

Village of Nampa Land Use Bylaw Bylaw No. 421

Adopted: April 15, 2013

Consolidated: May 20, 2016



Prepared by the:
Mackenzie Municipal Services Agency

**VILLAGE OF NAMPA
LAND USE BYLAW
No. 421**

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SCHEDULES

- SCHEDULE “A” THE DEVELOPMENT APPEAL BOARD
- SCHEDULE “B” LIST OF AMENDMENTS
- SCHEDULE “C” LAND USE BYLAW DISTRICT MAP

SECTION ONE: GENERAL

I.1 TITLE

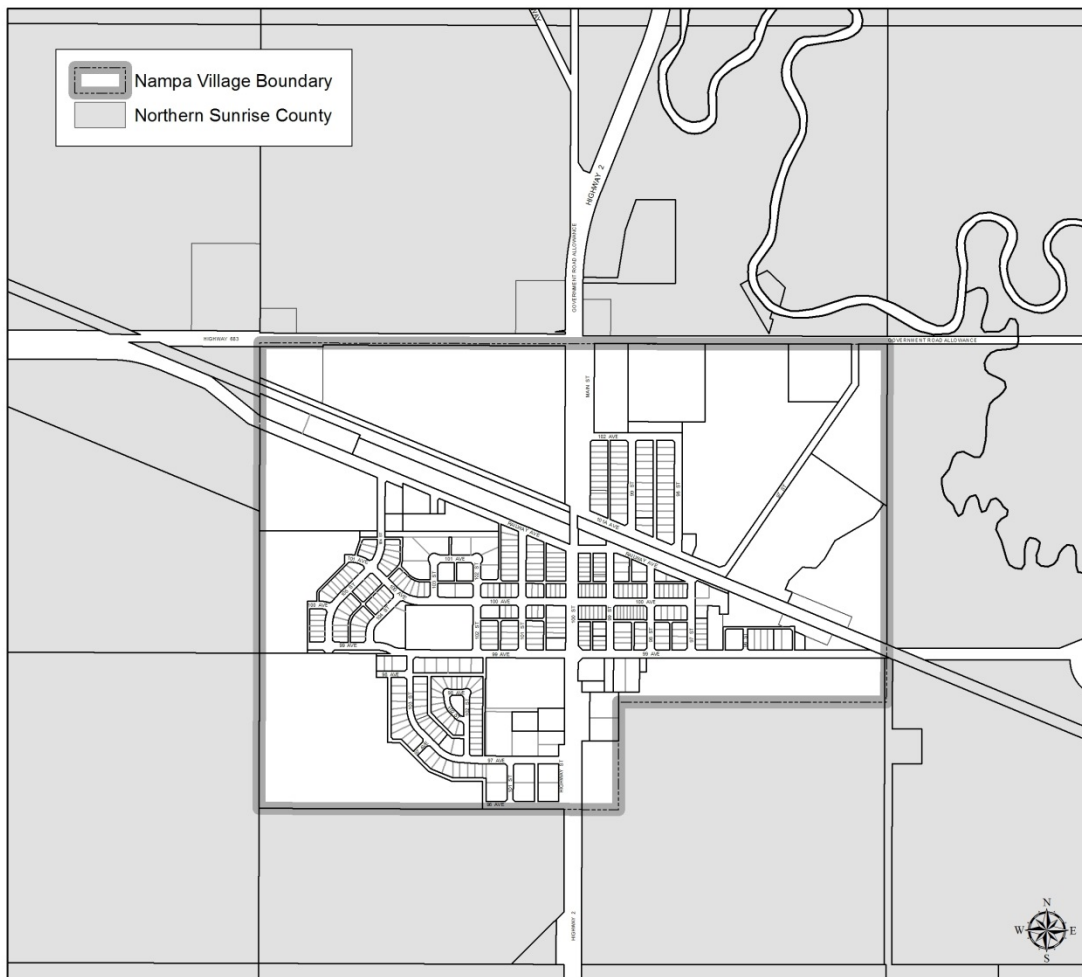
The Village of Nampa Land Use Bylaw may be cited as the "Bylaw".

I.2 PURPOSE

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

I.3 APPLICATION OF BYLAW

The provisions of this Bylaw apply to all land and buildings within the corporate boundaries of the Village of Nampa (as shown below).



I.4 CONFORMITY WITH BYLAW

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

I.5 DEFINITIONS

"ACCESSORY" when used to describe a use, building or structure, means a use, building or structure which, in the opinion of the Development Officer is incidental, subordinate and exclusively devoted to the principal use or building and located on the same site. (A private garage or a private satellite T.V. antenna (dish) as defined in this Bylaw is considered an accessory use.)

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

"ACT" means The Province of Alberta Municipal Government Act, R.S.A. 2000, as amended.

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

"AMUSEMENT FACILITY" means a building that is used for amusement type activities and may include, but is not limited to, pool tables, video games, bowling alleys, roller-skating, and other similar activities.

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

"BASEMENT" means the area of a building where the floor level is 1 metre or more below the finished grade and the total ceiling height exceeds 2 metres.

"BED AND BREAKFAST" means the use of a part of a residential dwelling for overnight accommodation, where breakfast is usually served as part of the accommodation service.

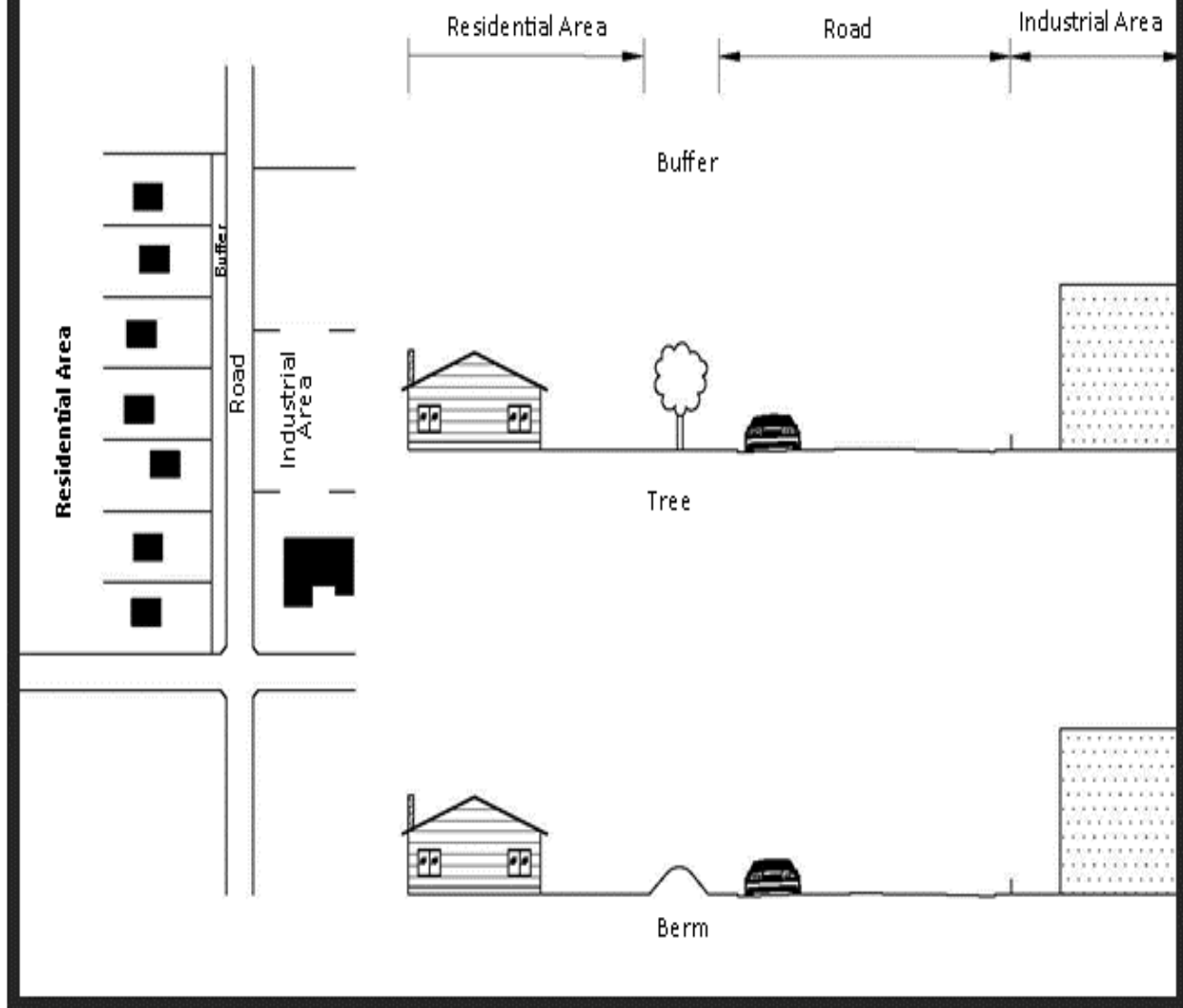
"BOARDING OR ROOMING HOUSE" means a building used for gain or profit (other than a hotel or motel) containing guest rooms for two or more persons where meals may or may not be served.

"BUFFER" means a row of trees, or shrubs, or berming to provide visual screening and separation and/or sound dampening between sites, districts, or incompatible land uses.

EXPLANATION NOTES

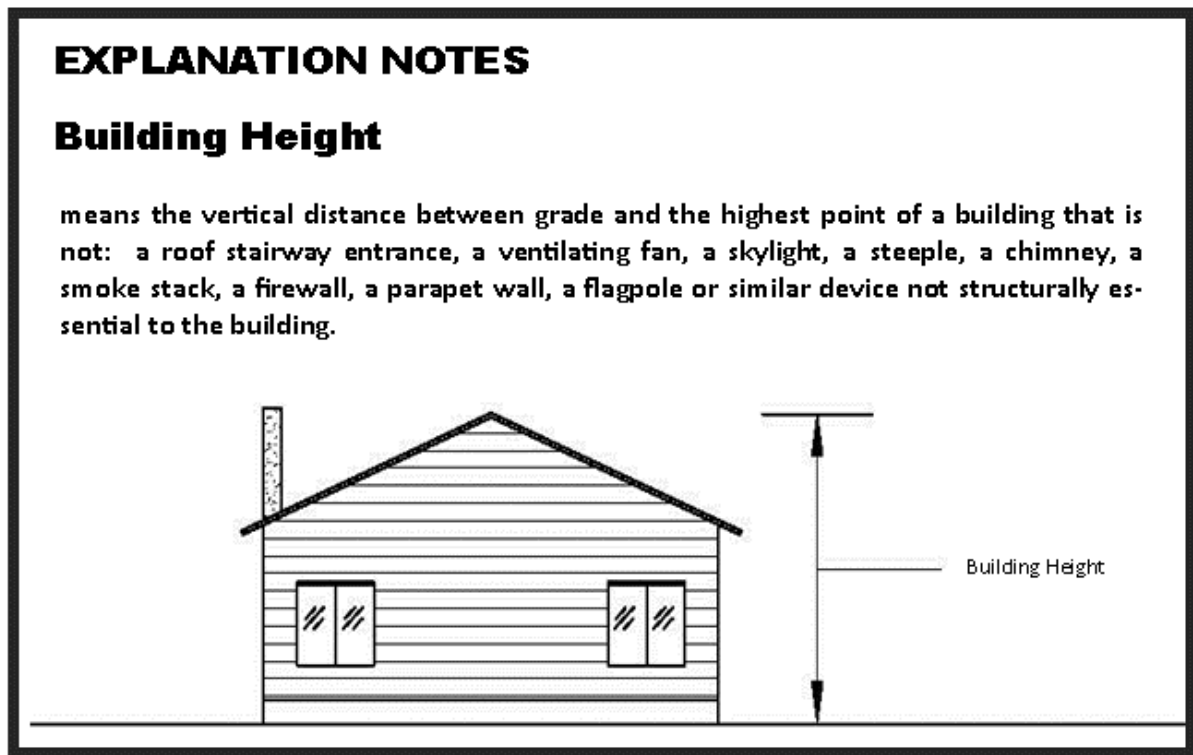
Buffer

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



"BUILDING" includes anything constructed or placed on, in, over, or under land but does not include a highway or public roadway or a bridge forming part of a highway or public roadway.

