

Village of Beiseker

# Land Use

# Bylaw



**Comment [s1]:** Check entire document for words that are capitalized that shouldn't be

**Comment [s2]:** PUBLIC HEARING – Requested that Wind Powered generators be prohibited. Also should be included in definitions.

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**Bylaw No. 2019-04**  
**April 15, 2019**



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# SECTION ONE

## Purpose

# 1

*This section introduces readers to the Land Use Bylaw, establishes jurisdiction, clarifies enforcement and penalties, and the process in place for amending the Bylaw.*

## Jurisdiction

### 1-1 TITLE

This Bylaw is entitled 'Village of Beiseker Land Use Bylaw No. 2019-04', hereinafter referred to as the "Bylaw".

### 1-2 PURPOSE

The purpose of the Bylaw is to regulate land use within Beiseker to achieve the fair and orderly development of land as well as to:

- a) Organize Beiseker into Land Use Districts, hereinafter referred to as Districts;
- b) Prescribe and regulate, for each District, the purpose for which land and buildings may be used;
- c) Define and establish the roles of the Development Authority;
- d) Establish a method of making decisions on applications for development, including the issuing of Development Permits;
- e) Prescribe the method for notifying residents and owners of land likely to be affected by a development, a Redistricting, and/or the issuance of a Development Permit;
- f) Prescribe the method for appealing a decision relative to the Bylaw; and
- g) Establish a method of making decisions on applications for amending the Bylaw.

### 1-3 LEGISLATIVE CONSISTENCY

#### **Municipal Government Act:**

- a) The Bylaw is consistent with the Municipal Government Act (MGA), as amended. The MGA takes precedence in a case of dispute on the meanings of all words or clauses;



**Alberta Land Stewardship Act:**

- b) The Bylaw is consistent with the Alberta Land Stewardship Act (ALSA), as amended;

**South Saskatchewan Regional Plan:**

- c) The Bylaw is consistent with the South Saskatchewan Regional Plan (SSRP), as amended;

**Beiseker Municipal Development Plan:**

- d) The Bylaw is consistent with the Village of Beiseker Municipal Development Plan (MDP), as amended;

**Other Plans & Bylaws in the Village:**

- e) The Bylaw shall be used in conjunction with policies and procedures as adopted and amended by Council including, but not limited to, Area Structure Plans, Area Redevelopment Plans, and any Infrastructure Master Plans as they pertain to transportation, water, sanitary and/or stormwater management.

**1-4 INTERPRETATION**

- a) Words used in the singular include the plural and words used in the present tense include the other tenses and derivative forms;
- b) The words “shall” and “must” require mandatory compliance except where a variance has been granted pursuant to the MGA or the Bylaw;
- c) Words, phrases and terms not defined in the Glossary may be given their definition in the MGA or, in the absence of a definition in the MGA, the Alberta Building Code as amended from time to time. Other words shall be given their usual and customary meaning;
- d) Where a provision involves two or more conditions connected by the conjunction “and,” all the connected items shall apply in combination; “or” indicates that the connected items may apply singly; and “and/or” indicates the items may apply singly or in combination;
- e) In the case of any conflict between the text of the Bylaw and any maps or drawings used to illustrate any aspect of the Bylaw, the text shall govern; and
- f) Timelines outlined within the Bylaw shall be complied with pursuant to the Alberta Interpretation Act.

**1-5 SEVERABILITY**

Each provision of the Bylaw is independent of all other provisions, and if any provision is declared invalid by a decision of a court of competent jurisdiction all other provisions remain valid and enforceable.

**1-6 EFFECTIVE DATE**

The effective date of the Bylaw shall be the date of the third reading and signing thereof in accordance with the MGA. All amendments to the Bylaw, any Redistricting, or Development Permit applications received on or after the effective date of the Bylaw shall be processed and considered upon the provisions outlined herein.

**1-7 REPEAL OF PREVIOUS LAND USE BYLAW**

The ‘Village of Beiseker Land Use Bylaw No. 03-2013’ and amendments thereto are hereby repealed.

