



**TOWN OF  
HIGH PRAIRIE**

# **LAND USE BYLAW 20/2005**

Consolidated up to and including Bylaw 16/2009-October 14, 2009



**BYLAW 20/2005**

**A BYLAW OF THE MUNICIPALITY OF THE TOWN OF HIGH PRAIRIE,  
IN THE PROVINCE OF ALBERTA, TO AMEND BYLAW 12/01,  
BEING THE TOWN OF HIGH PRAIRIE LAND USE BYLAW**

**Page 1 of 1**

**WHEREAS:** The Council of the Town of High Prairie, Province of Alberta, has adopted a Land Use Bylaw; and

**WHEREAS:** Council of the Town of High Prairie has the authority under Section 7(a) and Section 692(1) of the Municipal Government Act, being Chapter M-26, Revised Statutes of Alberta 2000 and amendments thereto, hereafter referred to as the *Municipal Government Act*, to amend the Land Use Bylaw; and

**NOW THEREFORE:** The Council of the Town of High Prairie, duly assembled, hereby enacts the following:

- 1. That Land Use Bylaw 12/01 be rescinded and replaced with the Amending Land Use Bylaw 20/2005

This Bylaw shall come into effect upon the date of the final passage thereof.

**READ** a first time this 7<sup>th</sup> day of December 2005.

*ADVERTIZED in the High Prairie Times on January 24<sup>th</sup> and January 31<sup>st</sup>, 2006.*

**PUBLIC HEARING HELD** on this 22<sup>nd</sup> day of February, 2006.

**READ** a second time this 22<sup>nd</sup> day of February 2006.

**READ** a third time and finally passed this 22<sup>nd</sup> day of February 2006.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Town Manager

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## **SECTION A GENERAL**

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### **A1 TITLE**

This Bylaw shall be cited as the "Town of High Prairie Land Use Bylaw".

### **A2 PURPOSE**

The purpose of this Bylaw is to regulate the use and development of land and buildings within the Town of High Prairie.

### **A3 APPLICATION OF BYLAW**

Unless exempted by the Act, the provisions of this Bylaw apply to all land and buildings within the boundaries of the Town of High Prairie.

### **A4 CONFORMITY WITH BYLAW**

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

### **A5 ADDITIONAL REQUIREMENTS**

In addition to meeting the requirements of this Bylaw, it is the responsibility of the applicant to obtain other such approvals or licenses that may be required by the Town of High Prairie or other Provincial or Federal Government departments or agencies.

### **A6 DEFINITIONS**

One or more of the definitions may apply to a single site or development. Users are advised to check usage carefully as individual definitions may not be used exclusively.

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## SECTION B DEFINITIONS

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### **B1 In this Bylaw:**

**"ACCESSORY BUILDING OR USE"** means a building or use which, in the opinion of the Development Authority, is subordinate to, exclusively devoted to, and located on the same site as the principal building or use. For the purpose of this definition, this may include freestanding garages, storage sheds and similar structures.

**"ACCESSORY DWELLING"** means a dwelling unit, which, in the opinion of the Development Authority is subordinate to a single family dwelling and located on the same site as the principal dwelling unit. For the purpose of this definition, this may include basement suites, garden suites, loft conversions or similar structures, but does not include semi-detached dwellings, duplexes or dwelling groups.

**"ACT"** means the Municipal Government Act, being Chapter M26, RSA 2000, as amended.

**"AGRICULTURE (EXTENSIVE)"** means an agricultural operation involving land limited to the following activities; the cultivation of land, the production of fruits, vegetables, sod, trees, shrubs, and other specialty horticultural crops, and the operation of agricultural machinery and equipment to support the above operations.

**"AMUSEMENT FACILITY"** means any facility where four or more of any combination of mechanical games, electronic games and/or pool tables is kept for the purpose of furnishing entertainment or amusement to the public for a fee.

**"APARTMENT BUILDING"** means a multi-storey residential building containing more than four separate dwelling units, each with an entrance either directly from the outside or through a common vestibule.

**"APPEAL BOARD"** means the Subdivision and Development Appeal Board established by Bylaw.

**"AREA STRUCTURE PLAN"** is a bylaw adopted by Council which provides a framework for subsequent subdivision and development of an area.

**"AUTO BODY AND PAINT SHOP"** means an establishment primarily used for the repair and/or painting of motor vehicle bodies and may not include facilities for the sale of fuels, lubricants, or automotive accessories, or mechanical or electrical repairs.

**"AUTOMOTIVE DEALERSHIP"** means a building or site used for the display and sale or repair of new or used vehicles and R.V.'s.

**"BASEMENT"** means the area of a building where the floor level is a minimum of 1.0 m (3.25 ft) below the finished grade and having a ceiling height of at least 2.0 m (6.5 ft)

**"BED AND BREAKFAST"** means an establishment that provides breakfast together with the rental of up to three (3) bedrooms and the bath facilities of a private single family dwelling that is permanently occupied by the operator of the establishment.

**"BUILDING,"** means a building as defined in the Section (616 A) of the Municipal Government Act.

**"BUILDING HEIGHT"** means the vertical distance between the curb and the highest point of a building that is not a roof stairway entrance, ventilating fan, skylight, steeple, chimney, smoke stack, firewall, parapet wall, flag pole, or similar device not structurally essential to the building.

**"BYLAW AMENDMENT"** shall mean any bylaw passed by Council that amends, modifies, or changes the text and/or intent of another existing bylaw. (Bylaw 06/2006)

**"CARETAKER'S RESIDENCE"** means a dwelling unit that is secondary or accessory to the principal industrial or commercial use of a lot and is used for the purpose of providing living quarters for the owner, operator, or superintendent of the principal use.

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

**"CAR WASH"** means a facility for the washing, cleaning or polishing of motor vehicles.

**"CHILD CARE FACILITY"** means the use of a building or portion thereof for the provision of care, maintenance, and supervision of children under the age of thirteen (13) years, by persons other than one related by blood or marriage, for periods not exceeding twenty four (24) consecutive hours and includes all facilities licensed by the relevant provincial licensing authority.

**"CONSOLIDATED BYLAW"** shall mean an Original Bylaw that has had one or more amendments incorporated into that bylaw. A Consolidated Bylaw may, then, be updated from time to time. (Bylaw 06/2006)

**"CONSOLIDATION"** shall mean the process of collecting and combining of amendments into an Original Bylaw, so as to incorporate all amendments into that bylaw, where text that is removed by amendment is removed from the Consolidated Bylaw, and text that is added or changed by amendment is added or changed in the Consolidated Bylaw. (Bylaw 06/2006)

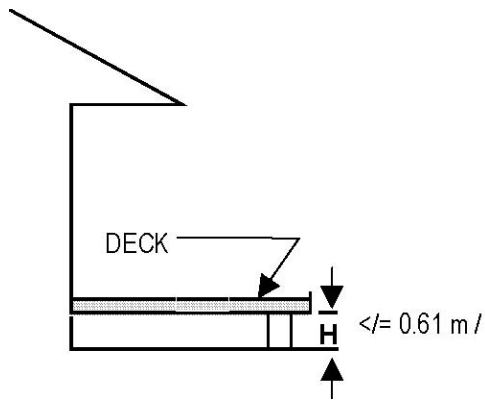
**"CONSTRUCT"** means to build, reconstruct, or relocate and without limiting the generality of the word, also includes:

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

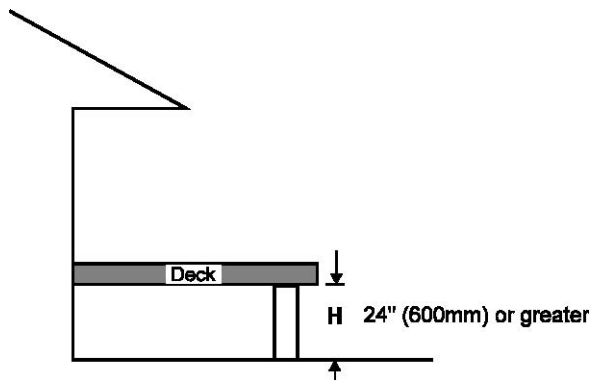
**"COUNCIL"** shall mean the elected members who comprise Council of the Town of High Prairie as elected from time to time. (Bylaw 06/2006)

**"DECKS"** must be constructed to allow access to all utilities and meters in case of emergency. (Bylaw 03/2007)

1. **DECK, GROUND LEVEL** means an unenclosed amenity area of concrete, brick, wood or other material that is constructed at grade or attached to a dwelling. The overall height (H) of a ground level deck shall not exceed 24 inches (0.6 m) measured from finished grade to the underside of the supporting structure, as illustrated below. A Ground Level Deck is deemed an accessory structure.



2. **DECK, RAISED** means an unenclosed amenity area, of wood frame or other construction, which may be attached to a dwelling. The overall height (H) of a raised deck is greater than (>) 24" (0.6 m) measured from finished grade to the underside of the supporting structure, as illustrated below. A Raised Deck is deemed to be an accessory structure.



(Bylaw 15/2009)

**"DEVELOPMENT"** means any development as defined in Section (616 B) of the Municipal Government Act.

**"DEVELOPMENT AUTHORITY"** means the Development Officer, or Municipal Planning Commission or Council of the Town of High Prairie, as the case may be.

**"DEVELOPMENT OFFICER"** means the person appointed by a resolution of Council to the office established by Section C1 of this Bylaw.

**"DEVELOPMENT PERMIT"** means a document authorizing development pursuant to this Land Use Bylaw.

**"DISCRETIONARY USE"** means the use of land or of a building which is listed in the column captioned "Discretionary Uses" in a table of uses for certain districts in this Bylaw, and for which a Development Permit may be issued subject to the provisions of this Bylaw.

**"DORMITORY RESIDENCE"** means a public use containing one or more dwelling units for the accommodation of students attending an educational institution on a temporary basis and includes a single detached dwelling, a semi-detached dwelling, a duplex, a dwelling group, or a multiple unit dwelling with associated cafeteria facilities.

**"DRINKING ESTABLISHMENT"** means a facility licensed by the Alberta Gaming and Liquor Commission where alcoholic beverages are served for consumption on the premises and any preparation or serving of food is accessory thereto.

**"DRIVE-IN RESTAURANT"** means a business offering food for sale to the public and designed on the basis that consumption may take place either within a motor vehicle parked in a permitted parking stall on the site or within a building located on the site or elsewhere.

**"DUPLEX"** means a building containing two (2) dwelling units, on the same lot.

**"DWELLING GROUP"** means three or more dwelling units located on a site where all buildings, recreation areas, vehicular areas, landscaping and all other features have been planned as an integrated development and where each dwelling unit has a separate principal entrance accessible directly from outside at ground level. This includes row dwellings and stacked townhouses.

**"DWELLING UNIT"** means one or more rooms used as, or designed to be used as, a residence and containing sleeping, cooking and sanitary facilities and with an independent entrance either directly from outside a building or from a common hallway inside a building.

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

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

**"GARDEN SUITE"** means an accessory dwelling that is located in the rear yard of a single family dwelling and is used to accommodate persons who are family members of the residents of the principal dwelling unit and provided the need for personal care is verified.

**"GRADE"** means the average level of finished ground adjoining building at all exterior walls. However, if the grade is above the natural ground slope level, the Development Authority may measure grade not from the finished ground adjoining a building, but from the approximate average level of the naturally occurring ground that existed prior to construction of the building.

**GROUP HOME** means a development using a dwelling unit as a facility which is authorized, licensed or certified by a provincial authority to provide room and board for foster children or for physically, mentally, socially, developmentally or behaviorally challenged persons and which may be for the personal rehabilitation of its residents either through self-help or professional care, guidance and supervision. The residential character of the development shall be maintained with the occupants living together as a single housekeeping group using shared kitchen facilities. A group home may incorporate accommodations for resident staff as an accessory use. (Bylaw 15/2009)

**HOME OCCUPATION, MAJOR / MINOR** means the secondary use of a principal dwelling, or combination of a principal dwelling and an accessory building, in a residential neighborhood to conduct a business activity. Home occupations shall not be noticeable from the outside of the dwelling. (Bylaw 15/2009)

**"HOTEL"** means a building providing accommodation for the public containing guest rooms served by a common entrance as well as general kitchen, dining and other public rooms.

**"LANDSCAPING"** means the modification or enhancement of a site through the use of any or all of the following elements:

- (a) "soft landscaping" consisting of vegetation such as trees, shrubs, hedges, grass and ground cover;
- (b) "hard landscaping" consisting of non-vegetative materials such as brick, stone, concrete, tile, and wood, excluding monolithic concrete and asphalt.

**"LIQUOR STORE"** means a building or part of a building use for the display and retail sale of alcoholic beverages.

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

**"LOT"** means a "lot" as defined in the Act.

**"LOT AREA"** means the area contained within the boundaries of a lot shown on a plan of subdivision or described in a Certificate of Title.

**"LOT, CORNER"** means a lot having a frontage on two or more streets at their intersection or junction.

**"LOT COVERAGE"** means the percentage of the area of any lot which is covered by buildings or structures excepting balconies, driveways, parking areas, and sidewalks.