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



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

"CARETAKER'S RESIDENCE " means a dwelling unit that is secondary or accessory to the principal industrial or commercial use, located on the same lot and is used for the purpose of providing living accommodation for person(s) who are primarily responsible for the maintenance and security of the principal use of that lot.

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

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

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

"CHILD CARE FACILITY" means a facility licensed by the Provincial Government to provide daytime personal care and education to more than seven (7) children, but does not include overnight accommodation. Typical uses include day care centres, play schools, kindergartens, nursery schools and after-school programs.

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

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

"CONDOMINIUM" means the ownership of one residential unit on a lot with multiple residential units. Units can be part of an apartment building, townhouse, rowhouse, or other similar multi-residential structure with shared common areas. Ownership is registered in accordance with The Condominium Property Act.

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

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

"CORNER LOT" means a lot at the intersection of two abutting streets, but excluding lots that abut an alley or lane.

"COUNCIL" means the Council of the Village of Nampa.

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

“DECK” means a recreational area that is constructed and attached to the principal building on the site, at ground level or elevated, that may be open or closed in terms of the design of its construction.

“DEVELOPMENT” means:

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

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

“DEVELOPMENT AUTHORITY” means one or more of the following:

- a) Development Officer; or
- b) Municipal Planning Commission; or a combination of both
- c) any other person appointed by bylaw of Council pursuant to the provision of this bylaw.

“DEVELOPMENT OFFICER” means the person appointed by a resolution of Council to the office established by Section 2.1.2 of this Bylaw.

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

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

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

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

“DWELLING UNIT” means one or more self-contained rooms provided with a private entrance either from outside the building or from a common hall, lobby, vestibule or stairway inside the building, containing sleeping, cooking facilities and toilet facilities, intended for domestic use, and used or intended to be used permanently or semi-permanently as a residence.

- a) *Apartment* means a building designed and built to contain three or more separate dwelling units, each of which has an independent entrance either directly from outside the building or through a common vestibule. (This definition includes buildings referred to as four-plexes, six-plexes and the like.)
- b) *Dormitory* means a building containing one or more dwelling units for the accommodation of students attending an educational institution on a temporary basis and includes a single detached dwelling, a semi-detached dwelling, a duplex, manufactured home or a multiple unit dwelling and can have associated facilities including a cafeteria or a general store.
- c) *Duplex* means a building containing two dwelling units, one above the other or side by side, each of which has an independent entrance either directly from outside the building or through a common vestibule.
- d) *Row* means one of three or more dwelling units constructed in a row and divided vertically and each of which has a separate rear and front entrance.
- e) *Semi-detached* means a building that is divided vertically into two dwellings units side by side and separated from each other by a common wall extending from foundation to roof, having separate entrances and not attached to any other residential building.
- f) *Single detached* means a site-built dwelling unit which is separate from any other dwelling unit or building. The term single detached dwelling as defined here does not include manufactured homes.

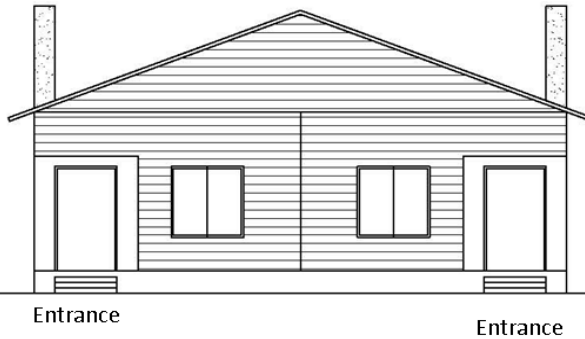
Bylaw 434R
2016/04/11

Bylaw 434R
2016/04/11

EXPLANATION NOTES

Semi-Detached

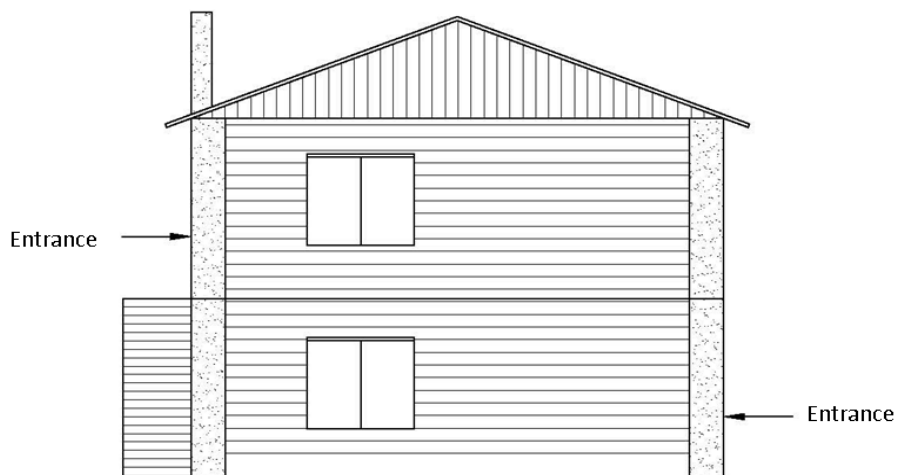
"SEMI-DETACHED DWELLING" means a building that is divided vertically into two dwellings units side by side and separated from each other by a common wall extending from foundation to roof, having separate entrances and not attached to any other residential building.



EXPLANATION NOTES

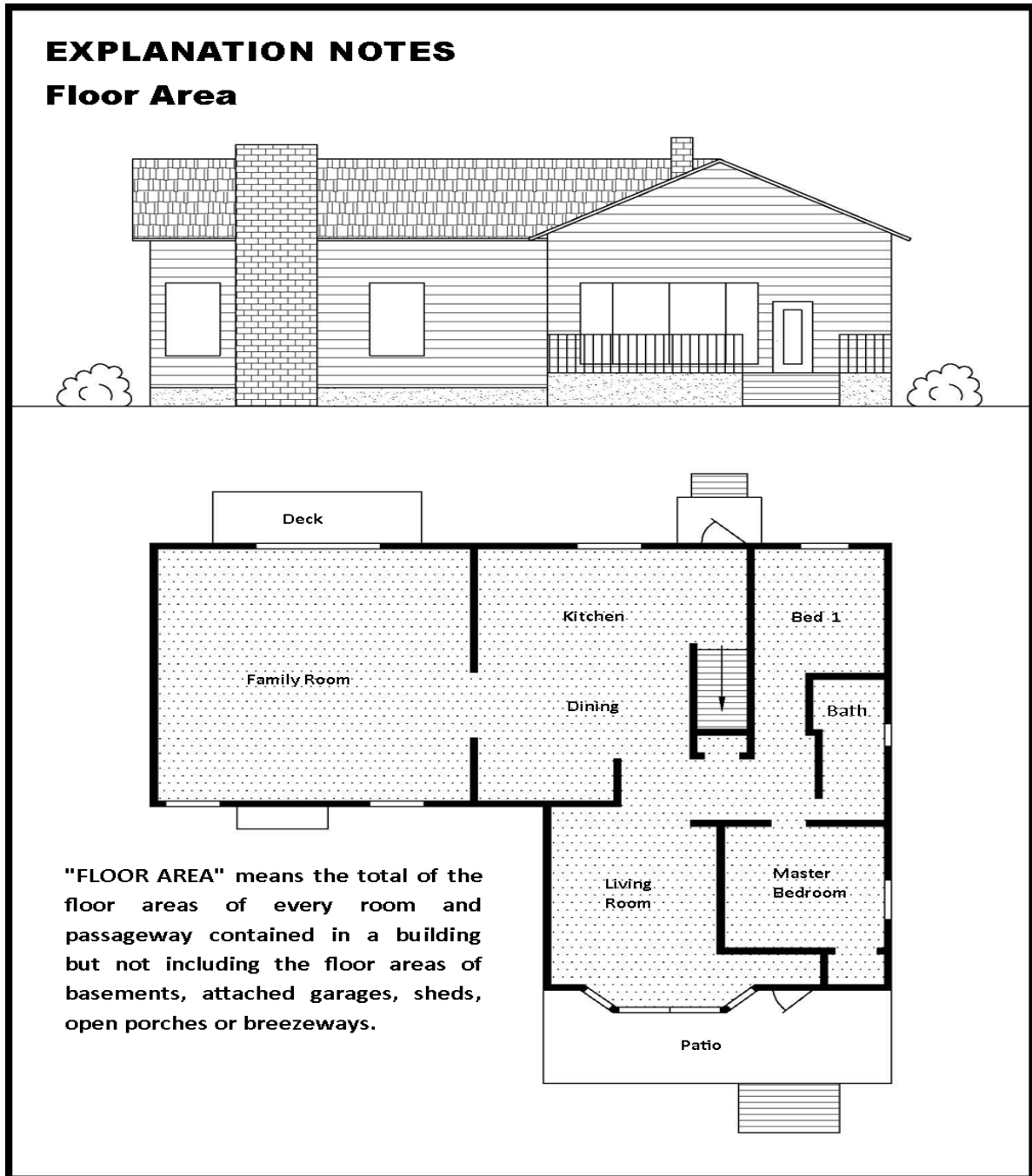
Duplex

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



“EXTENSIVE AGRICULTURE” means a system of tillage and animal husbandry by the raising of crops or the rearing of livestock either separately or in conjunction with one another over a large area of land. A dwelling, buildings and other structures incidental to the operation are also included.

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



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

“GROCERY STORE” means the use of a building for the sale of food and convenience goods.

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

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

“LANE” means a public right-of-way which provides a secondary means of access to a parcel of land and which is registered in the Land Titles Office in the Province of Alberta.

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

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

“LOT” means:

- a) a quarter section,
- b) a river lot or settlement lot shown on an official plan referred to in Section 32 of The Surveys Act that is filed or lodged in a land titles office,
- c) a part of a parcel where the boundaries of the part are separately described in a certificate of title other than by reference to a legal subdivision, or
- d) a part of a parcel where the boundaries of the part are described in a certificate of title by reference to a plan of subdivision.