**1-8 FEES AND CHARGES**

All fees and charges under and pursuant to the Bylaw, are established within the ‘Fees and Rates Bylaw,’ as amended.



# Bylaw Enforcement

**Comment [s4]:** Asked Donna by email if this is sufficient

## 1-9 LAND USE BYLAW ENFORCEMENT

- a) The Development Authority or a Designated Officer may enforce the provisions of the Bylaw, or the conditions of a Development Permit pursuant to the MGA and the *Provincial Offences Procedure Act* (POPA), as amended;
- b) Enforcement may be by violation ticket pursuant to POPA, notice of violation or any other authorized action to ensure compliance;
- c) The enforcement powers granted to the Development Authority under the Bylaw are in addition to any enforcement powers that the Village or any of its Designated Officers may have under POPA.
- d) The Development Authority may exercise all such powers concurrently.

## 1-10 OFFENSE UNDER THE BYLAW

- a) Any owner, lessee or occupant of land, or a building, or the owner of a structure or a sign thereon, who with respect to such land, building, structure or sign, contravenes, causes, or allows a contravention of any provision of the Bylaw commits an offense;
- b) Any person who commences or continues development for which a Development Permit is required but has not been issued, has expired, has been revoked or suspended, or which is in contravention of a condition of a Development Permit under the Bylaw commits an offense; and
- c) Any person who prevents or obstructs the Development Authority or a Designated Officer from carrying out any official duty under the Bylaw or the MGA commits an offense.

## 1-11 STOP ORDER

Pursuant to Section 645 of the MGA where an offense under the Bylaw occurs, the Development Authority may by written notice, order the owner or the person in possession of the land or buildings, or the person responsible for the contravention to:

- a) Stop the development or use of the land or buildings in whole or in part as directed by the notice;
- b) Demolish, remove or replace the development; or
- c) Carry out any other actions required by the notice so that the development or use complies with the Bylaw.

## 1-12 ENTRY & ENFORCEMENT

- a) Pursuant to Section 542 of the MGA a Designated Officer of the Village may, after giving reasonable notice to the owner or occupier of land or the structure to be entered:
  - i. Enter on that land or structure at any reasonable time, and carry out any inspection, enforcement or action required to assess or enforce compliance with this Bylaw,
  - ii. Request anything to be produced to assist in the inspection, remedy, enforcement or action, and
  - iii. Make copies of anything related to the inspection, remedy, enforcement or action.
- b) The Development Authority shall be a Designated Officer for the purposes of Section 542 of the MGA.

## 1-13 SPECIFIED PENALTIES FOR OFFENCES

- a) The minimum specific penalties for offence against the Bylaw are as outlined below:



**Table 1 – Minimum Specified Penalties**

Offence	First Offence	Second Offence*	Third Offence**
Failure to obtain a Development Permit	\$500	\$750	\$1250
Failure to comply with Development Permit Conditions	\$500	\$750	\$1250
Failure to comply with District Regulations	\$1000	\$1500	\$2000
Failure to comply with any other condition of the Bylaw	\$500	\$750	\$1250

\* for a second offence, on a Parcel of Land within a twelve (12) month period

\*\* for a third and any additional offences, on a Parcel of Land within a twelve (12) month period;

## Land Use Bylaw Amendments

### 1-14 AMENDMENT TO THE BYLAW

- a) Any person may apply to have this Bylaw amended;
- b) Council may, on its own initiative and in accordance with the MGA, initiate an amendment to the Bylaw affecting a Parcel or Parcels of land; and
- c) Any amendment to the Bylaw shall be made pursuant to the MGA.