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

**"LOT LINE"** means a legally defined limit of any lot.

**"LOT LINE, FRONT"** means the boundary dividing the lot from an abutting public roadway. In the case of a corner lot the shorter lot line shall be the front lot line.

**"LOT LINE, REAR"** means the lot line of a lot that is directly opposite to the front line.

**"LOT LINE, SIDE"** means any lot line other than the front or rear lot line.

**"LOT WIDTH"** means the distance between the side lot lines at a point midway between the front and rear of the lot and approximately parallel to the street line.

**"MANSARD"** means a form of roof with a double pitch, in which the lower slope is steeper than the upper slope.

**"MOBILE HOME"** means a factory constructed dwelling intended for residential occupancy that is compliant with the Canadian Standards Association CAN/CSA Z240 Series Standard but does not apply to recreation vehicles or industrial camp trailers. Placement of such homes is permitted in MS and MP districts and is discretionary in all other districts.

**"MOBILE HOME PARK"** means a development on a lot under single ownership and managed by a park operator that is designed to accommodate numerous mobile homes on leased sites in a community setting. Such developments may include accessory buildings or use, such as laundry, recreation and storage facilities for the use of park residents.

**"MOBILE HOME LOT"** means that portion of a mobile home park that has been reserved for the placement of a mobile home or manufactured home and related accessory buildings.

**"MOBILE HOME SUBDIVISION"** means a development consisting of mobile homes each of which is located on an individual lot.

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

**"MULTI-PURPOSE BUILDING"** means an industrial or commercial building that is designed to contain multiple commercial or industrial uses.

**"MUNICIPAL PLANNING COMMISSION"** means the Municipal Planning Commission established by Bylaw 19-2005.

**OFFICE, MAJOR** means a development that provides professional, management, administrative, consulting, and similar office and business support services, and financial services. It does not include a government service and health facilities major or minor. (Bylaw 15/2009)

**OFFICE, MINOR** means a development that provides professional, management, administrative, consulting, and similar office and business support services, and financial services, where the number of staff shall not exceed five, including professional, technical and administrative staff. It does not include a health facility or government service, major or minor. (Bylaw 15/2009)

**OILFIELD SUPPORT** means a development that provides cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with the oil and gas industry and may include the storage or transshipping of such materials, goods and equipment, including petrochemical products and supplies. This definition applies to oil and gas industry support operations and includes, but is not limited to, seismic and surveying, well servicing, oilfield haulers, pipeline contractors and welding operations. (Bylaw 15/2009)

**"Original Bylaw"** shall mean any bylaw which is still in its original state and has not been amended or modified. (Bylaw 06/2006)

**"PARCEL"** means a parcel of land as defined in the Act.

**"PARKING STALL"** means a space within a building or a private or public parking area, (exclusive of aisles, ramps and columns), for the parking of one vehicle.

**"PERMITTED USE"** means the use of land or of a building which is listed in the column captioned "Permitted Uses" in a table of uses for most districts in this Bylaw, and for which a Development Permit shall be issued subject to the provisions of this Bylaw.

**"PERSONAL SERVICES ESTABLISHMENT"** means a development used for the provision of services to an individual that are related to the care and appearance of the body, or the cleaning and repair of personal effects. For purposes of clarification this includes barbershops, hairdressers, beauty salons, tailors, dressmakers, shoe repair shops, dry cleaners, and similar uses.

**"POILCY"** shall mean a statement of the Town's intention in certain areas of its responsibility for guidance when action is being taken in those areas. Policies shall be approved by Council. (Bylaw 06/2006)

**"PROCEDURES"** shall mean instructions established to carry out the intent of a Town Policy. (Bylaw 06/2006)

**"PRINCIPAL BUILDING OR USE"** means a building or use that, in the opinion of the Development Authority, is the main purpose for which the building or site is ordinarily used.

**"PRIVATE CLUB OR ORGANIZATION"** means a social or service organization.

**"PUBLIC USE"** means a building, structure, or site used for public administration and services by the Town, by any board or agency of the Town, by any department, commission or agency of the Governments of Alberta or Canada, by a public utility, by a school board, or by a non-profit organization.

**"PUBLIC UTILITY"** means a public utility as defined in the Act.

**"REAL PROPERTY REPORT"** means a certificate prepared by an Alberta Land Surveyor that indicates the specific location of existing buildings on a lot.

**"RESTAURANT"** means an establishment where food is prepared and served for sale to the public.

**"Revision"** shall mean the process as defined in Division 7, Sections 63 through 69 of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 and amendments thereto. (Bylaw 06/2006)

**"ROAD"** means a road as defined in the Act.

**"SCREENING"** means a fence, berm or hedge used to visually separate two or more sites.

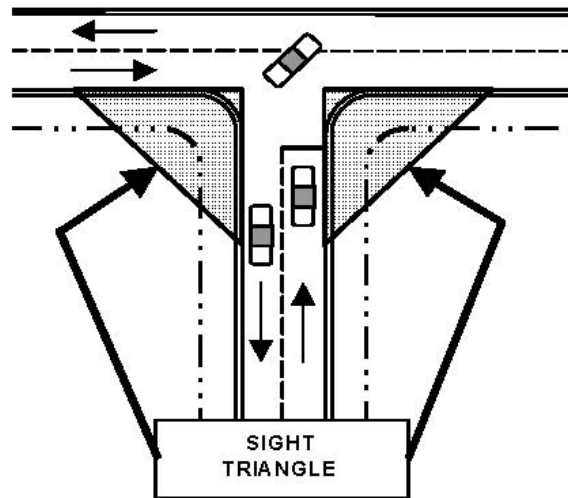
**"SECONDARY SUITES"** or Basement Suites means self-contained living units that include a kitchen, bathroom and separate exit created in a single-family home which shall meet all Provincial regulations from the Alberta Building Code and the Alberta Fire Code. (Bylaw 03/2007)

**"SECRETARY"** means the Secretary to the Subdivision and Development Appeal Board.

**"SEMI-DETACHED DWELLING"** means two attached dwelling units, each on its own lot, that share a common wall.

**"SHOPPING CENTRE"** means a unified group of retail and personal services establishments on a site planned, developed and managed as a single unit and characterized by the sharing of common parking areas and/or driveways.

**SIGHT TRIANGLE** means a triangular portion of land established at roadway intersections in which nothing is erected, placed, planted, and allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection as shown in the diagram below for a distance of 7.62 meters. (Bylaw 15/2009)



**DELETE "SIGHT TRIANGLE"** means that triangle formed by a straight line drawn between two points on the exterior lot lines of a corner lot. The points shall be measured 7.5 m (25 ft) from the point where the lot lines intersect. (Bylaw 15/2009)

**"SIGN"** means anything that serves to indicate the presence or the existence of something, including but not limited to a lettered board, structure, or trademark displayed, erected or otherwise developed and used or serving or intended to serve to identify, advertise, or give direction.

**"SIGN, AWNING OR CANOPY"** means a Sign painted or stenciled on the fabric surface of a shelter supported entirely from the exterior wall of a building and which may be designed to be collapsible, retractable or capable of being folded against the wall of the supporting building.

**"SIGN, DIRECTIONAL"** means a sign that contains no advertising, but is limited to the distance and direction to a place of business or other premises indicated on the sign.

**"SIGN, FREE-STANDING"** means every sign supported independently of a building, wall or structure. It is supported by one or more columns, uprights, or braces in or upon grade and includes ground-mounted signs, portable signs and the like.

**"SIGN, MANSARD ROOF"** means a sign extending from a mansard roof. It is vertical and supported by braces extending from the mansard roof.

**"SIGN, PORTABLE"** means any sign or advertising device that can be carried or transported from one site to another, is intended to be used or erected on such sites for temporary purposes of advertising or promotion and includes electric and changeable copy signs but shall not obstruct sight triangles.

**"SIGN, WALL"** means a flat sign, plain or illuminated, running parallel for its whole length to the face of the building to which it is attached and includes fascia signs and the like.

**"SINGLE FAMILY DWELLING"** means a residential building that meets or exceeds the Provincial Building Code.

**"SITE"** means a lot or group of lots used for, or proposed to be used for, the undertaking of a single development or group of related developments.

**"TEMPORARY"** means a use that occurs for a maximum of three (3) months from the date of Development Permit approval with allowance for a three (3) month extension by the Development Authority.

**"TOWN"** shall mean the corporate municipality of the Town of High Prairie. (Bylaw 06/2006)

**"WIND ENERGY CONVERSION SYSTEM (WECS)"** means a system consisting of subcomponents which convert wind energy to electrical energy and having major components being generator rotors, tower and a storage system. (Bylaw 16/2009)

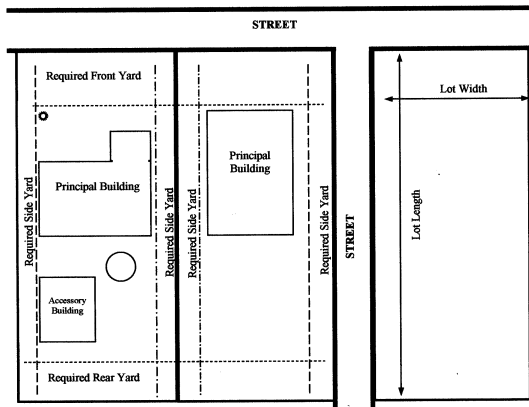
**"YARD"** means a part of a lot that lies between the principal building and the lot line.

**"YARD, EXTERIOR SIDE"** means a side yard immediately adjoining a road.

**"YARD, FRONT"** means a yard extending across the full width of a lot, and situated between the front lot line and nearest exterior wall of the principal building.

**"YARD, INTERIOR SIDE"** means a side yard other than an exterior side yard.

**"YARD, REAR"** means a yard extending across the full width of a lot and situated between the rear lot line and the nearest exterior wall of the principal building.



## **SECTION C. DUTIES OF DEVELOPMENT AUTHORITIES**

### **C1 ESTABLISHMENT OF DEVELOPMENT AUTHORITIES**

C1.1 The office of the Development Officer is hereby established and such office shall be filled by a person or persons to be appointed by resolution of Council, and is authorized to act as a "Development Authority".

C1.2 The Municipal Planning Commission, as established by separate Bylaw contained in Schedule "B" is hereby authorized to act as a "Development Authority".

C1.3 Council is hereby authorized to act as a "Development Authority" as specified in Section C2.3.

C1.4 The Development Officer is hereby appointed as a designated officer for the purpose of exercising development authority pursuant to Division 3, Part 17 of the Municipal Government Act.

### **C2 DUTIES AND POWERS OF DEVELOPMENT AUTHORITIES**

C2.1 The Development Officer shall:

- a) approve with or without conditions a Development Permit application where the proposed development conforms with this Bylaw; or
- b) refuse a Development Permit application if the proposed development does not conform to this Bylaw.
- c) keep and maintain for inspection of the public during office hours, a copy of this Bylaw and all amendments thereto, and ensure that copies are available to the public at a reasonable charge;
- d) receive and process all applications for Development Permits;
- e) keep a register of all applications for Development Permits, including the decisions therein and the reasons therefore, for a minimum period of seven (7) years;

- f) issue decisions for Development Permit applications for those uses listed as "Permitted Uses" in the subject land use district;
- g) refer all Development Permit applications for "Discretionary Uses" to the Municipal Planning Commission for a decision;
- h) refer Development Permit applications to the Municipal Planning Commission, at his discretion, for:
  - a. those uses not listed either as "Permitted Uses" or "Discretionary Uses" in the subject land use district, and
  - b. those uses listed as "Permitted Uses" which the Development Officer wishes to refer to the Municipal Planning Commission;
- i) refer to all Development Permit applications proposed in a Direct Control district to Council for a decision.

C2.2 The Municipal Planning Commission shall decide upon all applications for "Discretionary Uses" and any other applications for "Permitted Uses" referred to it by the Development Officer.

C2.3 Council shall decide upon all Development Permit applications for uses proposed for lands located within a Direct Control district.

C2.4 In reviewing a Development Permit application for a "Discretionary Use", the Municipal Planning Commission:

- a) may approve, either permanently or for a limited period of time, a Development Permit application which meets the requirements of this Bylaw; or
- b) may refuse a Development Permit application even though it meets the requirements of this Bylaw; or
- c) shall refuse a Development Permit application that does not meet the requirements of this Bylaw.

C2.5 In reviewing a Development Permit application for a "Discretionary Use", the Municipal Planning Commission shall have regard to:

- (a) the circumstances and merits of the application, including but not limited to
  - (i) the impact of such nuisance factors as smoke, airborne emissions, odors and noise on nearby properties,
  - (ii) the design, character and appearance of the development being compatible with and complementary to the surrounding properties, and
  - (iii) the servicing requirements for the proposed development;
- (b) the purpose and intent of any statutory plans adopted by the Town.

C2.6 Notwithstanding any provisions or requirements of this Bylaw, the Development Authority may establish a more stringent standard for "Discretionary Uses" when deemed necessary to do so.

