

Village of Boyle Land Use Bylaw

Bylaw 04-23

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PART 1: GENERAL

SECTION 1.1 TITLE

1.1.1 This Bylaw is titled the Village of Boyle Land Use Bylaw and is referenced as “Bylaw” in the text herein.

SECTION 1.2 PURPOSE

1.2.1 The purpose of this Bylaw is to regulate and control the *use* and *development* of land and *buildings* within the Village of Boyle.

1.2.2 This Bylaw is consistent with the Village of Boyle Municipal Development Plan.

1.2.3 This Bylaw:

- a. Establishes the *Development Authority*;
- b. Divides the Village into districts and the purpose for each district;
- c. Outlines *permitted and discretionary uses* for each district;
- d. Prescribes the regulations by which land and *buildings* may be developed and/or used;
- e. Establishes the method of making decisions on applications for *development* and *subdivision*;
- f. Establishes the manner that the notice of decision on *development permit* applications or *subdivision* is given;
- g. Establishes the method of appealing decisions of the *Development Authority* and *Subdivision Authority*; and
- h. Describes the procedure by which amendments can be made to this Bylaw.

SECTION 1.3 AUTHORITY

1.3.1 The Village of Boyle, hereby known as “the Village”, is authorized under the *MGA*, as amended, to adopt this Bylaw.

1.3.2 All *development* within the Village must conform to the regulations of this Bylaw.

SECTION 1.4 APPLICABILITY

1.4.1 This Bylaw shall apply to all lands contained within the Village municipal boundary.

1.4.2 Applications for *development* and *subdivision* approval received before the date this Bylaw came into effect shall be processed in accordance with the Village of Boyle Land Use Bylaw 2002.

SECTION 1.5 EFFECTIVE DATE

1.5.1 This Bylaw shall come into effect upon third and final reading.

SECTION 1.6 COMPLIANCE WITH OTHER LEGISLATURE

1.6.1 Any *applicant* applying for, or in possession of a *development permit* or *subdivision* approval is not exempt from complying with, or carrying out *development* in accordance with:

- a. *Municipal Government Act*, RSA 2000 c.M-26, as amended;
- b. *Alberta Safety Codes Act*, RSA 2000, and related regulations;
- c. municipal Statutory Plans and Intermunicipal Agreements;
- d. municipal Bylaws;
- e. the conditions of any caveat, covenant, easement, or other instrument affecting a building or land; or
- f. the requirements of any other federal, provincial or municipal legislation, regulation, or Act.

1.6.2 In exercising its authority under this Bylaw, the *Development Authority* shall comply with all federal, provincial or municipal legislation, regulation, or Act.

1.6.3 In the case of any conflict between the provisions of this Bylaw and any other municipal Bylaw or regulation, this Bylaw shall govern.

SECTION 1.7 INTERPRETATION

1.7.1 For the purpose of this Bylaw:

- a. "shall", "will" and "must" require mandatory compliance except where a variance has been granted pursuant to this Bylaw;
- b. "should" is not mandatory but is expected to be followed, but allows for alternative actions to be taken, or if the action is unreasonable or unable to be followed; and
- c. "may" is interpreted as optional.

1.7.2 Where a regulation involves two or more conditions, connected by a conjunction, the following shall apply:

- a. "and" means all the connected items shall apply in combination; and
 - b. "or" means that the connected items may apply singly or in combination.
- 1.7.3 Words, phrases, and terms not defined in this Land Use Bylaw may be given their definition in the *MGA*, Subdivision and Development Regulation or the Alberta Building Code. Other words shall be given their usual and customary meaning.
- 1.7.4 Words used in the singular shall also mean the plural and vice versa.
- 1.7.5 Words that are capitalized and bold denote uses defined in Part 12.
- 1.7.6 Words that are italicized and bold denote terms defined in Part 12.
- 1.7.7 In the case of any conflict between the text of this Bylaw and any diagram or map used to illustrate any aspect of this Bylaw, the text shall govern.
- 1.7.8 The standard measurement used within this Bylaw is metric. Any reference to imperial measurement is approximate and for convenience only. In the case of any discrepancy between the metric and imperial measurement, the metric measurement shall prevail.

PART 2: ADMINISTRATION AND PROCEDURE

SECTION 2.1 DEVELOPMENT AUTHORITY

- 2.1.1 The *Development Authority* is established herein pursuant to the MGA and is a person who is authorized to exercise development powers and duties on behalf of the Village. The *Development Authority* shall be:
- a. the *Development Officer* of the Village, and/or
 - b. the *Municipal Planning Commission*.
- 2.1.2 The *Development Officer* shall be the Chief Administrative Officer for the Village of Boyle and any other person appointed by *Council*.
- 2.1.3 If the decision on a *development permit* application is to be made by the *Development Officer*, the term *Development Authority* shall refer to the *Development Officer*.
- 2.1.4 If the decision on a development permit application is to be made by the *Municipal Planning Commission*, the term *Development Authority* shall refer to the *Municipal Planning Commission*.
- 2.1.5 The *Development Authority* must consider the Village's statutory plans and Bylaws, and comply with such plans where applicable when considering a *development permit* application.

SECTION 2.2 ROLE OF MUNICIPAL PLANNING COMMISSION

- 2.2.1 The *Municipal Planning Commission* is hereby given the authority to receive, consider, and render decisions on *development permit* applications referred to it by the *Development Officer*.

SECTION 2.3 ROLE OF THE DEVELOPMENT OFFICER

- 2.3.1 The *Development Officer* is authorized to act as *Development Authority* in matters prescribed in this Bylaw.
- 2.3.2 The *Development Officer* shall:
- a. keep and maintain for the inspection by the public, a copy of this Bylaw and all amendments thereto;
 - b. keep a register of all *development permit* applications, and the decisions in relation to those applications;

- c. review applications for *development permits*, and establish conditions specific to each *development permit* approval, for *uses* in a district that comply with the regulations for that district;
- d. provide reasons for those *development permit* applications for which the *Development Officer* renders a decision to refuse an application;
- e. refer to the *Municipal Planning Commission*, with recommendations, a *development permit* for a *discretionary use*;
- f. refer to the *Municipal Planning Commission*, with recommendations, a *development permit* requesting a variance in excess of the *Development Officer's* authority for consideration and decision;
- g. refer to the *Municipal Planning Commission*, at the *Development Officer's* discretion, any *development permit* application which in their opinion should be decided by the *Municipal Planning Commission*;
- h. refer an application for *development permit*, at the *Development Officer's* discretion, to any municipal, provincial, and federal department or other agency for comment; and
- i. provide a notice of decision on a *development permit* application in accordance with this Bylaw.

SECTION 2.4 VARIANCE POWERS

2.4.1 In considering a *development permit* application, the *Development Officer* may grant a *variance* of up to 10% in residential districts for residential *uses* (any use that comprises a *dwelling unit*, not including a *mixed-use building*) where the *variance* is requested for:

- a. maximum building height;
- b. minimum front yard setback;
- c. minimum rear yard setback;
- d. minimum side yard setback;
- e. minimum *landscaping*;
- f. maximum parcel coverage; or
- g. minimum parking stall requirements.

- 2.4.2 Notwithstanding Subsection 2.4.1, the variance powers of the *Development Officer* shall be limited to one *variance per development permit* application. Applications with multiple *variances* must be considered by the *Municipal Planning Commission*.
- 2.4.3 The *Development Officer* or *Municipal Planning Commission* may approve a *variance* where in the opinion of the *Development Authority*, the proposed *development*:
- a. would not unduly interfere with the amenities of the neighbourhood,
 - b. materially interfere with or affect the use, enjoyment, or value of neighbouring *parcels*; and
 - c. conforms with a *use* prescribed for the *parcel* by this Bylaw.
- 2.4.4 The *Municipal Planning Commission* is not restricted by the *variance* limitations described in Subsection 2.4.1 or 2.4.2.
- 2.4.5 In reviewing a *development permit* application for a *variance* or a *discretionary use*, the *Development Authority* shall have regard to:
- a. the purpose and intent of the applicable district;
 - b. any Bylaws or statutory plan adopted by the Village;
 - c. the purpose and intent of any other plan and pertinent policy adopted by the Village, and
 - d. the circumstances and merits of the *development permit* application, including constraints of the *site*.
- 2.4.6 If a *variance* is granted, the *Development Authority* shall specify the nature and details of the *variance* in the *development permit*.

SECTION 2.5 SUBDIVISION AUTHORITY

- 2.5.1 The *Subdivision Authority* shall be as established by the Subdivision Authority Bylaw and will act on behalf of *Council* in those matters delegated to it by this Bylaw and the Subdivision Authority Bylaw.

SECTION 2.6 SUBDIVISION AND DEVELOPMENT APPEAL BOARD

- 2.6.1 The powers, duties and responsibilities of the *Subdivision and Development Appeal Board* are established in the Subdivision and Development Appeal Board Bylaw.

PART 3: DEVELOPMENT PERMITS

SECTION 3.1 DEVELOPMENT REQUIRING A DEVELOPMENT PERMIT

3.1.1 Unless expressly stated otherwise in this Bylaw, the approval of a *development permit* application and release of a *development permit* must be obtained before *development* can commence.

3.1.2 Except as provided in this Bylaw, no person shall undertake any *development* unless:

- a. a *development permit* has been approved and released pursuant to this Bylaw; and
- b. the *development* proceeds in accordance with the terms and conditions of the *development permit*; or
- c. the *development* is exempted from the requirement for a *development permit* in accordance with SECTION 3.3 and is otherwise in conformance with this Bylaw.

SECTION 3.2 NON-CONFORMING BUILDINGS AND USES

3.2.1 The regulation of *non-conforming buildings* and *non-conforming uses* shall be in accordance with the *MGA*.

SECTION 3.3 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

3.3.1 The following *developments* shall not require a *development permit* provided that the *development* otherwise complies with the provisions of this Bylaw, does not require a variance and meets the following qualifications for exception, or is exempted by provincial or federal legislation:

Development	Qualifications for Exception to Development Permit
a) Accessory Building	<ul style="list-style-type: none">• Provided the <i>gross floor area</i> is less than 10.0 m² in area; and• the <i>building</i> complies with the <i>setback</i> requirements for the district in which they are located.
b) Aerodrome	<ul style="list-style-type: none">• Provided the <i>use</i> directly relates to the function of the Aerodrome and is regulated by the <i>Aeronautics Act</i>, RSC 1985 c.A-2.

Development	Qualifications for Exception to Development Permit
c) Completion of a <i>Building</i> which was lawfully under construction at the date of the adoption of this Bylaw	<ul style="list-style-type: none"> • Provided the <i>building</i> is constructed and completed in accordance with the terms of any permit granted; • Provided the <i>use</i> of any such <i>buildings</i> is for the purpose for which construction was commenced; and • Meets the conditions of that permit.
d) Change of <i>use</i> of a <i>building</i> or <i>structure</i> , other than a <i>non-conforming use</i> or <i>non-conforming building</i>	<ul style="list-style-type: none"> • Provided that the requirements of any <i>development permit</i> for the existing <i>building</i> are fulfilled; and • The proposed change of use is from a <i>permitted use</i> or <i>discretionary use</i> to a <i>permitted use</i> in the district.
e) <i>Deck, Patio, Balcony</i>	<ul style="list-style-type: none"> • Provided the <i>height</i> of the <i>structure</i> is less than 0.6m from <i>grade</i>; • Is unenclosed; and • Is entirely located on private property.
f) Demolition or removal of a <i>building</i>	<ul style="list-style-type: none"> • Provided that the gross floor area of the <i>building</i> is less than 10.0m²
g) <i>Excavation, soil importing, soil removal, or stockpiling</i>	<ul style="list-style-type: none"> • Provided the <i>development</i> is associated with <i>development</i> with an approved <i>development permit</i> or Subdivision Servicing Agreement.
h) Fences, Gates or Walls	<ul style="list-style-type: none"> • Provided fences, gates or walls are: <ul style="list-style-type: none"> ○ Less than 1.0 m in <i>height</i> from grade in front yards; and ○ Less than 1.85 m in <i>height</i> from grade in side and rear yards.
i) <i>Home Office</i>	<ul style="list-style-type: none"> • Provided the <i>use</i> does not fall within the definition of a Home Occupation.
j) <i>Landscaping</i>	<ul style="list-style-type: none"> • Provided the <i>use</i> is entirely on private property; and • Does not alter the existing <i>grade</i> or natural surface drainage patterns.
k) <i>Maintenance, Renovation and Repair</i>	<ul style="list-style-type: none"> • Provided that such works do not include <i>structural alterations</i>; and • Do not change the <i>use</i> or intensity of the <i>use</i>.

Development	Qualifications for Exception to Development Permit
l) Public works, services, and Utilities	<ul style="list-style-type: none"> • Provided the <i>development</i> is for the construction, alteration, maintenance, or repair of a public roadway, pathway or trail; or • Where <i>development</i> is carried out by or on behalf of federal, provincial, or municipal public authorities.
m) <i>Sign</i>	<ul style="list-style-type: none"> • Where described as exempt in SECTION 9.1.
n) Urban Agriculture	<ul style="list-style-type: none"> • Provided the <i>development</i> is not for commercial purposes; and • Provided there are no permanent <i>buildings</i> or <i>structures</i> associated with urban agriculture.

PART 4: DEVELOPMENT PERMIT APPLICATION AND PROCEDURES

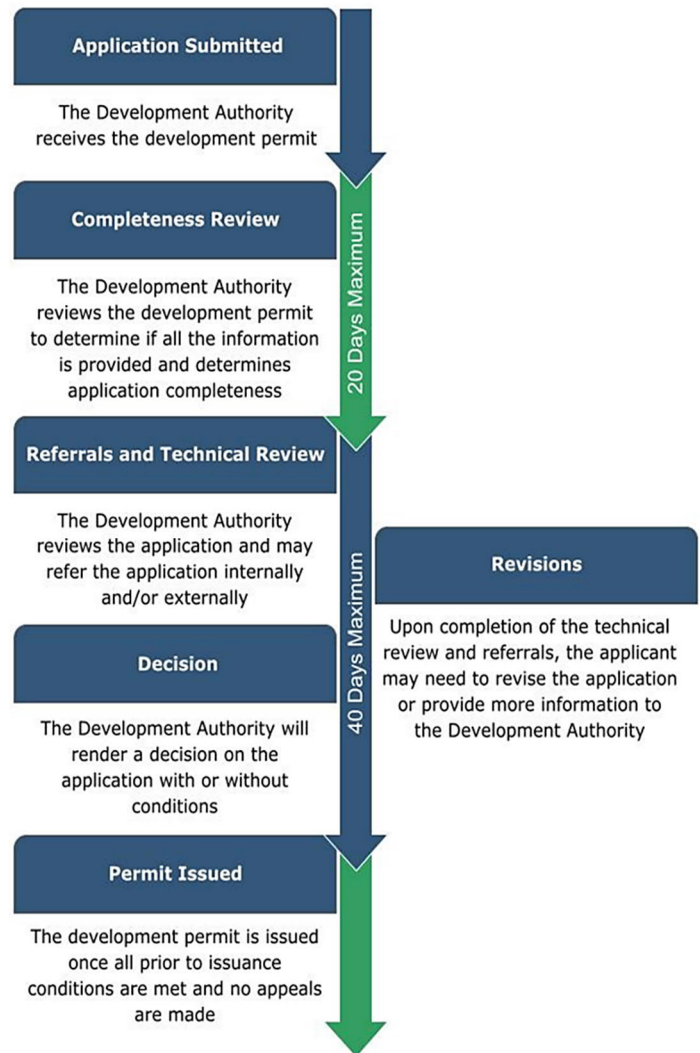
SECTION 4.1 DEVELOPMENT PERMIT APPLICATION

4.1.1 An application for a *development permit* shall be made to the *Development Authority* in writing in the form prescribed by the *Development Authority*.

4.1.2 An application for a *development permit* shall include:

- a. a completed application form signed by the registered *owner* of the subject property, and the *applicant* or the *applicant's* agent(s);
- b. an application fee;
- c. a current copy of the Certificate of Title(s) (within 30 days of the application submission date); and
- d. current copies of any restrictive covenants, caveats or easements registered on the Certificate of Title (within 30 days of the application submission date).

4.1.3 At the discretion of the *Development Authority*, an application for a *development permit* may also require:



- a. a site plan demonstrating the following elements:
 - i. Scale of 1:200 scale or other standard metric scales;
 - ii. Legal description and municipal address;
 - iii. North arrow;
 - iv. Property lines and dimensions;
 - v. Setbacks and dimensions for front, side and rear yards;
 - vi. Layout and dimensions for existing accesses and *parking area*, with existing and proposed accesses abutting *roads* and *lanes*, labelled;
 - vii. Landscaped areas;
 - viii. Where applicable, other clearly marked *site* features including but not limited to:
 - i. proposed parking and loading facilities;
 - ii. drive aisles;
 - iii. fences/retaining walls;
 - iv. storage areas;
 - v. waste and recycling facilities;
 - vi. septic tanks;
 - vii. sign locations; and
 - viii. culverts and crossings.
- b. a *landscaping* plan including but not limited to:
 - i. Percentage of *parcel area* composed of *landscaping*;
 - ii. Location and number of trees and shrubs; and
 - iii. Proposed tree and shrub species.
- c. a description of proposed uses relating to the *development*;
- d. building floor plan including:
 - i. Proposed *uses*;
 - ii. Total *gross floor area*; and
 - iii. *Building* dimensions.
- e. elevation drawings showing *height* and including details of finishing materials, colours and proposed signage; and

- f. photographs of the *site's* current condition.
- 4.1.4 The *Development Authority* may require additional information to review and properly evaluate a proposed *development* including but not limited to:
- a. Copies of any provincial, or federal approvals, licenses or permits;
 - b. Biophysical Assessment;
 - c. Construction Fire Safety Plan;
 - d. Environmental Impact Assessment;
 - e. Grading Plan;
 - f. Lighting Plan;
 - g. Noise Attenuation Study;
 - h. Parking Study;
 - i. Plot Plan (prepared by an Alberta Land Surveyor);
 - j. Remediation Plan;
 - k. Risk Assessment;
 - l. Site Servicing plan;
 - m. Traffic Impact Assessment; and/or
 - n. Any other information deemed necessary by the *Development Authority*.
- 4.1.5 Technical studies, plans, or assessments requested by the *Development Authority* must be prepared by registered professionals qualified in their respective fields and shall include certification by the professional who prepared the document.

