subject of the development permit application;
 - ii) prior to making a decision, refer any application for a permitted use to any municipal department or external agency for comment;

- iii) require, as a condition of issuing a development permit, that the applicant enter into an agreement with the Village of Wabamun to construct or pay for the construction of public roadways, pedestrian walkways, parking and loading facilities, and any off-site levy or redevelopment levy imposed by Bylaw. To ensure compliance with the conditions in the agreement, the Village of Wabamun may be protected by caveat registered in favour of the Village of Wabamun;
 - iv) require financial guarantees, in a form and an amount acceptable to the Village, from the applicant to secure performance of any of the conditions of a development permit;
 - v) refuse to issue a development permit in the case where satisfactory arrangements have not been made by a developer for a proposed building on any parcel, where it would otherwise be permitted by the Bylaw, for the supply of water, electric power, sewerage and street access, or any of them, including payment of the costs of installing or constructing any such utility by the developer; and/or
 - vi) issue a temporary development permit where, in the opinion of the Development Authority, the proposed use is of a temporary nature. When a temporary permit is issued the permit shall specify the termination date of the permit.
- (b) In addition to subsection 2.6(1), in the case of new construction, the Development Authority may require, as a condition of approval, that a Real Property Report, signed by an Alberta Land Surveyor, along with a signed authorization from or letter from the Alberta Land Surveyor stating that the Village of Wabamun may utilize the Surveyor's Real Property Report for evaluating the compliance of the building(s) that is (are) the subject of the development permit application, be submitted by the owner/developer prior to the construction of the building foundation, or in the case of mobile and/or portable units sitting on permanent foundations, and prior to commencement of framing or further structural construction to ensure that the building(s) is (are) sited according to the provisions of the development permit and this Bylaw.
- (c) Upon receipt of a completed application for a development permit for a permitted use, the Development Authority Officer may refer to the Council of the Village of Wabamun those applications for development specified in the list of permitted uses that, in the opinion of the Development Authority Officer, should have Council's input.

- (d) Where development permit applications for permitted uses are referred to Council pursuant to subsection 2.6(1)(c), Council shall be subject to the same provisions that apply and are available to the Development Authority Officer as prescribed in subsection 2.6(1)(a) and (b).

(2) Discretionary Use Applications

- (a) Upon receipt of a completed application for a development permit for a discretionary use, the Development Authority Officer may at his or her discretion, refer the application to Council for input.
- (b) The Development Authority may, prior to making a decision, refer any application for a discretionary use to any municipal department or external agency for comment.
- (c) The Development Authority shall approve, with or without conditions, or refuse the application, giving reasons for the refusal.
- (d) The Development Authority may require, as a condition of issuing a development permit, that:
 - i) the applicant provide financial guarantees, in a form and an amount acceptable to the Village of Wabamun, to secure performance of any of the conditions of a development permit;
 - ii) the applicant enter into an agreement with the Village of Wabamun to construct or pay for the construction of public roadways, pedestrian walkways, parking and loading facilities, and off-parcel levy or redevelopment levy imposed by Bylaw. To ensure compliance with the conditions in the agreement, the Village of Wabamun may be protected by caveat registered in favour of the Village of Wabamun; and/or
 - iii) the applicant provide a Real Property Report, signed by an Alberta Land Surveyor, along with a signed authorization from or letter from the Alberta Land Surveyor can utilize the Surveyor's Real Property Report, relating to the building(s) that is (are) the subject of the development permit application.
- (e) Notwithstanding Subsection 2.6(2)(d)(iii), in the case of new construction, the Development Authority may require, as a condition of approval, that a Real Property Report, signed by an Alberta Land Surveyor, along with a signed authorization from or letter from the Alberta Land Surveyor stating that Village of Wabamun can utilize the Surveyor's Real Property Report, relating to the building(s) that is (are) the subject of the development permit application, be

submitted by the owner/developer prior to construction of the building foundation, or sitting in the case of mobile and/or portable units on permanent foundations, and prior to commencement of framing or further structural construction to ensure that the building(s) is (are) sited according to the provisions of the development permit and this Bylaw.

- (f) The Development Authority may issue a temporary development permit where the Development Authority is of the opinion that the discretionary use is of a temporary nature. When a temporary permit is issued the permit shall specify the termination date of the permit.
- (g) Where any use is proposed which is not specifically shown in any land use district but is, in the opinion of the Development Authority, similar in character, intent and purpose to other uses of land and buildings provided by the Bylaw in the land use district in which such use is proposed, the Development Authority may, if requested by the applicant, rule that the proposed use is a discretionary use in the land use district in which such use is proposed.
- (h) The Development Authority may refuse, or approve with conditions, any development if, in the opinion of the Development Authority the proposed development will detract from the character or appearance of the general development in the area.

(3) Direct Control District Applications

- (a) Upon receipt of a completed application for a development permit pursuant to a Direct Control District, the Council may, prior to making a decision, refer the application to the Development Authority Officer or any municipal department or external agency for comment.
- (b) At some point, as determined by Council, prior to deciding upon the development permit application before it, the Council will provide public notice, through means and to whom it considers necessary, that a decision on a development permit pursuant to a Direct Control District is to be made and the Council will afford an opportunity to any interested person to make representation on the application and shall take into account any such representations made when giving final consideration to the said application.
- (c) Public notice referred to in Section 2.6(3)(b) may contain a statement to the effect that:
 - i) if no objection to the development is received within the time prescribed in the notice, then it will proceed without further notice; and

- ii) if objection to the development is received, then comments will be heard at a regular Council meeting on the date and at the time and place specified in the notice.
- (d) The Council shall approve, with or without conditions, or refuse the application, giving reasons for the refusal.

(4) Variance Provisions

- (a) The Development Authority may, in deciding upon an application for a permitted or discretionary use, allow a minor variance to a maximum of 30% of the stated setback or other provision provided such variance does not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring parcels.
- (b) The Development Authority may approve or conditionally approve a discretionary use or a permitted use that does not comply with this Bylaw if, in the opinion of the Development Authority,
 - i) the proposed development would not
 1. unduly interfere with the amenities of the neighbourhood, or
 2. materially interfere with or affect the use, enjoyment or value of neighbouring parcel, and
 - ii) the proposed development conforms with the use prescribed for that land or building in this Bylaw.

(5) Limitations on Variance Provisions

In approving an application for a development permit under Section 2.6(4), the Development Authority shall adhere to the general purpose and intent of the appropriate land use district and to the following:

- (a) A variance shall be considered only in cases of unnecessary hardship or practical difficulties particular to the use, character, or situation of land or building which are not generally common to other land in the same land use district.
- (b) Except as otherwise provided in this Bylaw, there shall be no variance from the regulations prescribing density.
- (c) Where the issuance of a development permit for any use involves the exercise of any specified discretion of the Development Authority to relax a regulation of a land use district or any other regulation of this Bylaw, they shall not permit any variance from that regulation other than that contained in Section 2.6 (4).

(6) Additional Provisions:

The Development Authority may impose such conditions on the approval of an application that are considered necessary by the Development Authority to:

- (a) uphold the intent and objectives of any area structure plan or other statutory plan or land use regulation as adopted or amended from time to time; and
- (b) ensure the orderly and economic development of land within the Village of Wabamun.

2.7 NOTICE OF DECISION

- (1) All decisions on applications for a development permit shall be given in writing to the applicant.
- (2) If an application is refused or conditionally approved by the Development Authority, the notice of decision shall contain the reasons for the refusal or the conditions imposed as part of the approval.
- (3) When a decision on a development permit for a permitted use is made, the Development Authority shall require the developer to immediately post a notice, for no less than fourteen (14) days, conspicuously on the parcel on which the proposed development has been permitted.
- (4) When a decision on a development permit for a permitted or discretionary use is made, the Development Authority Officer may undertake or be directed to undertake by Council, as the case may be, any or all of the following:
 - (a) publish a notice in a newspaper circulating in the municipal area; and/or
 - (b) immediately mail a notice to all assessed property owners within 30.0 m of the parcel with respect to which the application has been made and to those assessed property owners who, in the opinion of the Development Authority, may be affected; and/or
 - (c) post a notice conspicuously on the parcel with respect to which the application has been made, for a period of no less than fourteen (14) days after the day the permit was issued.
- (5) The notices issued pursuant to Sections 2.7(3), or (4) shall indicate:
 - (a) the date a decision on the development permit application was made;

- (b) the location and use of the parcel in respect of which the application has been made and the decision of either the Development Authority Officer, or Council; and
- (c) that an appeal may be made by a person affected by the decision by serving written notice of the appeal to the Subdivision and Development Appeal Board before the effective date of the development permit as determined pursuant to Section 2.8 of this Bylaw.

2.8 EFFECTIVE DATE OF PERMIT

The decision on a development permit application shall come into effect,

- (a) if it is made by the Development Authority, on the fifteenth (15th) day after the date of the issue of the Notice of Decision by the Development Authority, or
- (b) if an appeal is made, on the date that the appeal is finally determined.

ANY DEVELOPMENT CARRIED OUT PRIOR TO THE EFFECTIVE DATE OF THE APPROPRIATE DEVELOPMENT PERMIT IS DONE SOLELY AT THE RISK OF THE APPLICANT.

2.9 VALIDITY OF DEVELOPMENT PERMITS

- (1) A development permit is valid unless:
 - (a) it is suspended or cancelled; or
 - (b) the development that is the subject of the development permit is not commenced within twelve (12) months from the date of the issuance of the development permit, or not completed within twenty four (24) months from the date of issuance of the development permit; or
 - (c) the development that is the subject of the development permit is not commenced within a shorter time period than that indicated in Section 2.9(1)(b) or not carried out with reasonable diligence, if the Development Authority has specified that the development permit is to remain in effect for less than twelve (12) months.
- (2) The Development Authority may extend the period of time that a development permit is specified to be valid in accordance with in Section 2.9(1)(b) and (c) if, in their opinion, circumstances warrant such a time extension.

2.10 DEEMED REFUSALS

In accordance with Section 684 of the Act, an application for a development permit shall, at the option of the applicant, be deemed to be refused when the decision of the Development Authority is not made within forty (40) days of the completed application being received by the Development Authority unless an agreement to extend the 40-day period herein described is established between the applicant(s) and the Development Authority.