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

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

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

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

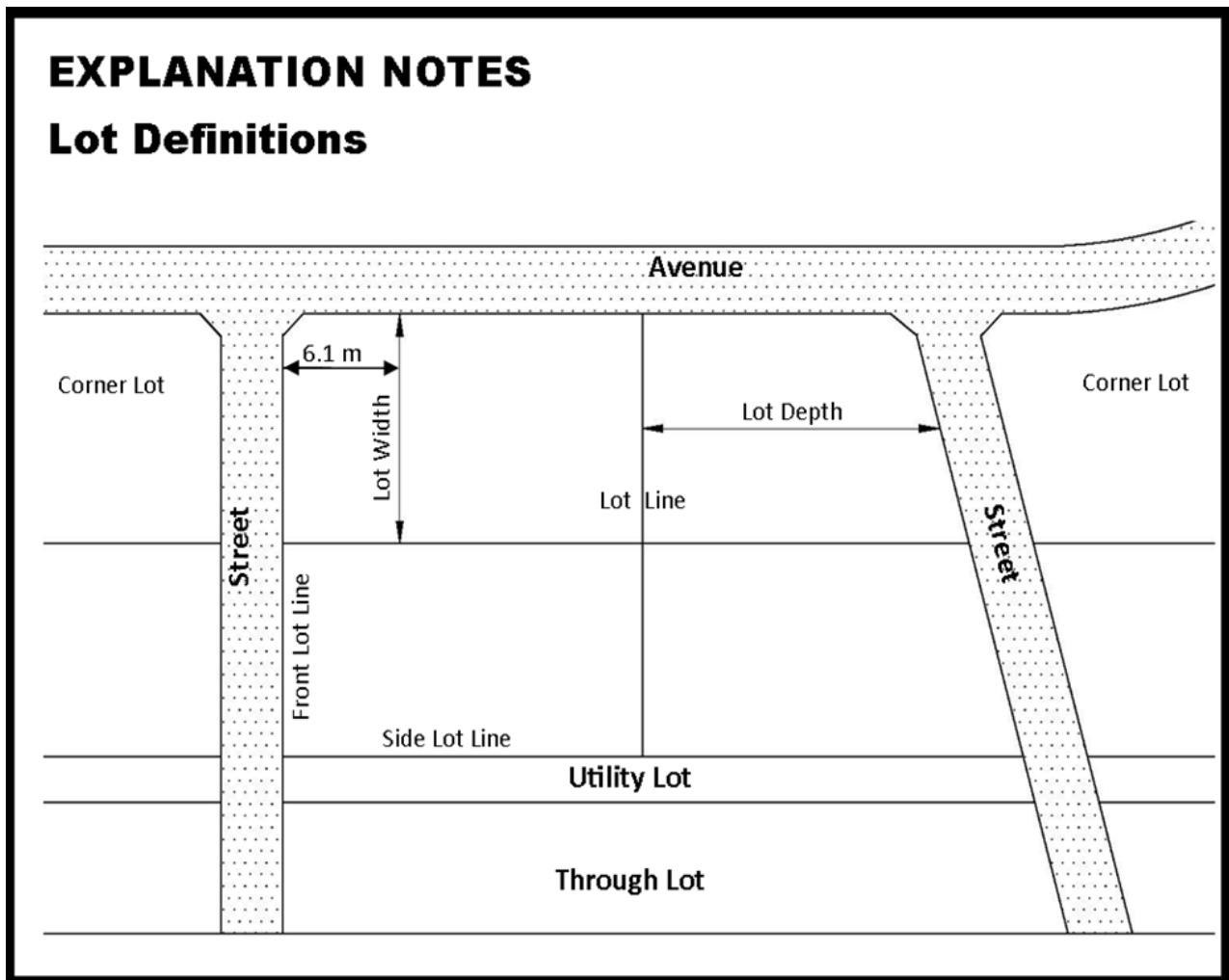
“**LOT LINE, FRONT**” means the boundary dividing the lot from an abutting street. In the case of a corner lot the owner of the site may select one of the street boundaries as the front.

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

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

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

“**LOT WIDTH**” means the horizontal measurement between the side lot lines measured at a point 6.1 metres perpendicularly distant from the front lot line.



Bylaw 434R
2016/04/11

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

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

Bylaw 434R
2016/04/11

“MANUFACTURED HOME (Double Wide)” - *deleted*

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

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

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

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

Bylaw 434R
2016/04/11

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

Bylaw 434R
2016/04/11

“MODULAR HOME”- *deleted*

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

“MOVED-IN DWELLING” means a previously occupied single detached dwelling that is to be transported in whole to a new building site.

“NON-CONFORMING BUILDING” means a building:

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

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

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

“PARCEL” means the aggregate of the one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in a land titles office.

“PERMITTED USE” means those uses of land, buildings or structures for which Permits must be issued by the Development Officer, if the development meets all applicable regulations and is listed as a permitted use within a respective zone of this Bylaw.

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

“PORTABLE SIGN” means a sign mounted on an “A” frame or on a trailer, stand or similar support and which together with the support can be relocated to another location.

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

“PROFESSIONAL OFFICE” means a building that has within it an office or offices that are used to accommodate a professional service, more specifically as identified by a governing statute of the Province of Alberta, e.g. doctor, dentist, or accountant.

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

“PUBLIC USE” means the use of any lot, building, structure or portion thereof for public use and shall include community or recreation centres, a cemetery, fire halls, police stations, ambulance stations, government offices, public works yards, public libraries, including building and facilities accessory thereto, but does not apply to essential utilities such as the provision of waterlines, sewer lines, road or utility lines provided by agencies such as gas, hydro, cable or the telephone company, and does not include schools.

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

- a) water or steam;
- b) sewage disposal;
- c) public transportation operated on behalf of the municipality;
- d) irrigation;
- e) drainage;
- f) fuel;
- g) electric power;
- h) heat;
- i) waste management;
- j) telecommunications; and
- k) includes the goods and services that are provided for public consumption, benefit, convenience or use.

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

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

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

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

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

“SCREENING” means a fence, berm or hedge used to visually separate areas or functions.

“SECONDARY SUITE” means development consisting of a dwelling located within, and accessory to, a structure in which the principal use is single detached housing. A secondary suite has cooking facilities, food preparation, sleeping and sanitary facilities which are physically separate from those of the principal dwelling within the structure. A secondary suite also has an entrance separate from the entrance to the principal dwelling, either from a common indoor landing or directly from the side or rear of the structure. This use class includes the development or conversion of basement space or above-grade space to a separate dwelling, the development of a dwelling unit constructed in the backyard of the principal dwelling unit or the addition of new floor space for a secondary suite to an existing single detached dwelling. This use class does not include duplex housing, semi-detached housing, or apartment housing, and does not include boarding or lodging houses.

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

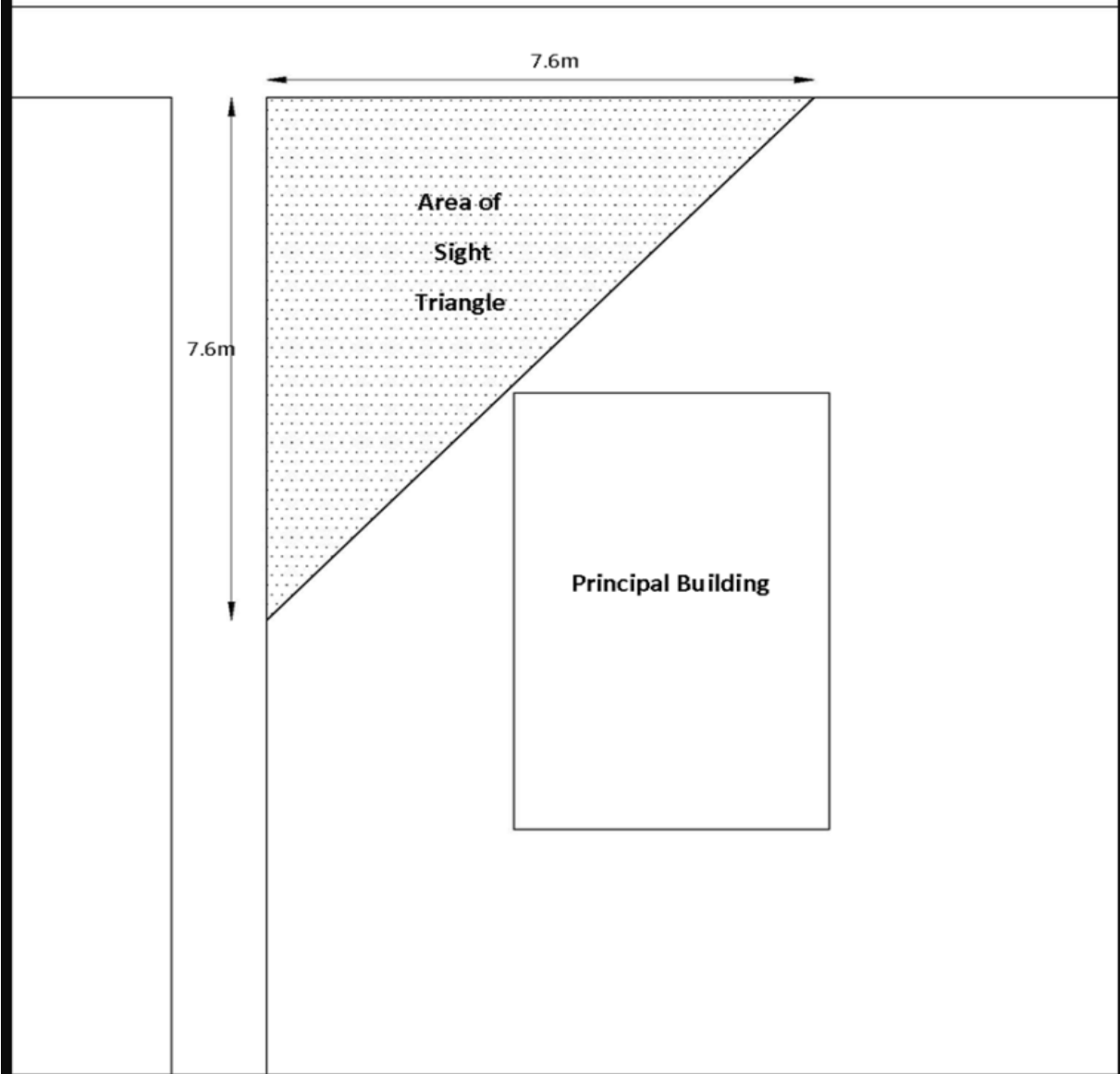
“SETBACK” means the distance that a development or a specified portion of it, must be set back from a property line. A setback is not a yard, amenity space, or separation space.