C2.7 The Development Authority shall consider and decide on applications for permits within forty (40) days and in accordance with Section 681(1) of the Municipal Government Act as follows:

**681(1)** If a subdivision authority fails or refuses to make a decision on an application for subdivision approval within the time prescribed by the subdivision and development regulations, the applicant may, within 14 days after the expiration of the time prescribed,

- (a) treat the application as refused and appeal it in accordance with section 678, or
- (b) enter into an agreement with the subdivision authority to extend the time prescribed in the subdivision and development regulations of the receipt of the application in its complete form. If a decision is not made within forty (40) days, the application shall at the option of the applicant be deemed refused.

C2.8 A Development Permit application for a use that is not listed as a "Permitted Use" or a "Discretionary Use" in the subject land use district shall be referred to the Municipal Planning Commission for discussion.

### **C3 VARIANCES**

C3.1 The Development Authority may allow a variance not exceeding ten percent (10%) to any front yard, side yard or rear yard setback, building height, lot width, or lot area requirement, if in the opinion of the Development Authority:

- (a) the proposed variance would not result in a development that will
  - (i) unduly interfere with the amenities of the neighborhood, or
  - (ii) materially interfere with or affect the use, enjoyment or value of neighboring properties; and
- (b) the proposed development conforms to the use prescribed for the land or building in this Bylaw.

C3.2 The Development Authority may allow front yard setbacks for infill housing development in established residential districts to be varied to coincide with the average setback on the block face being developed.

C3.3 If a proposed use of land or a building is not listed as a "Permitted Use" or "Discretionary Use" in the Bylaw, the Municipal Planning Commission may determine that such a use is similar in character and purpose to a use listed under that land use district and may issue a Development Permit.

C3.4 The Development Authority shall specify the nature of the approved variance in a Development Permit.

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## **SECTION D NEED FOR A DEVELOPMENT PERMIT**

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### **D1 REQUIREMENTS FOR LAND USE AND DEVELOPMENT**

No person shall commence or allow the commencement of a development, land use or use of a building unless:

- (a) a development permit has first been issued, pursuant to this Bylaw, except if not required by Section D2;
- (b) the land use or use of a building is in accordance with the terms and conditions of the development permit issued pursuant to this Bylaw; and
- (c) a building permit or any other permit that may be required has been obtained in accordance with the Safety Codes Act and any relevant Town bylaw or any other applicable regulation.

### **D2 WHEN DEVELOPMENT PERMITS ARE NOT REQUIRED**

A Development Permit is not required for the following developments provided they otherwise comply with the requirements of this Bylaw and are not located within the floodplain of a watercourse:

- (a) works of maintenance or repair to any building provided that such work does not include structural alterations, does not change the use or intensity of the use of the building, and is performed in accordance with obligatory legislation or other government regulations (Structural alterations are those which would result in substantial changes to the roof, foundation, or exterior walls of a structure, or alterations that result in an expansion of the usable floor area of a structure and results in a reduction to existing setback distances);
- (b) a change in the business or the occupancy of a building that does not constitute a change in the type of use of the site;
- (c) the completion of a building which is lawfully under construction at the date this Bylaw comes into effect provided that the building is completed in accordance with the terms of any permit granted in respect of it, subject to the conditions of that permit;
- (d) the erection, construction or maintenance of gates, fences, walls or other means of enclosure less than 0.9 m (3 ft) in height in front yards and less than 2.0 m (6.5 ft) in height in side (of the house) and rear yards, provided that the erection of such fence, wall or enclosure does not contravene any other provision of this Bylaw;
- (e) the erection or installation of machinery needed in connection with operations for which a Development Permit has been issued, for the period of those operations;

- (f) a temporary building or structure, the sole purpose of which is incidental to the erection or alteration of a permanent building or structure, for which a Development Permit has been issued;
- (g) the construction and maintenance of that part of a public utility placed in or upon a public thoroughfare or public utility easement;
- (h) the use by the Town of land of which the Town is the legal or equitable owner for a purpose approved by Council in connection with any public utility carried out by the Town;
- (i) the use of all or part of a building as a temporary polling station for a Federal, Provincial or Municipal election or referendum;
- (j) an official notice, sign, placard, or bulletin required to be displayed pursuant to the provisions of Federal, Provincial, or Municipal legislation;
- (k) one (1) temporary, on-site sign which does not exceed 1.0 m<sup>2</sup> (11 ft<sup>2</sup>) in area or 1.2 m (3.9 ft) in height and is intended for:
  - (i) advertising the sale or lease of a dwelling unit, or property for which a Development Permit has been issued for the development on the said property, or
  - (ii) identifying a construction or demolition project for which a Development Permit has been issued, or
  - (iii) identifying a political campaign, or
  - (iv) advertising a campaign or drive that has been approved by Council;
- (l) commemorative plaques and cornerstones of a non-advertising nature;
- (m) the construction, maintenance and repair of private walkways, private pathways, private driveways, and similar works; excluding curb cuts.
- (n) the stripping or stockpiling of soil, installation of utilities and construction of roads in accordance with a current, signed development agreement;
- (o) the construction of an accessory building having an area less than 13.4 m<sup>2</sup> (144 ft<sup>2</sup>) in a residential district;
- (p) the construction of a mast antenna structure, 15 m (50 ft) or less in height, when attached to the side of a building;

### **D3 NON-CONFORMING BUILDINGS AND USES**

Developments that are considered as a non-conforming building or use shall be dealt with as provided for under the Act. For convenience, the following extracts are provided:

(a) A non-conforming use of land or 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 to the provisions of this Bylaw;

(b) A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations shall be made to it or in it.

(c) A non-conforming use of part of a lot may not be extended or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed on the lot while the non-conforming use continues.

(d) A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except

(i) to make it a conforming building, or

(ii) for routine maintenance of the building, if the Development Authority considers it necessary;

(e) If a non-conforming building is damaged or destroyed to the extent of more than 75% of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with this Bylaw;

(f) The land use or the use of a building is not affected by a change of ownership or tenancy of the land or building,

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## **SECTION E DEVELOPMENT PERMIT APPLICATIONS**

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### **E 1 CONTENTS OF A DEVELOPMENT PERMIT APPLICATION**

A Development Permit application shall be made to the Development Officer in writing on the prescribed form, and shall be signed by the applicant or his agent. The Development Officer shall require the following information to be submitted with the application:

(a) Permitted uses

- (i) Legal description and municipal address,
- (ii) Dimensions of the site,
- (iii) Dimensions of proposed buildings,
- (iv) Distances from proposed buildings to all lot lines
- (v) Height of building,
- (vi) Exterior finish of building,
- (vii) May require any of the information identified for discretionary uses.

(b) Discretionary Uses

- (i) all of the information required for permitted uses,
- (ii) utilities, site drainage, grade elevations, existing and finished lot grades, the grades of the streets and the location of proposed sewer and water lines, and
- (iii) a Real Property Report where the proposal involves an existing building;
- (iv) for applications for apartment buildings, dwelling groups, and commercial, industrial, recreational and institutional uses:
  - loading and parking provisions,
  - access locations to and from the site,
  - garbage and storage areas and the fencing and screening proposed for same, and location and approximate dimensions of existing and proposed culverts and crossings;

(c) where the applicant is an agent, tenant or purchaser acting for the owner, a letter from the owner verifying authority to make the application.

E2.2 Each Development Permit application shall be accompanied by a non-refundable processing fee, the amount of which shall be determined from time to time by resolution or bylaw of Council.

E2.3 When, in the opinion of the Development Authority, sufficient details have not been included with a Development Permit application, it may be returned to the applicant for further details. The application so returned shall be deemed not to have been in its complete and final form until all required details have been submitted.

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## **SECTION F PROCESSING A DEVELOPMENT PERMIT**

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### **F 1 REFERRAL OF APPLICATIONS**

The Development Officer may refer a Development Permit application to any agency in order to receive comment and advice. All comments received must be presented to the Development Authority.

### **F2 CONDITIONS OF A DEVELOPMENT PERMIT**

F2.1 The Development Authority may require that as a condition of issuing a Development Permit, the applicant enter into an agreement with the Town to do any or all of the following:

- a) to construct or pay for the construction of a road to town standards giving access to the development;
- b) to construct or pay for the construction of a pedestrian walkway system to serve the development, or pedestrian walkways to connect the pedestrian walkway system serving the development with a pedestrian walkway system that serves or is proposed to serve an adjacent development;
- c) to install or pay for the installation of public utilities, other than telecommunications systems or works, that are necessary to serve the development;
- d) to construct or pay for the construction of off-street or other parking facilities; and loading and unloading facilities;
- e) to pay an off-site levy or redevelopment levy; and
- f) to give security to ensure that the terms of the agreement are carried out.
- g) That the developer obtains a building permit and all other permits as required by the Safety Codes Council and meet all Safety Code Requirements.
- h) That the developer contact Alberta One-Call, prior to construction, to locate the utilities that run through the property.
- i) That the developer shall be responsible for obtaining their own assessment of soil conditions related to bearing capacities and consolidation in relation to the proposed development, and the development shall be designed, constructed and maintained in such a manner as to ensure the development's safety and stability on the subject lands.
- j) Landscaping, screening and site development be required as per section I4 of this bylaw.

- k) Services shall be constructed as per the Utilities Services Replacement Policy. That a Town employee oversees any tie-ins to municipal services and that the Town is notified 48 hours prior to connection to services.
- l) That drainage from foundation to curb and the slope of the yard follows Town of High Prairie Municipal Standards.
- m) Other conditions as deemed necessary.

F2.2 The Town shall register a caveat pursuant to the provisions of the Act and the land Titles Act in respect of an agreement under Section F2.1 against the Certificate of Title for the land that is the subject of the development. Said caveat shall be discharged when the agreement has been complied with.

F2.3 A Development Permit lapses and is automatically void if the development authorized is not commenced within twelve (12) months or completed to the satisfaction of the Development Authority within twenty four (24) months from the date of issuing the permit. The Development Authority may, at its discretion, approve extensions to these time limits.

F2.4 When a Development Permit application has been refused pursuant to this Bylaw or ultimately after appeal, the submission of another application for a Development Permit on the same parcel of land for the same or similar use shall not be accepted by the Development Officer, however an application that conforms shall be received for consideration.

F2.5 The Development Authority may establish a specific time period in which the development permit is valid.

### **F3 NOTIFICATION OF PERMIT APPROVAL OR REFUSAL**

F3.1 When a Development Permit application is approved, the Development Officer or designate shall:

- (a) mail a notice of decision to the applicant or his agent;
- (b) Public Notice stating the location and address of the property for which the application has been made, the nature of the approval, and the decision of the Development Authority;

and

- (c) post a copy of the notice of decision at the Town Office.

F3.2 When a Development Permit application is refused, the Development Officer or designate shall mail a notice of decision to the applicant or his agent stating the reasons for the refusal.

F3.3 For the purposes of this Bylaw, issuance of the notice of the decision of the Development Authority is deemed to have been given on the day when the notice of decision has been published in the newspaper or three (3) days after the notice of decision has been stamped and mailed to the applicant.

F3.4 A Development Permit comes into effect fourteen (14) days after its issuance. Where an appeal has been lodged with the Board, no development shall be commenced pursuant to the Development Permit until the Board upholds the issuance of the Development Permit.

#### **F4 CONTRAVENTION**

F4.1 Where the Development Officer finds that a development or use of land is not in accordance with the Act, this Bylaw, or an approved Development Permit, the Development Officer may, by written notice, order the owners, 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 building in whole or in part as directed by the notice;
- (b) demolish, remove or replace the development; or
- (c) carry out any other actions required by the notice so that the development or use of the land or building complies with the Act, a Development Permit or a subdivision approval, or this Bylaw as the case may be, within the time set out in the notice.

F4.2 If a person fails or refuses to comply with an order directed to him under Section F4.1 or an order of a Board under the Act, 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.

F4.3 When Council or a person appointed by it carries out an order, 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.

F4.4 The Development Officer as a designated officer is authorized to enter and inspect land or buildings as described in the Act.

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**SECTION G      APPEALING A DECISION**

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**G1 METHOD OF APPEAL**

G1.1 The Appeal Board shall perform such duties and follow such procedures as specified in the Act and the Subdivision and Development Appeal Board Bylaw as contained in Schedule "B".

G1.2 A decision on a Development Permit application may be appealed in accordance with the Act.

**G2 THE APPEAL PROCESS**

G2.1 The Secretary shall ensure that a notice of appeal is given to all persons required to be notified under the provisions of the Act.

G2.2 When a notice has been served on the Secretary with respect to a decision to approve a Development Permit application; the Development Permit shall not be effective before:

- (a) the decision on the permit has been upheld by the Appeal Board; or
- (b) the Secretary has received written notification from the appellant that the appeal has been abandoned.

G2.3 If the decision to approve a Development Permit application is reversed by the Appeal Board, the Development Permit shall be null and void.

G2.4 If the decision to refuse a Development Permit application is reversed by the Appeal Board, the Appeal Board shall direct the Development Officer to issue a Development Permit forthwith in accordance with the decision of the Appeal Board.