2.11 SUBSEQUENT APPLICATIONS

If an application for a development permit is refused by the Development Authority, or on an appeal from the Subdivision and Development Appeal Board, another application for development by the same applicant or any other applicant,

- (a) on the same parcel; and
- (b) for the same or similar use,

may not be made for at least six (6) months after the date of the refusal, subject to consideration by the Council.

2.12 SUSPENSION OR CANCELLATION OF DEVELOPMENT PERMITS

- (1) If, after a development permit has been issued, the Development Authority becomes aware that:
 - (a) the application for the development contains a misrepresentation; or
 - (b) facts concerning the application or the development were not disclosed which should have been disclosed at the time the application was considered; or
 - (c) the development permit was issued in error,

the Development Authority may suspend or cancel the notice of decision or the development permit by notice, in writing, to the holder of it.

- (2) If a person fails to comply with a notice under Section 645 of the Act, the Development Authority may suspend or cancel any existing development permit by notice, in writing, to the holder of the permit.
- (3) A person whose development permit is suspended or cancelled under this Section may appeal to the Subdivision and Development Appeal Board.

2.13 DEVELOPER'S RESPONSIBILITY

- (1) A person to whom a development permit has been issued shall obtain from the appropriate authority where applicable, permits relating to building, grades, sewers, sanitary and storm water disposal, water mains, electricity and highways, and all other permits required in connection with the proposed development.
- (2) The applicant shall be financially responsible during construction for any damage by the applicant, his servants, his suppliers, agents or contractors to any public or private property.
- (3) The applicant shall prevent excess soil or debris from being spilled on public road allowances streets, lanes and sidewalks, and shall not place soil or any other materials on adjacent parcel without permission in writing from adjacent property owners.
- (4) Sections 2.13(2) and (3) may be enforced pursuant to PART V of this Bylaw. Any costs incurred as a result of neglect to public property may be collected where financial guarantees have been required pursuant to this bylaw.
- (5) The Development Authority may require a Real Property Report prepared by an Alberta Land Surveyor relating to the building(s) that is (are) the subject of a development permit application.
- (6) No building or use shall be used or occupied and no change in the existing occupancy classification of a building shall be made until the developer, proposed user or proposed occupant of said building or use demonstrates that substantial completion, as determined by the Development Authority, has been undertaken.
- (7) Further to Section 2.13(6), a person in receipt of an occupancy permit issued pursuant to the Alberta Safety Codes is not in receipt of permission to occupy under this Bylaw.
- (8) A person in receipt of a development permit issued pursuant to this Bylaw must obtain where applicable a building permit issued pursuant to the Alberta Safety Codes, some of the regulations/provisions of which may not be consistent with the regulations/provisions of this Bylaw.
- (9) Transfers:

A development permit is not transferable without the prior consent of:
 - (a) the Development Authority; or
 - (b) the Subdivision and Development Appeal Board, if the permit was issued by the Subdivision and Development Appeal Board.

3.0 APPEAL AND AMENDMENT

3.1 DEVELOPMENT APPEALS AND PROCEDURES

- (1) An appeal may be made to the Subdivision and Development Appeal Board where a Development Authority Officer:
 - (a) refuses or fails to make a decision on a development permit application within forty (40) days of receipt of a completed application or prior to the expiry date of an agreement between the applicant(s) and the Development Authority Officer to extend the 40-day period herein described; or
 - (b) issues a development permit subject to conditions; or
 - (c) issues a development permit for a discretionary use, or for a permitted use pursuant to Section 2.6(4) of this Bylaw; or
 - (d) issues an order under Section 4.0 of this Bylaw.
- (2) A person applying for the permit or affected by an order under Section 4.1(1), or any other person affected by a development permit, order or decision issued/made by the Development Authority, may appeal to the Subdivision and Development Appeal Board.
- (3) Notwithstanding Sections 3.1(1) and (2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the Land Use Bylaw were relaxed, varied or misinterpreted.
- (4) Notwithstanding Sections 3.1(1) and (2), no appeal to the Subdivision and Development Appeal Board lies in respect of the issuance of a development permit by Council.
- (5) An appeal shall be made by serving a written notice of appeal to the Secretary of the Subdivision and Development Appeal Board within fourteen (14) days after:
 - (a) the date the development permit, order or decision issued/made by the Development Authority was publicized in accordance with Section 2.7 of the Land Use Bylaw; or
 - (b) the forty (40) day or time extension agreement period, referred to in Section 3.1(1)(a) has expired.
- (6) Each notice of appeal shall be accompanied by a fee as set by Resolution of Council.

3.2 APPEAL HEARING

- (1) Within thirty (30) days of receipt of a notice of appeal, the Subdivision and Development Appeal Board shall hold a public hearing respecting the appeal.
- (2) The Subdivision and Development Appeal Board shall give at least five (5) days notice in writing of the public hearing to:
 - (a) the appellant;
 - (b) the Development Authority;
 - (c) the Municipal Council, if the Council was not the Development Authority;
 - (d) those adjacent landowners in the Municipality who were notified under Section 2.7 of this Bylaw and any other person who in the opinion of the Subdivision and Development Appeal Board, is affected by the order, decision or permit; and
 - (e) such other persons as the Subdivision and Development Appeal Board specifies.
- (3) The Subdivision and Development Appeal Board shall make available for public inspection before the commencement of the public hearing, all relevant documents and materials respecting the appeal including:
 - (a) the application for the development permit, its refusal and the appeal therefrom; or
 - (b) the order of the Development Authority under Section 4.0, of this Bylaw, as the case may be.

3.3 DECISION

- (1) At the public hearing referred to in Section 3.2(1), the Subdivision and Development Appeal Board shall hear:
 - (a) the appellant or any person acting on his behalf;
 - (b) the Development Authority from whose order, decision or development permit the appeal is made, or if a person is designated to act on behalf of the Development Authority, that person;
 - (c) any other person who was served with notice of the hearing pursuant to Section 3.2(2) and who wishes to be heard, or a person acting on his behalf; and

- (d) any other person who claims to be affected by the order, decision or permit and that the Subdivision and Development Appeal Board agrees to hear, or a person acting on his behalf.
- (2) In determining an appeal, the Subdivision and Development Appeal Board:
- (a) shall comply with the statutory plans and, subject to clause (c) below, the Land Use Bylaw;
 - (b) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
 - (c) must have regard to, but is not bound by, the Subdivision and Development Regulations;
 - (d) may make an order or decision or issue or confirm the issue of a development permit notwithstanding that the proposed development does not comply with the Land Use Bylaw if, in the opinion of the Subdivision and Development Appeal Board
 - i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring properties, and
 - ii) the proposed development conforms with the use prescribed for the land or building in the Land Use Bylaw.
- (3) The Subdivision and Development Appeal Board shall give its decision in writing together with reasons for the decision within fifteen (15) days of the conclusion of the hearing.
- (4) If the Subdivision and Development Appeal Board upholds an appeal brought before it pursuant to this Section of the Bylaw, the Subdivision and Development Appeal Board may determine that up to one half of the appeal fee levied in accordance with Section 3.1 (6) be returned to the appellant.
- (5) A decision made under this part of the Bylaw is final and binding on all parties and all persons subject only to an appeal upon a question of jurisdiction or law pursuant to Section 688 of the Act. An application for leave to appeal to the Appellate Division of the Supreme Court of Alberta shall be made:

- (a) to a judge of the Appellate Division; and
- (b) within thirty (30) days after the issue of the order, decision, permit or approval sought to be approved.

3.4 APPLICATION TO AMEND BYLAW

(1) Subject to the provisions of the Act, any Section or Part of this Bylaw may be amended in accordance with Section 3.4 of this Bylaw.

(2) Application:

Any person applying to have this Bylaw amended shall apply in writing to the Development Authority Officer, using the application form provided by the Village of Wabamun, and request that the Development Authority Officer submit the application to the Council.

(3) As part of the application referred to in Section 3.4(2), the applicant must provide the following information:

- (a) reasons in support of the application;
- (b) drawings showing the subject site, the proposed District and the proposed use and development to be proposed on the site, if applicable;
- (c) the program of land servicing, if applicable
- (d) a recent title search of the land affected or other documents satisfactory to the Development Authority showing the applicant's interest in the said land, and
- (e) where the applicant is an agent acting for the owner, a letter from the owner(s) authorizing the agent to make the application.

(4) Payment and Undertaking:

A person making an application to amend this Bylaw for a purpose other than the clarification of an existing provision of this Bylaw shall:

- (a) pay the Village of Wabamun an application fee as set by Resolution of Council;
- (b) undertake in writing on a form provided by the Village of Wabamun to be liable for, and pay on demand, all expenses made necessary by the processing of the proposed amendment which Village of Wabamun may incur, whether it be

enacted or not, including but not limited to map printing and reproduction costs, surveys and advertising charges; and

- (c) sign a certificate authorizing the right of entry by the Development Authority to such lands or buildings as may be required for investigation of the proposed amendment.

(5) Investigation by Development Authority Officer:

Upon receipt of an application to amend the Land Use Bylaw, the Development Authority Officer shall:

- (a) initiate or carry out any necessary investigation or analysis of the problems involved in or related to the amendment; and
- (b) prepare a detailed report including all maps and relevant material for Council to consider.

(6) Procedure by Applicant:

Upon receiving the preliminary advice of the Development Authority Officer, the applicant shall advise the Development Authority Officer if:

- (a) he or she wishes the Council to proceed with the amendment as submitted by the person, or an alternative amendment proposed by the Council; or
- (b) he or she wishes to withdraw his application for an amendment.

(7) Decision by Council:

As soon as reasonably convenient the Development Authority Officer shall submit the proposed amendment as originally applied for, or as alternatively chosen by the applicant, as the case may be, to the Council, accompanied by the report of the Development Authority Officer and other relevant material, if any, and the Council shall then consider the proposed amendment.

(8) Council May Direct Repayment:

If it appears that the proposed amendment is one which is applicable to and for the benefit of the Village of Wabamun at large, or most of the persons affected in one area, or to the entire district, then the Council may direct that the application fee be returned to the applicant and that the Village of Wabamun pay the expense which the applicant has agreed to pay pursuant to the provisions of Section 3.4(4).

(9) Amendments Proposed in Council:

Council may, at any time, initiate an amendment to this Bylaw, but prior to first reading of any proposed amendment the proposal shall be referred to the Development Authority Officer for reports and recommendations.

(10) Limit on Frequency of Applications:

Notwithstanding anything in this Section or this Part, a proposed amendment which has been rejected by Council within the previous twelve (12) months may not be reconsidered unless Council otherwise directs.