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

EXPLANATION NOTES

Sight Triangle

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



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

“SITE” means an area of land consisting of one or more abutting Lots under single ownership or control;

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

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

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

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

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

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

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

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

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

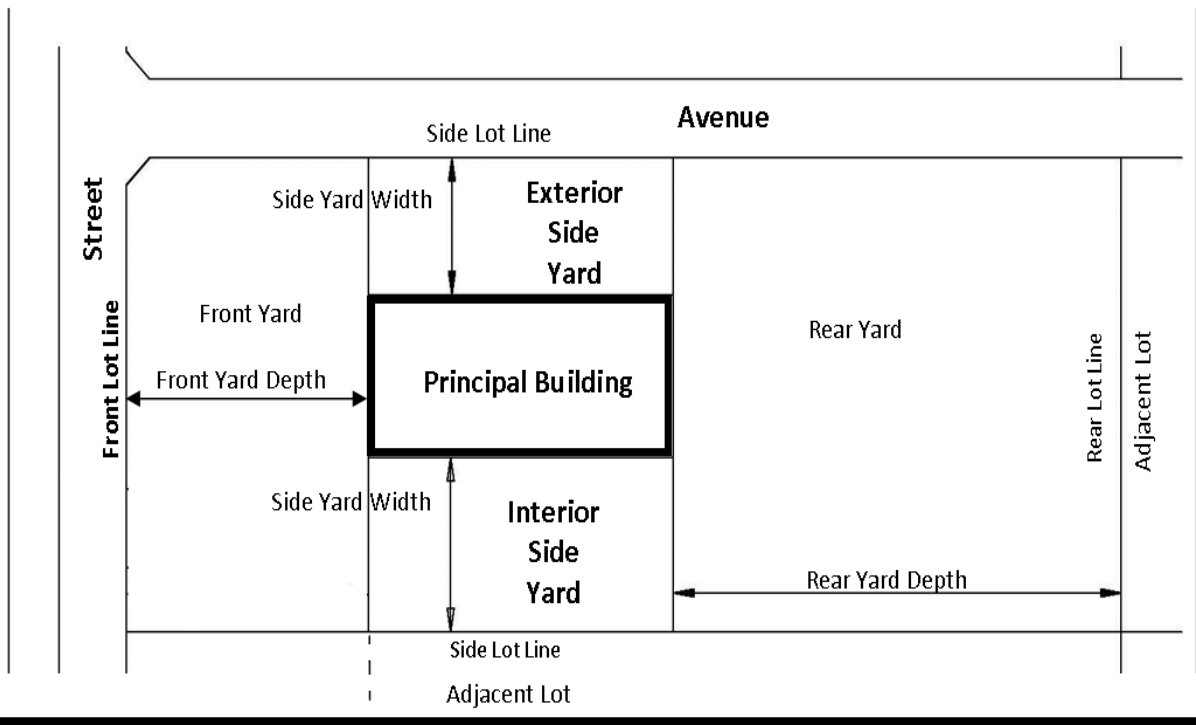
“YARD DEPTH, FRONT” means the least horizontal dimension between the front lot line of the lot and the nearest part of any building or structure.

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

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

EXPLANATION NOTES

Yard Definitions



SECTION TWO: ADMINISTRATIVE AGENCIES

2.1 DEVELOPMENT OFFICER

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

2.2 DUTIES AND RESPONSIBILITIES OF THE DEVELOPMENT OFFICER

- 1) In accordance with the Act, the Development Officer shall:
 - a) receive, consider and decide upon applications for a development permit; and
 - b) keep and maintain for inspection of the public during office hours, a copy of this Bylaw and all amendments and resolutions thereto and ensure that copies are available to the public at a reasonable cost; and
 - c) keep a register of all applications for development, including the decisions and the reasons for them, for a minimum period of seven (7) years
- 2) The Development Officer shall approve all applications for a "Permitted Use" unconditionally if it conforms with the Bylaw or with conditions necessary to bring the application into conformity with the Bylaw.
- 3) The Development Officer shall refer an application to the Municipal Planning Commission for a discretionary use, and may provide advice to:
 - a) approve the application unconditionally; or
 - b) approve the application subject to conditions; or
 - c) refuse the application.
- 4) Where the proposed use is not listed in a land use district, the Development Officer may consider it to be so listed if, in their opinion, it is sufficiently similar in character and purpose to a listed use.

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

- 10) When, in the opinion of the Development Officer, satisfactory arrangements have not been made by a developer for the supply of water, electrical power, sewage, and street access, or any of them, including payment of the costs of installation or construction, the Development Officer shall refuse to issue a development permit.
- 11) The Development Officer may refer any application to the Mackenzie Municipal Services Agency or any other agency in order to receive qualified comment and advice.
- 12) Notwithstanding any specific provisions and standards set out in this bylaw, the Development Officer may establish a more stringent standard for a discretionary use when it is deemed necessary to do so.

2.3 SUBDIVISION AND DEVELOPMENT APPEAL BOARD

The Subdivision and Development Appeal Board shall be established by separate bylaw and perform its duties in accordance to that bylaw and the provisions of the Act.

Schedule "A" titled "The Subdivision and Development Appeal Board" as adopted by resolution of Council, outlines appeal procedure and administrative matters.

2.4 THE MACKENZIE MUNICIPAL SERVICES AGENCY

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

2.5 DEVELOPMENT PERMIT: PAYMENT OF TAXES

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

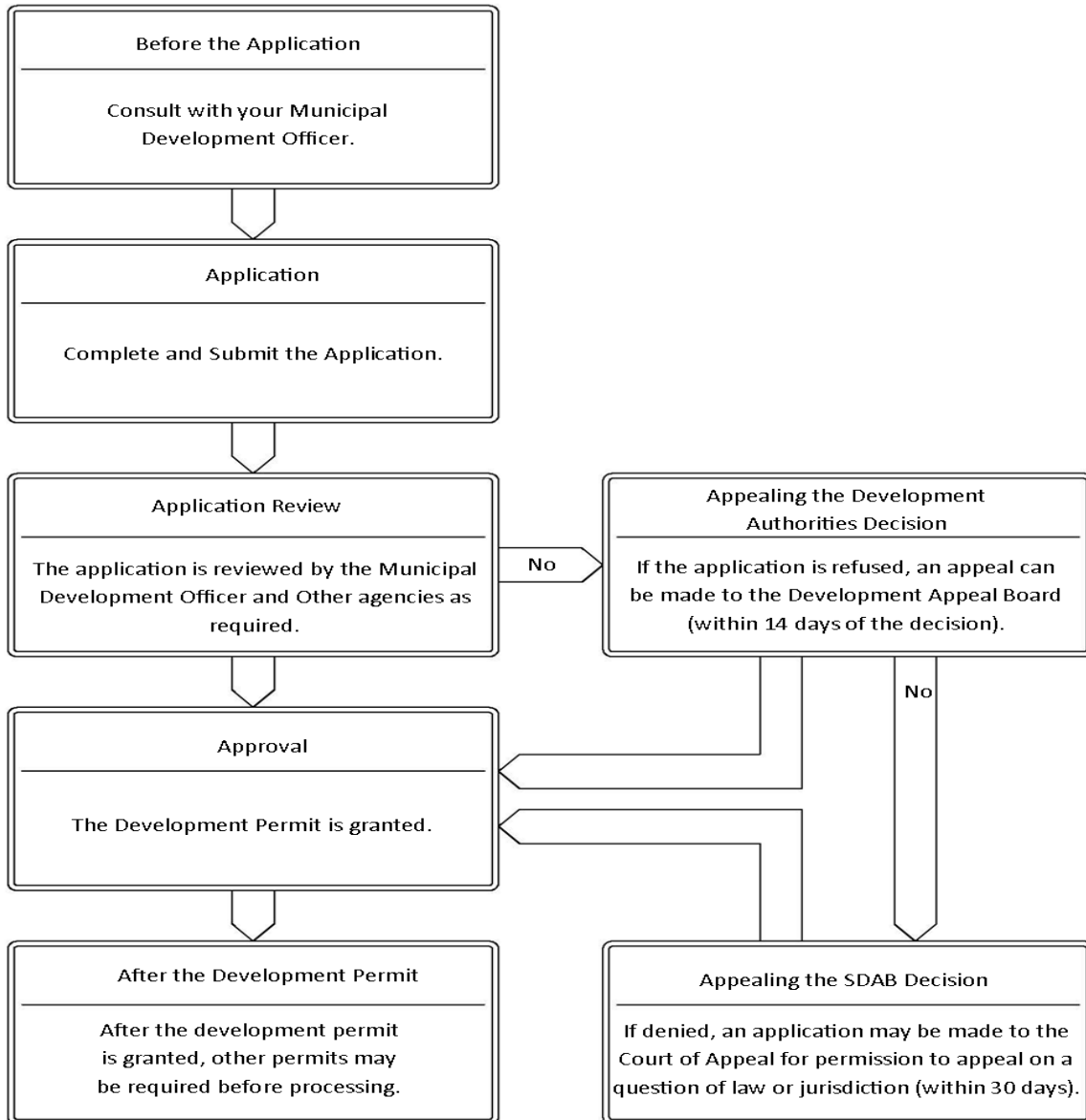
2.6 FORMS AND NOTICES

Bylaw 436
2016/05/17

The forms and notices of this Bylaw may be published, issued, served or delivered by the Development Officer or an official of the municipality.

EXPLANATION NOTES

Development Process



SECTION THREE: ISSUANCE OF DEVELOPMENT PERMITS AND NOTICES

3.1 DEVELOPMENT PERMIT NOTIFICATION

- 1) A decision of the Development Officer on an application for a Development Permit shall be given in writing and a copy of it sent to the applicant.
- 2) When an application for a Development Permit is approved for a permitted use, the Development Officer may mail a notice in writing to all adjacent landowners stating the location of the property for which the application has been made and the Development Permit approved.
- 3) In the case of a permit issued for a permitted use where the provisions of the Bylaw have not been relaxed or varied, the Development Officer is not required to notify adjacent or affected land owners.
- 4) A development permit granted pursuant to this Bylaw, for a permitted use, where the provisions of this Bylaw have not been relaxed or varied, come into effect on the date that the decision is made.
- 5) When an application for a Development Permit is approved for a discretionary use, the Development Officer shall:
 - a) Immediately mail a notice in writing to all adjacent landowners advising of the decision and the right to appeal the decision; and/or
 - b) Immediately publish a notice in a newspaper circulating in the municipality, stating the location of the property for which the application has been made and the use approved.
- 6) When an application for a Development Permit is refused, an official of the Village shall mail a notice by registered mail in writing, to the applicant or his agent stating the reasons for refusal.
- 7) For the purposes of this Bylaw, notice of the decision of the Development Officer is deemed to have been given on the day when Notice of Decision has been published in a newspaper, and/or posted on the site, and upon a decision of refusal, mailed to the applicant.

3.2 CONDITIONS OF A DEVELOPMENT PERMIT

- 1) A development permit lapses and is automatically void if the development authorized is not commenced within twelve (12) months from the date of issuing the permit, or within such longer periods as may be approved by the Development Officer.
- 2) A development permit is automatically effective seventeen (17) days after its issuance unless an appeal is lodged.
- 3) When an appeal is made, the development permit shall not come into effect until the appeal has been determined, at which time the permit may be modified or nullified thereby.
- 4) When an application for a development permit has been refused, the submission of another application on the same parcel of land and for a similar use may not be accepted by the Development Officer for at least six (6) months after the date of refusal.

SECTION FOUR: DEVELOPMENT PERMITS

4.1 DEVELOPMENT PERMITS REQUIRED

- I) Except as provided in Section 4.2 of this Bylaw, no person shall undertake any development unless:
 - a) it is in accordance with the terms and conditions of a development permit issued pursuant to this Bylaw, and
 - b) a Building Permit has been obtained subject to the provisions of the Alberta Building Code.