### 1-15 TEXT AMENDMENT

A person preparing an application to amend the text within the Bylaw shall do so using **Form A** attached hereto, and shall include the following:

- d) The completed application form;
- e) The application fee as established within the 'Fees and Rates Bylaw,' as amended; and
- f) Any supporting studies, plans or other information deemed necessary by the Village

### 1-16 LAND USE RE-DESITRICTING AMENDMENT

A person preparing an amendment application to re-district a land use shall do so using **Form B** attached hereto, and shall include the following:

- a) The completed application form;
- b) An application fee as established within the 'Fees and Rates Bylaw,' as amended.
- c) A Current of the Certificate of Title (within 30 days) for the affected lands;
- d) Current copies of any restrictive covenants or easements (within 30 days);
- e) 3 to 5 coloured photographs showing the affected lands and adjacent area;
- f) A Site Plan, showing:
  - i. north arrow
  - ii. municipal address and adjacent street labels (i.e. street address)
  - iii. legal address (i.e. plan/block/lot)
  - iv. parcel boundaries

**Comment [s5]:** Spelling error. Suggest a review of the document





- v. access and egress points
  - vi. adjacent street labels
  - vii. location of existing buildings and setbacks (if applicable)
  - viii. any development setbacks, easements or utility rights-of-way etc.
- g) Any supporting studies, plans or other information deemed necessary by the Development Authority.

**1-17 AMENDMENT DUTIES OF THE DEVELOPMENT AUTHORITY**

Upon receipt of a completed application requesting an amendment to the Bylaw, the Development Authority shall:

- a) Prepare an Amending Bylaw for First Reading by Council;
- b) Prepare a background report, including plans and other relevant material, and submit same to Council for their review prior to First Reading;
- c) Provide two (2) weeks' notice of any public hearing to all Adjacent Registered Owners;

**1-18 DECISIONS ON BYLAW AMENDMENTS**

Council may, in reviewing a proposed amendment to the Bylaw:

- a) Approve the proposed Bylaw Amendment as it is; or
- b) Make any changes it considers necessary to the proposed amendment and proceed to approve it without further advertisement or hearing; or
- c) Refer the proposed Bylaw Amendment back to administration for more information or further review and changes, then reschedule the application for further consideration; or
- d) Refuse the proposed Bylaw Amendment as it is.

**1-19 RECONSIDERATION**

If an application to amend the Bylaw has been refused by Council, the same application shall not be reconsidered for at least six (6) months after the date of refusal, unless, in the opinion of the Development Authority, the reasons for refusal have been adequately addressed or the circumstances of the application have changed significantly.



# SECTION TWO

## Process

# 2

*This section outlines the role of the Development Authority, and the procedures and responsibilities related to the Village's Development Permit process.*

### Authority & Responsibilities

#### 2-1 DEVELOPMENT AUTHORITY

- a) The Development Authority is established herein pursuant to the MGA and is a person or body who is authorized to exercise development powers and duties on behalf of the Village;
- b) The Development Authority shall include one or more of the following:
  - i. A Development Officer, and/or
  - ii. The Chief Administrative Officer (CAO).

#### 2-2 DUTIES OF THE DEVELOPMENT AUTHORITY

##### The Development Authority Shall:

- a) Receive, process and make decisions on all Development Permit applications;
- b) Keep, and maintain for inspection during regular municipal office hours, a copy of the Bylaw as amended, and ensure that an online version is made available on the Village's website and hard copies are available to the public for a fee;
- c) Keep a register of all Development Permit applications and the decisions rendered on them for a minimum of seven (7) years;
- d) Make decisions on all Development Permit applications;

##### The Development Authority May:

- e) Refer a Development Permit application, in whole or in part, to any outside agency or local authority they deem necessary for comment;
- f) Provide a written time extension agreement, in alignment with the Bylaw;

**Comment [s6]:** What do we if the CAO is the development authority and they are away... perhaps this should say – "or their designate"?



### 2-3 DECISIONS ON DEVELOPMENT PERMIT APPLICATIONS

The Development Authority, in making a decision on a Development Permit application for:

#### A Permitted Use:

- a) Shall approve the application, with or without conditions, if the proposed development conforms with the Bylaw; or
- b) May refuse the application if the proposed Development does not conform to the Bylaw.

#### A Discretionary Use:

- c) May approve the application, with or without conditions, if the proposed development conforms with the Bylaw; or
- d) May refuse the application even though it meets the requirements of the Bylaw.

#### A Discretionary Use in a Direct Control District:

- e) Shall refer the Development Permit application to Council with the appropriate recommendation; or
- f) May consider and approve the application providing it meets the direction set out by Council, where Council has delegated the decision to the Development Authority.