(11) Proposed amendments to this Bylaw are subject to those requirements and procedures set out in the Act regarding enactment of Bylaws, Section 692 specifically.

(12) Prior to third reading of a proposed amendment, Council may require the applicant to apply for a development permit and negotiate a development agreement for the proposal which initiated said proposed amendment.

4.0 ENFORCEMENT, PENALTIES AND FINES

4.1 CONTRAVENTION

(1) Where a Development Authority finds that a development or use of land or buildings is not in accordance with:

- (a) the Municipal Government Act or the regulations; or
- (b) a development permit or subdivision approval; or
- (c) the Land Use Bylaw;

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

- (a) stop the development or use of the land or buildings in whole or in part as directed by the notice; and/or
- (b) demolish, remove or replace the development; and/or
- (c) 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 Municipal Government Act, the regulations, a development permit, subdivision approval or this Bylaw,

within the time frame specified by the notice, as the case may be.

(2) Where a notice is issued under Section 4.1(1), the notice shall state the following and include any other information considered necessary by the Development Authority:

- (a) An explanation of the contravention, and a statement indicating under which provisions of this Bylaw or the Act the order is being carried out;
- (b) The alternatives and processes which the person responsible for the contravention may pursue in order to correct the contravention;
- (c) A time frame in which the contravention must be corrected prior to the Village of Wabamun pursuing action; and
- (d) Advise the person of his right to appeal the notice to the Subdivision and Development Appeal Board.

- (3) Where a person fails or refuses to comply with an order directed to him pursuant to Section 4.1(1) or an order of the Subdivision and Development Appeal Board, the Council or a person appointed by it may, in accordance with the Act, enter upon the land or building and take such action as is necessary to carry out the order. Where Council or its appointee carries out an order, the Council shall cause the costs and expenses incurred in carrying out the order to be placed on the tax roll as an additional tax against the property concerned, and that amount shall be collected in the same manner as taxes on land.

4.2 OFFENSES AND PENALTIES

This Bylaw may be enforced, and the contravention of any provisions contained herein restrained, by the Court of Queen's Bench of Alberta upon action brought by Council, whether or not any penalty has been imposed for the contravention.

- (1) A person who
 - (a) contravenes any provision of the Act or the regulations under the Act,
 - (b) contravenes this Bylaw,
 - (c) contravenes an order under Section 4.1 of this Bylaw and/or Section 645 of the Act,
 - (d) contravenes a development permit or subdivision approval or a condition attached thereto, and/or
 - (e) obstructs or hinders any person in the exercise or performance of his powers or duties under this Act, the regulations under the Act or this Bylaw

is guilty of an offense and is liable to a fine prescribed in Section 566 of the Municipal Government Act.

- (2) If a person is found guilty of an offense under Section 4.2 of this Bylaw (Section 557 of the Act), the court may, in addition to any other penalty imposed, order the person to comply with:
 - (a) the Act and the regulations under the Act,
 - (b) this Bylaw,
 - (c) an order under Section 4.1 of this Bylaw and/or Section 645 of the Act, and/or

- (d) a development permit or subdivision approval or a condition attached to a development permit or subdivision approval.
- (3) Any written notice, or order, or decision that is required under any provision of this Bylaw to be provided to any person shall be deemed to have been so provided if it is:
 - (a) delivered personally to the person or their agent it is directed to; or
 - (b) mailed by regular mail to the last known address of the person it is directed to; or
 - (c) left with any agent or employee or resident at the last known address of the person to whom it is directed.

4.3 VIOLATION TICKETS

- (1) In addition to the process and penalties described above, the Development Authority or any other person identified as a designated officer by the Council for the purposes of this section, shall be authorized to issue violation tickets in respect to any contravention of this Bylaw.
- (2) Violation Tickets
 - (a) The Development Authority or any other person identified as a designated officer by the Council for the purposes of this section, may issue a violation ticket to any person alleged to have breached any provision of this Bylaw.
 - (b) The violation ticket shall specify the alleged offence committed by the person to whom the violation ticket is issued and require payment, within 21 days from the date of issue of the violation ticket, of a fine to the Village.
 - (c) Persons contravening any provision of this Bylaw to whom violation tickets are issued shall be liable for a penalty of \$100.00 for a first offence and \$200.00 for a second or subsequent offence. Each day that a breach of the Bylaw has occurred may be considered to be a separate offence.
 - (d) The violation ticket shall be served upon the alleged offender personally or delivered by regular mail. If payment is made within the time limit, then such payment shall be accepted in lieu of prosecution for the offence.
 - (e) If a person who has been served with a violation ticket fails to pay the fine specified therein, then the right of the alleged offender to settle the alleged offence without a court appearance shall no longer apply and prosecution

for the alleged offence shall proceed.

- (f) If the person who was served with the violation ticket is thereafter prosecuted and convicted of the offence specified in the violation ticket, the fine imposed shall not be less than \$100.00, plus court costs, for each offence.

5.0 GENERAL PROVISIONS

5.1 SUBDIVISION OF LAND

Where the development of land involves a subdivision of land, no development permit shall be issued until the subdivision has received a level of approval satisfactory to both the Subdivision Authority and the Development Authority.

5.2 ACCESSORY BUILDINGS

- (1) In a Residential District, an accessory building shall not:
 - (i) be permitted in a front yard;
 - (ii) be within 2.0 m (6.56 ft) of a residence;
 - (iii) be within 1.0 m (3.28 ft) of a lot line;
 - (iv) have an eave overhang within 0.3 m (1.0 ft) of a lot line, and
 - (v) encroach upon an easement or right-of-way.
- (2) Notwithstanding the regulations of 5.2 (1) above:
 - (i) in the R1, R2 and R3 Districts, the height of an accessory building shall not exceed 3.0 m (10 ft.) from floor to ceiling and the floor area shall not exceed 83.6 m² (900 ft.²), and
 - (ii) in the R-1R District, the height of an accessory building shall not exceed 3.7 m (12 ft.) from floor to ceiling and the floor area shall not exceed 102.2 m² (1100 ft.²).
- (3) Development permits for non-permanent structures including but not limited to portable garage shelters and sea cans shall be issued on a temporary basis for a period not to exceed one (1) year.
- (4) Sea cans must be well-maintained and in good condition, or alternatively, must be adequately buffered to the satisfaction of the Development Authority. In addition, in any residential district a development permit for a sea can shall be issued only in order to accommodate new construction on site.
- (5) Where a garage has vehicle doors facing onto a lane, it shall be setback a minimum of 5.8 m (19.0 ft.) from the rear parcel boundary.

(6) An accessory building may include a dwelling where permitted as a discretionary use, provided Council approves a second dwelling on the parcel and the development conforms to all relevant Safety Codes regulations.

(7) Building Attached to a Principal Building

Any building attached to the principal building by an open or enclosed roof structure is considered to be part of the principal building and not an accessory building.

5.3 SITE DEVELOPMENT

The design, character and appearance of any building, structure or sign located in any District must be acceptable to the Development Authority having due regard to:

- (i) amenities such as daylight, sunlight and privacy,
- (ii) the character of development in the district, and
- (iii) its effect on adjacent parcels.

5.4 DWELLING UNITS ON A PARCEL

- (1) The number of dwelling units allowed on any parcel of land shall not exceed one (1).
- (2) Notwithstanding subsection 5.4(1) above, the Development Authority may issue a permit to a person that would permit the construction or location of more than one dwelling unit on a parcel if the second or additional dwelling unit:
 - (a) is contained in a building that, or in buildings each of which, is designed for or divided into two or more dwelling units;
 - (b) is a building as defined as a surveillance suite or temporary building under Section 1.5.
 - (c) is a building as defined as a secondary suite under Section 1.5.

5.5 YARD REGULATIONS

- (1) Corner and Double Fronting Sites
 - (a) In a Residential District, a parcel abutting two or more streets may, at the discretion of the Development Authority, be considered to have a front yard on each street in accordance with the front yard requirements of this Bylaw.

- (b) In all cases, the location of a building on a corner parcel shall require approval by the Development Authority who shall consider the locations of adjacent buildings and front yard setbacks on adjacent parcels.
- (c) In no case shall a side yard setback on the flanking side of a corner parcel be less than 3.6 m (12.0 ft.).

(2) Projections Over Yards

- (a) In all Residential Districts, the distances any buildings may project into a minimum yard requirement are:
 - (i) Front Yards: 1.5 m (4.9 ft.).
 - (ii) Side Yards: 50% of the minimum side yard.
- (b) In all other Districts, the distances which any buildings may project into minimum yard requirements are:
 - (i) Front Yards: 1.5 m (4.9 ft.).
 - (ii) Side Yards: 0.6m (1.9 ft.).
- (c) No portion of a building other than an unenclosed stairway or porch, a bow, bay or box window, a chimney chase, an eave, awning or similar architectural feature shall project into a minimum yard requirement.
- (d) No portion of any building other than an eave, awning or canopy, or a permitted sign shall project into a public right-of-way.

(3) Zero Side Yard Developments

- (a) In any District, if a side yard of a parcel is reduced to zero metres, the development shall be required to meet all relevant safety provisions of the Building Code.
- (b) In any District, the Development Authority may allow one side yard of a parcel to be zero metres where:
 - (i) the registered owner of the parcel abutting the zero side yard agrees to an encroachment easement equivalent to two minimum side yard requirements, satisfactory to the Development Authority and registered against the title of the said parcel, and

- (ii) drainage from the roof of any building is directed only onto the parcel upon which the building is situated.

5.6 PARKING AND LOADING REGULATIONS

(1) Off-Street Parking

- (a) An off-street parking area:
 - (i) shall not be within 1.0 m (3.28 ft.) of a public roadway;
 - (ii) shall be designed to the satisfaction of the Development Authority with regard to the dimensions, and layout of parking stalls and maneuvering aisles; and
 - (iii) shall have street access and curb cuts located to the satisfaction of the Development Authority; and
 - (iv) shall be graded, drained, compacted and hard-surfaced to the satisfaction of the Development Authority.
- (b) All parking areas shall conform to the minimum parking standards set out in the following pages.