4.2 DEVELOPMENT PERMITS NOT REQUIRED

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

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

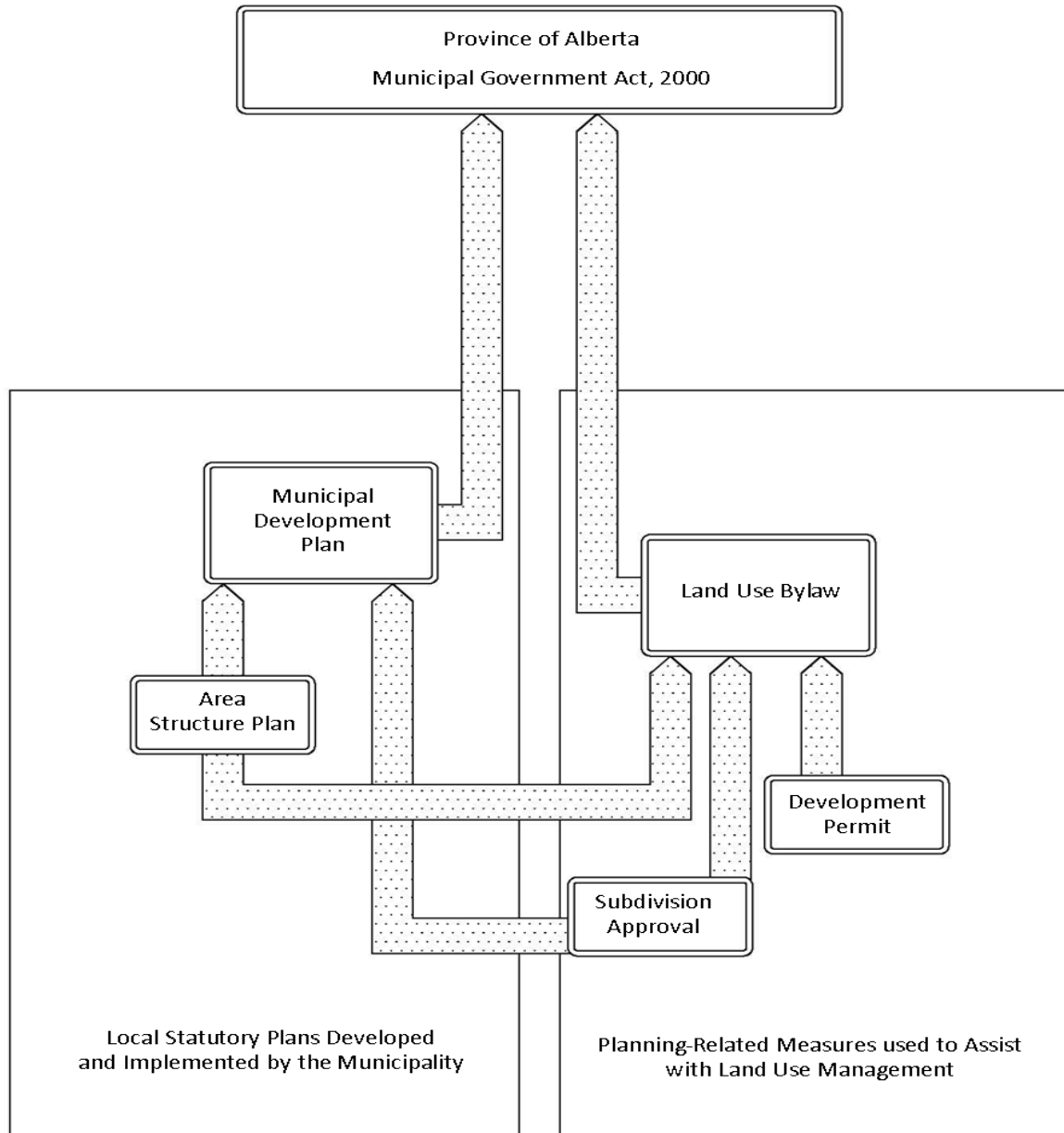
4.3 APPLICATION FOR A DEVELOPMENT PERMIT

- l) An application for a development permit shall be made to the Development Officer in writing in the prescribed form, and shall be signed by the owner and his agent. The Development Officer may require any of the following information with the application:

- a) building plans, in duplicate, showing:
 - i) floor plans,
 - ii) elevations,
 - iii) exterior finishing materials;
- b) site plans, in duplicate, showing;
 - i) the legal description and municipal address,
 - ii) dimensions of the site,
 - iii) utilities, site drainage, grade elevations, existing and finished lot grades, the grades of the streets and the location of proposed sewer and water lines,
 - iv) the height, dimensions, and relationship to property lines of all existing and proposed buildings and structures including retaining walls, trees, landscaping, other features and location of fencing if deemed necessary by the Development Officer;
 - v) on applications for multiple-family, commercial, industrial, recreational and institutional uses;
 - loading and parking provisions,
 - access locations to and from the site,
 - garbage and storage areas and the fencing and screening proposed for same.
 - location and approximate dimensions of existing and proposed culverts and crossings;
- c) the application fee for a Development Permit shall be established by a resolution of Council;
- d) a statement of ownership of land and interest of the applicant therein;
- e) the estimated commencement and completion dates;
- f) such additional information as the Development Officer may require.

EXPLANATION NOTES

Relationship between Plans and Planning Related Measures



SECTION FIVE: GENERAL LAND USE PROVISIONS

5.1 ACCESSORY BUILDINGS

- 1) For the purpose of calculating yard setbacks and site coverage requirements as provided in the Bylaw, when an accessory building is attached to the principal building on a site by a roof, an open or enclosed structure, a floor, or a foundation, it is to be considered a part of the principal building and not as an accessory building.
- 2) Any accessory building which is not physically connected to a principal building shall be located at least 2.8 metres from any principal building.
- 3) Any accessory building erected on a site in any residential district shall not be used as a dwelling.
- 4) No side yard is required for any accessory building in a residential district or an industrial district where a mutual wall is erected on a common property line and is constructed of brick, stone or equivalent fire resistant material, there will be no overhang of eaves and all drainage is confined to the site.

5.2 SITE DIMENSIONS

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

5.3 COVERAGE OF SITE

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

5.4 FRONT, SIDE AND REAR YARD SETBACKS

- 1) On each site there shall be established and maintained front, side and rear yards of such dimensions as will meet the minimum requirements of this Bylaw.

5.5 PROJECTIONS INTO YARDS

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

5.6 RESTRICTIONS ON CORNER SITES

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

5.7 HEIGHT OF BUILDINGS

- l) No building shall be erected to a greater height than the maximum height prescribed for buildings in the district in which the building is proposed to be located.

5.8 HOME BASED BUSINESSES

- l) Home based businesses shall be limited to those uses which do not interfere with the rights of other residents to quiet enjoyment of a residential neighbourhood. Home based businesses shall be no more than supplementary uses to the principal residential building and shall not:
 - a) store material goods or equipment on or off the site in an unsightly manner;
 - b) create a nuisance by way of dust, noise, smell, smoke or traffic generation;
 - c) require alterations to any building unless the alterations are approved by the Development Officer;

- d) employ any more than one person other than the occupants of the principal residential building in which they take place.
- 2) An unlighted sign to identify the use conducted on the site may be placed in a window or attached to the exterior of the residence on the street side of the residence and the size of the sign shall be limited to 0.09 square metres.
- 3) Home based businesses are limited to those which are approved by the Development Officer for the dwelling where they are carried on for a period not exceeding one year at which time application may be made for the continuance of the use.

5.9 ILLUMINATION

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

5.10 INDUSTRIAL STANDARDS

- 1) Any industrial operation including production, processing, cleaning, testing, repair, storage or distribution of any material shall conform to the following standards:
 - a) Toxic or noxious materials or dust or ash shall not be released or permitted to escape to the atmosphere at such a rate as to interfere with the use and enjoyment of property or to endanger the health or safety of the public.
 - b) No industrial operation shall be carried out which would result in the projection of glare or heat onto adjacent properties.
 - c) Waste products shall not be discharged into any sewer or private sewage disposal system if the nature of such waste products, or the manner of their discharge, would exceed the design standards for the sewer or sewage disposal system.
- 2) The Development Officer may consult with a Public Health Officer, Provincial Departments, or any other qualified consultant prior to making a decision on an application for a Development Permit.

5.11 LANDSCAPING AND SCREENING

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

5.12 OBJECTS PROHIBITED OR RESTRICTED IN DISTRICTS

- 1) No person shall be allowed to keep or maintain:
 - a) a commercial vehicle with a gross vehicle weight rating in excess of 4091 kilograms to remain on the street in a residential district.
 - b) an unlicensed, dismantled or derelict vehicle to remain on a site or a street in a residential district for more than forty-eight (48) hours;
 - c) any excavation, building, or storage of material upon a site during the construction stage of any development unless all safety requirements are complied with and the owner and developer of any such site shall assume full responsibility for on-site safety measures;
 - d) any excavation, equipment, or construction materials to remain on a site over a period longer than is reasonably necessary for completion of construction;
 - e) any object or chattel which, in the opinion of the Development Officer, is unsightly or tends to adversely affect the amenities of the district.

5.13 PARKING AND LOADING FACILITIES

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

TYPE OF USE	MINIMUM PARKING REQUIREMENTS
Residential Uses	
Apartments, Row Housing	1.5 spaces/dwelling unit
Boarding House, Lodging House	1 space/2 beds
Other Residential Uses	1 space/dwelling unit
Commercial Uses	
Business, Administrative and Professional Offices	1 space/46.5 square metres of gross floor area
Retail Shops and Personal Service Establishments	1 space/27.9 square metres of gross floor area
Drive-In Restaurants and Eating Establishments	1 space/4 seats
Where a hotel and/or eating establishment and/or motel and/or beer parlours are grouped in any combination on a site the parking required shall be based on a combination of the standards for each specific use.	1 space/guest unit 1 space/4 seats 1 space/guest unit plus 1 space/two employees
Other Non-Residential Uses	
Public Assembly Auditoriums, Theatres, Convention Halls, Gymnasiums, Private Clubs, Ball Parks	1 space/3.5 seats or 1 space/3.2 square metres of floor area used by patrons, whichever is greater
Places of Worship	1 space/15 seating spaces
Schools: Elementary	1 space/each classroom
Schools: Junior High, Senior High	2 spaces/each classroom
Hospitals or Clinics	1 space/92.9 square metres of gross floor area
Industrial: Manufacturing and Industrial Plants, Warehousing, Wholesale and Storage Buildings and Yards, Servicing and Repair Establishments and Public Utility Buildings	1 space/3 employees on a maximum working shift
Car washing establishment	10 spaces
Any Other Uses	1 space/37.2 square metres of gross floor area

- 2) A parking space shall be located on the same site as the building or the use in respect of which it is required and shall be designed, located and constructed so that:
 - a) it is reasonably accessible to the vehicle intended to be accommodated there;
 - b) it can be properly maintained; and
 - c) it is satisfactory to the Development Officer in size, shape, location and construction.
- 3) Notwithstanding Section 5.13(2), should the Development Officer deem it advisable, he may:
 - a) Accept payment in lieu on the number of off-street parking spaces deficient, which payment shall be based on the amount of money Council considers reasonable in return for the equivalent parking space to be provided by the Village elsewhere in the district in which the development is proposed.
 - b) Require the developer to provide the required off-street parking on land other than that to be developed provided that:
 - i) the alternate parking site is within 122 metres of the site where the principal building is located or where the approved use is carried on;
 - ii) the person wishing to use an alternate parking site must have absolute control of it for a length of time equal to the life of the approved use of the building or site, and will use that site for no other purpose than to provide alternate parking;
 - iii) the absolute control is established to the satisfaction of the Council;
 - iv) should the alternate parking site cease to be available, another parking site must be provided which meets the above criteria or the approved use of the building or the site must be discontinued;
 - v) the person wishing to use an alternate site shall agree with the Municipality in writing under seal, which document shall be in such form that it can be protected by registration of a caveat under the Land Titles Act, that the site on which the alternate parking site is located shall be used for such purposes as long as it is required by this part.
- 4) A parking space shall not be less than 18.5 square metres in area.
- 5) Any loading space shall have at least an area of 28 square metres, a width of 3.7 metres, and a 4.3 metre overhead clearance.