G2.5 If the decision to approve a Development Permit application is varied by the Appeal Board, the Appeal Board shall direct the Development Officer to issue a Development Permit forthwith in accordance with the terms of the decision of the Board.

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## **SECTION H AMENDING THE BYLAW**

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### **H1 CONTENTS OF AN AMENDMENT APPLICATION**

H1.1 A Land Use Bylaw amendment application shall be made to the Development Officer in writing on the prescribed form, and shall be signed by the applicant or his agent. The Development Officer may require any of the following information to accompany an application to amend this Bylaw:

- (a) if the amendment involves the re-designation of land to a different land use district,
  - (i) a copy of the Certificate of Title for the lands affected, or any other documentation satisfactory to the Development Officer verifying that the applicant has a legal interest in the land;
  - (ii) where the applicant is an agent acting for the owner, a letter from the owner verifying the agent's authority to make the application; and
  - (iii) a properly dimensioned map indicating the affected site and its relationship to existing land uses within a 30.48 m (100 ft) radius of the boundaries of the site;
- (b) a statement of the reasons for the request to amend the Bylaw;
- (c) such additional information as the Development Officer may require.

H1.2 Each land use bylaw amendment application shall be accompanied by a non-refundable processing fee, the amount of which shall be determined from time to time by resolution or bylaw of Council.

H1.3 The Development Officer may refuse to process a Land Use Bylaw amendment application if the information required has not been supplied or if, in his opinion, it is of inadequate quality to properly evaluate the application.

H1.4 Council, on its own initiative, may proceed to undertake an amendment to this Bylaw by directing the Development Officer to initiate an application.

### **H2 THE AMENDMENT PROCESS**

H2.1 Upon receipt of a complete application, it shall be referred to:

- (a) Town administration for the drafting of a proposed Land Use Bylaw amendment;
- (b) Council for first reading and to establish a date for a Public Hearing to be held prior to second reading;

and

H2.2 The Development Officer may refer an amendment application to any agency in order to receive comment and advice. Any comments received shall be forwarded to the Development Authority.

H2.3 A notice of the application shall be published in two (2) issues of a local newspaper. This notice shall contain:

- (a) the purpose of the proposed amendment;
- (b) the location of one or more places where copies of the proposed amending order may be inspected by the public during reasonable hours;
- (a) the date, place, and time that Council will hold a public hearing on the proposed amendment;
- (b) an outline of the procedures to be followed by anyone wishing to be heard at the public hearing;
- (c) the outline of procedures will be identified at the beginning of the public hearing; and
- (d) the municipal address, if any and the legal description of the land in question if the amendment involves the re-designation of land to a different land use district.

H2.4 If the proposed amendment involves the re-designation of land to a different land use district, the Development Officer shall mail a notice containing the information outlined in H2.3 to the owner(s) of the land in question, and to all landowners within a 30.0 m (100 ft) radius of the land in question.

H2.5 Council, after considering

- (a) any representations made at the public hearing; and
- (b) any municipal development plan, area structure plan, and area redevelopment plan affecting the application and the provisions of this Bylaw may
  - (i) make such changes as it considers necessary to the proposed amendment, if any, and proceed to pass the proposed amendment, or
  - (ii) defeat the proposed amendment.

H2.5 Where Council has refused an application for an amendment; the Development Officer shall refuse to accept another application on the same land for the same or similar purpose until six (6) months have passed from the date of such refusal.

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## **Section I General Regulations**

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In addition to the specific requirements for each district, the following regulations shall apply. For the purposes of Direct Control Districts, the general regulations of this section should act as guidelines for development standards.

### **I 1 BUILDING DESIGN, CHARACTER AND APPEARANCE**

The design, site location, external finish, and architectural appearance of commercial, industrial and residential buildings, and any accessory buildings or structures, shall be to the satisfaction of the Development Authority.

### **I 2 CORNER SITE RESTRICTIONS**

12.1 On any corner site, no finished grade shall exceed the general elevation of the road by more than 0.6 m (2 ft) within the area defined as a sight triangle.

12.2 Notwithstanding any other provision contained in this Bylaw, no person shall place or maintain any object, structure, fence, hedge, shrub, tree or permanent sign within a sight triangle.

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**This illustration of a sight triangle does not form part of this bylaw but is provided for convenience.**



**Area of Sight Triangle**

**Principal Building**

**I 3 DWELLING UNITS PER LOT**

13.1 No person in the Town shall construct or cause to be constructed, except where permitted by this bylaw, or shall use or allow being used more than one dwelling unit per lot.

**I 4 LANDSCAPING, SCREENING AND SITE DEVELOPMENT**

14.1 A minimum of five percent (5%) of the site area shall be landscaped. In addition, all areas of a developed lot not used for vehicular circulation, storage or a structure shall be landscaped with soft landscaping to the satisfaction of the Development Authority.

14.2 Any area requiring landscaping or topographic reconstruction shall be designed so that the finished surface contours do not direct surface drainage onto an adjoining site.

14.3 All development shall be graded to ensure that the finished elevation of the main floor is at least 0.3 m (1ft) higher than the elevation of the back-of-curb. The finished elevation of the main floor shall not exceed a height of 0.6 m (2 ft).

14.4 Screening shall be provided in the form of hard or soft landscaping in order to visually separate areas that detract from the surrounding neighborhood unless in the opinion of the Development Authority it is not necessary. The construction and materials of the screen shall be of a quality to the satisfaction of the Development Authority.

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

14.6 All developments in the Direct Control Districts are required to provide on-site garbage disposal receptacles. These receptacles shall be located such that they do not interfere with vehicle circulation or reduce the usability of any required parking stalls, and shall be screened to the satisfaction of the Development Authority.

**I 5 OBJECTS PROHIBITED IN DISTRICTS**

15.1 No person shall be allowed to keep or maintain:

- (a) an abandoned, inoperative vehicle in a residential district on a site for more than fourteen (14) consecutive days except pursuant to a development permit;

(b) any excavation, building, debris or storage of material upon a site during the construction stage of any development unless all safety requirements are complied with to the satisfaction of the Development Authority, and the owner and developer of any such site assumes full responsibility for on-site safety measures; and

(c) any excavation, equipment, or construction materials on a site over a period longer than is reasonably necessary to complete construction.

(d) after a development permit has expired

15.2 In the event of an abandoned work site after all permits have been lapsed the town shall at the owner's expense

- a. remove any abandoned vehicles
- b. fill any excavations
- c. remove any equipment or construction materials

**I 6 PARKING AND LOADING FACILITIES**

16.1 On-site parking shall be provided in accordance with the following:

<b><u>RESIDENTIAL</u></b>	
Apartment Building, Dwelling Group	1.5 stalls/dwelling unit
Single Family Dwelling	2 stalls/dwelling unit plus 1 stall for an accessory dwelling
Mobile Home Park	2 stalls/dwelling unit
Senior Citizen Home	1 stall/ dwelling unit
<b><u>COMMERCIAL/INDUSTRIAL</u></b>	
Business, Administrative and Professional Office, Bank	2.2 stalls/100 m2 (1,075 ft <sup>2</sup> ) of gross floor area
Retail Shop, Personal Service Establishment	3.6 stalls/100 m2 (1,075 ft <sup>2</sup> ) of gross floor area
Restaurant (including Drive-In), Drinking Establishment	1-stall/4 seats (minimum 15 stalls)
Hotel, Motel	1 stall/ guest unit plus 1-stall/2 employees
Where a hotel, motel, restaurant or drinking establishment are grouped in any combination on a site	Required number of stalls may be reduced at the discretion of the

	Development Authority to 75% of the combined total of all uses.
Shopping Centre/Multi-Purpose Buildings	5.5 stalls/100 m <sup>2</sup> (1,075 ft <sup>2</sup> ) of gross floor area
Gas Bar	3.6 stalls/100 m <sup>2</sup> (1,075 ft <sup>2</sup> ) of gross floor area for all uses allowed on site including service islands at grade
Manufacturing and Industrial Plant	1-stall/2 employees on a maximum working shift
Warehousing, Wholesale and Storage Building and Yard, Servicing and Repair Establishment, Public Utility Building	1-stall/2 employees on a maximum working shift

<b><u>RECREATIONAL AND INSTITUTIONAL USES</u></b>	
Public Assembly Auditoria, Theatre, Convention Hall, Private Organization or Club, Ball Park	1-stall/3.5 seats or 33-stalls/100 m <sup>2</sup> (1,075 ft <sup>2</sup> ) of floor area used by patrons, whichever is greater
Church	1 stall/5 seats, with discretion to utilize adjacent sites
Hospital, Nursing Home	1 stall/bed
Medical or Veterinary Clinic	4 stalls/100 m <sup>2</sup> (1,075 ft <sup>2</sup> ) of floor area
Elementary and Junior High School	1 stall/employee plus 0.2 stall/employee for guest parking
Senior High School	1 stall/employee plus 0.3 stalls/student plus 0.2 stall/employee for guest parking
Colleges or Post secondary Uses	1 stall per staff and 0.5 stalls per student
All Other Uses	As determined by the Development Authority

16.2 When a building is enlarged, altered or changed in use in such a manner as to cause an intensification of the use of that building, provision shall be made for the additional parking stalls required under the provisions of this Bylaw. The required parking shall be based only on the number of additional parking stalls required because of the enlargement, change in use, or intensification of the use of the building.

16.3 Parking stalls shall be located on the same site as the building or use for which they are required and shall be designed, located and constructed so that:

- (a) they are reasonably accessible to the vehicles intended to be accommodated there;

(b) they can be properly maintained; and

(c) they are satisfactory to the Development Authority in size, shape, location and construction.

16.4 Notwithstanding other provisions of this Bylaw, excluding Residential Districts, the Development Authority may allow for the required number of parking stalls to be fulfilled by:

The developer providing a maximum of twenty five percent (25%) of the required on-site parking on land other than the development site provided that:

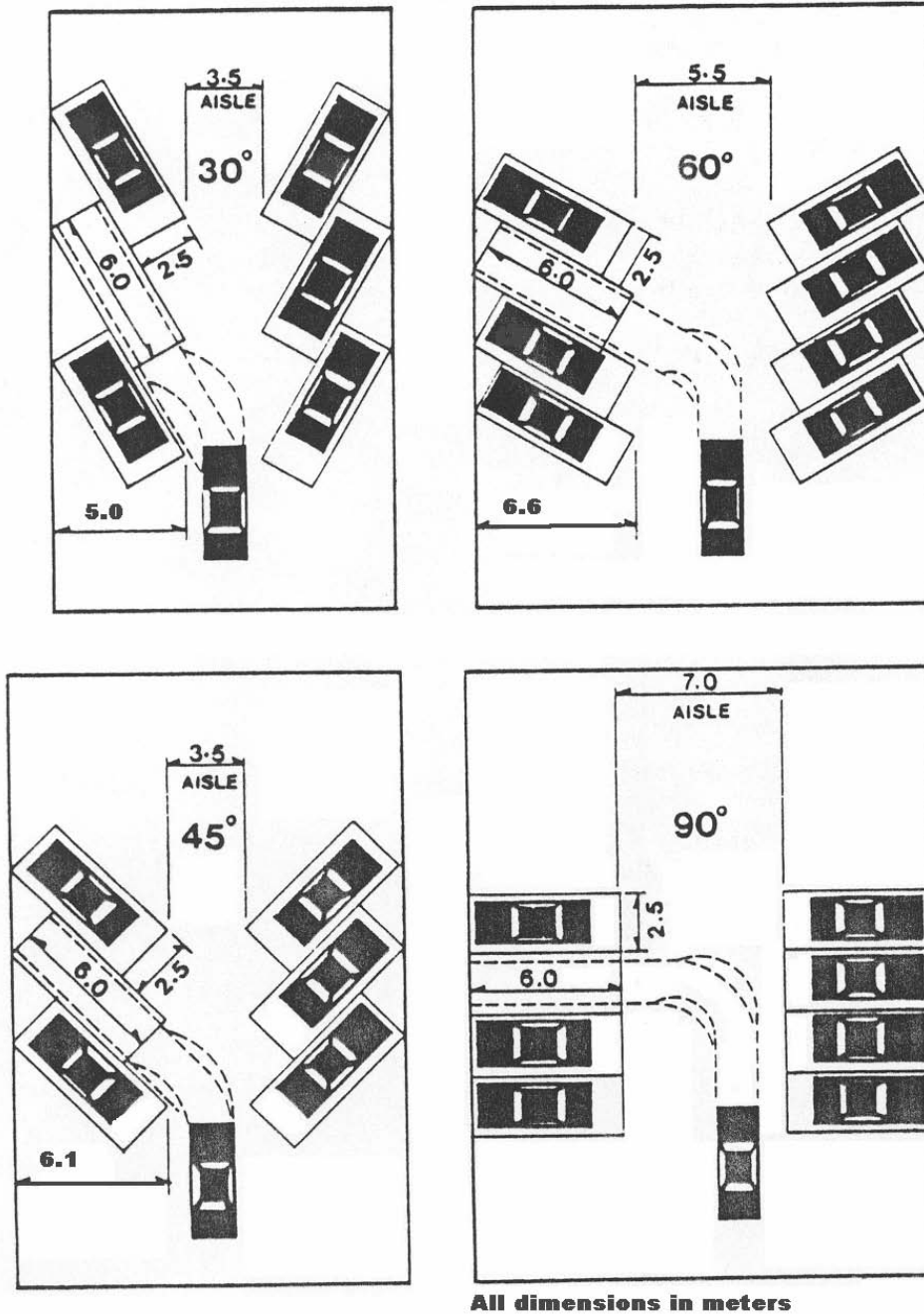
(i) the proposed parking is located, to the satisfaction of the Development Authority, a reasonable distance from the site where the principal building is located or where the approved use is carried on;

(ii) the applicant owns and controls the alternate site; and

(iii) the applicant covenants to the Town, in a form approved by the Town, that the alternate site shall not be used for any purpose other than parking so long as it is required for compliance with this Bylaw. Such covenant shall be registered by caveat against the subject site.