(2) Required Number of Off-Street Parking Spaces

All developed parcels are required to provide a minimum number of parking stalls based on the use of the parcel. In determining the parking requirement for a parcel:

- (a) if a specific use is not mentioned below, the requirement shall be the same as for a similar use, as determined by the Development Authority; and
- (b) if a parcel consists of multiple uses, the required parking shall be the sum of the requirements for each use, unless it is demonstrated to the satisfaction of the Development Authority that a shared parking facility with a reduced number of spaces will be sufficient. The required parking may be combined or shared parking provided that a legal agreement is entered into between the users or land owners, and further that the parking arrangements are acceptable to the Development Authority; and
- (c) then the minimum number of parking stalls for any development shall be as follows:

Residential Uses

One or two unit dwelling.	2 per dwelling unit.
Multi-unit dwelling with one bedroom or less per unit.	1.5 per dwelling unit.
Multi-unit dwelling with two or more bedrooms per unit.	2 per dwelling unit.
Dwelling with self-contained units for senior citizens only.	2 for every 3 dwelling units.
Secondary and surveillance suites.	1 per suite
Major home occupations	2

Commercial Uses

Business, administrative and professional office	1 per 46.0 m ² (495.0 ft. ²) of gross leasable area.
Retail, personal service, equipment or repair shop with a gross leasable floor area of 1000.0 m ² (10,764.0 ft ²) or less	1 per 30.0 m ² (323.0 ft. ²) of gross leasable floor area.
Retail and personal service shop or shopping centre building with a gross leasable area over 1000.0 m ² (10,764.0 ft ²)	1 per 20.0 m ² (215.0 ft. ²) of gross leasable floor area.
Private liquor store	3 stalls plus 1 stall per 30 m ² (323.0 ft. ²) of gross leasable floor area.
Restaurant, beer parlour or cocktail bar	1 for each 6.0 m ² (65.0 ft. ²) of gross floor area or 1 per five seating spaces and 1 per three employees at maximum shift, whichever is greater.
Drive-in business	6 except where more are required under other requirements of this section.

Car washing establishment	1 per washing stall plus 1 per three employees at maximum shift.
Take-out restaurant (food exclusively taken off-parcel)	1 for each 13.0 m ² (140.0 ft. ²) of gross floor area plus 1 for each three employees on maximum shift.
Hotel, motor hotel, motels or apartment hotel	1 per sleeping unit and 1 space per three employees on maximum shift.

Places of Public Assembly

Theatre, auditorium, hall, church or other cultural or recreational facility.	1 per 7.5 seating spaces or 1 per 7.0 m ² (75.0 ft. ²) used by the patrons, whichever is greater.
---	--

Schools

Elementary school or junior high school.	2 per classroom.
Senior high school (not including an associated auditorium, gymnasium or swimming pool).	4 per classroom.

Industrial Uses

Manufacturing or industrial plant, wholesale, warehousing and storage building and yard, service or repair establishment, research laboratory or public utility building.	1 per employee on maximum shift. This may be varied by the Development Authority to no less than 1 per 3 employees if it can be shown that fewer stalls are needed.
---	---

Hospitals and Similar Uses

Hospital, sanatorium, group care facilities, nursing home, convalescent home and senior citizens lodge.	1 per 100.0 m ² (1,076.0 ft. ²) of floor area or 1 per four beds and 1 for every two employees on maximum shift, whichever is greater.
---	---

- (d) The Development Authority may waive the requirement for off-street vehicular parking spaces in the Village Centre District if the development is to occupy an existing or in-fill building in the Village Centre District.

(3) Off-site and Communal Parking Facilities

In Districts other than a Residential District, and subject to approval by the Development Authority, required parking for any development(s) may be provided on another parcel, separate from the development(s) in accordance with the following:

- (a) The parking, in the opinion of the Development Authority, must be suitable, easily accessible and within a reasonable distance of the associated development(s).
- (b) Future use of the parcel must be ensured to the satisfaction of Council. This may be done by a restrictive covenant registered on the title, a suitable bond posted by the developer(s), or by any other legal method.
- (c) At the option of the Development Authority, in lieu of off-street parking, a developer shall pay the Village to provide equivalent public parking. Council shall determine the amount of money in lieu of parking, based on current market values, and the money shall be used only to provide off-street public parking.

(4) Off-Street Loading Spaces

- (a) Off-street loading spaces shall be required for all non-residential developments and apartments.
- (b) A loading space shall be designed and located so vehicles using it can park and maneuver within the parcel.
- (c) A loading space shall be at least 4.0 m (13.12 ft.) wide, 8.0 m (26.24 ft.) long, and 4.3 m (14.10 ft.) high.
- (d) A loading area shall be graded, drained, compacted and surfaced to the satisfaction of the Development Authority.
- (e) Loading spaces shall be provided in accordance with the following:

Retail, industrial and the like, under 465.0 m² (5,000.0 ft.²); and one space

between 465.0 m² (5,000.0 ft.²) and 2,323.0 m² (25,000 ft.²); and two spaces

each additional 2,323 m² (25,000 ft.²) or function thereof; one space

Office building, place of assembly, institution, club or lodge, school, or any other use up to 2,787.0 m ² (30,000 ft. ²); and	one space
each additional 2,787 m ² (30,000 ft. ²) or fraction thereof	one additional space
neighbourhood commercial stores	one loading space.

(5) Sight Lines at Intersections

Sight triangle calculations shall be in accordance with the Roads and Transportation Association of Canada methods for determining crossing sight distances for roadways.

(6) Bicycle Parking

(a) Bicycle parking facilities shall be required for all development except for at-grade housing. Bicycle parking spaces shall be required as follows:

- (i) For multi-family residences that are not constructed at-grade, one bicycle space for every two dwelling units.
- (ii) For all other uses excepting schools and at-grade housing, six (6) per building.
- (iii) For schools, 0.5 per 10 students at peak attendance.

(b) Bicycle racks shall:

- (i) be constructed of theft resistant material,
- (ii) be securely anchored to the floor or ground,
- (iii) support the bicycle frame above the centre of gravity,
- (iv) be sufficiently separated from vehicle parking areas so as to protect parked bicycles from damage,
- (v) be located in a clearly designated, well-lit, safe and convenient location, and
- (vi) enable the bicycle frame and front wheel to be locked with a U-style lock that is Canadian Standards Association (CSA) compliant.

5.7 SIGN REGULATIONS

(1) General Sign Regulations

- (a) All signs, erected on land or affixed to the exterior of a building or structure, require a development permit unless specifically exempted by this Bylaw.
- (b) The Development Authority may order removal of any sign which, in its opinion, is unsightly or in such a state of disrepair as to constitute a hazard.
- (c) No sign shall be of such size or design as to, in the opinion of the Development Authority, obstruct the vision of persons using roads abutting the parcel.
- (d) Quality, aesthetic character and finishing of sign construction shall be to the satisfaction of the Development Authority.
- (e) Except as otherwise specified in this Bylaw, the maximum area of any sign shall be 3.0 m² (32.29 ft.²).
- (f) Where, in the opinion of the Development Authority, a proposed sign in a commercial or industrial district might be objectionable to persons living in nearby Residential Districts, the Development Authority may impose such other regulations as it feels would protect the interests of the residents.
- (g) A flashing, animated or illuminated sign shall not be permitted where in the opinion of the Development Authority it might be objectionable to nearby residents or interfere with the safe movement of traffic.
- (h) The area around sign structures shall be kept clean and free of over-grown vegetation, and free from refuse material.
- (i) The Development Authority may require an engineer-approved plan prior to the issuance of a permit in order to ensure that a sign does not threaten public safety.
- (j) An off-site sign shall not be permitted in any District unless specifically provided for in the District regulations of this Bylaw.

(2) Signs in Residential Districts

- (a) When a person has been granted a development permit to conduct a business or professional practice in his residence, that person may place a sign, not larger than 0.2 m² (2.15 ft.²), flat against an exterior wall of the building or on the inside of a window.

- (b) Name or number signs shall have a surface area of no more than 0.3 m² (3.23 ft.²).
- (c) For multiple unit and boarding houses one identification sign not exceeding 1.0 m² (10.76 ft.²) in area shall be allowed on each parcel.
- (d) All exterior signs shall be placed flat against a building or designed as part of an architectural feature.
- (e) No sign shall be permitted in a residential district except to identify a place of worship, school or other public institutions, home occupation or multiple unit residence.

(3) Freestanding Signs

Within all Land Use Districts, except Residential Districts, one freestanding sign may be allowed per parcel as follows:

- (a) Where a parcel has more than 90.0 m (295.27 ft) of frontage, one additional freestanding sign may be erected for each additional 90.0 m (295.27 ft) or portion thereof.
- (b) Where a parcel is double fronting or flanking, subsection (a) applies to each frontage and/or flanking side.
- (c) The height of a freestanding sign shall not exceed 9.0 m (29.5 ft.) above grade.
- (d) The face of a freestanding sign shall not exceed 8.0 m² (86.11 ft.²) in area.
- (e) A freestanding sign shall not project within 0.6 m (1.96 ft.) of a property line, or within 2.0 m (6.56 ft.) of overhead utility lines.
- (f) The area around a freestanding sign shall be kept free of litter and overgrown vegetation.
- (g) Freestanding signs shall be developed and maintained so as to be vertically erect unless otherwise approved by the Development Authority.

(4) Awning, Canopy and Projecting Signs

- (a) In all non-Residential Districts, one awning, canopy or projecting sign shall be permitted for each side of the parcel which abuts a road.

- (b) No awning, canopy or projecting sign shall extend more than 2.0 m (6.56 ft.) above the height of the building to which it is attached and no more than 9.0 m (29.5 ft.) above grade.
 - (c) No awning, canopy or projecting sign shall have a clearance less than 3.0 m (9.84 ft.) above a public right-of-way.
 - (d) No awning, canopy or projecting sign shall project within 1.0 m (3.3 ft.) of a public road carriageway.
 - (e) No awning, canopy or projecting sign shall be permitted where, in the opinion of the Development Authority, it obstructs free movement of pedestrians or vehicles or interferes with the repair of overhead utilities.
- (5) Wall, Fascia and Roof Signs
- (a) Wall, fascia and roof signs shall be permitted in all Land Use Districts, except Residential Districts, and shall indicate only the name and nature of the occupants of the development.
 - (b) A wall, fascia or roof sign shall project no more than 0.3 m (0.98 ft.) from the face of the building to which it is attached;
 - (c) A wall, fascia or roof sign shall project no more than 2.0 m (6.56 ft.) above the top of the wall to which it is attached and shall not exceed 9.0 m (30.0 ft.) in height above grade.

(6) Existing Signs

These regulations shall not be applied to signs legally in existence at the date of the adoption of this Bylaw.