- 6) Any parking space or any loading space provided shall be developed and surfaced to the satisfaction of the Development Officer within 12 months of the completion of the development for which the development permit was issued.
- 7) Every off-street parking space provided or required in any commercial district and the access thereto, including the whole area contained within the municipal land to which the curb crossing applies, shall be hard-surfaced if the access thereto is from a street or land which is hard-surfaced.
- 8) When a building is enlarged, altered, or changed in use, in such a manner as to cause an intensification of the use of that building, provision shall be made for the additional parking spaces required under the parking provisions of this Bylaw. The required parking shall be based only on the number of additional parking spaces required because of the enlargement, change in use, or intensification of the use of the building.
- 9) Adequate curbs or concrete bumpers or fences shall be provided to the satisfaction of the Development Officer if, in his opinion, it is or becomes necessary to protect adjacent fences, walls, boulevards, landscaped area or buildings on the site, or an abutting site, from contact with vehicles using such parking space or area.
- 10) Off-street parking shall be provided in the manner shown on the approved site plan with the entire area to be graded so as to ensure that drainage will be confined to the site and disposed of in a manner satisfactory to the Development Officer.

5.14 RELOCATION OF BUILDINGS

- 1) Where a development permit has been granted for the relocation of a building on the same site or from another site, the Development Officer shall require the applicant to provide a performance bond of such amount to ensure completion of any renovations set out as a condition of approval of a permit.
- 2) Renovations shall be completed within one year of the issuance of a development permit.

5.15 SIGN CONTROL

- 1) No sign of an advertising, directional or information nature shall be erected on land or affixed to any exterior surface of any building or structure unless an application for this purpose has been approved by the Development Officer.
- 2) Signs shall comply with the setback requirements for principal buildings in the district in which the sign is located unless otherwise allowed by the Development Officer.
- 3) In considering a development application for a sign, the Development Officer shall have due regard to the amenities of the district in which the sign is located and to the design of the proposed signs.
- 4) On each industrial site the following signs may be allowed subject to the following limitations:
 - a) no sign shall project more than five 1.5 metres above the top of any main wall or parapet to which it is affixed, unless, in the opinion of the Development Officer, it has been designed as an integral part of the building;
 - b) no sign shall be illuminated unless the source of light is steady and suitably shielded.
- 5) On each commercial site, signs may be allowed subject to the following limitations:
 - a) signs and billboards shall be prohibited excepting signs advertising the principal use of the premises or the principal products offered for sale on the premises, or signs advertising any business possessing a valid business licence operating within the municipal boundaries of the Village;
 - b) no more than two signs shall be allowed on the premises;
 - c) no sign shall be illuminated unless the source of light is suitably shielded;
 - d) signs shall not protrude from the face of the building a distance exceeding 1.5 metres.
 - e) written permission from the landowner shall be obtained for signs advertising businesses not operating on the property.

5.16 ENTRANCES AND EXITS

- 1) Curb cuts shall be set back a minimum distance of 6 metres from the intersection of site boundaries on corner lots.
- 2) Notwithstanding Section 5.16(1) the setback distance for curb cuts may be increased where, in the opinion of the Development Officer, such increase is necessary for reasons of public safety and convenience.
- 3) The maximum width of curb cutting shall not exceed 10.7 metres.
- 4) The minimum distance between adjacent curb cutting on the same side of the property shall be determined by the Development Officer.

5.17 DWELLING UNITS PERMITTED ON A LOT

- 1) One dwelling unit per lot may be allowed by the Village in accordance to the provisions of this Bylaw.
- 2) Notwithstanding Section 5.17(1), multi-parcel residential buildings (apartments, duplexes, parks, etc.) and secondary suites may be allowed to be developed on a lot in accordance to the provision of this Bylaw.

SECTION SIX: SPECIAL LAND USE PROVISIONS

6.1 CAR WASHING ESTABLISHMENTS

- 1) Site Area: The minimum site area shall be 743 square metres and shall contain storage space for ten vehicles prior to their entry into any part of the cleaning process. In the case of service stations including car washes, the minimum site area shall be 1115 square metres.

6.2 PLACES OF WORSHIP

- 1) Maximum height requirements may be exceeded at a ratio of 1:1 for every extra metre of side yard setback provided over the minimum.
- 2) The site upon which a place of worship is situated shall have a frontage of not less than 30.5 metres and an area of not less than 929 square metres.
- 3) In the case where a manse, rectory, parsonage or other building for a minister's residence is to be erected on the same site as the place of worship, the combined area of the site shall be less than 1394 square metres.

6.3 DRIVE-IN RESTAURANTS

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

Bylaw 434R
2016/04/11

6.4 MANUFACTURED HOMES

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

necessary to bring the home into compliance with the CSA A277 standard, all required upgrades shall be made before the issuance of a development permit.

- 3) Every manufactured home shall be securely fastened and placed on a full perimeter foundation, such as the skirted foundation system described in CSA Z240.10.1
- 4) In addition to the requirements of subsection (1) and (2) above, a manufactured home must meet the following aesthetic regulations:
 - a) The height of the main floor above grade shall be consistent with the height of the main floor of dwellings in the immediate area.
 - b) The roof shall be peaked.
 - c) Exterior finishing materials used on the roof and exterior walls shall be consistent with the materials used on dwellings in the immediate and general area and be in good condition.
 - d) Minimum roof overhang or eaves should be consistent with the overhang or eaves of dwellings in the immediate area.
 - e) The undercarriage of a manufactured home shall be completely screened from view by fireproof skirting or by such other means satisfactory to the Development Officer or the Municipal Planning Commission.
 - f) The design of each manufactured home shall ensure the side or end of the building facing the street contains a front door, and/or windows in quantity and size to provide a strong visual connection between the building and the street.
 - g) Every manufactured home shall be securely fastened and placed on a full perimeter foundation, such as the skirted foundation system described in CSA Z240.10.1.
 - h) The full perimeter foundation or the skirting utilized on an alternative skirting foundation should be parged in order create the same finished appearance customarily found on concrete basements of single detached dwellings in the immediate area.
 - i) All accessory structures, additions, porches, and skirting shall:
 - i) be of a quality and appearance equivalent to that manufactured home;
 - ii) be considered as part of the main building; and
 - iii) be erected only after obtaining a development permit.

- j) The floor area of porches shall be proportionate to the floor area of the manufactured home unit and this relationship shall be determined by the Development Authority.
 - k) Additions shall not exceed 30% of the gross floor area of the manufactured home subject to setback requirements being met.
 - l) For the purposes of storage, any domestic equipment or seasonally used equipment shall be stored in adequate covered storage or screening either individually on the lot or communally.
 - m) The following regulations also apply to manufactured home uses located in residential subdivisions and manufactured home parks:
 - i) The hitch and wheels are to be removed from the manufactured home.
 - ii) All manufactured homes shall be placed on a foundation or base. The manufactured home is to be attached by means of bolting or similar connectors to the foundation or base.
 - iii) The property is to be grassed and landscaped within one (1) year from the date of issue of the development permit.
 - iv) Minimum lot area and width may be less in the case of existing registered substandard lots, with the approval of the Development Authority.
- 5) Any required aesthetic upgrades to the manufactured home must be completed before the issuance of the development permit. The completion of foundation or skirting material must be completed within thirty (30) days of the placement of the manufactured home on a site.
- 6) Used manufactured homes over the age of 5 years under consideration for relocation on a parcel shall meet the following criteria:
- a) not be older than 10 years of age,
 - b) enclosed by a peaked roof,
 - c) be architecturally similar to existing dwellings in the vicinity of the proposed development.
- 7) Manufactured homes shall be located in areas free from shifting due to frost and readily accessible for service line hook-up.
- 8) With the exception of driveways, no accessory building or use shall be located in the front yard of any residential district.

6.5 SERVICE STATIONS AND GAS BARS

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

6.6 SATELLITE DISHES

- 1) Notwithstanding Section 4.2(1)(k), no person shall install a satellite dish without a development permit.
- 2) Private non-commercial radio and television antennas may be permitted to be constructed to a height in excess of the maximum requirements of the district, provided that the development complies with the other requirements set out in this Bylaw.
- 3) All satellite antennas shall be required to meet setbacks as determined by the Development Officer taking into account:
 - a) the amenities of the neighbourhood;
 - b) the use and enjoyment of neighbouring properties; and
 - c) the location of overhead power and telephone wires.

- 4) A satellite dish shall not be located in the front yard of any lot.
- 5) A site plan, showing the location of the satellite dish on the lot must be submitted at the time of application for a development permit. The cost for a development permit for each application to install a satellite dish shall be established by a resolution of Council.

6.7 SECONDARY SUITES

- 1) The floor area occupied by a secondary suite shall be considered as part of the principal use of the structure for the purpose of calculating site coverage and setbacks.
- 2) A Secondary Suite shall require one additional on-site parking stall. Additional parking stalls shall not be accommodated on the street and shall not be at the expense of the soft landscaping requirement of this Bylaw. Parking may be allowed in tandem, provided that the parking for the principal residence does not block the parking for the Secondary Suite and vice versa.
- 3) There shall be no more than one secondary suite developed in conjunction with a principal dwelling.
- 4) In developing a secondary suite, the owner shall comply with all relevant requirements of the Alberta Building Code, as amended from time to time. The issuance of a development permit for a secondary suite does not relieve the applicant of the requirement to comply with the Alberta Building Code.
- 5) The principal dwelling shall be existing prior to the application for the development permit for the secondary suite.
- 6) The secondary suite must be placed/constructed either:
 - a) within the principal dwellings footprint below or above the principal dwelling; or
 - b) in the backyard of the principal dwelling.
- 7) Secondary suites may not be built higher than one storey or 4.9 metres.
- 8) Secondary suites that are not attached to the principal dwelling shall be placed within the width of the existing principal dwelling, and placed at least 6 metres from the rear facade or the existing principal dwelling and shall be placed at least 3 metres from the rear property line.

6.8 DEVELOPMENT REGULATIONS FOR RESIDENTIAL DWELLINGS IN COMMERCIAL DISTRICTS

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

Bylaw 434R
2016/04/11

6.9 MODULAR BUILDING

- 1) Any development for a modular building is considered discretionary.
- 2) Before a development permit is issued for a modular building, the Development Authority shall receive verification that the building fully complies with the CSA A277 Procedure for Factory Certification of Buildings Standard. If the CSA A277 sticker or the Alberta Municipal Affairs sticker is missing, the Development Authority may require an inspection by an Alberta Safety Codes Officer.
- 3) Should an inspection by an Alberta Safety Codes Officer be required, and should the inspection indicate that upgrades to the modular building are necessary to bring the building into compliance with the CSA A277 standard, all required upgrades shall be made before the issuance of a development permit.
- 4) A proposed modular building shall be architecturally similar to existing buildings in the vicinity of the proposed development, including its exterior finish, roofline, size, scale, placement on site, to the satisfaction of the Development Authority.
- 5) Modular buildings shall be securely fastened and placed on a permanent foundation.
- 6) The full perimeter foundation or the skirting utilized on an alternative skirting foundation should be finished in the same finished appearance customarily found on single detached dwellings in the immediate area.

- 7) A modular single-detached dwelling placed in the R-1 or R-G District shall have a front door and a minimum of one window facing the street to provide a strong visual connection between the building and the street.
- 8) The quality of the completed modular construction shall be consistent with the quality of the other structures in the area.