16.5 Parking stalls shall be designed and provided in accordance with the following table:

Stall Width	Stall Angle	Aisle Width	Stall Depth <u>Perpendicular to Aisle)</u>
2.5 m (8.0 ft)	30 degrees	3.5 m (11.5 ft)	5.0 m (16.5 ft)
2.5 m (8.0 ft)	45 degrees	3.5 m (11.5 ft)	6.1 m (20.0 ft)
2.5 m (8.0 ft)	60 degrees	5.5 m (18.0 ft)	6.6 m (21.5 ft)
2.5 m (8.0 ft)	90 degrees	7.0m (23.0 ft)	6.1 m (20.0 ft)



16.6 On-site parallel parking stalls shall be a minimum of 7.0 m (23 ft) in length and 2.5 m (8 ft) in width.

16.7 Any loading space shall be a minimum of 28 m<sup>2</sup> (300 ft<sup>2</sup>) in area, 3.5 m (11.5 ft) in width, and have at least 4.0 m (13 ft) of overhead clearance. Such loading spaces shall be specifically identified as separate and distinct from required on-site parking, and shall not reduce the usability of any required parking stalls.

16.8 All on-site parking and loading areas, and access points thereto shall be paved.

16.9 Adequate curbs, pre-cast barrier curbs, or fences shall be provided to the satisfaction of the Development Authority where it is deemed necessary in order to protect adjacent fences, walls, boulevards, landscaped areas, or buildings on the site, or an abutting site, from contact with vehicles.

16.10 For all commercial, public and recreational uses, a portion of the parking area nearest the principal building shall be designated for use by the handicapped to the satisfaction of the Development Authority.

## **I 7 RELOCATION OF BUILDINGS**

17.1 Notwithstanding Section D2, a development permit shall be required for the relocation of a building.

17.2 Where a Development Permit has been granted for the relocation of a building on the same site or from another site, the Development Officer may require the applicant to enter into a development agreement with the Town and post a performance bond or other security to the satisfaction of the Town of such amount to ensure completion of any renovations set out as a condition of approval of a Development Permit.

17.3 Prior to the issuance of a development permit, the Town shall require the developer to provide an engineer's certificate to confirm that the building is structurally sound.

17.4 Unless otherwise specified by the Development Authority, renovations shall be completed within one (1) year of the issuance of a Development Permit.

## **I 8 NOTICE OF AGRICULTURAL OPERATIONS**

The Town shall publish in a newspaper circulating in the area, twice a year, a notice indicating that some lands in the Town and adjacent to the Town boundaries are in agricultural production and that certain activities related to the agricultural operations may be considered a nuisance to Town residents.

## **I 9 SMALL WIND ENERGY SYSTEMS\* (Bylaw 16/2009)**

This section establishes standards for the sitting and operation of Small Wind Energy Systems. This section is intended to implement the necessary requirements while protecting the scenic and natural resources of the Town of High Prairie and the health, safety and welfare of its residents.

## 1. DEFINITIONS

The following definitions apply to this schedule:

**Blade** means an element of a wind energy system rotor, which acts as a single airfoil, thereby extracting kinetic energy directly from the wind.

**Blade clearance** means, in reference to a horizontal axis rotor, the distance from grade to the bottom of the rotor's arc.

**Rotor's arc** means the largest circumferential path travelled by a blade.

**Small Wind Energy System (SWES)** means a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity that does not exceed the allowable rated capacity of 1 kW and which will be used primarily to reduce onsite consumption of utility power.

**Total height** means the height from grade to the highest vertical extension of a SWES. In the case of a SWES with a horizontal axis rotor, total height includes the distance from grade to the top of the tower, plus the distance from the top of the tower to the highest point of the rotor's arc.

**Tower** means the structure which supports the rotor above grade.

## 2. PERMIT REQUIREMENTS

Small Wind Energy Systems shall require a development permit depending on their location, as provided in the regulations for the land use districts in which they are allowed.

**Type A Small Wind Energy System:** This use is defined as a Small Wind Energy System that is either roof mounted or has a tower which does not exceed 40 feet (12.2 m) in height.

**Type B Small Wind Energy System:** This use is defined as a Small Wind Energy System that has a tower which is greater than 40 feet (12.2 m) in height but does not exceed 80 feet (24.4 m) in height.

\* See Section 7 of this schedule.

## 3. INFORMATION REQUIREMENTS

Applications for Small Wind Energy Systems shall include the following information where applicable:

- (a) the manufacturer's specifications indicating:
  - (i) the SWES rated output in kilowatts;
  - (ii) safety features and sound characteristics;
  - (iii) type of material used in tower, blade, and/or rotor construction;
- (b) potential for electromagnetic interference;
- (c) nature and function of over speed controls which are provided;

(d) specifications on the foundations and/or anchor design, including location and anchoring of any guy wires;

(e) information demonstrating that the system will be used primarily to reduce on-site consumption of electricity;

(f) location of existing buildings or improvements.

#### **4. REFERRALS**

Prior to making a decision on a development application for a Small Wind Energy System, the Municipal Planning Commission may refer and consider the input of the following agencies and departments:

(a) Alberta Energy and Utilities Board,

(b) Transport Canada,

(c) Navigation Canada.

#### **5. SETBACKS**

(a) A Small Wind Energy System shall comply with all the setbacks that govern the principal use in the district in which it is located.

(b) No part of the wind system structure, including guy wire anchors, may extend closer than 10 feet (3.0 m) to the property boundaries of the installation site.

#### **6. DEVELOPMENT STANDARDS**

Small Wind Energy Systems shall comply with the following standards:

(a) There shall be a limit of one (1) small wind energy system per parcel.

(b) The system's tower shall be set back a minimum distance equal to the height of the tower from all parcel lines and a minimum distance of 10 feet (3.0 m) from any other structure on the parcel on which the system is located. On parcels 10 acres (4.0 ha) or more, the parcel line setback may be reduced if the applicant demonstrates that:

(i) because of topography, strict adherence to the setback requirement would result in greater visibility of the system's tower than a reduced setback; and

(ii) the system's tower is set back a minimum distance equal to the height of the tower from any structure on adjoining parcels.

(c) The system's tower shall not exceed a maximum height of 40 feet (12.2 m) on a parcel of less than 1 acre (0.4 ha), a maximum of 65 feet (19.8 m) on a parcel of 1 acre (0.4 ha) to less than 5 acres (2.0 ha), and maximum height of 80 feet (24.4 m) on a parcel 5 acres (2.0 ha) or more.

(d) The system's tower shall be located and screened by landforms, natural vegetation or other means to minimize visual impacts on neighboring residences and public roads, public trails and other public areas;

- (e) The system's tower and supporting structures shall be painted a single, neutral, non-reflective, non-glossy (for example, earth-tones, gray, black) that, to the extent possible, visually blends the system with the surrounding natural and built environments;
- (f) The system shall be equipped with manual and automatic over speed controls. The conformance of rotor and over speed control design and fabrication to good engineering practices shall be certified by a licensed mechanical, structural or civil engineer;
- (g) The system's tower-climbing apparatus and blade tips shall be no closer than 15 feet (4.6 m) from ground level unless the system is enclosed by a 6-foot (1.8-m) high fence;
- (h) The system's utility lines shall be underground where economically practical;
- (i) The system shall be operated such that no electro-magnetic interference is caused;
- (j) The system's maximum power shall not exceed 3 kW;
- (k) No more than one system shall be allowed on a parcel;
- (l) Small wind turbines shall not exceed 60 dB (A), or in excess of 5 dB (A) above the background noise, whichever is greater. The level, however, may be exceeded during short-term events including utility outages and severe windstorms;
- (m) Brand names or advertising associated with the system or the system's installation shall not be visible from any public place;
- (n) Upon abandonment or termination of the system's use, the entire facility, including the system's tower, turbine, supporting structures and all equipment, shall be removed and the site shall be restored to its pre-construction condition.

## **7. REVIEW OF PERMITS**

Town Council shall review the impacts of issuance of permits for Small Wind Energy Systems after the issuance of 25 development permits for this specific use within the municipality.

### **ALTERNATIVE ENERGY SOURCES**

The Subdivision and Development Authority is authorized to issue development approvals for alternative energy sources such as, but not limited to, solar panels, heat exchange systems, generators, turbines, etc. provided that any additional approvals or standards required at the municipal, provincial and/or federal levels are met or exceeded.

(Bylaw 16/2009)

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## **SECTION J - ADDITIONAL REGULATIONS FOR SPECIFIC LAND USES**

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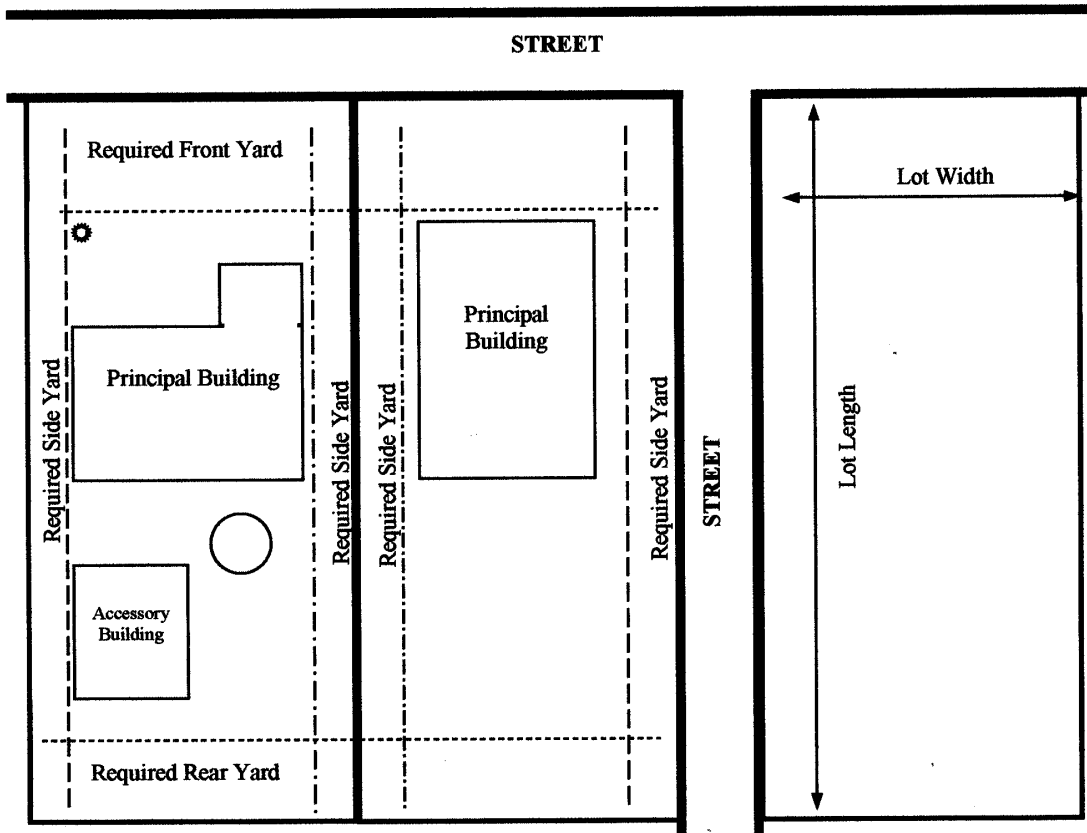
### **J 1 ACCESSORY BUILDINGS**

J1.1 No accessory building, in a residential area, shall be located in a front yard.