5.8 ANIMAL/BIRD REGULATIONS

- (1) An animal breeding and/or boarding facility:
 - (a) shall include buildings, cages and/or exercise areas to the satisfaction of the Development Authority, and
 - (b) shall be adequately screened from view from adjoining property owners.
- (2) The Development Authority may regulate the hours that the animals are allowed in the exterior exercise area, based on the land uses adjacent to or surrounding the site and the breed of the animal on-site.

- (3) On any parcel in any land use district, no more than four (4) cats and/or dogs, including a total of not more than three (3) dogs, shall be allowed unless a permit for a small animal breeding and/or boarding facility has been granted.
- (4) On residential parcels 0.81 ha (2.0 ac) in size or larger, additional animal units shall be allowed in accordance with the following:

Residential Parcel Size		Allowable Number of Animal Units
0.81 – 1.21 ha	(2.0 - 2.99 ac)	1
1.22 - 1.61 ha	(3.0 - 3.99 ac)	2
1.62 - 2.02 ha	(4.0 - 4.99 ac)	3
2.03 - 2.42 ha	(5.0 - 5.99 ac)	4
2.43 - 4.04 ha	(6.0 - 9.99 ac)	5
4.05 ha or greater	(10.0 acres or greater)	5*

* plus - the number of animal units permitted for that portion of the parcel in excess of 4.05 ha (10.0 acres).

Example: 5.26 ha (13.0 ac) = 5+2=7 total animal units.

- (5) For the purposes of this Section, “one animal unit” means the following:
 - (a) 5 chickens, or
 - (b) 5 ducks, turkeys, pheasants, geese or other similar fowl, or
 - (c) 5 rabbits or other similar rodents

5.9 LANDSCAPING

- (1) In all land use districts, no person shall commence or continue the removal of topsoil, without first obtaining an approved development permit.
- (2) Development permit applications for landscaping shall be accompanied by a general parcel grading plan, drainage plan and indicate any existing or proposed retaining wall construction.
- (3) There shall be provided upon occupancy of the development, a minimum topsoil coverage of 7.6 cm (3.0 in) and the affected area shall be landscaped to the satisfaction of the Development Authority.
- (4) In any Commercial, Industrial, or Residential Land Use District, 90% of all areas of a parcel not covered by buildings, parking or vehicular maneuvering areas shall be landscaped to the satisfaction of the Development Authority.

- (5) In any Residential Land Use District, acceptable landscaping for the front yard shall include manicured lawns, rock gardens, xeriscapes and ornamental plants, or a combination thereof. A front yard shall not be used for the exclusive cultivation of vegetables.
- (6) In any Commercial Land Use District, off-street parking lots shall be landscaped by the planting of trees and/or shrubs in the amount of at least one tree and/or shrub for every 185.8 m² (2000 ft.²) of parking lot area. The trees and/or shrubbery shall be of a type and size approved by the Development Authority. Trees/shrubbery required shall be located within the parking area in locations where visibility for the safe movement of persons and traffic is not impaired.
- (7) All required landscaping and planting must be carried out to the satisfaction of the Development Authority and within two (2) years (weather permitting) of occupancy or commencement of operation of the proposed development.
- (8) As a condition of a development permit, the Development Authority may require that the developer provide a financial guarantees, in a form acceptable to the Village of Wabamun, up to the value of the estimated cost of the proposed landscaping/planting to ensure that such landscaping/planting is carried out with reasonable diligence.

5.10 OBJECTS PROHIBITED OR RESTRICTED IN YARDS

- (1) The following objects are permitted to be located in any yard of any Residential District for not more than fourteen (14) consecutive days per year:
 - (a) a dismantled or wrecked vehicle;
 - (b) any object or chattel which, in the opinion of the Development Authority, is unsightly or tends to adversely affect the amenities of the district in which it is located;
 - (c) any excavation, storage or piling up of materials unless required for immediate construction;

At the discretion of the Development Authority, a development permit may be granted in order to extend the fourteen (14) day period by seven (7) additional days.

- (2) No heavy truck shall be allowed within any Residential District.
- (3) No person shall keep more than two (2) recreational vehicles in any yard of a Residential District. The year round placement of one (1) recreational vehicle on

a lot in a Residential District is allowed without a development permit. An additional recreational vehicle is only allowed on a lot without a development permit for a period not to exceed fourteen (14) days. A development permit is required for the time period to be extended by an additional seven (7) days or for the placement of an additional recreational vehicle for any length of time. The placement of any recreational vehicle on a lot is intended for storage purposes only; however, a maximum of two recreational vehicles may be occupied for a period not to exceed seven (7) days per year without obtaining a development permit. The length of any recreational vehicle located on a lot shall not exceed 9.8 m (32 ft).

- (4) Notwithstanding Section 5.10 (3), no person shall keep or permit vehicles designed for active recreational use, including but not limited to recreational vehicles, boats and all terrain vehicles, in the front yard of any Residential District without first obtaining a development permit from the Village.

6.0 SPECIAL PROVISIONS

6.1 MOBILE AND MANUFACTURED HOMES

- (1) A development permit will not be issued for a mobile or manufactured home to be moved into or within the Village if the mobile or manufactured home is older than five (5) years.
- (2) Before a development permit is issued for a manufactured or mobile home, the development authority must receive verification that the home fully complies with both the CSA Z240 MH National Mobile Home Standard and the Alberta Building Code (ABC). If the CSA Z240 sticker or the Alberta Municipal Affairs sticker verifying compliance to the ABC is missing, the Development Authority will 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 manufactured or mobile home are necessary to bring the home into compliance with the CSA Z240 standard or the ABC, all required upgrades shall be made before the issuance of a development permit.
- (4) In addition to the requirements of 6.1(1) and 6.1(2) above, a manufactured or mobile 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 and general area;
 - (b) The roof pitch shall be consistent with the roof pitch of dwellings in the immediate and general area;
 - (c) Exterior finishing materials used on the roof and exterior walls shall be consistent with the materials used on dwellings in the immediate and general area and in good condition;
 - (d) Minimum roof overhang or eaves should be consistent with the overhang or eaves of dwellings in the immediate and general area;
 - (e) The design of each manufactured or mobile home shall ensure the side or end facing the street on which the home fronts contains a prominently placed front door, and windows in quantity and size that are consistent with dwellings in the immediate area;
 - (f) Every manufactured or mobile home shall be placed on a full perimeter foundation that complies with the Alberta Building Code unless the manufactured or mobile home is designed to be supported on longitudinal floor beams, in which

case an alternate skirted foundation system as described in CSA Z240.10.1 may be employed;

- (g) The full perimeter foundation or the skirting material utilized on an alternative skirting foundation should be parged in order to create the same finished appearance customarily found on concrete basements of single detached dwellings in the immediate and general area.

Any required aesthetic upgrades to the manufactured or mobile home must be completed before the issuance of the development permit. The completion of foundation or skirting material must be completed within 30 days of the placement of the mobile or manufactured home on a site.

6.2 RELOCATION OF BUILDINGS OTHER THAN MOBILE AND MANUFACTURED HOMES

- (1) No person shall alter the location of an already-constructed building on a parcel of land unless a development permit has been issued.
- (2) No person shall place on a parcel of land a building that was formerly erected or located on a different parcel, including portable pre-fabricated buildings, within any commercial district.

6.3 HOME OCCUPATIONS

- (1) General Provisions:
 - (a) A home occupation shall be operated as a secondary use only and shall not change the principal character and external appearance of the dwelling in which it is located.
 - (b) No advertisement or sign visible from the exterior of the dwelling shall be permitted as part of a home occupation other than that provided for under subsection 6.3(1)(c).
 - (c) Subject to Section 5.7 of this Bylaw, it is permissible to have one non-illuminated fascia sign or nameplate to identify a home occupation not greater than 0.91 m² (3.0 ft.²) in an area placed within or flat against the dwelling unit or any accessory building.
 - (d) A home occupation shall not be permitted in a residence if, in the opinion of the Development Authority, it would be more appropriately located in a commercial or industrial land use district.

- (e) A home occupation shall not, in the opinion of the Development Authority, be a source of inconvenience, materially interfere with or affect the use, enjoyment or value of any neighbouring parcel by way of excessive noise, smoke, steam, odour, dust, vibration or refuse matter which would not be commonly found in the neighbourhood.
 - (f) There shall be no mechanical or electrical equipment used which create visual, audible or electrical interference in radio or television reception.
 - (g) Persons wishing to operate a home occupation from their place of residence shall be required to apply for a development permit from the Village of Wabamun. The applicant may be required to obtain a business license prior to the issuance of a development permit. Each application for a home occupation shall be accompanied by a description of the business to be undertaken in the dwelling, an indication of the anticipated number of business visits per week, and details for the provision of parking along with other pertinent details of the business operation.
 - (h) A home occupation shall be reviewed by the Village of Wabamun when complaints are registered against the home occupation by an affected landowner. A permit issued for a home occupation is liable for recall on the basis of non-compliance on 30 days notice.
 - (i) A home occupation permit does not exempt compliances with health regulations or any other municipal or provincial regulations.
 - (j) Home occupation permits shall be valid only for one year at which time they shall be subject to an application for renewal.
 - (k) A home occupation shall not generate pedestrian or vehicular traffic or parking shortage in excess of that which is characteristic of the land use district in which it is located.
 - (l) Any vehicles parked on-street as a result of the home occupation shall, in the opinion of the Development Authority, not be a source of inconvenience to adjacent landowners or tenants.
- (2) In addition to the requirements of subsection 6.3(1), a major home occupation shall comply with the following regulations:
- (a) The major home occupation shall not, in the opinion of the Development Authority, generate pedestrian or vehicular traffic or parking which is excessive for its location relative to other dwellings.

- (b) The number of non-resident employees or business partners working on-site shall not exceed one (1) at any time.
 - (c) There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business allowed on the site. Storage related to the business activity shall be allowed in either the dwelling or accessory buildings.
 - (d) Articles offered for sale shall be limited to those produced within the dwelling or the accessory building(s).
 - (e) The major home occupation shall not be allowed if, in the opinion of the Development Authority, such use would be more appropriately located in a Commercial or an Industrial District having regard for the overall compatibility of the use with the residential character of the area.
- (3) In addition to the requirements of subsection 6.3 (1), a minor home occupation shall comply with the following regulations:
- (a) The minor home occupation shall not employ any person on-site other than a resident of the dwelling. Nor shall the business be such that more than five (5) clients per week come to the dwelling.
 - (b) There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business allowed on the site. Storage and the business activity itself shall only be allowed inside the dwelling and not in an accessory building. The minor home occupation does not involve the display of goods in the interior of the residence.