SECTION SEVEN: ESTABLISHMENT OF DISTRICTS

7.1 DISTRICT CLASSIFICATION

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

DISTRICT	SYMBOL
Restricted Residential	R-1
General Residential	R-G
Primary Commercial	C-1
Secondary Commercial	C-2
Industrial	M-1
Residential Manufactured Home Park	R-MHP
Residential Manufactured Home Subdivision	R-MHS
Agriculture-Urban Reserve	A-UR
Direct Control	DC

7.2 DISTRICT SYMBOLS

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

7.3 DISTRICT MAP

- 1) The District Map, as may be amended or replaced by Bylaw from time to time, is that map attached to and forming part of this Bylaw and among other things bears the following identification:
 - a) District Map No. 1;
 - b) Section 7.3(1)(b) of Bylaw No. 421;
 - c) Adopted by Council this 15th day of April, 2013;
 - d) Signatures of the Mayor and Chief Administrative Officer.

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

SECTION EIGHT: RESTRICTED RESIDENTIAL DISTRICT (R-1)

8.1 PURPOSE

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

8.2 PERMITTED AND DISCRETIONARY USES

1) Permitted Uses:

- accessory buildings and uses
- parks and playgrounds
- single detached dwelling

2) Discretionary Uses:

- modular home - *deleted*
- moved-in dwelling
- public buildings, utilities, uses and services
- secondary suites

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8.3 GENERAL REQUIREMENTS

- 1) In addition to the general land use regulations and provisions contained in Section Five, the following regulations shall apply to every development in this district.

8.4 MINIMUM REQUIREMENTS

- 1) Area of Site: 557.4 square metres
- 2) Width of Site: 18.2 metres
- 3) Front Yard: 7.6 metres
- 4) Side Yard:
 - a) Principal Buildings
 - i) street side of a corner site: 3 metres
 - ii) all other sites: 1.5 metres
 - b) Accessory Buildings
 - i) street side of a corner site: 3 metres
 - ii) all other sites: 0.9 metres

- 5) Rear Yard:
 - a) Principal Buildings: 7.6 metres
 - b) Accessory Buildings: 1.5 metres
- 6) Floor Area: 89 square metres

8.5 MAXIMUM LIMITS

- 1) Coverage of Site: All buildings together (including accessory buildings): 40% of the site.
- 2) Height of Buildings:
 - a) Principal Buildings: 7.6 metres
 - b) Accessory Buildings: 5.5 metres

8.6 ADDITIONAL REQUIREMENTS

- 1) The relocation of existing structures into this district shall be allowed.
- 2) Accessory buildings shall be of comparable quality and construction as the principal building to the satisfaction of the Development Officer.
- 3) The Development Officer may decide on such other requirements as are necessary having regard to the nature of a proposed development and the intent of this district.

SECTION NINE: GENERAL RESIDENTIAL DISTRICT (R-G)

9.1 PURPOSE

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

9.2 PERMITTED AND DISCRETIONARY USES

1) Permitted Uses:

- accessory buildings and uses
- parks and playgrounds
- single detached dwellings

2) Discretionary Uses:

- apartments
- bed and breakfast
- day care centres and day nurseries
- duplexes
- home based businesses
- hospitals
- manufactured home
- modular home - *deleted*
- moved-in dwelling
- place of worship
- public buildings, utilities, uses and services
- relocation of residences - *deleted*
- row dwelling
- schools
- secondary suite
- semi-detached dwellings
- senior citizen homes
- signs

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9.3 GENERAL REQUIREMENTS

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

9.4 MINIMUM REQUIREMENTS

- 1) Area of Site:
 - a) Apartments: 697 square metres
 - b) Row Dwellings:
 - i) 279 square metres for each interior unit
 - ii) 325 square metres for each end unit
 - c) Duplexes: 557.4 square metres
 - d) Single Detached Dwellings: 464.5 square metres
 - e) Other Uses: At the discretion of the Development Officer
- 2) Width of Site:
 - a) Apartments: 22.8 metres
 - b) Row Dwellings:
 - i) 9.1 metres for each interior unit
 - ii) 13.1 metres for each end unit
 - c) Duplexes: 18.2 metres
 - d) Single detached dwellings: 15.2 metres
 - e) Other Uses: At the discretion of the Development Officer
- 3) Front Yard: 7.6 metres
- 4) Side Yard:
 - a) Principal Buildings: 1.5 metres or 10% of the width of the parcel or whichever is greater
 - b) Accessory Buildings:
 - i) street side of a corner site: 1.5 metres
 - ii) all other sites: 0.9 metres

- 5) Rear Yard:
 - a) Principal Buildings: 7.6 metres
 - b) Accessory Buildings: 0.9 metres
- 6) Floor Area:
 - a) Apartments: 46.4 square metres per unit
 - b) All other uses: 74.3 square metres

9.5 MAXIMUM LIMITS

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

9.6 ADDITIONAL REQUIREMENTS

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

SECTION TEN: PRIMARY COMMERCIAL DISTRICT (C-1)

10.1 PURPOSE

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

10.2 PERMITTED AND DISCRETIONARY USES

1) Permitted Uses:

- parks

2) Discretionary Uses:

- accessory buildings and uses
- amusement facility
- auction facility
- caretaker's residence
- casino and other gaming establishments
- child care facility
- commercial school
- convenience retail stores
- cultural exhibits
- grocery store
- hotels
- liquor store
- moved-in building
- parking lots
- personal service establishments
- professional services
- public buildings, utilities, uses and services
- radio broadcasting studio
- restaurants
- retail outlets
- signs
- small appliance repair shops
- veterinary clinic

10.3 GENERAL REQUIREMENTS

- 1) In addition to the general land use regulations and provisions contained in Section Five, the following regulations shall apply to every development in this district.

10.4 MINIMUM REQUIREMENTS

- 1) Area of Site: 232.2 square metres
- 2) Width of Site: 7.6 metres
- 3) Front Yard: Not required, except where deemed necessary by the Development Officer
- 4) Side Yard:
 - a) Side yard adjacent to a residential district: 1.5 metres
 - b) All other sites: none where a firewall is provided, but if a side yard is provided it must be a minimum of 1.2 metres
- 5) Rear Yard: 7.6 metres

10.5 MAXIMUM LIMITS

- 1) Building Height: 13.7 metres
- 2) Signs:
 - a) All commercial signs shall be designed to the satisfaction of the Development Officer.
 - b) Signs shall not exceed the maximum height requirements of structures in this district.
 - c) A sign perpendicular to its business establishment frontage shall not protrude past the edge of the sidewalk fronting the establishment. If there is no sidewalk, a sign shall not extend more than 1.5 metres in front of the main structure.
 - d) Bulletin boards may be placed and maintained in this district providing they are mounted flush to the front wall of the building.

10.6 ADDITIONAL REQUIREMENTS

- 1) Screening and Fencing:
 - a) All sites abutting a residential district shall be screened from the view of the residential district to the satisfaction of the Development Officer.

- b) All apparatus on the roof of any building shall be screened to the satisfaction of the Development Officer.
 - c) Outside storage areas shall be screened from adjacent sites and public thoroughfares to the satisfaction of the Development Officer.
- 2) Building and Landscaping: The design, construction and architectural appearance of any building, and landscaping undertaken shall be subject to the satisfaction of the Development Officer.
 - 3) The Development Officer may decide on such other requirements as are necessary having regard to the nature of the proposed development and the intent of this district.
 - 4) When considering a proposal to develop residential uses in a Commercial District, the following factors shall be taken into consideration:
 - a) existing and future surrounding land uses;
 - b) the impact on business operations in the area of the proposed residential use;
 - c) land use compatibility;
 - d) the availability of municipal services and utilities; and
 - e) any other matters that Council or the Municipal Planning Commission considers necessary.

SECTION ELEVEN: SECONDARY COMMERCIAL DISTRICT (C-2)

11.1 PURPOSE

The purpose of this land use district is to provide for the development of commercial uses along highways to serve the traveling public and for commercial developments requiring large tracts of land.

11.2 PERMITTED AND DISCRETIONARY USES

1) Permitted Uses

- parks

2) Discretionary Uses

- accessory buildings and uses
- auction facility
- banks and financial agencies
- car wash
- caretakers residence
- carnival
- clothing cleaning establishments
- commercial school
- cultural exhibits
- drive-in restaurants
- grocery store
- liquor store
- motels
- moved-in building
- parking lots
- public buildings, utilities, uses and services
- radio broadcasting studio
- recycling depot
- retail outlets and services
- service station, gas bars and garages
- signs
- small repair shops
- veterinary clinic
- warehousing

11.3 GENERAL REQUIREMENTS

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

11.4 MINIMUM REQUIREMENTS

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

11.5 MAXIMUM LIMITS

- 1) Height of Building: 10.6 metres
- 2) Signs in this district shall conform with those requirements in Section 10.5(1).

11.6 ADDITIONAL REQUIREMENTS

- 1) Screening and fencing in this district shall conform with those requirements in Section 10.5(1).
- 2) Landscaping: A minimum of 15% of the site shall be landscaped to the satisfaction of the Development Officer.
- 3) The design, construction and architectural appearance of buildings in this district shall be subject to the satisfaction of the Development Officer.
- 4) The Development Officer may decide on such other requirements as are necessary having regard to the nature of a proposed development and the intent of this district.

SECTION TWELVE: INDUSTRIAL DISTRICT (M-I)

12.1 PURPOSE

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

12.2 PERMITTED AND DISCRETIONARY USES

1) Permitted Uses

- none

2) Discretionary Uses

- accessory buildings and uses
- auto body and paint shops
- bulk retail outlets and services
- caretaker's residence
- equipment repair and storage
- grain elevators
- manufacturing plants engaged in secondary processing, assembly and packaging
- moved-in building
- public buildings, utilities, uses and services
- signs
- trucking firms
- warehousing and distribution
- welding shops

12.3 GENERAL REQUIREMENTS

- 1) In addition to the general land use regulations and provisions contained in Section Five the following regulations shall apply to every development in this district.

12.4 MINIMUM REQUIREMENTS

- 1) Area of Site: 464.5 square metres
- 2) Width of Site: 15.2 metres
- 3) Front Yard: 6 metres

- 4) Side Yard: None when a firewall is provided, but if a side yard is provided it must be a minimum of 1.5 metres
- 5) Rear Yard: 6 metres

12.5 MAXIMUM LIMITS

- 1) Height of Building:
 - a) Grain elevators: 45.7 metres
 - b) All other uses: 21.3 metres
- 2) Signs:
 - a) The location and appearance of a sign shall be subject to the satisfaction of the Development Officer.
 - b) No sign shall exceed 9.3 square metres in area.

12.6 ADDITIONAL REQUIREMENTS

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

SECTION THIRTEEN: RESIDENTIAL - MANUFACTURED HOME PARK DISTRICT (R-MHP)

13.1 PURPOSE

The purpose of this land use district is to provide for the development of manufactured (mobile) home parks.

13.2 PERMITTED AND DISCRETIONARY USES

Permitted Uses

Bylaw 434R
2016/04/11

- accessory buildings and uses
- manufactured home
- manufactured home park
- park
- playground

Discretionary Uses

- manufactured home park office/residence
- public buildings, utilities, uses and services

13.3 GENERAL REQUIREMENTS

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

13.4 MINIMUM REQUIREMENTS

Bylaw 434R
2016/04/11

- 1) Area of Site: 1.62 hectares
- 2) Lot Size: Manufactured home: 372 square metres

Bylaw 434R
2016/04/11

- 3) Width of Site: Manufactured home: 10.7 metres
- 4) Front Yard: 6.1 metres
- 5) Side Yard:
 - a) 1.5 metres

- b) Notwithstanding Section 13.4(5)(a), every manufactured home park lot shall have one 3.1 metres side yard for fire access and there shall be a minimum distance of 4.6 metres between manufactured homes

6) Rear Yard: 6.1 metres

13.5 ADDITIONAL REQUIREMENTS

1) Accessory Uses

- a) No accessory building or structure shall be located in any yard other than an interior side yard or rear yard; and
- b) No accessory building or structure shall be located closer than 1.5 metres from any side lot line or rear lot line.