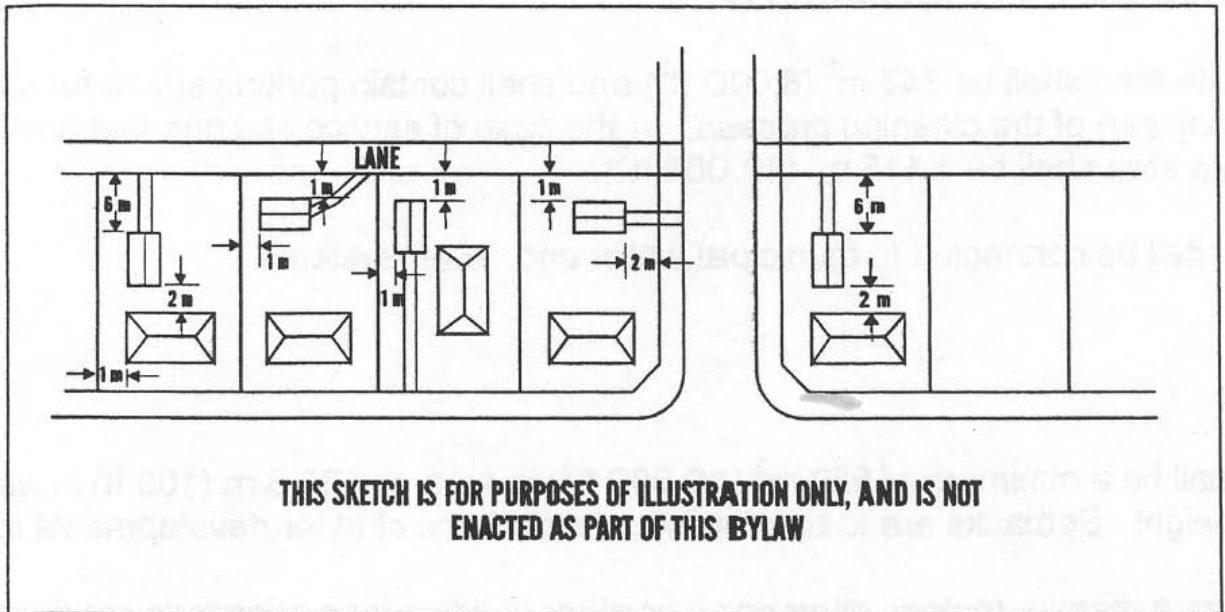
J1.2 The minimum rear yard setback shall be 1.0 m (3.3 ft). Where primary access to a private garage is obtained via a rear lane, however, and the vehicle entrance doors face the lane, the minimum rear yard setback shall be 6.1 m (20 ft).

J1.3 The minimum interior side yard setback shall be 1.0 m (3.3 ft). However, no side yard is required for any accessory building in a residential or industrial district where a mutual wall is erected on a common property line and is constructed of brick, stone, or equivalent fire resistant material. There will be no overhang of eaves and all drainage shall be confined to the site.

J1.4 The minimum exterior side yard setback shall be 2.0 m (6.6 ft). Notwithstanding this requirement, an accessory building shall be located no closer to a road than the closest portion of the principal building.



J1.5 An accessory building shall be located at least 2.0 m (6.6 ft) from any principal building.



J1.6 An accessory building in a residential district shall not exceed 5.5 m (18 ft) in height.

J1.7 The total combined area of all accessory buildings shall not exceed ten percent (10%) of the site area.

J1.8 For the purpose of calculating yard setbacks and site coverage requirements as provided for in this Bylaw, when an accessory building is attached to the principal building on a site by a roof, an open or enclosed structure, a floor, or a foundation, it is to be considered a part of the principal building and not as an accessory building.

J1.9 Unless otherwise permitted in this Bylaw, no accessory building shall be used as a dwelling unit.

## **J2 ACCESSORY DWELLINGS**

J2.1 Accessory dwellings shall not exceed 55.7 m<sup>2</sup> (600 ft<sup>2</sup>) in size.

J2.2 An accessory dwelling shall only be located within the principal dwelling unit, on a second story above a detached garage, or as a garden suite.

J2.3 An accessory dwelling shall only be permitted if the principal use is a single-family dwelling.

- J2.4 All accessory dwellings shall have an independent entrance from the principal dwelling unit.
- J2.5 If the accessory dwelling is a garden suite, the setback requirements for accessory buildings in Section J1 shall apply.
- J2.6 All accessory dwellings shall utilize the same water and sewer systems as the principal dwelling unit.
- J2.7 A garden suite shall not be located on a permanent foundation.
- J2.8 A development permit for a garden suite shall be valid for five (5) years, at which time it may be renewed if the garden suite is still required by the occupant(s) for whom it was originally approved. The garden suite shall be removed at such time that it is no longer required to accommodate the original occupant(s).

### **J 3 CAR WASHING ESTABLISHMENTS**

- J3.1 The minimum site area shall be 743 m<sup>2</sup> (8,000 ft<sup>2</sup>) and shall contain parking space for six (6) vehicles prior to their entry into any part of the cleaning process. In the case of gas bars that have car washes installed, the minimum site area shall be 1,115 m<sup>2</sup> (12,000 ft<sup>2</sup>).
- J3.2 All car washes shall be connected to municipal water and sewer systems.

### **J 4 DRIVE-IN RESTAURANTS**

- J4.1 The location of all exits and entrances shall be subject to the approval of the Development Authority, and vehicular circulation within the site shall be unidirectional and adequately signed.
- J4.2 Those portions of a site that are adjacent to a residential district shall be screened to the satisfaction of the Development Authority.

### **J 5 HOME OCCUPATIONS**

- J5.1 Home occupations shall not interfere with the rights of other residents to the quiet enjoyment of a residential neighborhood.
- J5.2 Home occupations shall be an incidental and subordinate use to the residential use, and shall not:
- a) require alterations to the principal building unless the alterations are approved by the Development Authority as part of a Development Permit application;

- b) create a nuisance by way of dust, noise, smell, smoke or traffic generation;
- c) have outside storage of materials, goods and equipment on the site; and
- d) display any form of commercial advertising, wares or products discernible from the outside of the building but may display an unlighted sign placed in a window or attached to the exterior of the dwelling which is a maximum of .5 m<sup>2</sup> (5.4 ft<sup>2</sup>) in area.

J6.3 Home occupations shall be approved by the Development Authority.

J6.4 All Bed and Breakfast and food preparation establishments are required to conform to the standards administered by the local Health Authority, and to obtain all necessary licenses required under the applicable legislation.

## **J 6 MOBILE HOMES**

J6.1 All mobile homes, accessory structures, additions, porches and skirting shall be built in accordance with the Alberta Building Code and appearance to the satisfaction of the Development Authority.

J6.2 The undercarriage of a mobile home shall be completely screened from view by an acceptable skirting or such other means acceptable to the Development Officer.

J6.3 Axles, wheels, running gear and towing tongue shall be removed before any mobile home is attached to a permanent foundation in conformity with the requirements of the Alberta Building Code.

J6.4 All mobile homes shall be connected to municipal services prior to their occupation.

## **J 7 GAS BARS**

J7.1 Where a gas bar is proposed to include a retail food store, a car wash and/or an auto parts store, the Approving Authority shall ensure that the location of parking and circulation area does not interfere with the free movement of re-fuelling vehicles.

J7.2 Fencing or screening to the satisfaction of the Development Authority shall be provided along the lot line separating a gas bar from any abutting residential districts.

## **J 8 SHOPPING CENTRES and MULTI-PURPOSE BUILDINGS**

J8.1 All proposed shopping centers' shall satisfy the Development Authority with respect to:

- (a) orientation of buildings or structures;
- (b) location of development in relation to adjacent land uses;
- (c) vehicular traffic flow patterns within and access to and from the site; and
- (d) safe pedestrian access and egress within the site and from any public sidewalk.

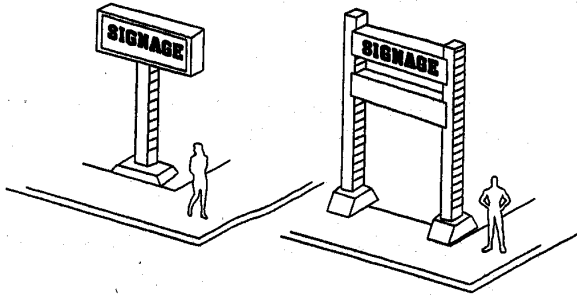
## **J 9 SIGN CONTROL**

J9.1 Signage Regulations for all Districts

- (a) No sign of advertising, directional or information nature shall be erected on a site or affixed to any exterior surface of any building or structure unless an application for this purpose has been approved by the Development Authority.
- (b) No sign shall project more than one half of the distance from the building exterior to the adjacent curb face. The erection of such signs shall require the developer to enter into an encroachment agreement with the Town.
- (c) No sign shall project more than 1.5 m (5 ft) above the top of any main wall or parapet to which it is affixed, unless in the opinion of the Development Authority it is has been designed as an integral part of the building.
- (d) No sign shall be illuminated unless the source of light is suitably shielded and does not interfere with vehicular traffic or the use and enjoyment of adjacent properties.
- (e) The support structure for all signs shall be an integral part of the design and shall be affixed and designed in accordance with accepted engineering practices as outlined in the Alberta Building Code to support the wind load of the sign structure.
- (f) No sign, other than one providing a public service and deemed appropriate by the Development Authority shall be permitted to locate on a public right-of-way or reserve.
- (g) The Development Authority may refuse to allow any sign that is deemed to be inappropriate in design.
- (h) There shall be a minimum clearance height of 2.5 m (8 ft) above finished grade to the bottom of any sign projecting over a public right-of-way or sidewalk.

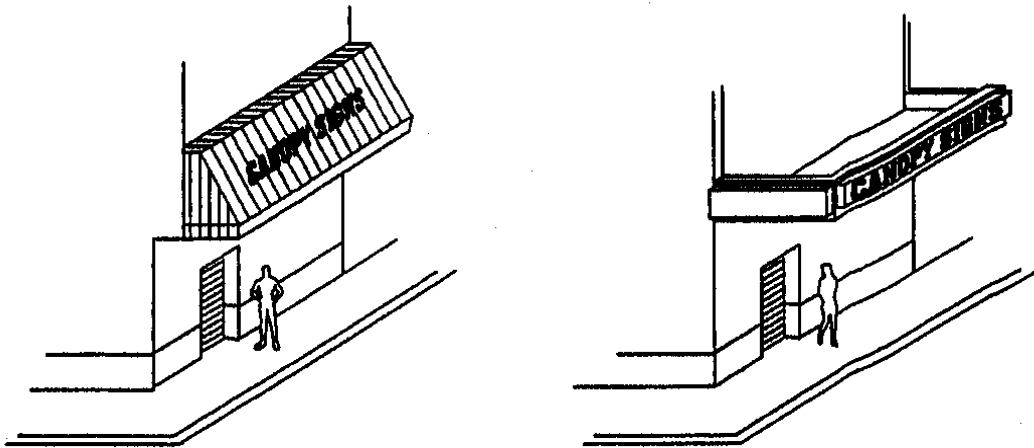
## J9.2 Signage Regulations for Commercial and Industrial Districts

### (a) Free Standing Signs



- i. A maximum of one (1) free standing sign may be allowed for each site having a continuous frontage of up to 15 m (50 ft).
- ii. A maximum of one (1) additional free standing sign may be allowed for every additional 30.5 m (100 ft) of continuous frontage but in no case should there be more than four (4) free standing signs on anyone (1) site.
- iii. No freestanding sign shall be located on or project over a public right-of-way unless an encroachment agreement has been entered into with the Town.
- iv. Free standing signs shall conform to the setback requirements for principal buildings in the district in which the sign is located unless, in the opinion of the Development Authority, the sign would be compatible with the surrounding land uses and would not compromise traffic safety. For the purpose of this section, setback distances shall be measured from the outermost edge of the sign and/or support structure, whichever is closest to the lot line.

## (b) Awning and Canopy Signs



(i) An awning or canopy sign may be allowed on second and third floor awnings in order to advertise those businesses operating at those locations in addition to the first floor.

(ii) There shall be a minimum clearance of 2.5 m (8 ft) above finished grade at the sign location.

(iii) Where a canopy, marquee or similar architectural projection has been included as an integral component of the overall architectural design of a building or designed to provide protection from the weather over an entrance or sidewalk and has been constructed in accordance with the provisions of the Alberta Building Code, the following shall apply:

- \* any sign erected upon the vertical surfaces of the canopy shall not extend horizontally beyond the limits of the vertical surface,
- \* no sign suspended under a canopy shall extend beyond the horizontal limits of the canopy. Signs suspended under a canopy shall have a clearance of at least 2.5 m (8 ft).

## (c) Mansard Roof Signs

A sign may be attached to the face of a mansard roof in lieu of a wall-mounted sign provided that the sign not project beyond the roof peak or sides.

## (d) Portable Signs

A maximum of one portable sign shall be allowed per commercial site at the discretion of the development authority.

### J9.3 Signage Regulations for Residential Districts

A free standing or wall sign may be allowed to identify an apartment building, mobile home park or subdivision, residential subdivision, or other non-commercial uses provided the sign does not exceed 2 m<sup>2</sup> (21.5 ft<sup>2</sup>), project within 1.0 m (3.3 ft) of a property line, and exceed 3.5 m (11.5 ft) in height from finished grade.