6.4 BED AND BREAKFAST OPERATIONS

In addition to all other provisions and requirements of this Bylaw, the following additional requirements shall apply to home occupations in the form of bed and breakfast operations:

- (a) Persons wishing to operate a bed and breakfast operation shall be required to apply for a development permit from the Village of Wabamun.
- (b) A bed and breakfast operation shall be limited to residential land use districts and shall be contained entirely within the principal dwelling on a parcel.
- (c) A bed and breakfast operation shall be limited to one meal provided on a daily basis to registered guests only with such meal being prepared in one common kitchen and served in one common room.

- (d) In addition to the off-street parking requirements for the dwelling unit itself, as stipulated in Section 5.6 of this Bylaw, one (1) off-street parking space per rented guest room shall be required for a bed and breakfast operation.

6.5 SURVEILLANCE SUITES

- (1) The issuance of a development permit for a surveillance suite, as defined in this Bylaw, shall be in accordance with the following criteria and regulations:
 - (a) A development permit for a surveillance suite will only be issued if the surveillance suite is clearly compatible with and subordinate to the principal use of the subject parcel. Moreover, in the opinion of the Development Authority, the placement of a surveillance suite shall be compatible with all existing, principal development/land uses on adjacent properties and shall not interfere with future principal development/land uses of adjacent properties.
 - (b) Where a surveillance suite is allowed in accordance with this Bylaw, the Development Authority may issue a development permit for one surveillance suite per associated development or parcel.
 - (c) Detached surveillance suites shall be sited in accordance with siting regulations specified in the land use district within which the subject parcel is located or in accordance with the following requirements, whichever are more stringent:
 - (i) a minimum of 1.83 m (6.0 ft.) from any buildings; and
 - (ii) a minimum of 1.83 m (6.0 ft.) from the rear and side property lines; and
 - (iii) no closer than the front line of the principal building.
 - (d) Where a surveillance suite is a mobile or manufactured home, the regulations of Section 6.1 of this Bylaw shall apply.
 - (e) The minimum and maximum floor area of any non-basement surveillance suite, as defined in this Bylaw, shall be 46.45 m² (500 ft.²) and 92.9 m² (1000 ft.²) respectively.
 - (f) The quality of exterior treatment and design of any surveillance suite shall be to the satisfaction of the Development Authority, who shall ensure that the design, character and appearance of any surveillance suite is compatible with the development(s)/use(s) with which the suite is associated as well as all development(s)/use(s) on adjacent properties.

6.6 SECONDARY SUITES

- (1) A secondary suite shall:
 - (a) be an accessory use to the main dwelling on a lot,
 - (b) create minimal structural change to the front exterior of the main dwelling, so that the building appears as a single dwelling unit,
 - (c) have a minimum floor area of 35 m² (378 ft.²),
 - (d) have a maximum floor area equal to no more than 40% of the floor area of the main dwelling, if the secondary suite is not a basement suite, except that if the secondary suite is a basement suite, the maximum size shall be determined at the sole discretion of the Development Authority,
 - (e) contain sleeping, cooking, and bathroom facilities,
 - (f) have full utility services through service connection from the main dwelling,
 - (g) comply with the Alberta Building Code and all other Provincial and Municipal regulations,
 - (h) be provided with off-street parking in accordance with this Bylaw, and
 - (i) where applicable, not be considered in the maximum density prescribed for the District in which the secondary suite is located.
- (2) The lot on which a secondary suite is located shall:
 - (a) be limited to one secondary suite, and
 - (b) not be subdivided (in title) as a result of the presence of a secondary suite.
- (3) A secondary suite shall not be developed within the same dwelling containing a group care facility or bed and breakfast establishment.
- (4) A secondary suite may be located within a main dwelling or an accessory structure, provided that it meets all other relevant regulations of this Bylaw. However, a secondary suite shall not be allowed to be located within or above a detached garage.

- (5) Where there is more than one approved single detached dwelling on a parcel, each approved single detached dwelling may contain a secondary suite, unless the dwelling contains a group care facility or bed and breakfast establishment.
- (6) A single detached dwelling must exist on a parcel prior to the approval of a development permit for a secondary suite.
- (7) A recreational vehicle cannot be used as a secondary suite.

6.7 PRIVATE LIQUOR STORE AND STORAGE FACILITIES

- (1) Store size limitation - the retail and storage space shall be a minimum of 56 m² (600 ft²).

7.0 LAND USE DISTRICTS AND REGULATIONS

ESTABLISHMENT OF DISTRICTS AND LAND USE DISTRICT MAP

- (1) For the purpose of this Bylaw the Village of Wabamun is divided into the following districts:

<u>Short Form</u>	<u>District Designation</u>
R1	Residential - Single Unit (Frame)
R2	Residential - Single Unit (Mixed)
R3	Residential - Medium Density
R-1R	Residential - Large Lot
DC	Direct Control
C1	Commercial
C2	Lakefront Commercial
M	General Industrial
US	Urban Services
UR	Urban Reserve
VC	Village Centre
OS	Open Space

- (2) The boundaries of the Districts listed in subsection (1) are as delineated on the Land Use District Map.
- (3) Where uncertainty exists as to the boundaries of Districts as shown on the Land Use District Map, the following rules shall apply:

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

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

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

- (a) where dimensions are set out on the Land Use District Map, the dimensions so set; or
- (b) where dimensions are set out on the Land Use District with respect to such boundary, measurement of and use of the scale shown on the Land Use District Map.

- (4) If the foregoing rules cannot resolve a question regarding the exact location of a District boundary, Council shall determine the location to the degree of detail as circumstances require.
- (5) When Council has fixed a District boundary pursuant to subsection (4), the location of that boundary shall not be altered except by an amendment of this Bylaw.
- (6) Council shall maintain a list of its decisions with respect to District boundaries.

7.1 R1 - RESIDENTIAL - SINGLE UNIT (FRAME)

(1) General Purpose of District

This District is generally intended for permanent single unit dwellings in a homogeneous setting.

(2) Permitted Uses

- Single detached dwellings, Type A
- Minor home occupations
- Day homes
- Buildings and uses accessory to permitted uses

Discretionary Uses

- Child care facilities
- Duplex dwellings
- Group care facilities
- Major home occupations
- Parks or playgrounds
- Places of worship
- Public uses
- Schools
- Second dwellings
- Secondary suites
- Utilities
- Buildings and uses accessory to discretionary uses
- Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses

(3) Parcel Coverage

Coverage of all buildings shall not exceed 40% of the total parcel area.

(4) Minimum Floor Area (not including attached garage)

- (a) Floor area for a single detached unit shall be no less than 102.19 m² (1100 ft.²).
- (b) Floor area for a duplex dwelling unit shall be no less than 60.0 m² (645.8 ft.²).

(5) Maximum Height

Building height shall not exceed 9.0 m (29.5 ft.).

(6) Minimum Parcel Depth

Parcel depth shall be no less than 34.0 m (111.5 ft.).

(7) Minimum Parcel Width

- (a) Parcel width for a single detached unit shall be:
 - (i) in the case of a lane system, no less than 15.0 m (49.2 ft.); and
 - (ii) in the case of laneless systems, no less than 18.0 m (59.0 ft.).
- (b) Parcel width for a duplex dwelling shall be:
 - (i) in the case of a lane system, no less than 7.6 m (24.9 ft.) per unit; and
 - (ii) in the case of laneless systems, no less than 8.6 m (28.2 ft.) per unit.

(8) Minimum Front Yard Setback

Front yard setbacks shall be at the discretion of the Development Authority who shall have concern for development or potential development on adjacent parcels, but in no case shall a front yard setback be less than 7.6 m (25.0 ft.) or 6.0 m (19.7 ft.) for the attached garage portion of a single detached dwelling.

(9) Minimum Side Yard Setback

- (a) Side yards shall total at least 20% of the parcel width with each side yard being at least 1.5 m (4.9 ft.) and 2.3 m (7.5 ft.) for buildings 7.6 m (24.9 ft.) or more in height.
- (b) Notwithstanding the above, where a parcel has vehicular access from the front only, one side yard setback must be a minimum of at least 3.2 m (10.5 ft.) except where an attached garage or carport is provided.

(10) Minimum Rear Yard Setback

Rear yards shall be no less than 8.0 m (26.2 ft.).

7.2 R2 - RESIDENTIAL - SINGLE UNIT (MIXED)

(1) General Purpose of District

This District is generally intended for site built and modular dwelling units, in an integrated setting.

(2) Permitted Uses

- Single detached dwellings, Type A and B
- Day homes
- Minor home occupations
- Buildings and uses accessory to permitted uses

Discretionary Uses

- Child care facilities
- Duplex dwellings
- Group care facilities
- Major home occupations
- Parks or playgrounds
- Places of worship
- Public uses
- Schools
- Second dwellings
- Secondary suites
- Utilities
- Buildings and uses accessory to discretionary uses
- Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses

(3) Parcel Coverage

Total parcel coverage shall not exceed 40%.

(4) Minimum Floor Area (not including attached garage)

- (a) Floor area for a single detached unit shall be no less than 83.6 m² (900.0 ft.²).
- (b) Floor area for a duplex dwelling unit shall be no less than 60.0 m² (645.8 ft.²).

(5) Maximum Height

Building height shall not exceed 9.0 m (29.5 ft.).

(6) Minimum Parcel Depth

Parcel depth shall be no less than 34.0 m (111.5 ft.).

(7) Minimum Parcel Width

- (a) Parcel width for a single detached unit shall be:
 - (i) in the case of a lane system, no less than 15.0 m (49.2 ft.); and
 - (ii) in the case of laneless systems, no less than 18.0 m (59.0 ft.).
- (b) Parcel width for a duplex dwelling shall be:
 - (i) in the case of a lane system, no less than 7.6 m (25.0 ft.) per unit; and
 - (ii) in the case of laneless systems, no less than 8.6 m (28.2 ft.) per unit.

(8) Minimum Front Yard Setback

- (a) Front yard setbacks shall be at the discretion of the Development Authority who shall have concern for development or potential development on adjacent parcels, but in no case shall a front yard setback be less than 7.6 m (24.9 ft.) or 6.0 m (19.7 ft.) for the attached garage portion of a single detached dwelling.
- (b) Notwithstanding subsection (a) above, front yard setbacks for mobile homes shall be at the discretion of the Development Authority who shall have consideration for the dimensions of the mobile home and the parcel depth.