2) Every manufactured home park shall:

- a) devote 9.3 square metres per manufactured home lot to be used as a lighted storage area;
- b) devote 10 percent of the gross site area to landscaped open space and at least 50 percent of the open space shall contain playground equipment;
- c) provide and maintain municipal services to the satisfaction of the Development Officer;
- d) provide and maintain a paved private road system to the satisfaction of the Development Officer;
- e) shall provide and maintain street lighting to the satisfaction of the Development officer;
- f) provide a method of garbage collection and disposal to the satisfaction of the Development Officer;
- g) provide direct access to a major public road; and
- h) provide a surface water drainage system to the satisfaction of the Development Officer.

3) Every manufactured home park lot shall:

- a) front onto a private road with a minimum carriage way of 9.7 metres;

- b) be clearly marked by means of stakes, fences, hedges, or other means satisfactory to the Development Officer;
- c) on-street parking shall not be permitted on the private road;
- d) have at least two off-street visitor parking spaces per four manufactured home park lots; and
- e) be hard-surfaced to the satisfaction of the Development Officer.

Bylaw 434R
2016/04/11

- 4) Manufactured Homes: - *deleted see Section 6.4 Manufactured Homes*
- 5) Manufactured Home Park Buffer:
 - a) Every manufactured home park shall maintain on its own property a treed buffer of a width to be determined by the Development Officer; and
 - b) The treed buffer shall not be less than 4.6 metres in width except when abutting a public roadway whereby the minimum width shall be 7.6 metres.
- 6) For manufactured home parks containing over 50 park lots, two separate means of access shall be provided. In manufactured home parks under 100 units, this may be in the form of a boulevard road with a central dividing strip, so that in the event of blockage on one side, the other side is available for two-way emergency traffic.
- 7) The Development Officer may decide on such other requirements as are necessary having regard to the nature of a proposed development and the intent of this district.

SECTION FOURTEEN: RESIDENTIAL MANUFACTURED (MOBILE) HOME SUBDIVISION DISTRICT (R-MHS)

14.1 PURPOSE

The purpose of this land use district is to provide for the development of manufactured (mobile) home subdivisions.

14.2 PERMITTED AND DISCRETIONARY USES

Permitted Uses

Bylaw 434R
2016/04/11

- accessory buildings and uses
- manufactured home
- park
- playground

Discretionary Uses

- public buildings, utilities, uses and services

14.3 GENERAL REQUIREMENTS

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

14.4 MINIMUM REQUIREMENTS

Bylaw 434R
2016/04/11

- 1) Lot Size: Manufactured home: 372 square metres

Bylaw 434R
2016/04/11

- 2) Width of Site: Manufactured home: 10.7 metres

- 3) Front Yard: 6.1 metres

- 4) Side Yard:

- a) 1.5 metres

- b) Notwithstanding Section 14.4(4)(a), every manufactured home subdivision lot shall have one 3.1 metres side yard for fire access and there shall be a minimum distance of 4.6 metres between mobile homes

- 5) Rear Yard: 6.1 metres

14.5 ADDITIONAL REQUIREMENTS

- 1) Accessory Uses

- a) No accessory building or structure shall be located in any yard other than an interior side yard or rear yard; and
- b) No accessory building or structure shall be located closer than 1.5 metres from any side lot line or rear lot line.

Bylaw 434R
2016/04/11

- 2) Manufactured homes: - *deleted see Section 6.4 Manufactured Homes*

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

SECTION FIFTEEN: AGRICULTURAL-URBAN RESERVE DISTRICT (A-UR)

15.1 PURPOSE

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

15.2 PERMITTED AND DISCRETIONARY USES

- 1) Permitted Uses
 - none

- 2) Discretionary Uses
 - accessory building or structure
 - extensive agricultural use
 - natural resource extraction
 - public buildings, utilities, uses and services
 - recreational use not requiring permanent facilities

15.3 GENERAL REQUIREMENTS

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

15.4 MINIMUM REQUIREMENTS

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

SECTION SIXTEEN: DIRECT CONTROL (DC)

16.1 PURPOSE

The general purpose of the district is to regulate, direct and control the development of specialized areas, land uses and complex development proposals within the Village of Nampa. The Development Authority for all proposals within this district shall be the Council of the Village of Nampa.

All subdivision and development proposals within this district shall be at the discretion and approval of Council upon evaluation of a completed subdivision/development application as defined within this bylaw

16.2 SITE PROVISIONS

Consideration and satisfaction of the following matters and any others deemed necessary, as detailed in a subdivision or development permit application shall be given prior to considering a development approval:

- 1) Proposed land use
- 2) Area of site
- 3) Setbacks
- 4) Parking
- 5) Water and sewer servicing
- 6) Landscaping and buffering
- 7) Signage
- 8) Traffic impact and access arrangements
- 9) Emergency management provisions
- 10) Stormwater management
- 11) Environmental protection measures
- 12) Site placement and building orientation

SECTION SEVENTEEN: AMENDMENTS

17.1 AMENDMENT PROCEDURE

Bylaw 436
2016/05/17

- l) All applications for amendment to this Bylaw shall be made to the Council in the form of Form "G" and shall be accompanied by the following:
 - a) An application fee for each application shall be established by a resolution of Council;
 - b) The certificate of title for the land affected or other documents satisfactory to the Council including the applicant's interest in the said land;
 - c) All drawings required to be submitted shall be drawn on standard drafting material to the satisfaction of the Development Officer and shall be fully dimensioned, accurately figured, explicit and complete;
 - d) All amendments to this Bylaw shall be made to Council by bylaw in conformance with of The Act.

SECTION EIGHTEEN: ADOPTION


18.1 REPEAL OF EXISTING BYLAW

- 1) The existing Village of Nampa Land Use Bylaw No. 349 and all amendments thereto are hereby repealed.

18.2 EFFECTIVE DATE

- 1) The adoption of this Bylaw No. 421 is effective upon the date of the passing of the third and final reading.

First reading given on 21st day of January, 2013,



Klaus Noruschat
Mayor



Ray Coad
Chief Administrative Officer

Second reading given on 18th day of March, 2013,



Klaus Noruschat
Mayor

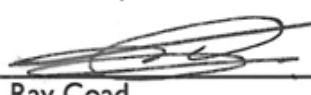


Ray Coad
Chief Administrative Officer

Third reading given on 15th day of April, 2013,



Klaus Noruschat
Mayor



Ray Coad
Chief Administrative Officer



SCHEDULE "A" THE DEVELOPMENT APPEAL BOARD

Schedule "A" outlines appeal procedure and administrative matters relating to the operation of the Development Appeal Board.

(A) APPEAL PROCEDURE

- I. Where the Development Officer:
 - (a) refuses or fails to issue a development permit to a person, or
 - (b) issues a development permit subject to conditions, or
 - (c) issues an order under Section 645 of the Act.

the person applying for the permit or affected by the order or any other person, as the case may be, may appeal to a Development Appeal Board by serving a written notice of the appeal on the Development Appeal Board within 14 days after the date the order, decision or development permit was issued, mailed or published.

(B) APPEAL AUTHORITY

1. The Development Appeal Board, hereinafter referred to as the Board, shall hear appeals from decisions made pursuant to the provisions of Bylaw No. 349.
2. The Board shall hold a hearing within thirty (30) days from the receipt by it of the notice of appeal.
3. The Board shall give at least five days notice in writing of the public hearing to:
 - (a) the appellant, and
 - (b) the Development Officer from whose order, decision, or development permit the appeal is made; and
 - (c) the Mackenzie Municipal Services Agency, and
 - (d) any other person that the Board considers to be affected by the appeal and should be notified.



SCHEDULE "A" **THE DEVELOPMENT APPEAL BOARD**

NOTE: In addition to notice in writing, it may be advisable that the Board publish the said notice.

4. The Board shall make available for public inspection before the commencement of the public hearing all relevant documents and materials respecting the appeal including:
 - (a) the application for the development permit, its refusal and the appeal therefrom; or
 - (b) the order of the Development Office under Section 645 of the Act, and the case may be.

5. At the public hearing, the Board shall hear:
 - (a) the appellant or any person acting on his behalf;
 - (b) the Development Officer (or a member of the Municipal Planning Commission) from whose order, decision, or development permit the appeal is made, or if a person is designated to act on behalf of the Development Officer, that person; and
 - (c) any other person who was served with notice of the hearing and who wishes to be heard or a person acting on his behalf; and
 - (d) any other person who claims to be affected by the order, decision or permit and that the Board agrees to hear or a person acting on his behalf; and
 - (e) the Director of the Mackenzie Municipal Services Agency or an assigned member of his staff or shall consider any written submission from them in their absence, in any.

6. In its discretion, the Board may recess a hearing in order to allow for the presentation of:
 - (a) additional information or plans;



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- (b) statements on any matter properly relevant to the appeal from owners of property which is or may be affected by the appeal, such statements shall be in writing and signed by persons making them;
 - (c) site plans of the land affected by the appeal prepared or certified by an Alberta Land Surveyor.
7. The Secretary of the Board shall inform the appellant, who shall furnish the information, the plans, that statements, or the certified plans at his own expense within the time period allotted by the Board.
8. In determining an appeal, the Development Appeal Board
- (a) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
 - (b) may make an order or decision or issue or confirm the issue of a development permit notwithstanding that the proposed development does not comply with the land use regulation, if in its opinion, the proposed development would not:
 - (i) unduly interfere with the amenities of the neighbourhood, or
 - (ii) materially interfere with or affect the use, enjoyment or value of the neighbouring properties;
 - (c) shall, however, not allow the (permanent) use of land or a building not listed as a "Permitted Use" or "Discretionary Use" in the district in which the building or land is situated.
9. The Board shall give its decision in writing with reasons for the decision within fifteen (15) days of the conclusion of the hearing to all parties who make representation of the public hearing.



SCHEDULE "C"
LAND USE BYLAW DISTRICT MAP



Village of Nampa Land Use Bylaw No. 421

- Restricted Residential (R-1)
- General Residential (R-G)
- Primary Commercial (C-1)
- Secondary Commercial (C-2)
- Industrial (M-1)
- Residential - Manufactured Home Park (R-MHP)
- Residential Manufactured (Mobile) Home Subdivision (R-MHS)
- Agricultural - Urban Reserve (A-UR)
- Direct Control (DC)
- Village Boundary
- Heart River
- CofT Certificate of Title

Map 1: Land Use Bylaw Districts

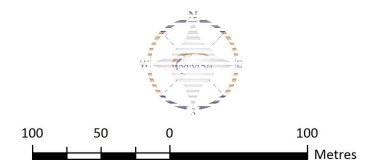
Adopted by Council this 15th day of April, 2013

Original Signed By:
REEVE

Original Signed By:
CHIEF ADMINISTRATIVE OFFICER

Amendments

Bylaw No.	Date	Bylaw No.	Date
424	Aug 19, 2013		



Scale: 1/5,500
Coordinate System: NAD 1983 UTM Zone 11N



Last Updated and Printed on May 2016