SECTION 4.2 DEVELOPMENT PERMIT APPLICATION COMPLETENESS

- 4.2.1 An application for a *development permit* shall not be considered complete until such time as the requirements of SECTION 4.1 have been met to the satisfaction of the *Development Authority*.
- 4.2.2 The sufficiency and quality of information and documentation for requirements for a *development permit* application in SECTION 4.1 shall be at the discretion of the *Development Authority*.
- 4.2.3 In reviewing a *development permit* application for completeness, the *Development Authority* may:

- a. determine the application complete, or
 - b. deem the application incomplete until all details have been submitted.
- 4.2.4 The *Development Authority* shall determine whether the application is complete within 20 days after the receipt of an application for a *development permit*.
- 4.2.5 The *Development Authority* and *applicant*, through an agreement in writing, may extend the timeframe for the *Development Authority* to determine whether the *development permit* application is complete as per Subsection 4.2.4.
- 4.2.6 If deemed complete, the *Development Authority* must issue to the applicant a Notice of Completeness of a *development permit* application in writing by regular mail or electronic mail acknowledging that the application is complete.
- 4.2.7 The Notice of Completeness shall specify:
- a. the date on which the application was deemed complete;
 - b. the type of development;
 - c. the legal land description; and
 - d. the *applicant's* name.
- 4.2.8 If deemed incomplete, the *Development Authority* must issue to the applicant a Notice of Incompleteness of a *development permit* in writing by regular mail or electronic mail within the time period identified in Subsection 4.2.4.
- 4.2.9 The Notice of Incompleteness for a *development permit* shall:
- a. specify the reasons why the application has been determined incomplete; and
 - b. set date by which all outstanding information and documents must be submitted.
- 4.2.10 If the *applicant* fails to submit all the outstanding information and documents of an incomplete *development permit* on or before the date established through the Notice of Incompleteness in Subsection 4.2.8, the *Development Authority* may:
- a. through an agreement in writing, extend the timeframe to receive the outstanding information and documents required to deem the application is complete; or
 - b. refuse the application for incompleteness.

4.2.11 If the *Development Authority* fails to issue a Notice of Completeness or a Notice of Incompleteness to the Applicant within 20 days after the receipt of an application, the *development permit* application is deemed to be complete.

4.2.12 Despite issuing a Notice of Completeness, or where an application is deemed to be complete, the *Development Authority* may at any time request additional information or documentation that they consider necessary to review the *development permit* application.

SECTION 4.3 INTERMUNICIPAL AND OTHER REFERRALS

4.3.1 *Development permit* applications that meet the requirements for referral under the Village of Boyle Municipal Development Plan or other municipal Statutory Plans shall be referred, once deemed complete, to the Athabasca County Chief Administrative Officer, or designated authority.

4.3.2 The *Development Authority* shall give consideration to any recommendations or comments received from Athabasca County in making a decision on a *development permit* application.

4.3.3 The *Development Authority* may refer a *Development Permit* application to any Village department, municipal, provincial, federal department or any other agency or body.

SECTION 4.4 DECISIONS ON DEVELOPMENT PERMITS

4.4.1 The *Development Authority* must make a decision on an application for a *development permit* within 40 days after the application has been deemed complete.

4.4.2 The *Development Authority* and *applicant*, through an agreement in writing, may extend the timeframe to issue a decision on a *development permit*.

4.4.3 If the *Development Authority* does not issue a Notice of Decision within 40 days following the submission of a *development permit*, and no extension has been agreed to with the *applicant*, the *applicant* may deem the application to be refused.

SECTION 4.5 NOTICE OF APPLICATION

4.5.1 Prior to making a decision on an application for a *development permit* for a *discretionary use* or *variance* application, the *Development Authority* shall provide a Notice of Application by:

- a. letter, mailed to *adjacent* landowners; and

- b. posting a notice on the property where the *development* is proposed, in the form of temporary signage.

4.5.2 The Notice of Application for a *development permit* shall describe:

- a. the proposed *use*;
- b. legal description and municipal address;
- c. if the *use* is a *permitted use* or *discretionary use*;
- d. if the *development* requests a *variance*, the *variance* requested;
- e. methods to provide feedback; and
- f. a deadline for feedback to be submitted for consideration.

SECTION 4.6 NOTICE OF DECISION

4.6.1 Following a decision on a *development permit*, the *Development Authority* shall issue a Notice of Decision to the *applicant* in writing and include:

- a. the decision made by the *Development Authority*;
- b. the date on which the decision was made;
- c. the applicable appeal body;
- d. the deadline for appeal; and
- e. any conditions.

4.6.2 When an application for a *development permit* is refused, the *Development Authority* shall include in the Notice of Decision the reasons for refusal.

4.6.3 The *Development Authority* shall mail copies of a Notice of Decision for an approved *development permit* for a *discretionary use* or an approved *development permit* with a *variance* to *adjacent* landowners.

4.6.4 The *Development Authority* may advertise a Notice of Decision in the local newspaper and/or on the Village website.

SECTION 4.7 PERMITTED USE APPLICATIONS

4.7.1 The *Development Authority* must approve a *development permit* application for a *permitted use* that conforms to the provisions of this Bylaw, with or without conditions as provided for in this Bylaw.

4.7.2 If a *development permit* application for a *permitted use* does not conform to all provisions of this Bylaw, the *Development Authority* may:

- a. grant a *variance* to approve the application, with or without conditions;
- b. require that the use or building conform to the provisions of this Bylaw; or
- c. refuse the application.

SECTION 4.8 DISCRETIONARY USE APPLICATIONS

4.8.1 In issuing a decision for a *development permit* for a *discretionary use*, the *Development Authority* may:

- a. approve the application, with or without conditions; or
- b. refuse the application stating reasons.

4.8.2 If a *development permit* application for a *discretionary use* does not conform to all provisions of this Bylaw, the *Development Authority* may:

- a. grant a *variance* to approve the application with or without conditions;
- b. require that the use or building conform to the provisions of this Bylaw; or
- c. refuse the application.

SECTION 4.9 SIMILAR USE

4.9.1 In situations where an application for *development* does not align with any of the *uses* described in this Bylaw for the applicable district, the *Development Authority* may determine that the *use* is similar to another *use* defined in this Bylaw.

4.9.2 *Similar uses* shall only be allowed in a district where the proposed use is similar to a listed *permitted use* or *discretionary use* in that district.

4.9.3 *Similar uses* shall be subject to the same regulations as the *use* they are similar to.

4.9.4 Where a *use* has been interpreted as similar to a *discretionary use* the *Development Officer* shall:

- a. refer the application to the *Municipal Planning Commission*; and
- b. notify *adjacent* landowners subject to SECTION 4.5.

SECTION 4.10 VALIDITY OF A DEVELOPMENT PERMIT

4.10.1 An approved *development permit* shall be required to commence construction within one year of the date of approval.

- 4.10.2 Where construction has not commenced within one year from the date of approval, the *development permit* shall be considered to have lapsed, unless the *applicant* has been granted an extension by the *Development Authority* in writing.
- 4.10.3 Unless stated otherwise in the Notice of Decision, conditions associated with an approved *development permit* shall be required to be completed within 1 year of a decision.
- 4.10.4 Unless stated otherwise in the Notice of Decision, in situations where conditions are not met within one year of decision, the *development permit* shall be considered to have lapsed, unless the *applicant* has been granted an extension in writing by the *Development Authority*.
- 4.10.5 An approved *development* must be completed to the satisfaction of the *Development Authority* within two years following the commencement of construction unless the *applicant* is granted a time extension in writing by the *Development Authority*.
- 4.10.6 Notwithstanding Subsection 4.10.5, the *Development Authority* may grant an extension to the time to complete an approved *development* for up to a maximum of one year.
- 4.10.7 If construction has been discontinued for a period of one year, the *development permit* shall be considered to have lapsed.

SECTION 4.11 CONDITIONS OF DEVELOPMENT PERMIT

- 4.11.1 The *Development Authority* may approve a *development permit* with conditions:
- a. to uphold the intent and objectives of the Municipal Development Plan and any other statutory plans under preparation or adopted by the Village;
 - b. to conform to the applicable provisions of this Bylaw;
 - c. to require securities that ensure the performance of conditions imposed on the *development permit* by this Bylaw;
 - d. The *Development Authority*, in imposing conditions on a *development permit* may:
 - i. For a *permitted use*, impose conditions only to ensure compliance with this Bylaw, or
 - ii. For a *permitted use* with a *variance* or a *discretionary use* with or without a *variance*, impose conditions as deemed appropriate, so long as they serve a legitimate planning objective

and do not sub-delegate the *Development Authority's* discretionary powers; and

- e. any other conditions the *Development Authority* may deem necessary.

4.11.2As a condition of *development permit* approval, the *Development Authority* may require that the applicant enter into a Development Agreement with the Village to construct or pay for any of the following:

- a. the installation of utilities that are needed to serve the *development*
- b. the construction of a roadway required to access the *development*;
- c. any offsite levy;
- d. any new road furniture, curbing, sidewalk or *landscaping* which may be damaged or destroyed by the *development* or *building* operations; and
- e. the reparation or reinstatement of original or improved conditions of any existing public road furniture, curbing, sidewalk or *landscaping* which may be damaged or destroyed by the *development* or *building* operations;
- f. securities to ensure that the Development Agreement has been carried out;
- g. the completion of reports and studies; and
- h. any other matters the *Development Authority* considers appropriate.

4.11.3The Village may register a caveat against the property being developed to ensure compliance with the Development Agreement, which shall be discharged when the Development Agreement has been complied with.

SECTION 4.12 RELEASE OF DEVELOPMENT PERMIT

4.12.1To allow adequate time for appeals, the *Development Authority* shall not release a *development permit* until 21 days after issuance of the Notice of Decision.

4.12.2If no appeal is received within 21 days, the *Development Authority* shall release the *development permit*.

SECTION 4.13 APPEALS PROCEDURE

4.13.1If an appeal is received within 21 days after issuance of the Notice of Decision, the *Development Authority* shall not release the *development*

permit until a decision is made by the *Subdivision and Development Appeal Board* or the *Land and Property Rights Tribunal*.

4.13.2 The *development permit* appeal process shall be in accordance with the *MGA*, and the *Subdivision and Development Appeal Board Bylaw*, as amended, or the *Land and Property Rights Tribunal Act*, as applicable.

SECTION 4.14 REPEAT APPLICATIONS

4.14.1 Where a *development permit* has been refused by the *Development Authority* or the *Subdivision and Development Appeal Board* or the *Land and Property Rights Tribunal*, the submission of another application for a *development permit* on the same *parcel* of land for the same *use* will not be accepted by the *Development Authority* for up to 6 months after the date of refusal.

4.14.2 Notwithstanding SECTION 4.15.1, at the discretion of the *Development Authority*, an application for a *development permit* may be accepted within 6 months of the date of refusal.

4.14.3 If a *development permit* decision is under appeal the submission of another application for the same *use* or *similar use* or *development* on the same *parcel* shall not be accepted.

SECTION 4.15 CHANGES TO AN APPROVED DEVELOPMENT PERMIT

4.15.1 Where an amendment to an approved *development permit* is required as a result of a change in the proposed *development*, the person in whose name the *development permit* was issued may request an amendment to the approved *development permit*.

4.15.2 Applications for amendments to an approved *development permit* may require updated or new submissions, as described in SECTION 4.1, at the discretion of the *Development Authority* and updated or new notice of the application to be provided, as described in SECTION 4.3.

4.15.3 In considering proposed amendments to an approved *development permit*, the *Development Authority*:

- a. shall require amendments to comply with the requirements of the current *Bylaw*, unless a *variance* is granted by the *Development Authority* in accordance with the *Bylaw*; and
- b. may amend existing *variances* or conditions.

SECTION 4.16 REVOKING OR SUSPENDING A DEVELOPMENT PERMIT

4.16.1 The *Development Authority* may cancel, suspend, or modify a *development permit* by written notice to the holder of the *development permit* when, after a *development permit* has been issued, the *Development Authority* becomes aware of one of the following circumstances:

- a. the *development permit* application contained a misrepresentation;
- b. facts concerning the *development permit* application or the *development* were not disclosed which should have been disclosed at the time the application was considered;
- c. the *development permit* was issued in error; or
- d. the owner requests cancellation of the *development permit* in writing.

4.16.2 A person whose *development permit* is cancelled, suspended, or modified may appeal to the *Subdivision and Development Appeal Board* or the *Land and Property Rights Tribunal* in accordance with the *MGA*.

PART 5: SUBDIVISION APPLICATION AND PROCEDURES

SECTION 5.1 SUBDIVISION APPLICATION REQUIREMENTS

5.1.1 An application proposing to subdivide land shall be in accordance with the MGA and the Matters Related to Subdivision and Development Regulation, as amended.

SECTION 5.2 SUBDIVISION APPLICATION COMPLETENESS

5.2.1 The *Subdivision Authority* must determine if the subdivision application is complete within 20 days of the receipt of an application for *subdivision*.

5.2.2 After reviewing a *subdivision* application for completeness, the *Subdivision Authority* shall:

- a. determine the application is complete and provide Notice of Completeness to the *applicant*; or
- b. deem the application incomplete and provide a Notice of Incompleteness to the *applicant*.

5.2.3 A *subdivision* application is considered complete if:

- a. in the opinion of the *Subdivision Authority*, the application contains all information necessary to review the application; or
- b. the *Subdivision Authority* fails to issue a Notice of Completeness or a Notice of Incompleteness to the *applicant* within 20 days after the receipt of an application.

5.2.4 The *Subdivision Authority* and *applicant*, through an agreement in writing, may extend the timeframe to deem a *subdivision* application complete.

5.2.5 If a *subdivision* application is deemed complete, the *Subdivision Authority* must issue the applicant a Notice of Completeness, in writing by regular mail or electronic mail, acknowledging the application is complete.

5.2.6 The Notice of Completeness shall:

- a. specify the date of which the application was deemed complete;
- b. the type of *development*;
- c. the legal land description; and
- d. the applicant's name.

- 5.2.7 Despite issuing a Notice of Completeness, or where a *subdivision* application is deemed to be complete, the *Subdivision Authority* may request additional information or documentation that they consider necessary to review the application.
- 5.2.8 If a *subdivision* application is deemed incomplete, the *Subdivision Authority* must issue to the applicant a Notice of Incompleteness, in writing by regular mail or electronic mail.
- 5.2.9 The Notice of Incompleteness for a *subdivision* application shall:
- a. specify the reasons why the application has been determined incomplete, and
 - b. set a date by which all outstanding information and documents must be submitted.
- 5.2.10 If the *applicant* fails to submit all outstanding information and documents of an incomplete *subdivision* application on or before the date established through the Notice of Incompleteness in Subsection 5.2.10, the *Subdivision Authority* may:
- a. through an agreement in writing, extend the timeframe to receive the outstanding information and documents required to deem the application complete; or
 - b. refuse the application for incompleteness.

SECTION 5.3 CIRCULATION AND REFERRALS

- 5.3.1 Upon deeming an application complete the *Subdivision Authority* must issue a notice of the *subdivision* application in accordance with *MGA*.
- 5.3.2 A *subdivision* application that meets the requirements for referral under the Village of Boyle Municipal Development Plan or other municipal Statutory Plans shall be referred, once deemed complete, to the Athabasca County Chief Administrative Officer, or designated authority.
- 5.3.3 The *Subdivision Authority* shall give consideration to any recommendations or comments received from Athabasca County in making a decision on the *subdivision* application.

SECTION 5.4 DECISIONS ON SUBDIVISION

- 5.4.1 The *Subdivision Authority* must make a decision on an application for *subdivision* in accordance with the *MGA*.

SECTION 5.5 NOTICE OF DECISION

- 5.5.1 Notice of Decision on a *subdivision* application shall be given in accordance with the *MGA*.
- 5.5.2 The applicant shall meet the conditions identified in the Notice of Decision for the *subdivision* application within one year, or the application is considered to have lapsed except for those of a continuing nature.
- 5.5.3 The Notice of Decision for a *subdivision* application shall be provided to the *applicant* in a written form prescribed by the Village.
- 5.5.4 If the *Subdivision Authority* refuses a subdivision application, the *Subdivision Authority* shall provide a Notice of Decision stating the reasons for refusal.

SECTION 5.6 SUBDIVISION APPEALS

- 5.6.1 The *subdivision* appeal process shall be in accordance with the *MGA* and the Subdivision and Development Appeal Board Bylaw, as amended, and *Land and Property Right Tribunal Act*, as amended, as applicable.

SECTION 5.7 SUBDIVISION TIME EXTENSION

- 5.7.1 Notwithstanding Subsection 5.5.2, if the *subdivision* conditions cannot be met the *Subdivision Authority* may grant an extension to allow *subdivision* conditions to be met.

SECTION 5.8 REVOKING OR SUSPENDING SUBDIVISION

- 5.8.1 If it is determined prior to registration of the Plan of Survey that a *subdivision* approval has been granted on the basis of incorrect information contained in the application, such approval may be revoked or suspended by the *Subdivision Authority*.