(9) Minimum Side Yard Setback

- (a) Side yards shall total at least 20% of the parcel width with each side yard being at least 1.5 m (4.9 ft.) and 2.3 m (7.5 ft.) for buildings 7.6 m (24.9 ft.) or more in height.
- (b) Notwithstanding the above, where a parcel has vehicular access from the front only, one side yard setback must be a minimum of at least 3.2 m (10.5 ft.) except where an attached garage or carport is provided.

(10) Minimum Rear Yard Setback

- (a) Rear yards shall be no less than 8.0 m (26.2 ft.).
- (b) Notwithstanding subsection 10(b) rear yard setbacks for mobile homes shall be at the discretion of the Development Authority who shall have consideration for the dimensions of the mobile home and the parcel depth.

7.3 R3 - RESIDENTIAL - MULTI-UNIT

(1) General Purpose of District

This District is intended to provide for multi-unit residential developments ranging from duplexes to walk-up apartments.

(2) Permitted Uses

- Apartment buildings
- Duplex dwellings
- Triplex or fourplex dwellings
- Buildings and uses accessory to permitted uses

Discretionary Uses

- Child care facilities
- Group care facilities
- Home occupations
- Parks or playgrounds
- Places of worship
- Public uses
- Row houses
- Schools
- Second dwellings
- Utilities
- Buildings and uses accessory to discretionary uses
- Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses.

(3) Parcel Coverage

Total coverage shall not exceed 40% of the parcel area.

(4) Maximum Height

Building height shall not exceed 11.0 m (36.1 ft.).

(5) Minimum Parcel Depth

Parcel depth shall be no less than 34.0 m (111.5 ft.).

(6) Minimum Parcel Width

Minimum parcel width shall be at the discretion of the Development Authority, but in no case shall it be less than 15.0 m (49.8 ft.).

(7) Outdoor Amenity Area for Multi-unit Dwellings

- (a) Apartment developments shall provide a minimum of 40.0 m² (430.6 ft.²) of common amenity space for each dwelling unit up to ten units and 6.0 m² (64.0 ft.²) for each unit above ten units.
- (b) Row house developments shall provide a minimum of 32.0 m² (344.5 ft.²) of fenced, private outdoor amenity space per dwelling unit.

(8) Parcel Density

Parcel density shall not exceed 120 units per ha (48.6 units per ac.).

(9) Minimum Front Yard Setback

Front yard setbacks shall be at the discretion of the Development Authority who shall have concern for development or potential development on adjacent parcels and for the amenities of the area, but in no case shall a front yard setback be less than 7.0 m (22.9 ft.).

(10) Minimum Side Yard Setback

Side yards shall total at least 20% of the parcel width with each side yard being at least 1.5 m (4.9 ft.) or one-half the height of the building whichever is the greater.

(11) Minimum Rear Yard Setback

Rear yards shall be no less than 8.0 m (26.2 ft.).

(12) Landscaping

See Section 5.9 of this Bylaw.

(12) Duplex Dwellings

In the case of duplex dwellings, site requirements shall be the same as they are in the R2 District.

7.4 R-1R - RESIDENTIAL - LARGE LOT

(1) General Purpose of District

This District is intended to allow single detached homes and accessory uses on large lots which may or may not have a full range of urban services.

(2) Permitted Uses

- Single detached dwellings, Type A
- Day homes
- Minor home occupations
- Buildings and uses accessory to permitted uses

Discretionary Uses

- Childcare facilities
- Greenhouses
- Major home occupations
- Parks or playgrounds
- Public utilities
- Second dwellings
- Secondary suites
- Utilities
- Buildings and uses accessory to discretionary uses
- Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses.

(3) Parcel Coverage

Total coverage shall not exceed 20% of the parcel area.

(4) Minimum Floor Area not including attached garage

Floor area for a single detached unit shall be no less than 130 m² (1,400 ft.²).

(5) Maximum Height

Building height shall not exceed 11.0 m (36.1 ft.).

(6) Minimum Parcel Dimensions

A parcel shall be no less than 30 m (98.4 ft.) in width or 60 m (196.8 ft.) in depth.

(7) Minimum Parcel Area

A parcel shall be no less than 0.2 ha (0.5 ac.) and no more than 4.0 ha (9.88 ac.) in area.

(8) Minimum Front Yard

A front yard shall be no less than 12.0 m (39.4 ft.).

(9) Minimum Side Yard

Side yards shall be no less than 4.5 m (14.8 ft.).

(10) Minimum Rear Yard

A rear yard shall be no less than 12.0 m (39.4 ft.).

7.5 DC - DIRECT CONTROL

(1) General Purpose of District

This District is intended to enable specific developments to occur in areas of unique character or circumstance, under the direct control of Council.

(2) Uses

As allowed by Council.

(3) Development Regulations

- (a) All parcel regulations shall be at the discretion of Council. Design, siting, and landscaping shall be utilized to reduce or compensate for any objectionable aspects or incompatibility with surrounding developments.
- (b) When evaluating a proposed development in a Direct Control District, Council shall comply with the Municipal Government Act and Subdivision Regulation, the Municipal Development Plan and any other relevant Statutory Plan, and shall also have regard for:
 - (i) existing land use;
 - (ii) previous regulations and development criteria pertaining to the area;
 - (iii) provisions of this Land Use Bylaw;
 - (iv) the development of adjacent areas.

(4) Land Use Agreement

- (a) As a condition of approval of a development permit, an applicant may be required to enter into a legal Land Use Agreement with the Village to ensure that the use and development of the parcel complies with the approved comprehensive plan of development.
- (b) A Land Use Agreement shall be registered by the Village as a restrictive covenant against the parcel.

(5) Appeals

Decisions made pursuant to this section cannot be varied by an appeal to the Subdivision and Development Appeal Board as is the case in all other Land Use Districts. Within a Direct Control District, DEVELOPMENT PERMITS AND ATTACHED CONDITIONS CAN ONLY BE ALTERED BY COUNCIL.

7.6 C1 - COMMERCIAL

(1) General Purpose of District

This District is generally intended to provide for vehicle-oriented commercial uses.

(2) Permitted Uses

- Bakeries
- Business offices
- Clinics
- Eating and drinking establishments (not drive in restaurants)
- Hotels
- Laundromats/drycleaners
- Personal service shops
- Retail stores
- Buildings and uses accessory to permitted uses

Discretionary Uses

- Car washes
- Commercial schools
- Day care facilities
- Drive-in restaurants
- Dwellings attached to commercial uses
- Indoor amusement facilities
- Light industry
- Motels or motor hotels
- Parking facilities
- Private clubs/lodges
- Public uses
- Recycling depots
- Service stations
- Utilities
- Buildings and uses accessory to discretionary uses
- Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses.

(3) Parcel Coverage

No maximum, provided that adequate provision is made for parking, loading and garbage facilities.

(4) Minimum Floor Area

Floor area for a commercial building shall be no less than 93 m² (1,000 ft.²).

(5) Minimum Parcel Dimensions

A parcel shall be no less than 185.0 m² (1,991.4 ft.²) in area, 6.0 m (19.7 ft.) in width, or 30.0 m (98.4 ft.) in depth.

(6) Front and Rear Yard Requirements

No minimum requirement.

(7) Minimum Side Yard

None required, except where abutting a residential district there shall be a side yard no less than 1.5 m (4.9 ft.) or 40% of the building height, whichever greater.

(8) Maximum Height

Building height shall not exceed 9.0 m (29.5 ft.) or two storeys (whichever is less).

(9) Parking

(a) With the exception of gas bars and service stations, on-site parking shall be located at the side or rear of buildings.

(b) Notwithstanding the location of parking, the main doors of any new commercial building shall front onto the street.

(10) Building Design

(a) Manufactured, or portable buildings shall not be permitted in this district.

(b) Where mixed commercial/residential structures are permitted the residence shall be located on the upper floor and have a separate entry at the ground floor from any commercial uses.

(11) The regulations for dwelling units shall be as indicated for apartments in the Residential (R3) District.

7.7 C2 – LAKEFRONT COMMERCIAL

(1) General Purpose of District

This District is generally intended to provide for mixed office, retail and personal service outlets, particularly as related to the tourism industry and associated aquatic sporting.

(2) Permitted Uses

- Bakeries
- Business offices
- Clinics
- Eating and drinking establishments (not drive in restaurants)
- Hotels
- Laundromats/drycleaners
- Personal service shops
- Retail stores
- Buildings and uses accessory to permitted uses

Discretionary Uses

- Aquatic equipment servicing, sales and repair
- Commercial schools
- Day care facilities
- Dwellings attached to commercial uses
- Indoor amusement facilities
- Marinas
- Motels or motor hotels
- Parking facilities
- Private clubs/lodges
- Public uses
- Utilities
- Buildings and uses accessory to discretionary uses
- Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses.

(3) Parcel Coverage

No maximum, provided that adequate provision is made for parking, loading and garbage facilities.

(4) Minimum Floor Area

Floor area for a commercial building shall be no less than 93 m² (1,000 ft.²).

(5) Minimum Parcel Dimensions

A parcel shall be no less than 185.0 m² (1,991.4 ft.²) in area, 6.0 m (19.7 ft.) in width, or 30.0 m (98.4 ft.) in depth.

(6) Front and Rear Yard Requirements

No minimum requirement.

(7) Minimum Side Yard

None required, except where abutting a residential district there shall be a side yard no less than 1.5 m (4.9 ft.) or 40% of the building height, whichever greater.

(8) Maximum Height

Building height shall not exceed 9.0 m (29.5 ft.) or two storeys (whichever is less).

(9) Parking

(a) Parking facilities may be located up to 100 m (328 ft.) off-site.

(b) On-site parking should be located at the side or rear of buildings.

(c) Notwithstanding the location of parking, the main doors of any new commercial building shall front onto the street.

(10) Building Design

(a) Manufactured, or portable buildings shall not be permitted in this district.

(b) Where mixed commercial/residential structures are permitted the residence shall be located on the upper floor and have a separate entry at the ground floor from any commercial uses.

(11) The regulations for dwelling units shall be as indicated for apartments in the Residential (R3) District.