### 2-4 REVIEWING DISCRETIONARY USE DEVELOPMENT PERMIT APPLICATIONS

In reviewing a Development Permit application for a Discretionary Use, the Development Authority shall have regard to:

- a) The purpose and intent of the applicable District;
- b) The purpose and intent of any Statutory Plan adopted by the Village;
- c) The purpose and intent of any other plan and pertinent policy adopted by the Village;
- d) The circumstances and merits of the application, including but not limited to:
  - i. The design, character and appearance of the proposed Development,
  - ii. Whether the Development is compatible with and complementary to neighbouring Parcels,
  - iii. Servicing requirements,
  - iv. Access, transportation, and internal circulation requirements,
  - v. The impact on the public transit system, where applicable, and
  - vi. Sound planning principles.

### 2-5 APPROVAL OF A SIMILAR USE

The Development Authority may approve a Development Permit, with or without conditions, for a use that is neither Permitted nor Discretionary in the District in which the development is to be located, provided that:

- a) The proposed use is a similar use;
- b) The proposed use is not defined elsewhere in the Bylaw; and
- c) All public notice of the Development Permit approval specifically reference that the use was approved as a similar use.

### 2-6 VARIANCES

- a) Unless a specific provision of the Bylaw provides otherwise, the Development Authority may allow a Variance as a condition of a Development Permit under one of the following circumstances:
  - i. The proposed development, with variance, would not unduly interfere with neighbouring parcels; or

**Comment [s7]:** I don't understand the difference with these statements. Council has delegated the Development Authority – does this mean that the DA can decide without council even on a Direct Control application and if so, change the language

**Comment [s8]:** Should noise be added? What about odour or emissions??

**Comment [s9]:**  
Please describe the difference between a) and b).  
Again, we want protection about ensuring that certain things are NOT allowed (fabric covered buildings, RV's and sea cans for example in Residential). How does this offer that protection – we simply don't allow it?

**Comment [s10]:** Shouldn't this be with notification to the affected landowner so they have an opportunity to accept or reject?



- ii. The variance is specific to the parcel, building or sign to which it applies, not shared by a significant number of other properties; or
- iii. The variance is a result of an error in the situating of a building or structure, and the rectifying of the error would create unnecessary hardship to the registered owner;
- b) The amount of an individual variance is at the sole discretion of the Development Authority.
- c) In the event that a Variance is granted, the Development Authority shall specify the nature of the approved Variance in the Development Permit approval.

## Development Permit Requirements

### 2-7 CONTROL OF DEVELOPMENT

No Development shall be undertaken in Beiseker without an approved Development Permit, excluding 'DEVELOPMENTS NOT REQUIRING A DEVELOPMENT PERMIT' (Section 2-8).

### 2-8 DEVELOPMENTS NOT REQUIRING A DEVELOPMENT PERMIT

A Development Permit is not required for the following development, provided it complies with all applicable provisions of the Bylaw, and does not require a variance:

**Table 2 – Development Not Requiring a Development Permit**

Development	Permit Not Required
Accessory Building	One (1) accessory building per site, which does not exceed 14.0 m <sup>2</sup> in floor area and is not placed on a permanent foundation or connected to any utilities.
Deck	Less than 0.6 m in height.
Fences and Gates	Less than 2.0 m in height in a rear or side yard and/ or 1.0 m in a front yard.
Flag Poles	Less than 4.5 m in height.
Landscaping	General Landscaping, not including excavation or stripping, where the proposed grades will not adversely affect the drainage of the subject or adjacent Parcel.
Maintenance	Provided it complies with the requirements of the Alberta Building Code, routine maintenance to any building or structure, provided that such work does not: <ul style="list-style-type: none"> <li>a) constitute structural alterations; or</li> <li>b) change the use or intensity of the use of the building or structure.</li> </ul>
Outdoor Fire Pit, Barbecue or Fireplace	An outdoor fire pit, barbecue or fireplace located on a residential parcel in accordance with the Fire Pits Bylaw, as amended.
Retaining walls	Less than 1.2 m in height.
Satellite Dishes	Less than 1.2 m in diameter directly attached to a roof, side wall or Balcony.