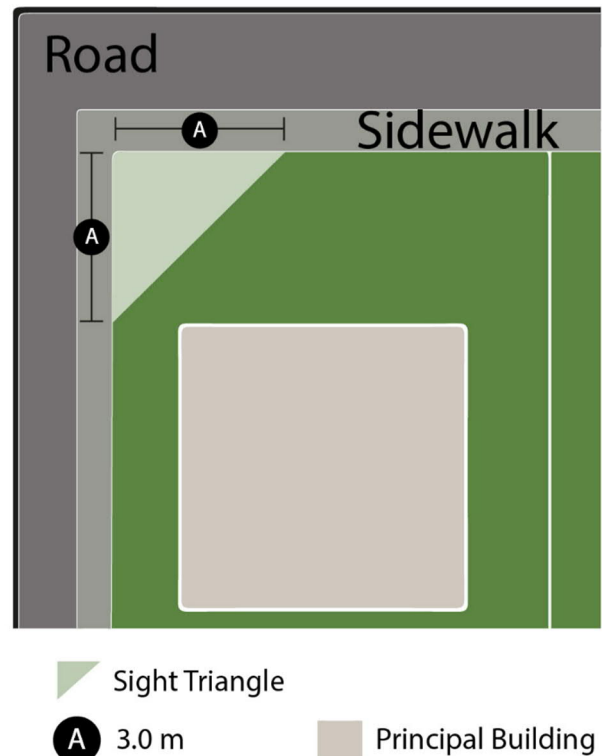
PART 6: DEVELOPMENT REQUIREMENTS APPLICABLE TO ALL DISTRICTS

SECTION 6.1 CORNER PARCEL

- 6.1.1 *Corner parcels* shall maintain a minimum sight triangle of 3.0 m in length from each road frontage.
- 6.1.2 No fence, wall, tree, bush, *sign*, or *structure* erected, placed, or maintained shall exceed 1.0 m in *height* within the sight triangle of a *corner parcel*.

SECTION 6.2 DEMOLITION AND REMOVAL OF BUILDINGS

- 6.2.1 A *development permit* shall be required for the demolition or removal of any *building* or *structure* with a *gross floor area* greater than 10.0 m².
- 6.2.2 At the discretion of the *Development Authority*, and as a condition of approval of a *development permit* for demolition or removal of a building, the applicant may be required to:
 - a. conduct reclamation of the *site*;
 - b. provide mitigation measures that protect public and private property;
 - c. restrict access to the *site* through protective barriers; and/or
 - d. meet any other condition deemed appropriate by the *Development Authority*.



SECTION 6.3 FENCES

- 6.3.1 Fence *height* shall be measured from *grade*.
- 6.3.2 Fence *height* for all *parcels*, including corner *parcels*, shall not exceed:
- 1.0 m in front yards;
 - 1.83 m in side yards; and
 - 1.83 m in rear yards.
- 6.3.3 Barbed wire or paige wire fences shall only be allowed in the Industrial (I) District.

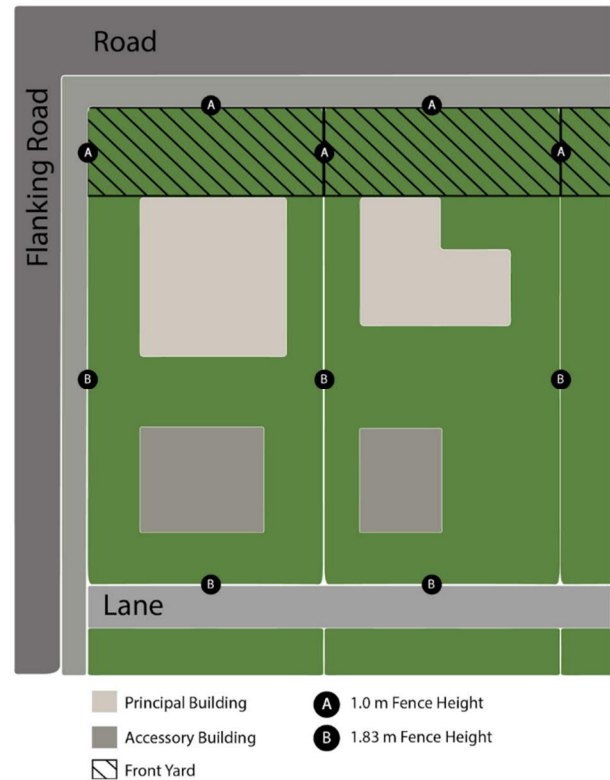
SECTION 6.4 LANDSCAPING

General Landscaping Standards

- 6.4.1 *Landscaping* may consist of *hard* or *soft landscaping*, or a combination of both.
- 6.4.2 All required *landscaping* shall be planted within two years after *development permit* issuance.
- 6.4.3 *Developments* shall provide *landscaping* in the front yard, unless, in the case of a *corner lot*, both *road* frontages shall be landscaped.
- 6.4.4 Where a landscaping plan is required in SECTION 4.1, trees shall be provided at the minimum ratio of one tree per 65 m² (700 ft.²) of landscaped area provided, with a minimum of one tree per parcel.
- 6.4.5 Notwithstanding other provisions of this Bylaw, at the discretion of the *Development Authority*, the *Development Authority* may allow an area of a *site* that is eligible to be landscaped to be left in its natural state, if it is of the opinion of the *Development Authority* that the natural state of the *site* would enhance the *development*.

LANDSCAPING REQUIREMENTS FOR RESIDENTIAL DISTRICTS

- 6.4.6 A Single-Detached Dwelling shall *landscape* a minimum of 30% of the front yard.
- 6.4.7 A Semi-Detached/Duplex Dwelling shall *landscape* a minimum of 30% of the front yard.



6.4.8 All other *uses* shall landscape a minimum of 20% of the front yard.

LANDSCAPING REQUIREMENTS FOR NON-RESIDENTIAL DISTRICTS

6.4.9 A Single-Detached Dwelling shall *landscape* a minimum of 30% of the front yard.

6.4.10A Semi-Detached/Duplex Dwelling shall *landscape* a minimum of 30% of the front yard.

6.4.11 All other *uses* in the Commercial (C) District and Downtown Core (DTC) District shall *landscape* a minimum of 20% of the front yard.

6.4.12 Notwithstanding SECTION 6.4.11, in the Downtown Core (DTC) District where a *building* with a 0 m *front yard setback* abuts a public sidewalk, alternative *landscaping* should be provided, such as planters boxes on either side of building entrances.

6.4.13 All *uses* in the Industrial (IND) District shall *landscape* a minimum of 10% of the front yard.

6.4.14 All *uses* in the Institutional (I) District shall be *landscaped* to the satisfaction of the *Development Authority*.

SECTION 6.5 MIXED USE BUILDINGS

6.5.1 A *mixed-use building* may be occupied by a combination of 1 or more *uses* listed in a district, at the discretion of the *Development Authority*.

6.5.2 Each *use* within a *mixed-use building* shall be considered a separate *use* and each *use* shall require a *Development Permit*.

6.5.3 *Dwelling units* in a *mixed-use building* must be located above or behind the non-residential *use(s)*.

6.5.4 Each individual *dwelling unit* in a *mixed-use building* shall have an entrance separate from the non-residential *use(s)* with each *dwelling unit* having indirect (such as via a hallway) or direct access.

SECTION 6.6 MODULAR CONSTRUCTION

6.6.1 A *modular building* must be placed on a permanent foundation.

SECTION 6.7 MULTI-BUILDING DEVELOPMENT

6.7.1 Where multiple *buildings* are proposed on a *site* or *parcel*, the *buildings* shall relate to one another in terms of appearance, building orientation, and *landscaping*, to the satisfaction of the *Development Authority*.

SECTION 6.8 DRIVEWAYS AND ACCESSES

- 6.8.1 All driveways and accesses shall be in a location acceptable to the *Development Authority*.
- 6.8.2 All driveways and accesses shall be surfaced to the satisfaction of the *Development Authority*.
- 6.8.3 All driveways and accesses shall be graded to the satisfaction of the *Development Authority*.

SECTION 6.9 PARKING AREAS, PARKING STALLS AND LOADING STALLS

PARKING AREAS AND PARKING STALLS

- 6.9.1 All parking areas shall be in a location acceptable to the *Development Authority*.
- 6.9.2 All parking areas shall be surfaced to the satisfaction of the *Development Authority*.
- 6.9.3 All parking areas shall be graded to the satisfaction of the *Development Authority*.
- 6.9.4 Unless through an exemption in SECTION 6.9.20, all parking areas, parking stalls and loading stalls required for a *use* shall be located on-site on private property.
- 6.9.5 Parking areas for non-residential *uses* that share a boundary line with a residential *parcel* shall be screened to the satisfaction of the *Development Authority*.
- 6.9.6 Barrier-free parking stalls shall comply with the dimension requirements of the *Alberta Building Code*, as amended.
- 6.9.7 Where the number of required parking stalls results in a fractional number, the total number of parking stalls required shall be rounded up to the next whole number.
- 6.9.8 In the case of a *use* not specifically mentioned, the required number of on-site parking stalls shall be the same as for a *similar use*, at the discretion of the *Development Authority*.
- 6.9.9 In the case of a *mixed-use building* or a mix of *uses* on the same *site*, the required number of on-site parking stalls shall be calculated based on the sum of requirements for each *use*.
- 6.9.10 Notwithstanding SECTION 6.9.9, where an application for a *mixed-use building* or a mix of *uses* on the same *site* can demonstrate shared parking

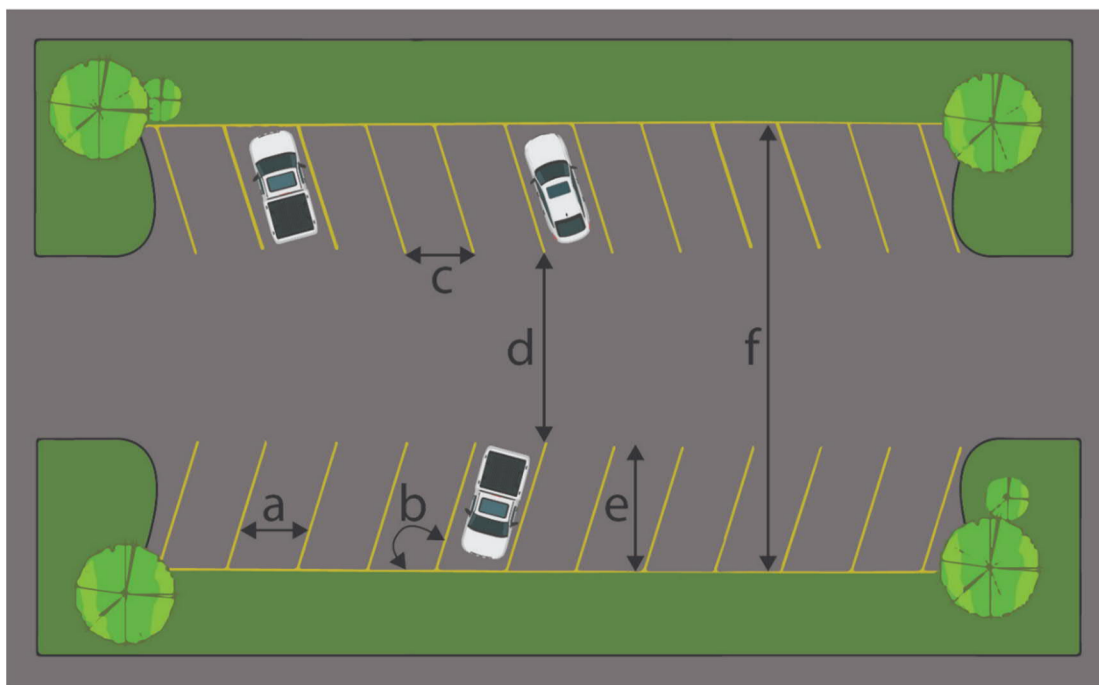
opportunities, the number of required parking stalls may be reduced at the discretion of the *Development Authority*.

6.9.11 Parking areas shall:

- a. provide accesses to, and exits from, a *road* or *lane* such that backing or turning movements of motor vehicles entering or exiting the *site* avoid interference with traffic on the abutting *roads* or *lanes*; and
- b. be designed to the satisfaction of the *Development Authority*.

6.9.12 Parking stalls and parking areas shall comply with the following minimum dimensions:

Stall Width (a)	Parking Angle (b)	Width of Stall Parallel to Maneuvering Aisle (c)	Width of Maneuvering Aisle (one way) (d)	Depth of Stall Perpendicular to Maneuvering Aisle (e)	Overall Depth (f)
2.7m	0°	7.0m	3.6m	2.7m	9.1 m
2.7m	30°	5.5m	3.6m	5.2m	14.0m
2.7m	45°	4.0m	3.6 m	5.8m	15.2 m
2.7m	60°	3.1 m	6.0m	6.1 m	18.3 m
2.7m	90°	2.7m	7.3 m	6.1 m	18.3 m



6.9.13 The number of on-site parking stalls required for residential *uses* shall conform to the following requirements, unless otherwise stated in this Bylaw:

Residential Use	Minimum Number of On-Site Parking Stalls Required
a. Apartment	1.0 per <i>dwelling unit</i> , plus 0.15 stalls per <i>dwelling unit</i> for visitor parking.
b. Backyard Suite	1.0 in addition to the parking required for the <i>principal building</i> .
c. Bed and Breakfast	1.0 for each guest room in addition to the parking required for the <i>principal building</i> .
d. Day Home	1.0 in addition to the parking required for the <i>principal building</i> .
e. Duplex/Semi-Detached Dwelling	1.0 per <i>dwelling unit</i> .
f. Home Occupation, Major	1.0 in addition to the parking required for the <i>principal building</i> .
g. Home Occupation, Minor	1.0 in addition to the parking required for the <i>principal building</i> .
h. Manufactured Dwelling	1.0 per <i>dwelling unit</i> .
i. Multi-Attached Dwelling	1.0 per <i>dwelling unit</i> , plus 0.15 stalls per <i>dwelling unit</i> for visitor parking.
j. Secondary Suite	1.0 in addition to the parking required for the <i>principal building</i> .
k. Single-Detached Dwelling	1.0 per <i>dwelling unit</i> .

6.9.14 The number of on-site parking stalls required for non-residential uses shall conform to the following requirements, unless otherwise stated in this Bylaw:

Non-Residential Use	Minimum Number of On-Site Parking Stalls Required
a. Abattoir	At the discretion of the <i>Development Authority</i>
b. Aerodrome	At the discretion of the <i>Development Authority</i>
c. Agriculture	At the discretion of the <i>Development Authority</i>
d. Agricultural Equipment and Sales	1.0 per 100 m ² of <i>gross floor area</i>
e. Artisan Studio	1.0 plus 1.0 for every 46 m ² of <i>gross floor area</i>
f. Assisted Living Facility	At the discretion of the <i>Development Authority</i>
g. Auto Sales and Service	1.0 plus 1.0 for every 46 m ² of <i>gross floor area</i>
h. Brewery, Winery, Distillery	1.0 plus 1.0 for every 46 m ² of <i>gross floor area</i>
i. Bulk Fuel Sales	At the discretion of the <i>Development Authority</i>
j. Campground	At the discretion of the <i>Development Authority</i>
k. Cannabis Store	1.0 plus 1.0 for every 46 m ² of <i>gross floor area</i>
l. Cannabis Production Facility	1 per 100 m ² of <i>gross floor area</i>
m. Car Wash	At the discretion of the <i>Development Authority</i>
n. Cemetery	At the discretion of the <i>Development Authority</i>
o. Child Care Facility	At the discretion of the <i>Development Authority</i>
p. Commercial	1.0 plus 1.0 for every 46 m ² of <i>gross floor area</i>
q. Convenience Retail	1.0 plus 1.0 for every 46 m ² of <i>gross floor area</i>
r. Crematorium	At the discretion of the <i>Development Authority</i>
s. Eating and Drinking Establishment	1.0 plus 1.0 for every 46 m ² of <i>gross floor area</i>
t. Eating Establishment, Drive-Through	1.0 plus 1.0 for every 46 m ² of <i>gross floor area</i>
u. Entertainment Establishment	At the discretion of the <i>Development Authority</i>

Non-Residential Use	Minimum Number of On-Site Parking Stalls Required
v. End of Life Care	At the discretion of the <i>Development Authority</i>
w. Fitness Studio	1.0 plus 1.0 for every 46 m ² of <i>gross floor area</i>
x. Health Care Services	At the discretion of the <i>Development Authority</i>
y. Health Services Laboratory	At the discretion of the <i>Development Authority</i>
z. Hospital	At the discretion of the <i>Development Authority</i>
aa. Hotel, Motel	1.0 per guest room
bb. Industrial	1 per 100 m ² of <i>gross floor area</i>
cc. Instructional Facility	At the discretion of the <i>Development Authority</i>
dd. Liquor Store	1.0 plus 1.0 for every 46 m ² of <i>gross floor area</i>
ee. Office	1.0 plus 1.0 for every 46 m ² of <i>gross floor area</i>
ff. Outdoor Storage	Provided through the <i>principal use</i>
gg. Parks and Playgrounds	At the discretion of the <i>Development Authority</i>
hh. Pet Services	1.0 plus 1.0 for every 46 m ² of <i>gross floor area</i>
ii. Public Assembly	At the discretion of the <i>Development Authority</i>
jj. Public Services	At the discretion of the <i>Development Authority</i>
kk. Recreation Facility	At the discretion of the <i>Development Authority</i>
ll. Retail and Consumer Service	1.0 plus 1.0 for every 46 m ² of <i>gross floor area</i>
mm. Service Station	1.0 plus 1.0 for every 46 m ² of <i>gross floor area</i>
nn. Transportation Service	At the discretion of the <i>Development Authority</i>
oo. Veterinary Clinic	1.0 plus 1.0 for every 46 m ² of <i>gross floor area</i>

QUEUING LANES AND SPACES

6.9.15 Queuing lanes for non-residential *uses* that share a boundary line with a residential *parcel* shall be screened to the satisfaction of the *Development Authority*.

6.9.16 Queuing spaces shall comply with the following minimum dimensions:

- a. 3.0 m in width; and

b. 6.4 m in length.