7.8 M - INDUSTRIAL - GENERAL INDUSTRIAL

(1) General Purpose of District

This District is intended to provide for manufacturing, processing, assembly, distribution, storage, service and repair uses which may carry out a portion of their operation outdoors, but which do not cause objectionable or dangerous conditions beyond the parcel on which they are situated.

(2) Permitted Uses

- Auction facilities
- Auto body shops
- Building supplies
- Engine repairs
- Farm equipment sales, service and repairs
- Industrial vehicles and equipment sales, rentals and repairs
- Light industry
- Medium industry
- Storage
- Warehouses
- Welding shops
- Veterinary clinics
- Buildings and uses accessory to permitted uses

Discretionary Uses

- Animal Boarding Facility
- Animal Breeding Facility
- Assembly plants
- Bulk fuel depots
- Greenhouses or plant nurseries
- Heavy industry
- Manufacturing
- Natural resource processing
- Parks or playgrounds
- Power generating plants
- Public uses
- Surveillance suites
- Utilities
- Buildings and uses accessory to discretionary uses
- Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses.

(3) Parcel Coverage

Parcel coverage shall not exceed 60%.

(4) Minimum Floor Area

Floor area for an industrial building shall be no less than 130 m² (1,400 ft.²).

(5) Minimum Front Yard

The minimum front yard shall be 6.0 m (19.7 ft.) unless a greater distance is deemed necessary by the Development Authority. Parking, loading, or storage areas shall not be permitted within the required front yard.

(6) Minimum Side Yard

The minimum side yard shall be at least 6.0 m (19.7 ft.) on one side of the building and 1.5 m (4.9 ft.) on the other side. (The larger yard to be on the flanking side of corner parcels). Where buildings have a common wall, constructed to approved safety standards under the Alberta Building Code, the Development Authority may reduce the side yard requirement to zero metres.

(7) Minimum Rear Yard

The minimum rear yard shall be at the discretion of the Development Authority.

(8) Maximum Height

Building height shall not exceed 11.0 m (36.1 ft.) unless provision is made for fire fighting equipment which can extend high enough to properly handle emergencies.

(9) Appearance

- (a) A minimum of 10% of the parcel shall be landscaped with trees, shrubs and planted ground cover in accordance with plans approved by the Development Authority.
- (b) The exterior design and finish of all buildings shall be to the satisfaction of the Development Authority
- (c) All outside storage areas shall be located and screened from public view to the satisfaction of the Development Authority.
- (d) Normal use of the site shall be such that it does not interfere with the surrounding land uses by way of noise, dust, vibration, harmful or objectionable odours or emissions, or excessive lighting.

(10) Environmental Standards

- (a) Toxic or noxious materials, dust or ash shall not be released or permitted to escape into the atmosphere at such a rate as to interfere with the use or 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 noise, vibration, light or heat, considered excessive by the development Authority, onto an adjacent parcel.
- (c) Industrial discharge into the municipal sewer system shall be by agreement with the municipality and shall be non-hazardous and at a rate that will not over burden the system.

7.9 US - URBAN SERVICES

(1) General Purpose of District

This District is generally intended to establish an area for the development of public and semi-public institutions and community services.

(2) Permitted Uses

- Government services
- Libraries
- Parks or playgrounds
- Places of worship
- Recreation facilities
- Schools
- Buildings and uses accessory to permitted uses

Discretionary Uses

- Cemeteries
- Commercial Schools
- Fire halls
- Hospitals/clinics
- Jails
- Nursing homes
- Places of assembly
- Police stations
- Private clubs/lodges
- Public uses
- Utilities
- Buildings and uses accessory to discretionary uses
- Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses.

(3) Development Regulations for Permitted and Discretionary Uses

All parcel regulations shall be at the discretion of the Development Authority. The design, siting, landscaping, screening and buffering shall minimize and compensate for any objectionable aspects or potential incompatibility with development in abutting Districts.

7.10 UR - URBAN RESERVE

(1) General Purpose of District

This District is intended to protect existing large rural parcels of land from subdivision and development until plans are in place to ensure that orderly and appropriate development occurs.

(2) Permitted Uses

- Extensive agriculture
- Natural areas

Discretionary Uses

- Extensive recreation
- Greenhouses or plant nurseries
- Natural resource development
- Single detached dwellings
- Small animal breeding and boarding facilities
- Utilities
- Any use or building that the Development Authority feels will not prejudice the future subdivision of the area for urban development.

(3) Development Regulations

- (a) No subdivision shall be permitted, except as required in the Act or for municipal purposes, unless it is in accordance with an approved Area Structure Plan or Outline Plan.
- (b) All development regulations shall be at the discretion of the Development Authority.
- (c) Water supply and sewage disposal shall be in accordance with relevant provincial regulations.
- (d) The Development Authority may specify the length of time a use will be permitted to occur, having regard for future subdivision and development of the area.

7.11 VC - VILLAGE CENTRE

(1) General Purpose of District

The purpose of the Village Centre District is to promote the development of a pedestrian accessible, commercial service district in which a variety of retail, commercial, office, civic and residential uses are permitted. The Village Centre District is intended to discourage the development of separate off-street parking facilities for each individual use. Furthermore, it is recognized that uses which have as their principal function the sale or servicing of motor vehicles, such as automobile service stations, car washes, or new and used motor vehicle sales or service establishments, and drive-in restaurants and restaurants with drive-through facilities, have a disruptive effect on the intended pedestrian orientation of the District.

(2) Permitted Uses

- Accessory Buildings
- Bakeries
- Business offices
- Business support services
- Clinics
- Eating and drinking establishments (not drive in restaurants)
- Hotels
- Laundromats/drycleaners
- Personal service shops
- Parks, plazas, public gathering places
- Retail stores
- Buildings and uses accessory to permitted uses

Discretionary Uses

- Commercial schools
- Dwelling units attached to commercial uses
- Indoor amusement facilities
- Private clubs/lodges
- Public Uses
- Utilities
- Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- Buildings and uses accessory to discretionary uses

(3) Regulations

- (a) For all uses permitted in the Village Center District, site plans shall be submitted for preliminary approval by the Village, in accordance with the provisions of this bylaw.
- (b) The maximum height of structures shall not exceed three (3) stories. In all cases, the maximum height shall include all rooftop appurtenances, architectural features, skylights, or other such roof mounted building amenities.
- (c) No retail commercial building within the Village Centre District shall exceed 696.8 m² (7,500 ft.²) in gross leasable floor area.

- (d) Minimum building setback requirements, except as otherwise specified herein, shall be:
- (i) Front – 1.5 m (4.9 ft.) except where the Village may deem it unnecessary considering existing development, in which case all buildings should be located at the property line abutting the road right-of-way.
 - (ii) Rear - None on those rear lines adjacent to land in a Commercial District. If the rear line is adjacent to a Residential District, the minimum rear yard shall be 1.5 m (4.9 ft.).
 - (iii) Side – None on those side lines adjacent to land in a Commercial District. If the side line is adjacent to a Residential District, the minimum side yard shall be 1.5 m (4.9 ft.).
 - (iv) The front yard setback may be increased at intersections where necessary to obtain a clear vision area for vehicular traffic. Awning and projecting signs shall not be deemed in violation of setback requirement, provided that awning signs project no further than 1.52 m (5 ft.) into the right-of-way and they are at least 2.59 m (8.5 ft.) above the surface of any sidewalk.
- (e) Proposed uses, through innovative architecture and large windows at street-level, shall create a significant pedestrian orientation in keeping with the intent and purpose of this district. No building in the Village Centre District shall be in excess of 38.1 m (125 ft.) in width, unless pedestrian entranceways are provided at least every 38.1 m (125 ft.) of frontage. Architectural amenities shall include pedestrian walkways, brick or other approved decorative paving, coordinated pedestrian scale lighting, benches, trash receptacles, small scale landscape treatments, and major architectural features at entranceways and focal points of the development (e.g., arch, gateway, bell tower, fountain).
- (f) All exterior walls of any main or accessory building shall be composed of the same architectural building facade materials. Exterior building facades shall be composed of natural materials such as wood, brick, stucco or stone, or an alternate material approved by the Development Authority. When renovations, alterations, or additions are made to an existing building within the Village Centre District, the exterior building facades of the entire building shall be brought into compliance with this subsection.
- (g) Sidewalks are required at all developments which abut any street or an internal service road.

- (h) All sites shall provide development amenities in the form of exterior lighting, paved activity nodes, street/sidewalk furniture, safety paths, screening walls and/or planters.
 - (i) Commercial and office uses may occupy any number of total floors within a building used for residential uses. No commercial or office shall be located on the same floor as residential use, and no floor may be used for commercial or office purposes which is located above a floor used for residential purposes.
 - (j) The regulations for dwelling units shall be as indicated for apartments in the Residential (R3) District.
- (4) Parking
- (a) Parking facilities may be located up to 100 m (328 ft.) off-site.
 - (b) On-site parking should be located at the side or rear of buildings.
 - (c) Notwithstanding the location of parking, the main doors of any new commercial building shall front onto the street.

7.12 OS - OPEN SPACE

(1) General Purpose of District

This district is intended to preserve natural areas in perpetuity, particularly environmental reserve areas adjacent to Lake Wabamun, as well as additional areas designated for environmental protection.

(2) Permitted Uses

- Natural open spaces
- Non-motorized outdoor recreation facilities
- Trails

Discretionary Uses

- Utilities

(3) Development Regulations

- (a) At the sole discretion of the Development Authority, an environmental review or biophysical site assessment may be required prior to a development permit being issued for new development.
- (b) The removal of vegetation or disturbance of soil or natural ground is not allowed.
- (c) The Development Authority may refer development permit applications involving land with existing or potential recreation, wildlife scenic or environmental value to Alberta Sustainable Resource Development for its review and recommendation.

8.0 ADOPTION

8.1 Schedule

Schedule A is adopted as part of this Bylaw, and may be amended in the same manner as any other part of this Bylaw.

8.2 Repealing Existing Controls

Bylaw No. 01-97, as amended, is hereby repealed.

8.3 Date of Commencement

This Bylaw comes into effect upon the date of it finally being passed.

READ A FIRST TIME IN COUNCIL THIS ___ DAY OF _____, A.D. 201___

Mayor

Chief Administrative Officer

READ A SECOND TIME IN COUNCIL THIS ___ DAY OF _____, A.D. 201___

Mayor

Chief Administrative Officer

READ A THIRD TIME IN COUNCIL THIS ___ DAY OF _____, A.D. 201___

Mayor

Chief Administrative Officer