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## **SECTION K ESTABLISHMENT OF DISTRICTS**

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### **K 1 LAND USE DISTRICTS**

For the purpose of this Bylaw, lands within the boundaries of the Town of High Prairie shall be divided into the following districts:

<b><u>District</u></b>	<b><u>Symbol</u></b>
<b>Restricted Residential</b>	<b>R1</b>
<b>Low Density Residential</b>	<b>R2</b>
<b>Mixed Residential</b>	<b>R3</b>
<b>Multiple Unit Residential</b>	<b>R4</b>
<b>Non Serviced Residential</b>	<b>R5</b>
<b>Mobile Home Park</b>	<b>MP</b>
<b>Mobile Home Subdivision</b>	<b>MS</b>
<b>General Industrial</b>	<b>M1</b>
<b>Institutional</b>	<b>I</b>
<b>Urban Reserve</b>	<b>UR</b>
<b>Direct Control</b>	<b>DC</b>
<b>Public Utility</b>	<b>PU</b>
<b>Environmental Reserve</b>	<b>ER</b>

## **K 2 DISTRICT SYMBOLS**

Throughout this Bylaw, or any amendments to it, a district may be referred to either its full name or by its symbol as identified in Section K1.

## **K 3 DISTRICT MAP**

K3.1 The District Map, as may be amended or replaced by bylaw from time to time, is that map attached to and forming part of this Bylaw, and bears the identification "District Map" and "Section K3 of this bylaw".

K3.2 In the event that a dispute arises over the precise location of a boundary of any district as shown on the District Map, Council may request planning advice and subsequently decide thereon.

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## **SECTION L DISTRICT RULES**

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### **L1 RESTRICTED RESIDENTIAL (R1) DISTRICT**

#### **L1.1 Purpose**

The purpose of this District is to provide for low-density residential development in the form of single-family dwellings and complementary uses.

#### **(a) Permitted Uses**

- single-family dwelling
- park or playground
- accessory building
- public use (Bylaw 13/2008)
- public utility (Bylaw 06/2008)
- church (Bylaw 06/2008)

#### **(b) Discretionary Uses**

- accessory dwelling
- bed and breakfast
- childcare facility
- home occupation
- sign

#### **L 1.2 Site Provisions**

In addition to the Regulations contained in Sections J, and I the following standards shall apply to every development in this district. In the event of a conflict, the more use-specific regulations will apply.

- |                           |   |
|---------------------------|---|
| (a) Lot Area (minimum):   | 465 m <sup>2</sup> (5,500 ft <sup>2</sup> ) |
| (b) Lot Width (minimum):  | 15 m (50 ft)                                |
| (c) Front Yard (minimum): | 7.6 m (25 ft)                               |
| (d) Rear Yard (minimum):  | 6.1 m (20 ft) for principal building        |

- (e) Side Yard (minimum): 1.5 m (5 ft) for interior side yard  
3.3 m (10 ft) for exterior side yard
- (f) Building Height (maximum): 8.2 m (27 ft) for principal building
- (g) Site Coverage (maximum): 40 percent
- (h) Dwelling Size (minimum): 111.5 m<sup>2</sup> (1,200 ft<sup>2</sup>)

**L2 LOW DENSITY RESIDENTIAL (R2) DISTRICT****L2.1 Purpose**

The purpose of this district is to provide for low-density residential development in the form of single-family dwellings with provisions for duplexes, semi-detached dwellings, and complementary uses.

**(a) Permitted Uses**

- single-family dwelling
- park or playground
- accessory building
- church (Bylaw 13/2008)
- duplex (Bylaw 13/2008)
- home occupation (Bylaw 13/2008)
- public use (Bylaw 13/2008)
- public utility (Bylaw 13/2008)

**(b) Discretionary Uses**

- accessory dwelling
- apartment building
- bed and breakfast
- childcare facility
- semi-detached dwellings
- sign

**L2.2 Site Provisions**

In addition to the General Regulations contained in Sections J, and I the following standards shall apply to every development in this district. In the event of a conflict, the more use-specific regulations will apply.

- (a) Lot Area (minimum): 325 m<sup>2</sup> (3,500 ft<sup>2</sup>) per unit for semi-detached  
464 m<sup>2</sup> (5,000ft<sup>2</sup>) for all other uses
- (b) Lot Width (minimum): 13.7 m (45 ft) for single-family dwelling  
7.5 m (24.6 ft) per unit for semi-detached  
(Bylaw 09/2006)  
15 m (50 ft) for duplex dwelling
- (c) Front Yard (minimum): 6.1 m (20 ft)
- (d) Rear Yard (minimum): 4.6 m (15 ft) for principal building
- (e) Side Yard (minimum): 1.5 m (5 ft) for interior side yard.  
(Bylaw 10/2009)
- None required for a semi-detached dwelling where the common wall corresponds to a property line.*
- 3.3 m (10 ft) for exterior side yard
- (f) Building Height (maximum): 8.2 m (27 ft) for principal building
- (g) Site Coverage (maximum): 40 percent

### **Cornerstone Development**

That the Land Use Bylaw designation change from R3/ R4 to R2 and that the front yard setbacks be relaxed for this area only to 4.6 M (15 ft) for the principal building. (Bylaw 03/2007).

**L3 MIXED RESIDENTIAL (R3) DISTRICT****L3.1 Purpose**

The purpose of this District is to provide for low density mixed residential development with provision for future infill development in the form of single-family dwellings, duplexes, semi-detached dwellings, and discretionary uses.

**(a) Permitted Uses**

- single-family dwelling
- park or playground
- accessory building
- semi-detached dwelling
- duplex dwelling
- church (Bylaw 13/2008)
- dwelling group containing up to six units (Bylaw 13/2008)
- public use (Bylaw 13/2008)
- public utility (Bylaw 13/2008)

**(b) Discretionary Uses**

- accessory dwelling
- apartment building
- bed and breakfast
- childcare facility
- home occupation
- sign

**I L3.2 Site Provisions**

In addition to the General Regulations contained in Sections J, and I the following standards shall apply to every development in this district. In the event of a conflict, the more use-specific regulations will apply.

(a) Lot Area (minimum): 325 m<sup>2</sup> (3,500 ft<sup>2</sup>) per unit for semi-detached  
464 m<sup>2</sup> (5,000 ft<sup>2</sup>) for duplex dwelling  
297 m<sup>2</sup> (3,200 ft<sup>2</sup>) per unit for dwelling group  
418 m<sup>2</sup> (4,500 ft<sup>2</sup>) for all other uses

(b) Lot Width (minimum): 7.5 m (24.6 ft) per unit for semi-detached  
(Bylaw 09/2006)  
15 m (50 ft) for duplex dwelling  
7.6 m (25 ft) per unit for dwelling group  
13.7 m (45 ft) for all other uses

(c) Front Yard (minimum): 6.1 m (20 ft)

(d) Rear Yard (minimum): 4.6 m (15 ft) for principal building

(e) Side Yard (minimum): 1.5 m (5 ft) for interior side yard.  
(Bylaw 10/2009)

*None required for a semi-detached dwelling or dwelling group unit*

*where a common wall corresponds to a property line.*

3.3 m (10 ft) for exterior side yard

(f) Building Height (maximum): 8.2 m (27 ft) for principal building

(g) Site Coverage (maximum): 40 percent

**L4 MULTIPLE UNIT RESIDENTIAL (R4) DISTRICT****L4.1 Purpose**

The purpose of this District is to provide for the development of multiple unit residential development.

**(a) Permitted Uses**

- accessory building
- apartment building
- park or playground
- senior citizen home
- church (Bylaw 13/2008)
- public use (Bylaw 13/2008)
- condominium (Bylaw 13/2008)
- town houses (Bylaw 13/2008)
- public utility (Bylaw 13/2008)
- semi-detached dwelling (Bylaw 13/2008)

**(b) Discretionary Uses**

- childcare facility
- home occupation
- sign

**L4.2 Site Provisions**

In addition to the General Regulations contained in Sections J, and I the following standards shall apply to every development in this district. In the event of a conflict, the more use-specific regulations will apply.

- (a) Lot Area (minimum):
- |  |
|--|
| 743 m <sup>2</sup> (8,000 ft <sup>2</sup> )                    |
| for apartment building   |
| 297 m <sup>2</sup> (3,200 ft <sup>2</sup> ) for duplex group   |
| 418 m <sup>2</sup> (4,500 ft <sup>2</sup> ) for all other uses |

- (b) Lot Width (minimum): 9.1 m (30 ft) per unit for semi-detached  
15 m (50 ft) for duplex dwelling  
7.6 m (25 ft) per unit for dwelling group  
13.7 m (45 ft) for all other uses
- (c) Front Yard (minimum): 7.6 m (25 ft)
- (d) Rear Yard (minimum): 7.6 m (25 ft) for principal building
- (e) Side Yard, Interior (minimum): 1.5 m (5 ft) for interior side yard. (Bylaw 10/2009)

- (i) Apartment Building: 4.6 m (15 ft) for building of 7.6 m  
(25 ft) or less in height.  
6.1 m (20 ft) for building over 7.6 m  
(25 ft) in height.

*Minimum 4.5 m (15 ft) to be maintained between principal buildings located on same lot.*

- (ii) Dwelling Group: 1.2 m (4 ft).

*None required where a common wall corresponds to a property line.*

- (f) Side Yard, Exterior (minimum): 4.6 m (15 ft) for apartment building  
3.3 m (10 ft) for dwelling group
- (g) Building Height (maximum): 13.7 m (45 ft) for apartment building  
10.7 m (35 ft) for dwelling group
- (h) Site Coverage (maximum): 30 percent
- (i) Density (maximum):
- (a) Apartment Building: 86 units per net hectare (35 units per net acre)
- (b) Dwelling Group: 45 units per net hectare (18 units per net acre)

**L5 ACREAGE RESIDENTIAL (R5)****L5.1 Purpose**

The purpose of this District is to provide for very low-density residential development in an acreage setting where Individual lots may be serviced by private water supplies and sewage disposal systems in accordance with the Alberta Safety Codes Act.

**(a) Permitted Uses**

- single-family dwelling
- accessory building
- park or playground
- church (Bylaw 13/2008)
- public use (Bylaw 13/2008)
- telecommunication tower (Bylaw 13/2008)
- public utility (Bylaw 13/2008)

**(b) Discretionary Uses**

- accessory dwelling
- bed and breakfast
- home occupation
- market garden or greenhouse
- riding stable
- sign

**L5.2 Site Provisions**

In addition to the General Regulations contained in Sections J, and I the following standards shall apply to every development in this district. In the event of a conflict, the more use-specific regulations will apply.

- (a) Lot Area (minimum): 0.6 hectare (1.5 acre)

- (b) Lot Width (minimum): 30.5 m (100 ft).
- (c) Front Yard (minimum): 15.25 m (50 ft)
- (d) Rear Yard (minimum): 15.25 m (50 ft) for principal building
- (e) Side Yard (minimum): 3.3 m (10 ft) for interior side yard  
6.1 m (20 ft) for exterior side yard
- (f) Building Height (maximum): 10.4 m (34 ft) for principal building
- (g) Density (maximum): 35 lots per quarter section

(h) The provision of private sewer systems shall be installed and maintained in accordance with the Alberta Plumbing and Drainage Act, and any associated Regulations.

(i) Special Provision

An equestrian use shall be limited as follows:

- (a) Riding stables may only be permitted on lots in excess of 2 hectares (5 acres) in size.
- (b) The maximum allowable number of horses shall not exceed 2 animals per hectare.
- (c) All development permit applications shall be circulated as required.

**L6 MOBILE HOME SUBDIVISION (MS) DISTRICT****L6.1 Purpose**

The purpose of this District is to provide for the development of residential neighborhoods where mobile homes are the predominant housing form.

**(a) Permitted Uses**

- mobile homes
- park or playground
- single family dwelling
- accessory building
- church (Bylaw 13/2008)
- public use (Bylaw 13/2008)
- public utility (Bylaw 13/2008)
- sign (Bylaw 13/2008)

**(b) Discretionary Uses**

- apartment buildings
- childcare facility
- duplex
- home occupation

**L6.2 Site Provisions**

In addition to the General Regulations contained in Sections J, and I the following standards shall apply to every development in this district. In the event of a conflict, the more use-specific regulations will apply.

- |                           |   |
|---------------------------|---|
| (a) Lot Area (minimum):   | 446 m <sup>2</sup> (4,800 sq <sup>2</sup> ) |
| (b) Lot Width             | 12.2 m (40 ft)                              |
| (c) Front Yard (minimum): | 4.6 m (15 ft)                               |
| (d) Rear Yard (minimum):  | 4.6 m (15 ft) for principal building        |

- |                              |                              |
|------------------------------|------------------------------|
| (e) Side Yard (minimum):     | 1.5 m (5 ft) (Bylaw 10/2009) |
| (f) Site Coverage (maximum): | 40 percent                   |
| (g) Maximum Height           | 4.6 m (15 ft)                |

**L7 MOBILE HOME PARK (MP) DISTRICT****L7.1 Purpose**

The purpose of this District is to provide for the development of mobile home parks.

**(a) Permitted Uses**

- mobile homes
- park or playground
- accessory building
- church (Bylaw 13/2008)
- public use (Bylaw 13/2008)
- public utility (Bylaw 13/2008)

**(b) Discretionary Uses**

- accessory building
- childcare facility
- home occupation
- sign

**L7.2 Site Provisions**

In addition to the General Regulations contained in Sections J, and I the following standards shall apply to every development in this district. In the event of a conflict, the more use-specific regulations will apply.