6.9.17 Queuing spaces must not interfere with pedestrian crossings, vehicle parking, or access to the *site*.

LOADING STALL

6.9.18 Loading stalls shall comply with the following minimum dimensions:

- a. 4.2 m in width;
- b. 9.0 m in length; and
- c. 4.2 m of *height* clearance.

6.9.19 The number of on-site loading stalls shall conform to the following requirements, unless otherwise stated in this Bylaw:

Use	Minimum Number of Loading Stalls Required
a. Non-residential uses classified in SECTION 6.9.14 located in the Commercial (C) District and Industrial (IND) District	A minimum of 1.0 loading stall per 900 m ² of <i>gross floor area</i> . The requirement for additional loading stalls is at the discretion of the <i>Development Authority</i> .
b. All <i>uses</i> in the Institutional (I) District	At the discretion of the <i>Development Authority</i>

PARKING AND LOADING STALL EXEMPTIONS

6.9.20 Notwithstanding the provisions in SECTION 6.9, parking stall and loading stall requirements along 3rd Street in the Downtown Core (DTC) District shall be determined at the discretion of the *Development Authority*.

SECTION 6.10 PROJECTIONS

6.10.1 No portion of a *principal building* shall project onto, over, or into any required yard setback except in accordance with the following:

Projection	Front Yard Setback	Rear Yard Setback	Side Yard Setback
Eaves, sills, and gutters	0.61 m	0.61 m	0.61 m
Bay window	0.61 m	0.61 m	0.61 m
Canopy	0.61 m	0.61 m	0.61 m
Chimney	0.61 m	0.61 m	0.61 m
Unenclosed steps, landings, or entranceways	2.0 m	2.0 m	1.0 m into one side yard only
An unenclosed balcony, <i>deck</i> or <i>patio</i> above 0.61 m from <i>grade</i> in a residential district	2.0 m	3.0 m	2.0 m
An unenclosed balcony, <i>deck</i> or <i>patio</i> above 0.61 m from <i>grade</i> in a non-residential district	At the discretion of the <i>Development Authority</i>		

6.10.2 Notwithstanding SECTION 6.10.1, the eaves of an Accessory Building may project up to 0.61 m into any yard setback.

SECTION 6.11 RAISING OF LIVESTOCK

6.11.1 No *livestock* or any other animals other than *domestic pets* shall be raised, bred or kept at any level of intensity within the Village municipal boundary except for the short-term holding of animals associated with an approved Abattoir or Veterinary Clinic.

SECTION 6.12 RELOCATION OF BUILDINGS AND STRUCTURES

6.12.1 The *Development Authority* shall not approve a *Development Permit* to relocate a *building* or *structure* unless the *building* or *structure* is intended for a *use* that is listed in the district in which it is proposed to be located.

SECTION 6.13 SCREENING AND BUFFERING

- 6.13.1 Mechanical systems including heating, ventilation, air conditioning, generators and pumps equipment shall be screened to the satisfaction of the *Development Authority*.
- 6.13.2 In residential districts, or where a non-residential parcel shares a boundary line with a residential parcel, mechanical systems including heating, ventilation, air conditioning, generators and pumps equipment shall not be allowed in the side yard.
- 6.13.3 A non-residential parcel that shares a boundary line with a residential parcel shall provide *screening* and/or buffering, to the satisfaction of the *Development Authority*.
- 6.13.4 *Screening* and buffering requirements may be met through:
- a. fencing;
 - b. berms;
 - c. *landscaping*; or
 - d. a combination thereof, to the satisfaction of the *Development Authority*.

SECTION 6.14 SERVICING REQUIREMENTS

- 6.14.1 As necessary to serve the *development*, all new *development permit* and *subdivision* applications must demonstrate, to the satisfaction of the *Development Authority*:
- a. adequate sewage collection and disposal;
 - b. water supply and distribution;
 - c. storm water collection and storage; and
 - d. road infrastructure capacity.

SECTION 6.15 WASTE CONTAINERS

- 6.15.1 All *developments* shall provide containers for the purpose of depositing waste, debris, and recyclable materials to the satisfaction of the *Development Authority*.
- 6.15.2 Areas storing waste and recycling containers shall be screened from public view to the satisfaction of the *Development Authority*.

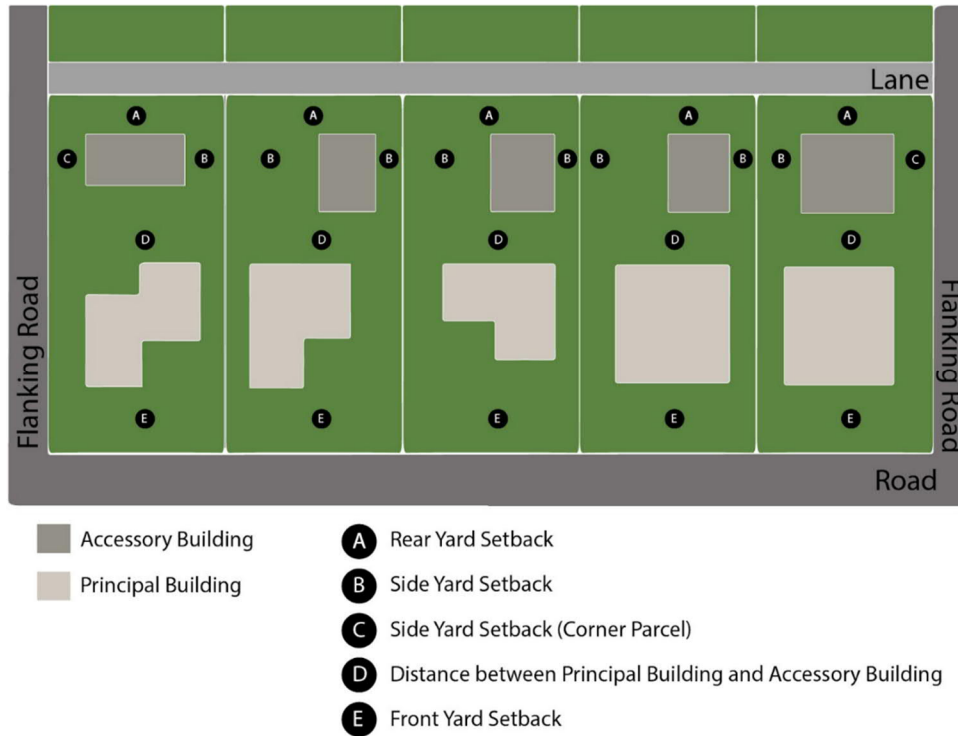
PART 7: USE SPECIFIC REGULATIONS

SECTION 7.1 GENERAL REGULATIONS APPLICABLE TO ALL USES

- 7.1.1 A business license must be obtained for all businesses in accordance with the Village Business Licence Bylaw.
- 7.1.2 Any proposed *development* that may have an effect on airport operations will be referred to the specific Airport Commission or Authority, Transport Canada and NavCanada.

SECTION 7.2 ACCESSORY BUILDING

- 7.2.1 A *dwelling unit* is not allowed in an *Accessory Building* unless as part of a Backyard Suite for which a *development permit* has been issued in accordance with SECTION 7.8.
- 7.2.2 An Accessory Building shall not be located in the front yard of a *parcel*.
- 7.2.3 The *height* of an Accessory Building must not exceed 4.6 m in *height*.
- 7.2.4 An Accessory Building must be located a minimum of 2.0 m from the *principal building* or an Accessory Building on the same *parcel*.
- 7.2.5 Accessory Building shall comply with the following setbacks:
- a. the minimum *rear yard setback* shall be 1.5 m;
 - b. the minimum *side yard setback* shall be 1.0 m; *and*
 - c. notwithstanding 7.2.5.b, on a corner *parcel* along the flanking front property boundary, the *side yard setback* shall be the same as the *side yard setback* required for the *principal building*.
- 7.2.6 One Accessory Building may be developed before a *principal building* where the *Development Authority* is satisfied that:
- a. the *principal building* will be completed as a condition of approval;
 - b. the construction for the *principal building* will follow in a timely manner; *and*
 - c. the Accessory Building is designed and positioned to accommodate a *principal building*.



RESIDENTIAL USES

SECTION 7.3 APARTMENT

7.3.1 An Apartment must provide indoor, outdoor or a combination of indoor and outdoor *amenity area(s)* calculated at a minimum of 7.5 m² per *dwelling unit*.

7.3.2 The space dedicated to outdoor *amenity areas* may contribute to the *landscaping* requirements for an Apartment.

SECTION 7.4 BED AND BREAKFAST

7.4.1 A Bed and Breakfast is only allowed in a Single-Detached Dwelling.

7.4.2 A Bed and Breakfast must be operated and occupied by a resident of the *dwelling*.

7.4.3 A Bed and Breakfast may have one non-resident employee working onsite.

7.4.4 Cooking facilities in a Bed and Breakfast are not allowed in temporary sleeping accommodations.

SECTION 7.5 DAY HOME

- 7.5.1 A Day Home is only allowed in a Single-Detached Dwelling.
- 7.5.2 A Day Home must be operated and occupied by a resident of the *dwelling*.
- 7.5.3 A Day Home must be licensed in accordance with provincial requirements.
- 7.5.4 A Day Home shall be limited to six children per day, excluding children who reside in the Single-Detached Dwelling.
- 7.5.5 A Day Home must be incidental and subordinate to the Single-Detached Dwelling.

SECTION 7.6 HOME OCCUPATION

- 7.6.1 A Home Occupation may be located in a *dwelling unit* or Accessory Building, including a *detached garage*.
- 7.6.2 A Home Occupation must be operated and occupied by a resident of the *dwelling unit*.
- 7.6.3 A Home Occupation located in a *dwelling unit* must be incidental and subordinate to the *dwelling unit*.
- 7.6.4 A Home Occupation shall not:
 - a. create nuisances that negatively impact neighbouring properties;
 - b. generate excessive pedestrian or vehicular traffic which is uncharacteristic of the neighbourhood; or
 - c. have any activities related to the use occur outside of the *dwelling unit* or Accessory Building, including Outdoor Storage.
- 7.6.5 A Home Occupation may have up to one vehicle associated with the business.
- 7.6.6 The *Development Authority* maintains the discretion to refuse a Home Occupation application if the *Development Authority* determines the proposed *use* would unduly impact neighbouring properties.

MAJOR HOME OCCUPATION

- 7.6.7 In addition to SECTIONS 7.6.1 to 7.6.6, the following provisions shall apply:
 - a. A Major Home Occupation may have one non-resident employee working onsite; and
 - b. A Major Home Occupation may have up to 15 business-associated vehicle visits per week.

MINOR HOME OCCUPATION

7.6.8 In addition to SECTIONS 7.6.1 to 7.6.6, the following shall apply:

- a. A Minor Home Occupation shall not have non-resident employees working onsite; and
- b. A Minor Home Occupation may have up to five business-associated vehicle visits per week.

SECTION 7.7 MANUFACTURED DWELLING

- 7.7.1 A Manufactured Dwelling shall have a foundation or skirting that matches the exterior appearance of the Manufactured Dwelling.
- 7.7.2 Additions to a Manufactured Dwelling shall require a foundation or skirting equivalent to that of the existing Manufactured Dwelling.
- 7.7.3 The foundation or skirting for a Manufactured Dwelling shall:
- a. not exceed a maximum *height* of 1.0 m above *grade*; and
 - b. have a minimum *height* of 0.15 m above *grade*.
- 7.7.4 In a *manufactured home park*, the maximum number of dwelling units allowed per manufactured dwelling stall is one.
- 7.7.5 As a condition of *development permit* approval, the *Development Authority* may require that the hitch and wheels of any Manufactured Dwelling be removed within 60 days of the placement of the Manufactured Dwelling.

SECTION 7.8 SECONDARY SUITE AND BACKYARD SUITE

- 7.8.1 One Secondary Suite or Backyard Suite is allowed per *parcel*.
- 7.8.2 A Secondary Suite or Backyard Suite shall not include a Bed and Breakfast or Day Home.

SECONDARY SUITE

- 7.8.3 A Secondary Suite shall not exceed a maximum of 50.0% of the *gross floor area* of the *principal building*.
- 7.8.4 A Secondary Suite is only allowed in a Single-Detached Dwelling.

BACKYARD SUITE

- 7.8.5 A Backyard Suite may be incorporated within or above an Accessory Building.
- 7.8.6 A Backyard Suite shall not be located in the front yard of a *parcel*.

- 7.8.7 A Backyard Suite shall be subject to the minimum *side yard setback* and minimum *rear yard setback* of an Accessory Building established in SECTION 7.2.
- 7.8.8 A Backyard Suite shall be located a minimum of 2.0 m from the *principal building* or any other Accessory Building on the same *parcel*.
- 7.8.9 A Backyard Suite shall have a maximum *gross floor area* of 100.0 m².
- 7.8.10 Notwithstanding any other provisions in this Bylaw, a Backyard Suite shall have a maximum *height* of 6.5 m, unless the Backyard Suite is located above a detached garage, in which case the Backyard Suite shall have a maximum *height* of 7.5 m.
- 7.8.11 A *deck* or *patio* associated with a Backyard Suite shall not exceed 0.6 m in *height*.
- 7.8.12 A Backyard Suite should resemble the *principal building* in character and appearance through the use of similar materials, colours and appearance.
- 7.8.13 Windows in a Backyard Suite should be designed and oriented to minimize overlook onto adjacent properties.
- 7.8.14 Parking stalls required for a Backyard Suite should be accessed from the *lane*, where possible.

NON-RESIDENTIAL USES

SECTION 7.9 ABATTOIR

- 7.9.1 If the provincial or federal license for an Abattoir is revoked or the license expires, the *development permit* issued for the Abattoir shall automatically terminate.

SECTION 7.10 BREWERY, WINERY OR DISTILLERY

- 7.10.1 If the provincial license for a Brewery, Winery or Distillery is revoked or the license expires, the *development permit* issued for the Brewery, Winery or Distillery shall automatically terminate.

SECTION 7.11 CANNABIS STORE

- 7.11.1 If the provincial license for a Cannabis Store is revoked or the license expires, the *development permit* issued for the Cannabis Store shall automatically terminate.

SECTION 7.12 CANNABIS GROW OPERATION

- 7.12.1 The applicant must provide, as a condition of a *development permit* for a Cannabis Grow Operation, a copy of the current licence for all activities associated with cannabis production as issued by Health Canada.
- 7.12.2A Cannabis Grow Operation shall not be located within 75.0 m of a residential district or the Institutional (I) District, measured from the *building* containing the *use* closest to the nearest boundary line of a *parcel* of a residential or Institutional (I) District.
- 7.12.3A Cannabis Grow Operation must include equipment designed to remove odours from the air discharged from the facility as part of a ventilation system to the satisfaction of the *Development Authority*.
- 7.12.4A Cannabis Grow Operation shall be developed and operated in a manner where all the *use* operations are fully contained within the *building* including all loading stalls and docks, and waste containers and waste material.
- 7.12.5 Outdoor Storage shall not be allowed as an accessory use to a Cannabis Grow Operation.
- 7.12.6 If the federal license for a Cannabis Grow Operation is revoked or the license expires, the *development permit* issued for the Cannabis Grow Operation shall automatically terminate.

SECTION 7.13 CAR WASH

- 7.13.1A Car Wash with queuing lanes shall provide a minimum of two spaces per lane at the vehicular entrance of the *building* in which the Car Wash is located.
- 7.13.2 Queuing lanes and spaces shall comply with the requirements of SECTION 6.9.
- 7.13.3 Where located *adjacent* to a residential district or the Institutional (I) District, queuing *lanes* and outdoor activities associated with the *use* must be screened, to the satisfaction of the *Development Authority*.
- 7.13.4 Where located *adjacent* to a residential district or the Institutional (I) District, a Car Wash shall not create nuisances that negatively impact neighbouring properties.

SECTION 7.14 DRIVE-THROUGH EATING AND DRINKING ESTABLISHMENT

- 7.14.1A Drive-Through Eating Establishment with queuing lanes shall provide a minimum of two vehicle spaces for each drive-through window.
- 7.14.2 Queuing lanes and spaces shall comply with the requirements of SECTION 6.9.
- 7.14.3 Where located *adjacent* to a residential district or the Institutional (I) District, queuing lanes and outdoor activities associated with the *use* must be screened, to the satisfaction of the *Development Authority*.
- 7.14.4 Where located *adjacent* to a residential district or the Institutional (I) District, a Drive-Through Eating Establishment shall not create nuisances that negatively impact neighbouring properties.

SECTION 7.15 LIQUOR STORE

- 7.15.1 If the provincial license for a Liquor Store is revoked or the license expires, the *development permit* issued for the Liquor Store shall automatically terminate.

SECTION 7.16 OUTDOOR STORAGE

- 7.16.1 Outdoor Storage may be approved as an *accessory use* to a *principal use* in a district in which it is listed, unless explicitly prohibited in this Bylaw.
- 7.16.2 Outdoor Storage shall be screened to the satisfaction of the *Development Authority*.
- 7.16.3 Outdoor Storage shall not be located in the front yard of a *parcel*.

SECTION 7.17 SERVICE STATION AND BULK FUEL SALES

- 7.17.1 Gasoline pumps shall have a minimum *front yard setback* of 6.0 m.

PART 8: LAND USE DISTRICTS

SECTION 8.1 LAND USE DISTRICTS

8.1.1 For the purpose of this Bylaw the Village of Boyle is divided into the following districts:

- R1 – LOW-DENSITY RESIDENTIAL DISTRICT
- R2 – RESIDENTIAL DISTRICT
- RM – RESIDENTIAL MODIFIED DISTRICT
- RMHP – RESIDENTIAL MANUFACTURED HOME PARK DISTRICT
- RE – RESIDENTIAL ESTATE DISTRICT
- C1 – COMMERCIAL DISTRICT
- DTC – DOWNTOWN CORE DISTRICT
- IND – INDUSTRIAL DISTRICT
- I – INSTITUTIONAL DISTRICT
- UR – URBAN RESERVE DISTRICT

8.1.2 Land use district boundaries are shown on Appendix A – Land Use Map.

8.1.3 Land use district boundaries that approximately follow a *parcel* boundary shall be deemed to follow that *parcel* boundary.

8.1.4 Where a land use district boundary cannot be reasonably determined, *the Municipal Planning Commission* shall determine the exact location of the boundary.

8.1.5 The Land Use Map may be amended or replaced by Bylaw from time to time.

8.1.6 The purpose statement in each land use district states the intent of the district.

8.1.7 The *Development Authority* shall not allow the *use* of land or a *building* not listed as a *permitted use* or *discretionary use* in the district in which it is situated unless it is established as a *similar use*, in accordance with SECTION 4.9.

SECTION 8.2 R1 – LOW-DENSITY RESIDENTIAL DISTRICT

PURPOSE: To allow for low-density residential, neighbourhood-scale businesses, public amenities and services, and recreation areas.

8.2.1 Permitted and Discretionary Uses

Permitted Uses	Discretionary Uses
<p>Accessory Building Assisted Living Facility Convenience Retail Duplex/Semi-Detached Dwelling Fascia Sign¹ Minor Home Occupation² Parks and Playgrounds Single-Detached Dwelling Window Sign³</p>	<p>Backyard Suite Bed and Breakfast Child Care Facility Day Home Fascia Sign Major Home Occupation¹ Minor Home Occupation² Monument Sign Mural Sign Portable Sign Public Assembly Public Services Retail and Consumer Service Secondary Suite Window Sign</p>
<p>¹ A Fascia Sign is considered a <i>permitted use</i> only when accessory to Convenience Retail</p> <p>² A Minor Home Occupation is considered a <i>permitted use</i> only when located in a Single-Detached Dwelling</p> <p>³ Window Sign is considered a <i>permitted use</i> only when accessory to Convenience Retail</p>	<p>¹ A Major Home Occupation Major is allowed as a <i>discretionary use</i> only when located in:</p> <ul style="list-style-type: none"> • Accessory Building; • Backyard Suite; • Duplex/Semi Detached Dwelling; • Secondary Suite; or • Single-Detached Dwelling. <p>² A Minor Home Occupation is allowed as a <i>discretionary use</i> only when located in a:</p> <ul style="list-style-type: none"> • Accessory Building; • Backyard Suite; • Duplex/Semi Detached Dwelling; or • Secondary Suite.

DEVELOPMENT STANDARDS

8.2.2 Unless explicitly stated otherwise in this Bylaw, the following **development** standards shall apply to the **uses** in the Low-Density Residential (R1) District:

a. Minimum Parcel Area	560.0 m ²
b. Minimum Parcel Width	17.0 m
c. Minimum Parcel Coverage	15% for principal buildings .
d. Maximum Parcel Coverage	30% for principal buildings ; or 40% for all buildings ; except for an Assisted Living Facility where the maximum parcel coverage shall be at the discretion of the Development Authority .
e. Minimum Front Yard Setback	6.0 m
f. Minimum Side Yard Setback	1.2 m; except in the case of a corner parcel where the minimum side yard setback facing a road shall be 3.0 m.
g. Minimum Rear Yard Setback	7.5 m
h. Maximum Building Height	9.0 m

DEVELOPMENT REGULATIONS

8.2.3 The maximum number of **principal buildings** on a parcel is one.

SECTION 8.3 R2 – RESIDENTIAL DISTRICT

PURPOSE: To allow for a variety of housing types including low to medium-density dwellings, neighbourhood-scale businesses, and recreation areas.

8.3.1 Permitted and Discretionary Uses

Permitted Uses	Discretionary Uses
<p>Accessory Building or Structure Apartment Assisted Living Facility Convenience Retail Duplex/Semi-Detached Dwelling Fascia Sign¹ Minor Home Occupation² Multi-Attached Dwelling Parks and Playgrounds Single-Detached Dwelling Window Sign³</p>	<p>Backyard Suite Bed and Breakfast Child Care Facility Day Home Fascia Sign Major Home Occupation¹ Minor Home Occupation² Mixed Use Building Monument Sign Mural Sign Portable Sign Public Assembly Public Services Retail and Consumer Service Secondary Suite Window Sign</p>
<p>¹ A Fascia Sign is considered a <i>permitted use</i> only when accessory to Convenience Retail</p> <p>² A Minor Home Occupation is considered a <i>permitted use</i> only when located in a Single-Detached Dwelling</p> <p>³ Window Sign is considered a <i>permitted use</i> only when accessory to Convenience Retail</p>	<p>¹ A Major Home Occupation Major is allowed as a <i>discretionary use</i> only when located in:</p> <ul style="list-style-type: none"> • Accessory Building; • Backyard Suite; • Duplex/Semi Detached Dwelling • Secondary Suite; or • Single-Detached Dwelling <p>² A Minor Home Occupation is allowed as a <i>discretionary use</i> only when located in a:</p> <ul style="list-style-type: none"> • Accessory Building; • Backyard Suite; • Duplex/Semi Detached Dwelling; or • Secondary Suite.

DEVELOPMENT STANDARDS

8.3.2 Unless explicitly stated otherwise in this Bylaw, the following development standards shall apply to the uses in the Medium Density Residential (R2) District:

Dwelling Type:	Single-Detached	Duplex/ Semi-Detached	Multi-Attached	Apartment	All Other Uses
a. Minimum <i>Parcel Area</i>	420.0 m ²	Duplex Dwelling: 600 m ² Semi-Detached Dwelling: 650 m ²	740.0 m ²	800.0 m ²	420.0 m ²
b. Minimum <i>Parcel Width</i>	10.0 m	18.0 m	20.0 m	20.0 m	10.0 m
c. Maximum <i>Parcel Coverage</i>	30% for <i>principal buildings</i> ; or 40% for all <i>buildings</i>	40% for <i>principal buildings</i> ; or 50% for all <i>buildings</i>	40% for all <i>buildings</i>	35% for all <i>buildings</i>	at the discretion of the <i>Development Authority</i>
d. Minimum <i>Front Yard Setback</i>	6.0 m	6.0 m	6.0 m	9.0 m	6.0 m
e. Minimum <i>Side Yard Setback</i>	1.2 m except when: the side yard abuts a road on a <i>corner parcel</i> , in which case the minimum <i>side yard setback</i> shall be 3.0 m		3.0 m	3.0 m	3.0 m
f. Minimum <i>Rear Yard Setback</i>	7.5 m	7.5 m	6.0 m	7.5 m	7.5 m
g. Maximum <i>Building Height</i>	9.0 m	9.0 m	10.0 m	15.0 m	10.0 m

DEVELOPMENT REGULATIONS

8.3.3 The maximum number of *principal buildings* on a *parcel* is one.

SECTION 8.4 RM – RESIDENTIAL MODIFIED DISTRICT

PURPOSE: To allow for a mix of housing types options including Manufactured Dwellings on individual lots, including recreation areas.

8.4.1 Permitted and Discretionary Uses

Permitted Uses	Discretionary Uses
<p> Accessory Building Assisted Living Facility Duplex/Semi-Detached Dwelling Fascia Sign¹ Manufactured Dwelling Minor Home Occupation² Parks and Playgrounds Single-Detached Dwelling Window Sign³ </p>	<p> Backyard Suite Bed and Breakfast Child Care Facility Day Home Major Home Occupation¹ Minor Home Occupation² Mixed Use Building Monument Sign Mural Sign Portable Sign Public Assembly Public Services Retail and Consumer Service Secondary Suite </p>
<p>¹ A Fascia Sign is considered a <i>permitted use</i> only when accessory to Convenience Retail.</p> <p>² A Minor Home Occupation is considered a <i>permitted use</i> only when located in a Single-Detached Dwelling.</p> <p>³ Window Sign is considered a <i>permitted use</i> only when accessory to Convenience Retail.</p>	<p>¹ A Major Home Occupation is allowed as a <i>discretionary use</i> only when located in a:</p> <ul style="list-style-type: none"> • Accessory Building; • Backyard Suite; • Duplex/Semi Detached Dwelling; • Secondary Suite; or • Single-Detached Dwelling. <p>² A Minor Home Occupation is allowed as a <i>discretionary use</i> only when located in a:</p> <ul style="list-style-type: none"> • Accessory Building; • Backyard Suite; • Duplex/Semi Detached Dwelling; or • Secondary Suite.

DEVELOPMENT STANDARDS

8.4.2 Unless explicitly stated otherwise in this Bylaw, the following *development* standards shall apply to the *uses* in the Residential Modified (RM) District:

Dwelling Type:	Single-Detached Dwelling	Duplex/Semi-Detached Dwelling	Manufactured Dwelling	All Other Uses
a. Minimum <i>Parcel Area</i>	500.0 m ²	600.0 m ²	500.0 m ²	500.0 m ²
b. Minimum <i>Parcel Width</i>	16.5 m	16.5 m	16.5 m	16.5 m
c. Maximum <i>Parcel Coverage</i>	30% for <i>principal buildings</i> ; or 40% for all <i>buildings</i>	40% for <i>principal buildings</i> ; or 50% for all <i>buildings</i>	30% for <i>principal buildings</i> ; or 45% for all <i>buildings</i>	40% for <i>principal buildings</i> ; or 50% for all <i>buildings</i>
d. Minimum <i>Front Yard Setback</i>	6.0 m	6.0 m	7.5 m	6.0 m
e. Minimum <i>Side Yard Setback</i>	1.2 m unless when the side yard abuts a road on a <i>corner parcel</i> , in which case the minimum <i>side yard setback</i> shall be 3.0 m			3.0 m
f. Minimum <i>Rear Yard Setback</i>	7.5 m	7.5 m	3.0 m	6.0 m
g. Maximum <i>Building Height</i>	9.0 m	9.0 m	5.5 m	10.0 m

DEVELOPMENT REGULATIONS

8.4.3 The maximum number of *principal buildings* on a *parcel* is one.

SECTION 8.5 RMHP – RESIDENTIAL MANUFACTURED HOME PARK DISTRICT

PURPOSE: To allow for Manufactured Dwellings where individually *manufactured dwelling stalls* are leased on a shared *parcel*.

8.5.1 Permitted and Discretionary Uses

Permitted Uses	Discretionary Uses
Accessory Building or Structure Manufactured Dwelling Minor Home Occupation Parks and Playgrounds	Day Home Fascia Sign ¹ Major Home Occupation Monument Sign Mural Sign
	¹ A Fascia Sign is considered a <i>discretionary use</i> only when accessory to a business.

DEVELOPMENT STANDARDS

8.5.2 Unless explicitly stated otherwise in this Bylaw, the following development standards shall apply to the uses in the Residential Manufactured Home Park (RMHP) District:

a. Minimum <i>Parcel Area</i>	2.0 hectares
b. <i>Manufactured dwelling stall</i>	510.0 m ²
c. Minimum <i>Front Yard Setback</i>	3.0 m
d. Minimum <i>Side Yard Setback</i>	3.0 m
e. Minimum <i>Rear Yard Setback</i>	3.0 m
f. Maximum <i>Building Height</i>	5.5 m

DEVELOPMENT REGULATIONS

8.5.3 *Manufactured home parks* shall:

- a. Provide a minimum 3.0 m *landscaping* buffer along property boundary lines adjacent to another *district*, to the satisfaction of the Development Authority;
- b. develop sidewalks along all internal roadways, to the satisfaction of the *Development Authority*; and

- c. provide *amenity area*(s) calculated at a minimum 5% of the total *site* area.
- 8.5.4 *Amenity areas* associated with *manufactured home parks* should be located in areas conveniently connected by a pathways or sidewalk for all park residents.
- 8.5.5 *Amenity areas* associated with *manufactured home parks* shall not be located within the *landscaping* buffer described in Subsection 8.5.3.
- 8.5.6 *Manufactured home parks* should incorporate pathways that connect to the Village trail network where possible.
- 8.5.7 In addition to the parking requirements described in SECTION 6.9, *manufactured home parks* shall provide visitor parking stalls calculated at 0.15 parking stalls per Manufactured Dwelling.

SECTION 8.6 RE – RESIDENTIAL ESTATE DISTRICT

PURPOSE: To accommodate low density residential *dwelling*s and compatible *accessory uses*, on large sized *parcels*.

8.6.1 Permitted and Discretionary Uses

Permitted Uses	Discretionary Uses
Accessory Building Assisted Living Facility Secondary Suite Minor Home Occupation Parks and Playgrounds Secondary Suite Single-Detached Dwelling	Backyard Suite Bed and Breakfast Day Home Fascia Sign ¹ Major Home Occupation Monument Sign Mural Sign Public Services
	¹ A Fascia Sign is considered a <i>discretionary use</i> only when accessory to a business.

DEVELOPMENT STANDARDS

8.6.2 Unless explicitly stated otherwise in this Bylaw, the following *development standards* shall apply to the *uses* in the Residential Estate (RE) District.

a. Minimum <i>Parcel Area</i>	800.0 m ²
b. Minimum <i>Parcel Width</i>	At the discretion of the <i>Development Authority</i>
c. Maximum <i>Parcel Coverage</i>	40% for all <i>buildings</i>
d. Minimum <i>Front Yard Setback</i>	7.5 m
e. Minimum <i>Side Yard Setback</i>	3.0 m
f. Minimum <i>Rear Yard Setback</i>	7.5 m
g. Maximum <i>Building Height</i>	9.0 m

DEVELOPMENT REGULATIONS

8.6.3 The maximum number of *principal buildings* on a *parcel* is one.

SECTION 8.7 C1 – COMMERCIAL DISTRICT

PURPOSE: To provide for commercial *uses* in the Village that act as a buffer between residential *uses* and industrial *uses*, or benefit from close proximity to major transportation corridors. This district may also be appropriate for *dwelling units* in *mixed-use buildings*.

8.7.1 Permitted and Discretionary Uses

Permitted Uses	Discretionary Uses
<p> Accessory Building or Structure Agricultural Equipment and Sales Artisan Studio Brewery, Winery, Distillery Car Wash Child Care Facility Commercial Convenience Retail Eating and Drinking Establishment Eating Establishment, Drive-Through Entertainment Establishment Fascia Sign Fitness Studio Freestanding Sign Health Care Services Hotel, Motel Instructional Facility Marquee or Canopy Sign Monument Sign Office Parks and Playgrounds Pet Services Portable Sign Projecting Sign Public Assembly Public Services Recreation Facility Retail and Consumer Service Service Station Transportation Service Veterinary Clinic Window Sign </p>	<p> Apartment Assisted Living Facility Auto Sales and Service Bulk Fuel Sales Cannabis Store Crematorium End of Life Care Health Services Laboratory Liquor Store Mural Sign Outdoor Storage² </p> <hr/> <p>¹ Outdoor Storage is allowed as a <i>discretionary use</i> only when accessory to a principal <i>use</i>.</p>

DEVELOPMENT STANDARDS

8.7.2 Unless explicitly stated otherwise in this Bylaw, the following *development standards* shall apply to the *uses* in the Commercial (C1) District:

a. Minimum <i>Parcel Area</i>	420.0 m ²
b. Minimum <i>Parcel Width</i>	10.5 m
c. Maximum <i>Parcel Coverage</i>	80% for all <i>buildings</i>
d. Minimum <i>Front Yard Setback</i>	6.0 m
e. Minimum <i>Side Yard Setback</i>	1.5 m, except: if the side yard abuts a residential district, in which case the minimum <i>side yard setback</i> shall be 3.0 m; or the side yard abuts a <i>road</i> on a <i>corner parcel</i> , in which case the minimum <i>side yard setback</i> shall be 3.0 m.
f. Minimum <i>Rear Yard Setback</i>	6.0 m
g. Maximum <i>Building Height</i>	14.0 m

SECTION 8.8 DTC – DOWNTOWN CORE DISTRICT

PURPOSE: To provide for a mix of commercial *uses* and residential dwellings in a distinct downtown hub that is compact and walkable.

8.8.1 Permitted and Discretionary *Uses*

Permitted Uses	Discretionary Uses
<p>Accessory Building Artisan Studio Brewery, Winery, Distillery Commercial Convenience Retail Duplex/Semi-Detached Dwelling¹ Eating and Drinking Establishment Entertainment Establishment Fascia Sign Fitness Studio Freestanding Sign Health Care Services Hotel, Motel Instructional Facility Marquee or Canopy Sign Monument Sign Office Parks and Playgrounds Pet Services Projecting Sign Portable Sign Public Assembly Public Services Retail and Consumer Service Recreation Facility Single-Detached Dwelling² Window Sign</p>	<p>Auto Sales and Service Backyard Suite Bed and Breakfast Cannabis Store Child Care Facility Day Home Backyard Suite Eating Establishment, Drive-Through End of Life Care Liquor Store Major Home Occupation¹ Minor Home Occupation² Mural Sign Single-Detached Dwelling³ Transportation Service Veterinary Clinic⁴</p>
<p>¹ A Duplex/Semi-Detached Dwelling is allowed as a <i>permitted use</i> when <i>approved</i> prior to third reading of this Bylaw.</p> <p>² A Single-Detached Dwelling is allowed as a <i>permitted use</i> when <i>approved</i> prior to third reading of this Bylaw.</p>	<p>¹ A Major Home Occupation is considered a <i>discretionary use</i> when located in a:</p> <ul style="list-style-type: none"> • Accessory Building; • Backyard Suite; • Secondary Suite; or • Single-Detached Dwelling. <p>² A Minor Home Occupation is considered a <i>discretionary use</i> when located in a:</p> <ul style="list-style-type: none"> • Accessory Building; • Backyard Suite; • Secondary Suite; or • Single-Detached Dwelling.