- |                             |   |
|-----------------------------|---|
| a) Lot Area (minimum):      | 446 m <sup>2</sup> (4,800 sq <sup>2</sup> ) |
| b) Lot Width                | 12.2 m (40 ft)                              |
| c) Front Yard (minimum):    | 4.6 m (15 ft)                               |
| d) Rear Yard (minimum):     | 4.6 m (15 ft) for principal building        |
| e) Side Yard (minimum):     | 1.5 m (5 ft)(Bylaw 10/2009)                 |
| f) Site Coverage (maximum): | 40 percent                                  |
| g) Maximum Height           | 4.6 m (15 ft)                               |

- h) Every mobile home park dwelling lot shall front on to a private road, and be clearly marked by means of stakes, fences, hedges or other means satisfactory to the Development Authority.
- i) Within a mobile home park a minimum of five percent (5%) of the total area shall be developed for general recreational purposes, of which a minimum of 1.9 m<sup>2</sup> (20 ft<sup>2</sup>) per dwelling lot shall be developed as playground areas.
- j) For mobile home parks containing more than fifty (50) dwelling lots, two (2) separate means of access shall be provided. These access points may be in the form of one (1) access route containing two carriageways in each direction separated by a centre boulevard of 2.5 m (8 ft) or more,
- k) All areas of a mobile home park not utilized for vehicle circulation and structures shall be landscaped, including the planting of trees throughout at a ratio of at least one (1) tree per dwelling lot.

**L 8 GENERAL INDUSTRIAL (M1) DISTRICT****L 8.1 Purpose**

The purpose of this district is to provide for manufacturing, processing, assembly, distribution, service, and repair uses that carry out a portion of their operation outdoors or require outdoor storage areas.

**(a) Permitted Uses**

- accessory building
- auto body or paint shop
- bulk fuel outlet
- car/truck wash
- gas bar
- industrial and construction equipment sales and service
- light-manufacturing industries confined to a building
- outdoor storage of vehicles and equipment
- trucking operation or terminal
- warehouse
- wall signs
- welding shop
- equipment dealership
- vehicle or equipment repair or storage
- church (Bylaw 13/2008)
- sign (Bylaw 13/2008)
- building supply outlet (Bylaw 13/2008)
- seed cleaning plant (Bylaw 13/2008)
- public use (Bylaw 13/2008)
- telecommunication tower (Bylaw 13/2008)
- public utility (Bylaw 13/2008)

(b) Discretionary Uses

- auction market
- auto wrecker or salvage yard
- caretaker's residence
- feed mill
- fertilizer depot
- grain elevator
- livestock sales yard
- manufactured home dealership
- manufacturing plant engaged in secondary processing, assembly and/or packaging
- motor vehicle dealership
- multi-purpose building
- sawmill
- storage of flammable or combustible materials
- telecommunication tower

L 8.2 Site Provisions

In addition to the General Regulations contained in Sections J, and I the following standards shall apply to every development in this district, In the event of a conflict, the more use-specific regulations will apply,

- |                           |   |
|---------------------------|---|
| (a) Lot Area (minimum):   | 557 m <sup>2</sup> (6,000ft <sup>2</sup> )  |
| (b) Lot Width (minimum):  | 15 m (50 ft)  |
| (c) Front Yard (minimum): | 7.6 m (25 ft)   |
| (d) Rear Yard (minimum):  | <i>Shall be at the discretion of the Development Authority based upon requirements for staff parking, storage, and loading.</i> |
| (e) Side Yard (minimum):  | 1.5 m (5 ft).   |

*The Development Authority may reduce the side yard requirements if the development conforms to fire protection regulations.*

- (f) Building Height (maximum): 30.5 m (100 ft)
- (g) Site Coverage (maximum): 60%

### L 8.3 Additional Requirements

(a) Landscaping and Screening,

All yards abutting a road shall be landscaped in accordance with Section I4. All yards located within: 30.5 m (100 ft) of a residential district shall be screened in accordance with Section I4.

(b) Any industrial operation including production, processing, cleaning, testing, repair, storage or distribution of any material shall conform to the following standards:

(i) Obvious toxic or noxious materials or dust or ash shall not be released or permitted to escape to the atmosphere at such a rate as to interfere with the use and enjoyment of property or to endanger the health or safety of the public.

(ii) No industrial operation shall be carried out which would result in the projection of glare or heat onto adjacent properties.

(iii) Waste products shall not be discharged into any sewer or private sewage disposal system if the nature of such waste products, or the manner of their discharge, would exceed the design standards for the sewer or sewage disposal system. .

(c) All caretakers' residences shall be connected to municipal water and sewer systems.

(d) All applications for livestock sales yards shall be circulated as required for review.

## **L 9 INSTIUTIONAL (I) DISTRICT**

### **L9.1 Purpose**

The purpose of this district is to provide for the development of public uses and recreational facilities such as parks and schools.

#### **(a) Permitted Uses**

- accessory building
- park or playground
- public use (Bylaw 13/2008)
- public utility (Bylaw 13/2008)
- wall signs
- church (Bylaw 13/2008)
- sign (Bylaw 13/2008)
- dormitory residence (Bylaw 13/2008)
- health care facility (Bylaw 13/2008)
- education facility (Bylaw 13/2008)
- telecommunication tower (Bylaw 13/2008)
- Child Care Facility (Bylaw 15/2009)

-

#### **(b) Discretionary Uses**

- cemetery
- multipurpose facility
- sports facility
- group home (Bylaw 15/2009)

### **L 9.2 Site Provisions**

In addition to the General Regulations contained in Sections J, and I the following standards shall apply to every development in this district. In the event of a conflict, the more use-specific regulations will apply.

- |                           |               |
|---------------------------|---------------|
| (a) Front Yard (minimum): | 7.6 m (25 ft) |
|---------------------------|---------------|

- (b) Side Yard (minimum): 4.6 m (15 ft)
- (c) Rear Yard (minimum): 7.6 m (25 ft) for principal building
- (d) Building Height (maximum): 15 m (50 ft)

## **L 10 URBAN RESERVE (UR)**

### **L 10.1 Purpose**

The purpose of this district is to provide for the continuation of existing rural pursuits and future urban expansion.

#### **(a) Permitted Uses**

- accessory building
- agriculture
- home occupation
- market gardening
- public use (Bylaw 13/2008)
- sign (Bylaw 13/2008)
- telecommunication tower (Bylaw 13/2008)
- public utility (Bylaw 13/2008)

#### **(b) Discretionary Uses**

- campground
- natural resource extraction industry
- park or playground
- single-family dwelling

### **L 10.2 Site Provisions**

In addition to the General Regulations contained in Sections J, and I the following standards shall apply to every development in this district. In the event of a conflict, the more use-specific regulations will apply.

(a) Lot Area (minimum): 8.1 hectares (20 acres),

*except for lots created to accommodate existing dwellings and associated agriculture-related improvements, which shall be a maximum of 4 hectares (10 acres).*

- |                           |                                      |
|---------------------------|--------------------------------------|
| (b) Front Yard (minimum): | 30.5 m (100 ft)                      |
| (c) Side Yard (minimum):  | 6.1 m (20 ft)                        |
| (d) Rear Yard (minimum):  | 6.1 m (20 ft) for principal building |

**L11 DIRECT CONTROL (DC)****L11.1 Purpose**

The purpose of this district is to provide for land uses under individually unique circumstances where there is a need to provide site-specific controls.

**(a) Permitted Uses**

none

**(b) Discretionary Uses**

Those uses approved by Council to be allowed on the subject lands.

**L 11.2 Site Provisions**

(a) District requirements shall be established by Council and may include, but not be limited to, such items as density, minimum and maximum lot size, setback requirements, servicing standards, building size, landscaping, accessory buildings and uses, lot grading, and any other matter Council deems appropriate under the circumstances.

(b) When deciding on an application, Council shall consider the application having regard to:

- the conformity of the proposed development to any statutory plan that may be in effect in the area;
- the existing use of adjacent lands; and
- the impact of the development on the downtown,
- impacts on adjacent roads and requirements for future road improvements;
- provision for parking and vehicle access; and
- proposed signage, landscaping and building appearance.

(c) The site requirements for a development in this District shall be based on approved site plans provided by the applicant.

(d) Council may refer to other sections of this Bylaw for guidance in determining site requirements and development standards, but are not bound by them.

(e) Prior to making a decision on a development permit application, Council may, if deemed necessary, hold a Public Hearing to obtain input on the application.

# SCHEDULE A

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## SCHEDULE A RELATED BYLAWS

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BYLAW 19/2005

ESTABLISHMENT OF SUBDIVISION AUTHORITY,  
DEVELOPMENT AUTHORITY AND SUBDIVISION  
AND DEVELOPMENT APPEAL BOARD

## BYLAW 19/2005

**A BY-LAW OF THE MUNICIPALITY OF THE TOWN OF HIGH PRAIRIE,  
IN THE PROVINCE OF ALBERTA, TO ESTABLISH A SUBDIVISION AUTHORITY AND A  
SUBDIVISION AND DEVELOPMENT APPEAL BOARD AND TO PROVIDE FOR THE  
ADMINISTRATION OF SAME.**

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Page 1 of 2

**WHEREAS:** The Municipal Government Act, being Chapter M-26.1 of the Statutes of Alberta, 2000 and amendments thereto, provides that a Municipality shall by bylaw establish a Subdivision Authority, a Development Authority and a Subdivision and Development Appeal Board.

**NOW THEREFORE:** BY VIRTUE OF THE AUTHORITY CONFERRED UPON IT BY THE MUNICIPAL GOVERNMENT ACT ("THE ACT"), THE COUNCIL OF THE TOWN OF HIGH PRAIRIE, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, HEREBY ENACTS AS FOLLOWS:

1. ESTABLISHMENT OF A SUBDIVISION AUTHORITY

Pursuant to Section 623 of the Act, Town Councillors who are not appointed to the Subdivision and Development Appeal Board shall form the subdivision authority to exercise subdivision powers and duties on behalf of the Town of High Prairie

2. ESTABLISHMENT OF A DEVELOPMENT AUTHORITY

Pursuant to Section 624 of the Act the Authority to exercise development powers and duties under the Land Use Bylaw is vested in the Development Officer appointed under Section C of Land Use Bylaw 12/01.

3. ESTABLISHMENT OF A SUBDIVISION AND DEVELOPMENT APPEAL BOARD

Pursuant to Section 627 of the Act, the Subdivision and Development Appeal Board is hereby established.

4. PURPOSE OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD

The purpose of the Board is:

- a) To hear appeals against decision of the Subdivision Authority that do not fall under the criteria of Section 678(2) of the Act and;
- b) To hear and decide upon appeals from decisions of the Development Officer and/or the Municipal Planning Commission in respects to Development Permits and Stop Orders and to perform any other duties assigned to the Subdivision and Development Appeal Board under the Town of High Prairie Land Use Bylaw.

5. COMPOSITION OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD

- a) The Board shall consist of:
  - i) Two members of Council and;
  - ii) Three members of the general public who shall be appointed by resolution of Council.
  - iii) Pursuant to Section 627 (3)(a) of the Act, Councillors may not form the majority of the board or the majority of the board or a committee hearing an appeal.
- b) A vacancy on the Board, may be filled by Resolution of Council, at any time.

**BYLAW 19/2005**

**A BY-LAW OF THE MUNICIPALITY OF THE TOWN OF HIGH PRAIRIE,  
IN THE PROVINCE OF ALBERTA, TO ESTABLISH A SUBDIVISION AUTHORITY AND A  
SUBDIVISION AND DEVELOPMENT APPEAL BOARD AND TO PROVIDE FOR THE  
ADMINISTRATION OF SAME.**

Page 2 of 2

**6. METHOD OF DECISION MAKING OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD.**

The Board shall reserve the right to discuss matters presented at the appeal, in accordance with Section 687 MGA, and take decisions in Committee within fifteen (15) days of the completion of the hearing.

**7. FILING AND PROCESSING OF APPEALS**

The procedure for filing and processing appeals is set out in sections 678 to 686 of the Act.

**8. ESTABLISHMENT OF FEE SCHEDULES**

Council may, by resolution or bylaw, establish fees for subdivision and development appeals, which shall be sufficient to cover the cost of advertising, administration and other expenses.

**9. EFFECTIVE DATE**

This bylaw shall come into effect upon the date of final reading and signing thereof.

**10. REPEAL**

This bylaw repeals bylaw 16/01.

**READ** a first time this 9<sup>th</sup> day of November 2005.

**READ** a second time this 9<sup>th</sup> day of November 2005.

**UNANIMOUS CONSENT** for third reading given this 9<sup>th</sup> day of November 2005.

**READ** a third time and finally passed this 9<sup>th</sup> day of November 2005.

\_\_\_\_\_  
Mayor Brodrick

\_\_\_\_\_  
G.M. Blaikie, Office Manager/Treasurer  
Acting Town Manager