Permitted Uses	Discretionary Uses
	<p>³ A Single-Detached Dwelling is allowed as a <i>discretionary use</i> when approved prior to third reading of this Bylaw.</p> <p>⁴ A Veterinary Clinic is allowed as a <i>discretionary use</i> when approved prior to third reading of this Bylaw.</p>

DEVELOPMENT STANDARDS

8.8.2 Unless explicitly stated otherwise in this Bylaw, the following development standards shall apply to the uses in the Downtown Core (DTC) District:

a. Minimum <i>Parcel Area</i>	420.0 m ²
b. Minimum <i>Parcel Width</i>	10.5 m
c. Maximum <i>Parcel Coverage</i>	80% for all <i>buildings</i>
d. Minimum <i>Front Yard Setback</i>	0.0 m
e. Minimum <i>Side Yard Setback</i>	<p>0.0 m except:</p> <p>if the side yard abuts a lane, in which case the minimum <i>side yard setback</i> shall be 1.2 m; or</p> <p>if the side yard abuts a lane, in which case the minimum <i>side yard setback</i> shall be 1.2 m; or</p> <p>the side yard abuts a residential district, in which case the minimum <i>side yard setback</i> shall be 3.0 m</p>
f. Minimum <i>Rear Yard Setback</i>	6.0 m
g. Maximum <i>Building Height</i>	14.0 m

DEVELOPMENT REGULATIONS

8.8.3 *Buildings* with *building frontage* facing a public *road* shall incorporate into the *building facade* design, a transparent medium (e.g. glass/windows) for a minimum 30% of the ground floor *building facade* area.

8.8.4 *Buildings* should feature street-oriented design elements for each elevation visible from an adjacent public *road* (excluding lanes). Design elements may include:

- a. clearly identified entrances;

- b. pedestrian-oriented signage;
- c. pedestrian scale design; and/or
- d. the use of different colours, materials, or textures to break up repetitive *building facades*.

8.8.5 *Buildings* along 3rd Street in the Downtown Core (DTC) District with a 0 m *front yard setback* should provide overhead weather protection for pedestrians along *building frontages* and at each building entrance.

8.8.6 *Buildings* that are built to a 0 m *front yard setback* shall have front entrances that are recessed a minimum of 0.9 m from the *building frontage*.

SECTION 8.9 IND – INDUSTRIAL DISTRICT

PURPOSE: To provide for industrial and complementary *uses* that do not create major nuisances that could adversely affect surrounding land *uses*.

8.9.1 Permitted and Discretionary *Uses*

Permitted Uses	Discretionary Uses
<p> Accessory Building or Structure Agricultural Equipment and Sales Artisan Studio Auto Sales and Service Brewery, Winery, Distillery Bulk Fuel Sales Car Wash Commercial Convenience Retail End of Life Care Fascia Sign Freestanding Sign Health Services Laboratory Hotel/Motel Industrial Instructional Facility Marquee or Canopy Sign Monument Sign Office Outdoor Storage¹ Pet Services Projecting Sign Portable Sign Retail and Consumer Service Service Station Transportation Service Veterinary Clinic Window Sign </p>	<p> Abattoir Aerodrome Agriculture Cannabis Production Facility Cannabis Store Crematorium Eating and Drinking Establishment Eating Establishment, Drive-Through Fitness Studio Health Care Services Liquor Store Mural Sign Parks and Playgrounds Public Services Single Detached Dwelling¹ </p>
<p>¹ Outdoor Storage is allowed as a <i>permitted use</i> only when accessory to a <i>principal use</i>.</p>	<p>¹ A Single-Detached Dwelling is allowed as a <i>discretionary use</i> when approved prior to third reading of this Bylaw.</p>

DEVELOPMENT STANDARDS

8.9.2 Unless explicitly stated otherwise in this Bylaw, the following *development standards* shall apply to the *uses* in the Industrial (IND) District:

a. Minimum <i>Parcel Area</i>	1,000.0 m ²
b. Minimum <i>Parcel Width</i>	15.0 m
c. Maximum <i>Parcel Coverage</i>	60% for all <i>buildings</i>
d. Minimum <i>Front Yard Setback</i>	10.0 m
e. Minimum <i>Side Yard Setback</i>	3.0 m except; on the <i>road side</i> of a <i>corner parcel</i> where the minimum <i>side yard setback</i> shall be 6.0 m
f. Minimum <i>Rear Yard Setback</i>	10.0 m
g. Maximum <i>Building Height</i>	At the discretion of the <i>Development Authority</i> .

SECTION 8.10 I – INSTITUTIONAL DISTRICT

PURPOSE: To allow for *uses* that provide a variety of recreational opportunities, and community and public services to the community.

8.10.1 Permitted and Discretionary *Uses*

Permitted Uses	Discretionary Uses
<p> Accessory Building Artisan Studio Assisted Living Facility Child Care Facility Eating and Drinking Establishment¹ Entertainment Establishment Fascia Sign Fitness Studio Freestanding Sign Health Care Services Health Services Laboratory² Hospital Instructional Facility Marquee or Canopy Sign Monument Sign Parks and Playgrounds Projecting Sign Portable Sign Public Assembly Public Services Recreation Facility Window Sign </p>	<p> Campground Cemetery Commercial Convenience Retail End of Life Care Mural Sign Office Retail and Consumer Service </p>
<p> ¹ An Eating and Drinking Establishment is allowed as a <i>permitted use</i> when accessory to a principal use. ² A Health Services Laboratory is allowed as a <i>permitted use</i> when accessory to a principal use. </p>	

DEVELOPMENT STANDARDS

8.10.2 *Development standards* in the Institutional (I) District shall be at the discretion of the *Development Authority*.

SECTION 8.11 UR – URBAN RESERVE DISTRICT

PURPOSE: To maintain undeveloped lands in the Village that are intended for future *development* in the Municipal Development Plan.

8.11.1 Discretionary Uses

Discretionary Uses
Accessory Building Agriculture Parks and Playgrounds Single-Detached Dwelling

DEVELOPMENT STANDARDS

8.11.2 *Development standards* in the Urban Reserve (UR) District shall be at the discretion of the *Development Authority*.

PART 9: SIGNS

SECTION 9.1 SIGNS NOT REQUIRING A DEVELOPMENT PERMIT

9.1.1 The following signs do not require a *development permit* provided that the *sign* otherwise complies with the provisions of this Bylaw, does not require a variance and meets the following qualifications for exception:

Sign	Qualifications for Exception to Development Permit
a. <i>Signs</i>	<ul style="list-style-type: none"> • Provided that the <i>sign</i> is located within a building, (not including a Window Sign).
b. <i>Signs</i> for Artisan Studios, Bed and Breakfasts, Day Homes and Home Occupations	<ul style="list-style-type: none"> • Provided that the <i>sign area</i> does not exceed 0.2 m².
c. Directional Signs	<ul style="list-style-type: none"> • Provided the <i>sign area</i> does not exceed 0.7 m².
d. Maintenance and Repair of a Sign	<ul style="list-style-type: none"> • Provided that a <i>development permit</i> has been issued for the <i>sign</i>.
e. Portable Signs	<ul style="list-style-type: none"> • Provided the <i>sign area</i> does not exceed 1.0 m².
f. Replacement of a Sign	<ul style="list-style-type: none"> • Provided that a <i>development permit</i> has been issued for the <i>sign</i>; and • the replaced sign is identical to the <i>sign</i> approved under the <i>development permit</i>; or the replacement is for panels or letters in an approved <i>sign</i>.
g. Temporary Signs	<ul style="list-style-type: none"> • Provided that the <i>sign</i> is in place for no more than 3 weeks; and • the <i>sign</i> is located on private property.
h. Window Signs	<ul style="list-style-type: none"> • Provided that all Window Signs cover 30% or less of the <i>total</i> window.

SECTION 9.2 APPLICATION FOR SIGNS

9.2.1 An application for a *development permit* for a *sign* shall be made to the *Development Authority* in writing in the form prescribed by the *Development Authority*.

9.2.2 An application for a *development permit* for a *sign* shall include:

- a. a completed application form signed by the registered *owner* of the subject property, and the *applicant* or the *applicant's* agent(s);
- b. an application fee as established by the Village;
- c. a current copy of the Certificate of Title(s) (within 30 days of the application submission date); and
- d. current copies of any restrictive covenants, caveats or easements (within 30 days of the application submission date).

9.2.3 At the discretion of the *Development Authority*, an application for a *development permit* for a *sign* may also require:

- a. site plan showing the *sign* location;
- b. drawing(s) showing the following *sign* elements:
 - i. dimensions including sign height and width;
 - ii. total sign area;
 - iii. elevation of sign measured from grade;
- c. building elevations identifying the following:
 - i. sign location on the building frontage;
 - ii. dimensions of the building frontage;
- d. details of any support or how a *sign* will be installed;
- e. details of any lighting or *sign* illumination; and
- f. any other information or documentation the *Development Authority* may deem necessary to review the *sign development permit* application.

SECTION 9.3 GENERAL SIGN PROVISIONS

9.3.1 A *structure* used to hold or support a *sign* is considered part of the *sign*.

9.3.2 Where a *sign* is double sided, *sign* area shall be calculated for one side only.

9.3.3 A *sign* shall be well maintained and kept in a condition satisfactory to the *Development Authority*.

- 9.3.4 A *sign* shall be safely and securely attached to a *building, structure* or to the ground using methods of support that are to the satisfaction of the *Development Authority*.
- 9.3.5 A *sign* shall be for on-site advertising unless approved by the *Development Authority*.
- 9.3.6 Any *sign* in place for a time period that exceeds 3 weeks shall require a *development permit* and shall comply with the regulations of that *sign* type.
- 9.3.7 Where exterior lighting is incorporated into a *sign*, lighting shall be oriented downward and designed to illuminate the *sign* area only.
- 9.3.8 A *sign* shall not be attached to a fence, pole, tree, or any object in a road or publicly-owned *parcel*.
- 9.3.9 A *sign* shall not be allowed in any road or publicly-owned *parcel* without an approved Encroachment Agreement.
- 9.3.10A *sign* shall not interfere with sight lines, any traffic control device, or otherwise impede on traffic or pedestrian movements at any time.
- 9.3.11When a *sign* is located on a *corner parcel*, the *sign* shall comply with the regulations of SECTION 6.1.
- 9.3.12A *sign* should incorporate similar materials and colours as the *principal building*.
- 9.3.13A *Sign* that incorporates *digital messaging* shall:
- a. not be permitted in residential districts; and
 - b. not be oriented towards a dwelling.

SECTION 9.4 FASCIA SIGN

- 9.4.1 The following *development* standards shall apply to a Fascia Sign:
- a. Location:
 - i. A Fascia Sign shall be located on a *building frontage*; and
 - ii. A Fascia Sign shall have a minimum clearance of 2.5 m when measured from *grade* to the bottom of the sign structure.

- b. Size:
 - i. A Fascia Sign shall not project more than 0.5 m past the wall to which it is attached; and
 - ii. The total area of a Fascia Sign on a *building frontage* shall not exceed a maximum 25% of the total area of the *building frontage*.
- c. Quantity:
 - i. The number of Fascia Signs allowed on a *building frontage* shall be at the discretion of the *Development Authority*.

SECTION 9.5 FREESTANDING SIGN

9.5.1 The following *development* standards shall apply to a Freestanding Sign:

- a. Location:
 - i. A Freestanding Sign shall not project beyond the *property line*.
- b. Size:
 - i. A Freestanding Sign shall have a maximum *sign area* calculated at 1.0 m² per metre of *building frontage* length to a maximum of 8.5 m² sign area; and
 - ii. A Freestanding Sign shall not exceed 9.0 m in *height*.
- c. Quantity:
 - i. One Freestanding Sign is allowed for each *building frontage*.

SECTION 9.6 MARQUEE OR CANOPY SIGN

9.6.1 The following *development* standards shall apply to a *Marquee* or *Canopy Sign*:

- a. Location:
 - i. A Marquee or Canopy Sign shall be located on a *building frontage*;
 - ii. A Marquee or Canopy Sign shall be located above the top of the highest window of the first storey; and
 - iii. A Marquee or Canopy Sign shall have a minimum clearance of 2.5 m above *grade*.
- b. Size:

- i. The total area of a Marquee or Canopy Sign on a *building frontage* shall not exceed a maximum 25% of the total area of the *building frontage*.
- c. Quantity:
 - i. The number of Marquee or Canopy Signs allowed on a *building frontage* shall be at the discretion of the *Development Authority*.

SECTION 9.7 MURAL SIGN

9.7.1 The size, location, quantity, and design of a Mural Sign shall be at the discretion of the *Development Authority*.

SECTION 9.8 MONUMENT SIGN

9.8.1 The following development standards shall apply to a Monument Sign:

- a. Location:
 - i. The location of a *Monument Sign* shall be at the discretion of the *Development Authority*.
- b. Size:
 - i. A Monument Sign shall not exceed 2.0 m²; and
 - ii. A Monument Sign shall not exceed 2.0 m in *height*.
- c. Quantity:
 - i. Two Monument Signs are allowed per *site*.

SECTION 9.9 PORTABLE SIGN

9.9.1 The following *development* standards shall apply to a Portable Sign:

- a. Size:
 - i. A Portable Sign shall not exceed 4.6 m²; and
 - ii. A Portable Sign shall not exceed 3.6 m in *height*.
- b. Quantity:
 - i. One Portable Sign is allowed for each *building frontage*.
 - ii. Notwithstanding Subsection 9.9.1 b.i, where there are multiple businesses sharing a *building frontage*, one Portable Sign is allowed for each business.

9.9.2 Portable Signs shall be designed and located to prevent unintentional movement to the satisfaction of the *Development Authority*.

SECTION 9.10 PROJECTING SIGN

9.10.1 The following *development* standards shall apply to a Projecting Sign:

- a. Location:
 - i. A Projecting Sign shall be placed at right angles to the *building frontage*, including *buildings on corner parcels*;
 - ii. A Projecting Sign shall have a minimum clearance of 2.5 m above *grade*; and
 - iii. A Projecting Sign shall not exceed a *height* of 0.5 m above the *building eave* or 6.0 m above *grade*, whichever is less.
- b. Size:
 - i. A Projecting Sign shall not exceed 2.0 m².
- c. Quantity:
 - i. One Projecting Sign is allowed for each *building frontage*.
 - ii. Notwithstanding 9.10.1 c.i, where there are multiple businesses sharing a *building frontage*, one Projecting Sign is allowed for each business.

9.10.2A Projecting Sign that projects into Village-owned land shall enter into an Encroachment Agreement with the Village prior to installation.

SECTION 9.11 WINDOW SIGN

9.11.1 The following *development* standards shall apply to a Window Sign:

- a. Location:
 - i. A Window Sign shall be located within a window located on the main or second storey of a *building*.
- b. Size:
 - i. The total area of a Window Sign shall not exceed 60% cover of the window.

PART 10: COMPLIANCE AND ENFORCEMENT

SECTION 10.1 GENERAL PROVISIONS

- 10.1.1 Enforcement of this Bylaw by the Village's Bylaw Enforcement Officer or any other person identified by Council, may be executed through the issuance of a violation warning, warning notice, final warning notice, stop order, violation tags, or any other authorized action to ensure compliance.
- 10.1.2 A person, whether occupant or owner of land, a building, or structure, or parcel, may be guilty of an offence if they cause or allow any development that:
- a. contravenes or does not comply with this Bylaw;
 - b. requires a *development permit* that has not been released;
 - c. has a *development permit* considered to have lapsed, is suspended or cancelled;
 - d. contravenes or does not comply with a *development permit* that has been released;
 - e. contravenes or does not comply with a *subdivision* approval that has been given;
 - f. contravenes or does not comply with a condition of a *development permit* or *subdivision* approval; or
 - g. contravenes a *stop order*.

SECTION 10.2 RIGHT OF ENTRY

- 10.2.1 Subject to a contravention under Subsection 10.1.2, the *Bylaw Enforcement Officer* of the Village may, after giving reasonable notice to the *owner* or occupant of the *building, structure* or *parcel*, enter to carry out an inspection to ascertain if Bylaw requirements are being met.
- 10.2.2 A person shall not prevent or obstruct the *Bylaw Enforcement Officer* from carrying out any official duty under this Bylaw.
- 10.2.3 If consent is not given, the Village may apply to the Court of King's Bench for an authorizing order.

SECTION 10.3 OFFENCES

10.3.1 Any person who contravenes, causes or permits a contravention of the provisions of this Bylaw, or allows a contravention of this Bylaw to occur or continue on their property, is guilty of an offence and is liable to a fine for a first offence and for each subsequent offence of not more than \$10,000.

SECTION 10.4 VIOLATION TICKETS

10.4.1 The *Bylaw Enforcement Officer* or any other person authorized by *Council*, may issue a violation ticket to any person alleged to have breached any provision of this Bylaw.

10.4.2 The violation ticket shall specify the alleged offence committed by the person to whom the violation ticket is issued and require payment, within 21 days from the date of issue of the violation ticket, of a fine to the Village.

10.4.3 Persons contravening any provision of this Bylaw shall be liable for minimum penalties established by the Village.

10.4.4 Increasing minimum penalties for subsequent violations of any provision of this Bylaw may be established by the Village.

PART 11: BYLAW AMENDMENT

SECTION 11.1 INITIATING AN AMENDMENT

11.1.1 Any person may apply to have the Bylaw amended.

11.1.2 An application to change the district of any parcel may be initiated only by the owner of that parcel, tenant or agent (with the owner's consent), or by the municipality.

11.1.3 Council may, on its own initiative and in accordance with the MGA, initiate an amendment to the Bylaw, having referred the proposed Amending Bylaw to the Development Authority prior to first reading.

11.1.4 The *Development Authority* may, at any time, present a request for Bylaw amendment to *Council*.

11.1.5 Any amendment to the Bylaw shall be made pursuant to the MGA

SECTION 11.2 APPLICATION FOR AN AMENDMENT

11.2.1 All applications for Bylaw amendment shall be accompanied by:

- a. a complete application form signed by the *applicant* or the *applicant's* agent(s); or
- b. if the amendment is for a re-designation, a completed application form signed by the registered *owner* of the subject property, and the *applicant* or the *applicant's* agent(s); and
- c. an application fee as established by Village.

11.2.2 The *Development Authority* may request information to evaluate a Bylaw amendment, including but not limited to:

- a. a current copy of the Certificate of Title(s) (within 30 days of the application submission date);
- b. current copies of any restrictive covenants, caveats or easements (within 30 days of the application submission date);
- c. the legal description(s) and municipal address;
- d. a site plan of the proposed *development*;
- e. an engagement summary report summarizing the public consultation process;
- f. reports, drawings, plans, or technical studies required by the *Development Authority* to consider the application; and

- g. a written statement including:
 - i. the reason for the application;
 - ii. how the amendment aligns with approved statutory plans, non-statutory plans, and Council policies; and
 - iii. the relationship of the amendment to statutory plans, non-statutory plans, and *Council policies* under preparation.

11.2.3 Where the *Development Authority* requires any technical study or assessment, all submitted documents are to be prepared by a qualified registered professional in their respective field. All submitted documents shall include certification by the professional who prepared the document.

11.2.4 When an application proposing an amendment to the Bylaw applies to lands that are not subject to a statutory plan, *Council* should consider whether a statutory plan should be required prior to approving the application.

SECTION 11.3 PROCESSING A BYLAW AMENDMENT

11.3.1 Upon receipt of an application to amend this Bylaw the *Development Authority* shall:

- a. confirm with the applicant that the application was received;
- b. initiate a review and analysis of the proposed amendment;
- c. forward a copy of the application to all relevant departments and agencies, internal or external;
- d. determine if a public meeting or other means of public consultation is required, at the sole cost of the applicant;
- e. prepare a detailed *Council* report including maps and other materials relevant the Bylaw amendment to *Council*;
- f. provide a recommendation on the proposed Bylaw amendment;
- g. notify the *applicant* of the date the application will be considered by *Council*. The notification shall include:
 - i. the date and time of the *Council* Meeting; and
 - ii. procedures for appearing before *Council* to speak to the application.

11.3.2 Following consideration of an application to amend this Bylaw *Council* may:

- a. refuse the application;
- b. table the application for further information;

- c. pass first reading to amend this Bylaw; or
- d. pass first reading of an alternative amendment to this Bylaw.

11.3.3 In accordance with the *MGA*, prior to second reading of the proposed Bylaw, *Council* shall:

- a. provide written notification of the proposed Bylaw amendment application;
- b. publicly advertise the proposed application; and
- c. conduct a Public Hearing.

11.3.4 *Council*, in considering a proposed Bylaw application, shall:

- a. consider the written comments and recommendations by the *Development Authority* and;
- b. consider proposed amendment content and supporting documents.

11.3.5 In accordance with the *MGA*, Land Use Bylaw amendments shall be implemented by Bylaw after three readings by *Council*.

11.3.6 All amendments to this Bylaw shall conform with the Village of Boyle Municipal Development Plan and other adopted *statutory plans* and non-statutory plans.

PART 12: DEFINITIONS

LAND USE DEFINITIONS

Abattoir means a licensed facility used for butchering or slaughtering animals and the processing of meat and other animal by-products. May include retail sales related to the *principal use*.

Accessory Building means a secondary *building* that is subordinate and incidental to the *principal building*, located on the same *parcel*. Where a *structure* is attached to a *principal building* on a *parcel* it is to be considered part of the *principal building* and is not an Accessory Building.

Aerodrome means the existing Village of Boyle Aerodrome and *buildings* and *uses* considered accessory to the Aerodrome.

Agriculture means a *use* for agricultural purposes that support the production of crops or *livestock*. Does not include Abattoir.

Agricultural Equipment Sales and Service means a *use* for the sale and servicing of agricultural equipment such as machinery and supplies. May include Offices, retail sales, and display areas related to the *principal use*.

Apartment means a *building* containing three or more *dwelling units* having a shared entrance.

Artisan Studio means a *use* for the production of art and artisan goods by individuals. May include Instruction Facility and retail sales related to the *principal use*.

Assisted Living Facility means a *building* or group of *buildings*, operated for the purpose of providing live-in accommodation to people who require a wide range of support services. May require onsite varying professional and medical support for daily living. May include seniors housing, hospice, group homes, or boarding homes for children.

Auto Sales and Service means a *use* for the sales, servicing or repair of motor vehicles. May include a Car Wash and retail sales related to the *principal use*.

Backyard Suite means a subordinate and self-contained *dwelling unit*, located on a *parcel* within an *accessory building*.

Bed and Breakfast means a *use* for the temporary sleeping accommodations contained within an owner-occupied Single-Detached Dwelling, with or without meals provided to registered guests.

Brewery, Winery, Distillery means a *use* for the production and retail sale of beer, wine, spirits, or other alcoholic beverages licensed by the province. May include tasting rooms, Eating and Drinking Establishments, indoor storage, packaging, bottling, canning and shipping. May also include retail sales related to the *principal use*.

Bulk Fuel Sales means a *use* for the bulk storage, sales and distribution of fuel for motor vehicles.

Campground means a *use* for temporary, seasonal accommodation of recreational vehicles and tents. May include permanent *buildings* or *structures* that support the campground including outdoor shelters, kitchen facilities, toilet or shower facilities.

Cannabis Production Facility means a *use* for the growing, production, labelling, packaging, storing and transporting of cannabis regulated by federal legislation. Does not include the growing of cannabis by an individual for personal use and consumption.

Cannabis Store means a *use* licensed by the province for the retail sale of cannabis and cannabis accessories for offsite consumption. Does not include the production of cannabis products.

Car Wash means a *use* for the washing or cleaning of vehicles. May include retail sales related to the *principal use*.

Cemetery means a *use* for the entombment or interment of the deceased, and *buildings* or activities related to the *principal use*.

Child Care Facility means a *use* licensed by the province which provides for the care, education and supervision of children. May include daycare centres, nursery schools, kindergartens, playschools, or after-school care. Does not include Day Home.

Commercial means a *use* for:

- a. Food production;
- b. Horticulture cultivation and sales;

- c. Indoor or outdoor display areas related to the *principal use*;
- d. Offices associated with the *principal use*;
- e. Sales, rental, or repair of commercial goods and services;
- f. Small scale manufacturing of goods that do not produce any negative external impacts (e.g. noise or odour); or
- g. Associated *buildings* and activities related to the *principal use*.

but does not include Agriculture.

Convenience Retail means a *use* that allows for the retail sales of merchandise sales that sells fresh or packaged food, or daily household goods. May include the preparation of food and non-alcoholic beverages for offsite consumption.

Crematorium means a *use* for the incineration of deceased people or *domestic pets*.

Day Home means an *accessory use* to a Single-Detached Dwelling used to provide care and supervision in accordance with the applicable provincial legislation. This *use* shall not be approved as a Home Occupation.

Duplex/Semi-Detached means a *building* containing 2 *dwelling units* sharing a common wall either side-by-side or one above the other, each unit having individual exterior entrances.

Eating and Drinking Establishment means a *use* where food is prepared and sold to the general public. May include a restaurant, café, or pub, and may have take-out windows. This *use* may be licensed by the Alberta Gaming Liquor & Cannabis Commission.

Eating Establishment, Drive-Through means a *use* where food is prepared and sold to the general public that includes rapid food pickup service through one or more ordering windows.

End of Life Care means a *use* that provides for the arrangement and holding of funerals, or the preparation of the dead for burial or cremation. Does not include Crematorium unless located in the Industrial (IND) District.

Entertainment Establishment means a *use* that provides indoor entertainment to the public. May include movie theatres, billiards, arcades, bowling alleys, museums, and dance, Eating and Drinking Establishments, or music theatres. This *use* may be licensed by the Alberta Gaming Liquor & Cannabis Commission.

Fascia Sign means a *sign* that is attached to and parallel to an exterior *building* wall.

Freestanding Sign means a *sign* that has independent supports fixed to the ground, and is not connected to any other *building* or *structure*.

Fitness Studio means a space where equipment or instruction is provided for people to pursue personal fitness or physical activity that may include the incidental retail sale of products relating to the service provided.

Health Care Services means a *use* that provides physical and mental health services and treatment to people, where overnight accommodation is not provided. May include but is not limited to clinics, doctor or dentist offices, pharmacies, physical or mental therapy services, naturopathic or holistic services.

Health Services Laboratory means a *use* where the following activities may occur:

- a. bodily samples are tested;
- b. medical assessments and research are conducted; or
- c. prosthetics, dental aids or medical devices are developed, serviced or fitted.

Home Occupation, Minor means a low impact business operated as an *accessory use* to the *principal use*, located on a *parcel* with a *dwelling*, which does not change the character of the *building*. Must not create dust, noise, odour or smoke of an offensive nature.

Home Occupation, Major means a moderate impact business as an *accessory use* to the *principal use*, located on a *parcel* with a *dwelling*, which does not change the character of the *building*. Must not create dust, noise, odour or smoke of an offensive nature.

Hospital means a *use* that provides medical care and treatment to people, including outpatient services, where overnight accommodation may be provided. May include Health Care Services.

Hotel, Motel means a *use* for providing temporary sleeping accommodation in guest rooms or suites. May include an Eating and Drinking Establishment, meeting rooms, event spaces, and Fitness Facility.

Industrial means a *use* for:

- a. Agricultural support services;

- b. Fleet services;
- c. Food Production;
- d. Horticulture cultivation and sales;
- e. Industrial trades;
- f. Manufacturing, processing, packaging, assembly and shipping and distribution goods;
- g. Recycling depots;
- h. Research or development;
- i. Sales or rentals;
- j. Servicing, repair, or testing of materials and equipment;
- k. Self-storage;
- l. Training facilities for trades or industry;
- m. Warehousing, or
- n. Vehicle body repair.

and may include Outdoor Storage related to the *principal use*; and/or Offices and administration related to the *principal use* but does not include an Abattoir, Agriculture or Cannabis Production Facility.

Instructional Facility means a *use* which provides public or private instruction, education or training.

Liquor Store means a *use* licensed by the Alberta Gaming Liquor & Cannabis Commission for the sale of alcoholic beverages for offsite consumption.

Manufactured Dwelling means a prefabricated *dwelling unit* arriving site-ready on wheels and chassis for occupancy. A Manufactured Dwelling may be supported on a permanent foundation. All Manufactured Dwellings must meet the standards of the Canadian Standards Association (CSA), as amended. Does not include *recreational vehicles*.

Marquee or Canopy Sign means a *sign* placed on a marquee or canopy.

Monument Sign means a low-profile *sign* that has independent supports fixed to the ground, and is not connected to any other *building* or *structure*. Monument Signs may advertise a business, residential buildings, or neighbourhoods.

Multi-Attached Dwelling means a *building* containing three or more *dwelling units* separated by common walls, located on a single *parcel* with each *dwelling unit* having an individual exterior entrance. May include townhouses, rowhouses, triplexes or fourplexes.

Mural Sign means a *sign* that is painted or sculpted onto the exterior of a *building* or *structure*.

Office means a *building* for professional, government, managerial, administrative, financial, business support or consulting services. May include retail sales activity related to and incidental to the *principal use*.

Outdoor Storage means a *use* for storing goods or materials or equipment outside of a *building*, as an *accessory use* to a *principal use*.

Parks and Playgrounds means a *use* for recreational purposes by the public. May include playgrounds, picnic areas, outdoor open spaces, spray parks, skateboard parks, fields, outdoor skating rinks, baseball diamonds, disc golf, paths and trails, and other similar facilities.

Pet Services means a *use* for the care of *domestic pets*. May include grooming, exercising, training, daycare, or retail sales related to the *principal use*.

Portable Sign means a *sign* not permanently fixed to the ground, or on a *building* or *structure*, and is capable of being relocated to other areas. May include but is not limited to a-frame, t-frame, flag, or changeable letter signs.

Projecting Sign means a *sign* that projects outward from the exterior wall of a *building*.

Public Assembly means a *use* where the public can assemble for education, instruction, culture, religion, or communal activity. May include municipal or government services. May include Offices or *accessory buildings* related to the *principal use*.

Public Services means a *use* where municipal or government services are provided to the public. May include police or emergency services, municipal or government services, or public works yards. May include Offices, equipment or materials storage, or facilities related to the *principal use*.

Recreation Facility means a *use* for recreation, athletic and leisure activities. May include an Eating and Drinking Establishment, Fitness Facility, Health Care

Services, Public Assembly, meeting rooms, administrative areas, arenas, swimming pools, or indoor or outdoor sports facilities, on the same *parcel*.

Retail and Consumer Service means as *use* for the sale, rental, repair, or small-scale production of consumer goods and services, or the retail sales and services related to the care and appearance of a person. Does not include Cannabis Store or Liquor Retail.

Secondary Suite means a subordinate, self-contained *dwelling unit* located within the principal *dwelling unit*.

Service Station means a *use* for selling gasoline, diesel or other automotive fluids. May include traveller amenities such as Car Wash, Convenience Retail, Eating and Drinking Establishments, washrooms or shower facilities, or retail sales associated with the *principal use*. Does not include Bulk Fuel Stations.

Single-Detached Dwelling means a *dwelling* consisting of one *dwelling unit*.

Transportation Service means a *use* that provides transportation services to people, or to transport goods, documents and packages. May include transit services, taxis, limousine services or courier services.

Veterinary Clinic means a *use* for the medical care and treatment of *domestic pets* and *livestock*. May include retail sales associated with the *principal use*.

Window Sign means a *sign* placed on a window that is visible from the exterior of the *building*.

ADMINISTRATIVE DEFINITIONS

Accessory Use means a *use* that is incidental and subordinate to the *principal use* on the same *site*.

Adjacent means land that is contiguous to a parcel of land that is being subdivided or re-designated and includes land that would be contiguous if not for a highway, road, river or stream.

Amenity Area means a space designed for active or passive recreation on the same *parcel* as the residential *building*.

Balcony means a platform attached to and projecting above the first floor of a *building* for use as an outdoor *amenity area*.

Basement means the portion of a *building* which is wholly or partially below *grade*.

Building(s) means anything constructed or placed on, in, over, or under land but does not include a *highway* or a road or a bridge forming part of a *highway* or road.

Building Frontage means the portion of a *building* facing a *street*. *Buildings* facing multiple *streets* may have multiple frontages.

Bylaw Enforcement Officer means a person or persons appointed by *Council* responsible for compliance and enforcement as established in the Bylaw Enforcement Officer Bylaw.

Corner Parcel means a *parcel* located at the intersection of two *streets* or *highways*. For the purposes of this definition, a *street* or *highway* shall not include a lane.

Council means the Council of the Village of Boyle.

Deck or Patio means an uncovered *structure* with a surface *height* greater than 0.6 metres above *grade* that is intended for as an outdoor space. Does not include a *balcony*.

Development means:

- a. an excavation or stockpile and the creation of either of them;
- b. a *building* or an addition to, or replacement or repair of a *building* and the construction or placing of any of them in, on, over or under land;
- c. a change of *use* of land or a *building* or an act done in relation to land or a *building* that results in or is likely to result in a change in the *use* of the land or *building*; or
- d. a change in the intensity of *use* of land or a *building*, or an act done in relation to land or a *building* that results in or is likely to result in a change in the intensity of *use* of the land or *building*,

as defined in the *MGA*.

Development Authority means the *Development Authority* established by this Bylaw.

Development Officer means in accordance with the *MGA*, people appointed by *Council* responsible for processing applications for *development permits* including issuing decisions and enforcing the provisions of this Bylaw.

Development Permit means in accordance with the *MGA*, a permit that is issued under the Village of Boyle Land Use Bylaw and authorizes a *development*.

Digital Messaging means the component of a *sign* that is a digital display.

Directional Sign means a *sign* for the purpose of directing people to a location or notice of caution on a *site*.

Discretionary Use means use of land or a *building* provided for in this Bylaw for which a *development permit* may only be issued, with or without conditions, at the discretion of the *Development Authority*.

Domestic Pet means small animals which are normally kept as companions or as household pets such as dogs, cats and other similar animals. This does not include wildlife, fowl or *livestock*.

Dwelling or Dwelling Unit means a *building* or portion of a *building* intended for permanent or semi-permanent residence containing kitchen facilities, living, sleeping, and sanitary facilities.

Excavation, Soil Importing, Removal, or Stockpiling means *development* where the topography of a *site* is altered, typically prior to construction. May include removing vegetation, re-grading, stripping of topsoil, or other similar activities. Does not include cultivation associated with Agricultural operations.

Façade means the exterior wall of a *building*.

Front Boundary means the boundary line of a *parcel* that is *adjacent* to a *street*.

Front Yard Setback means a yard extending across the full width of a *parcel* from the *front boundary* to the nearest wall of the *principal building* situated on the *parcel*.

Grade means the average level of elevation at the finished ground surface at the corners of a site or at the foundation, as determined by the *Development Authority*.

Gross Floor Area means the total floor area of a *building* measured from the outside surface of the exterior wall, and includes all floors totally or partially above *grade* level.

Hard Landscaping means any non-vegetation element used to enhance a *parcel*. May include but is not limited to pavement, brick, paving stones, tile, shale, sculptures, or rock. Does not include driveways or vehicle parking pads.

Height means the vertical distance measured from the *grade* of a *building* or *structure* to the highest point of the *building* or *structure*. Does not include any device or feature not structurally essential to the *building* or *structure*.

Highway means Highway 63, 663 and 831, and any other *highway* as defined in provincial enactments.

Home Office means an *accessory use* to a *dwelling unit* which is used to operate a business by the resident(s) of the *dwelling unit*, fully contained within the *dwelling unit*, with no external impacts. Does not allow for visits to the *site*, Outdoor Storage, signage, or employees not residing in the *dwelling unit*.

Land and Property Rights Tribunal means a quasi-judicial tribunal that makes decisions about land use planning, property assessment and compensation disputes involving land expropriations and surface leases as established through the *Land and Property Rights Tribunal Act*.

Landscaping means creating a desired condition on a *parcel* by combining vegetation with existing features and/or introduced elements. May include *hard landscaping* or *soft landscaping* or a combination thereof.

Lane means a secondary public thoroughfare providing access to a *site* normally to the rear or side.

Livestock means *livestock* as defined in provincial enactments, including poultry, horses, cattle, sheep, swine, goats, bison, fur-bearing animals or bees raised in captivity.

Marquee or Canopy means a *structure* that is attached to and projecting from a *building* and provides shelter from the weather.

Maintenance, Renovation or Repair means any update or repair to a *building* or *structure* that does not include *structural alterations* or result in a change of *use* or intensity of a *use* in a *building*.

Manufactured Home Park means a *parcel* that is divided into *manufactured dwelling stalls*, to allow for the placement and occupancy of Manufactured Dwellings.

Manufactured Dwelling Stall means the area allocated for the placement of one Manufactured Dwelling in a *manufactured home park*.

Mixed-Use Building means a *building* designed to accommodate a mix of *uses*, listed in a *district*, on one *parcel*.

Modular Building means a *building* consisting of one or more parts constructed offsite, that meets the standards of the Canadian Standards Association (CSA) A277. A *modular building* is transported to *site* and permanently assembled. A *modular building* is supported by a permanent foundation. This definition does not include a Manufactured Dwelling.

Municipality means the Village of Boyle.

Municipal Government Act / MGA means the *MGA*, as amended, R.S.A. 2000, c.M-26.

Municipal Planning Commission means the *Municipal Planning Commission* of the Village of Boyle pursuant to the *MGA* as established by the Municipal Planning Commission Bylaw, as amended.

Net Floor Area means the portion of the *gross floor area* that excludes unoccupied areas including mechanical and utility rooms, stairs, elevators, exterior balconies, decks or patios, common walkways and floors located fully below *grade*.

Non-Conforming Building means a *building* that

- a. is lawfully constructed or lawfully under construction on the date this Bylaw or any amendment thereof affecting the *building* or the land on which the *building* is situated becomes effective; and
- b. on the date this Bylaw or any amendment thereof becomes effective does not, or when constructed will not, comply with this Bylaw,

as defined in the *MGA*.

Non-Conforming Use means a *use*

- a. being made of land or a *building* or intended to be made of a *building* lawfully under construction at the date a land use Bylaw affecting the land or *building* becomes effective; and

- b. that on the date the land use Bylaw becomes effective does not, or in the case of a *building* under construction will not, comply with this Bylaw,

as defined in the *MGA*.

Notice of Completeness, Incompleteness means a notice issued by the Village of Boyle identifying if an application is complete or incomplete in accordance with the *MGA*.

Owner means:

- a. in respect of unpatented land, the Crown;
- b. in respect of other land, the person who is registered under the *Land Titles Act* as the owner of the fee simple estate in the land or any other person(s) having a legal interest in the land; and
- c. in respect of any property other than land, the person in lawful possession of it,

as defined in the *MGA*.

Parcel means:

- a. where there has been a *subdivision*, any lot or block shown on a plan of subdivision that has been registered in a land titles office;
- b. where a *building* affixed to the land that would without special mention be transferred by a transfer of land has been erected on 2 or more lots or blocks shown on a plan of subdivision that has been registered in a land titles office, all those lots or blocks; and
- c. a quarter section of land according to the system of surveys under the Surveys Act or any other area of land described on a certificate of title,

as defined in the *MGA*.

Parcel Area means the total area of the *parcel* enclosed within the boundaries of the *parcel*.

Parcel Coverage means the cumulative coverage of all *buildings* on a *parcel*. Excludes *accessory buildings* that are 10.0 m² or less provided they are moveable.

Parcel Width means the horizontal distance between *parcel* lines measured perpendicular to the centre of the front line.

Permitted Use means a use of land or building provided for in this Bylaw for which a *development permit* shall be issued, with or without conditions, if the proposed *development* complies in all respects with this Bylaw.

Principal Building means a *building* which:

- a. Occupies the major or central portion of a *site*;
- b. Is the chief or main *building* among one or more *buildings* on a *site*; or
- c. Constitutes the primary *use* for which the *site* is used.

Principal Use means a *use* which constitutes the primary purpose of the *site*.

Projection means any portion of a *building* which extends beyond a:

- a. wall;
- b. roof; or
- c. yard setback.

Property Line means the boundary that legally defines a *parcel*.

Rear Boundary means the boundary line of a *parcel* that is opposite the *front boundary*.

Rear Yard Setback means a yard extending across the full width of a *parcel*, extending between the *rear boundary* and the nearest wall of a *building* situated on the *parcel*.

Recreational Vehicle means a vehicle or portable *structure* designed and built to be transported on its own wheels. Typical examples include tow-behind campers, tent trailers, and motor homes. Does not include Manufactured Dwelling.

Road means land:

- a. shown as a road on a plan of survey that has been filed or registered in a land titles office, or
- b. used as a public road, and includes a bridge forming part of a public road and any structure incidental to a public road,

as defined in the *MGA*.

Screening means the total or partial concealment of a *development* or *use*. May include a berm, fence, vegetation or wall, or combination thereof.

Setback means the minimum distance between a *building* or *structure* and a *property line* as identified in a *district* or elsewhere in the Bylaw.

Side Boundary means the boundary line of a *parcel* connecting the *front boundary* with the *rear boundary*.

Side Yard Setback means a yard between a *building* and the *side boundary* of a *parcel*, extending from the *front boundary* to the *rear boundary*, the width of which is the distance from the nearest point on a *building* to the *side boundary*.

Sign means a *structure* that may include words, letters, pictures, symbols, or representation, used as an advertisement, announcement or direction.

Sign Area means the total surface area of a *sign* measured to the outside edge of the frame or border of the *sign*. In the case of a *sign* composed of individual letters or symbols, the *sign area* shall be calculated as the area enclosing the letters or symbols. In the case of a multi-faced *sign*, up to two sides of the *sign* shall be counted to the *sign area*.

Similar Use means a *use* that is not identified in this Bylaw but is considered by the *Development Authority* to be similar in character and purpose to another listed *use*.

Site means a *parcel*, a part of a *parcel*, or a number of *abutting parcels* which are considered for a single *use* or a mixture of *uses*, which is owned or managed as a single unit.

Site Area means the total area of a *site*.

Soft Landscaping means any vegetation used to enhance a *parcel*. May include but is not limited to grass, trees, shrubs, flower beds, or xeriscaping.

Statutory Plan means:

- a. an intermunicipal development plan;
- b. a municipal development plan;
- c. an area structure plan; and
- d. an area redevelopment plan,

as defined in the *MGA*, and adopted by the Village of Boyle.

Storey means the space between the top of any floor and the ceiling above it.

Structure means a *building* or other thing erected or placed in, on, over or under land, whether or not it is so affixed to the land as to become transferred without special mention by a transfer or sale of the land, as defined in the *MGA*.

Structural Alterations means the addition to, deletion from, or change to any *building* that requires a permit pursuant to the *Safety Codes Act*, as amended.

Subdivision means the division of a *parcel* of land by an instrument, as defined in the *MGA*.

Subdivision Authority means people appointed by *Council* responsible for processing applications for *subdivision*, in accordance with the *MGA*.

Subdivision and Development Appeal Board means an appeal board established by *Council* by the Subdivision and Development Appeal Board Bylaw, pursuant to the *MGA*.

Temporary Sign means a *sign* intended for temporary advertisement and is not permanently fixed to a *building* or *structure*.

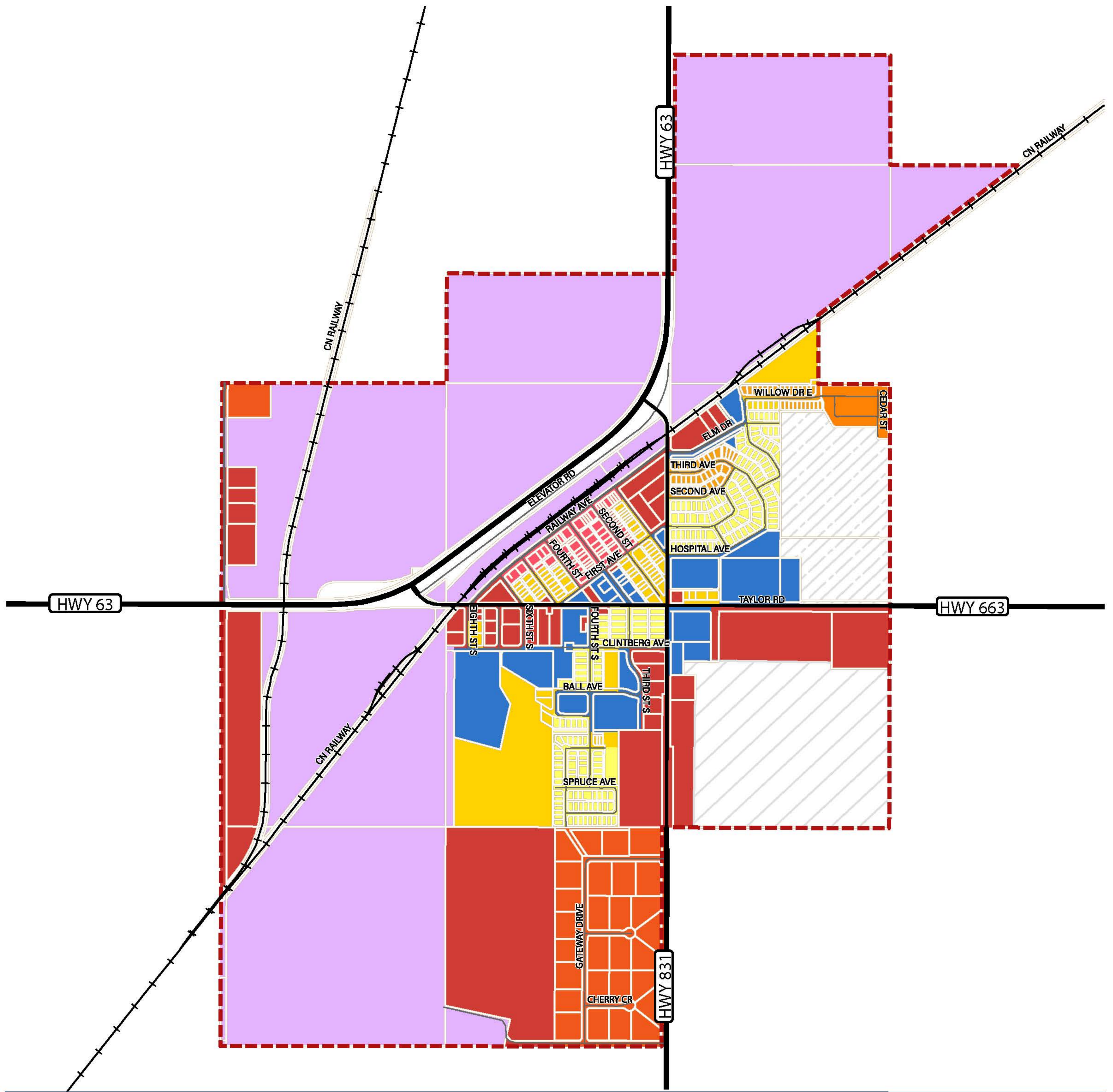
Use(s) means a *permitted use* or *discretionary use* listed in a district of this Bylaw.

Utility Facility means a *development* for the operation, maintenance, or administration of a public utility as defined in the *MGA*.

Variance means a limited exception to a specific rule defined in this Bylaw that is requested in a *development permit* application.

Appendix A

Land Use Maps



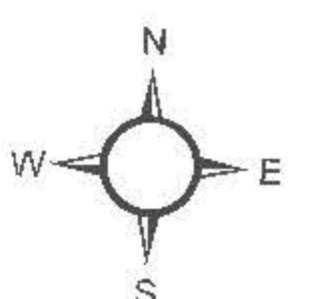
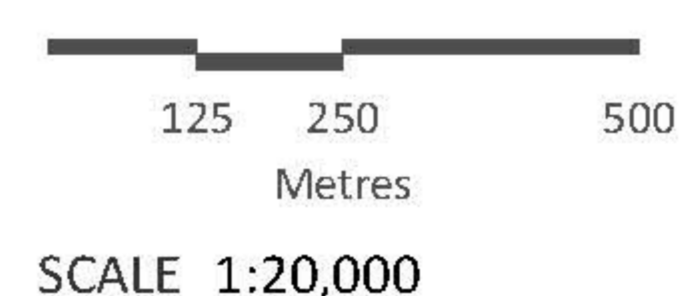
VILLAGE OF BOYLE

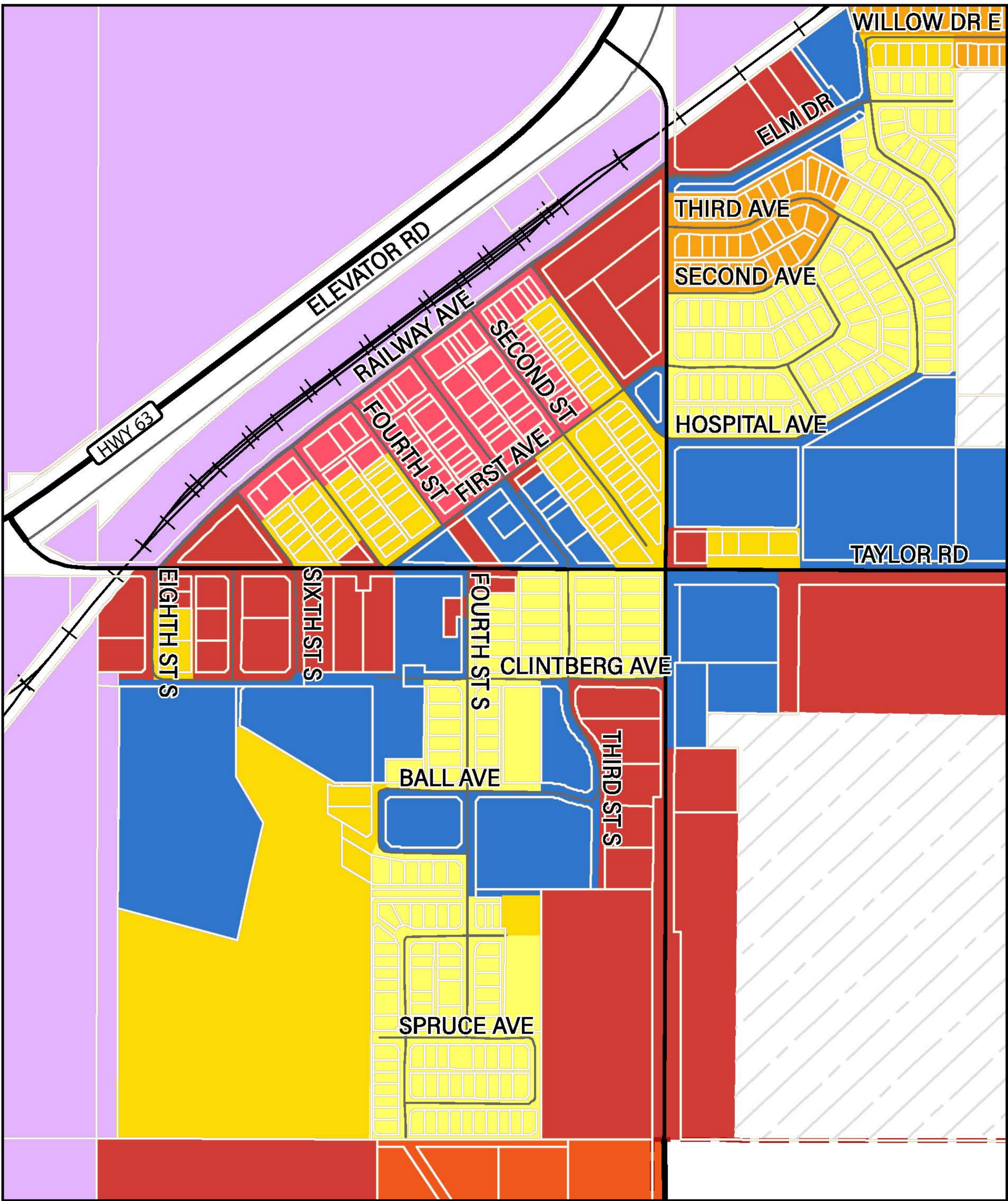
FIGURE 1
LAND USE MAP



- Municipal Boundary
- Highway
- Arterial
- Collector
- Local / Street
- Railway
- Parcel
- R1 - Low-Density Residential District
- R2 - Residential District
- RM - Residential Modified District
- RMHP - Residential Manufactured Home Park District
- RE - Residential Estate District
- C1 - Commercial District
- DTC - Downtown Core District
- IND - Industrial District
- I - Institutional District
- UR - Urban Reserve District

MAP DRAWING INFORMATION:
 DATA PROVIDED BY Village of Boyle, NRCan
 MAP PROJECTION: Coordinate System: NAD 1983 10TM AEP Resource





VILLAGE OF BOYLE

**FIGURE 2
LAND USE MAP**



- Municipal Boundary
- Highway
- Arterial
- Collector
- Local / Street
- Railway
- Parcel
- R1 - Low-Density Residential District
- R2 - Residential District
- RM - Residential Modified District
- RMHP - Residential Manufactured Home Park District
- RE - Residential Estate District
- C1 - Commercial District
- DTC - Downtown Core District
- IND - Industrial District
- I - Institutional District
- UR - Urban Reserve District

MAP DRAWING INFORMATION:
 DATA PROVIDED BY Village of Boyle, NRCan
 MAP PROJECTION: Coordinate System: NAD 1983 10TM AEP Resource
 Scale is approximate.