### 2-9 NON-CONFORMING USES & NON-CONFORMING BUILDINGS

- a) Non-conforming buildings and uses shall be administered as outlined in the MGA.
- b) The Development Authority may issue a variance permitting a non-conforming building to be enlarged, added to or rebuilt where:
  - i. The proposed development is consistent with the purpose and intent of the applicable District;

**Comment [s11]:** And this gives us authority NOT to allow as well, correct? By non-conforming, you mean a building that has already been built but not in conformance to the LUB, correct?

Is this another situation where adjacent landowners should be notified?



- ii. The proposed development will not result in any additional non-compliance with the provisions of the Bylaw;
- iii. There is, in the opinion of the Development Authority, no significant change to the land use or an increase in the intensity of use.

**2-10 APPLICANT RESPONSIBILITIES**

The applicant requesting a Development Permit shall ensure that:

- a) The proposed development conforms with Beiseker’s Statutory Plans, local engineering standards, applicable bylaws and guidelines, and any Infrastructure Master Plans, as amended;
- b) All approvals, licenses or permits are obtained from provincial or federal regulatory departments or agencies, as required, prior to commencing Development and that copies are provided to the Development Authority;
- c) Development does not commence until a Development Permit has been approved and issued

**Comment [s12]:** Or in the case of notification to adjacents, that the time frame to start is adhered to

**2-11 DEVELOPMENT PERMIT APPLICATION REQUIREMENTS**

A person preparing an application for a Development Permit shall do so using **Form C** attached hereto, and shall include the following:

- a) The completed application form;
- b) An application fee as established within the ‘Fees and Rates Bylaw,’ as amended.
- a) A copy of the Certificate of Title (within 30 days);
- b) Current copies of any restrictive covenants or easements (within 30 days);
- c) Current copies of any provincial or federal approvals, licenses or permits, as required (within 30 days);
- d) A Site Plan showing:
  - i. north arrow
  - ii. municipal address and adjacent street labels (i.e. street address)
  - iii. legal address (i.e. plan/block/lot)
  - iv. parcel boundaries and dimensions
  - v. access and egress points
  - vi. adjacent street labels
  - vii. site drainage, finished lot grades, the streets with grades and sewers servicing the property;
  - viii. locations of on-site existing or proposed water and sewer connections, septic tanks, disposal fields, water wells, culverts and crossings (as applicable);
  - ix. location of existing buildings and setbacks (if applicable)
  - x. elevations, setbacks, exterior finishing materials and floor plans of proposed buildings (if applicable);
  - xi. any development setbacks, easements or utility rights-of-way etc. (if applicable)
  - xii. any landscaping and any trees that will be cut down or removed (if applicable); and
- e) Any other pertinent information required by the Development Authority respecting the site, and
- f) Any other additional information required for a Specific Use or Activity, as outlined in Section 4 ‘SPECIFIC USES & ACTIVITIES’.

**Comment [s13]:** If requested. We have pretty good records here and probably would not request every time

**Comment [s14]:** We want the site plan to be made to scale AND We want the right to request a recent survey (RPR)



## 2-12 DIRECT CONTROL DEVELOPMENT PERMITS

In the case of a Development Permit application made pursuant to a Direct Control District, all requirements and procedures pertaining to the Development Permit application will be at the direction and to the satisfaction of Council.

**Comment [s15]:** Is this another case where we should notify adjacents?

## 2-13 TEMPORARY DEVELOPMENT PERMITS

- a) A Development Permit may be issued on a temporary basis for a period of time specified by the Development Authority.
- b) As a condition of approval for a Temporary Permit, the Applicant may be required to provide a Security Deposit in the amount of the value of the site improvements required by the Development Permit. The Security Deposit shall be valid for a period of time equal to or greater than the term of the Temporary Permit.

# Development Permit Decisions

## 2-14 APPLICATIONS IN PROGRESS

All Development Permit applications received and deemed complete prior to the effective date of the Bylaw shall be processed and considered based on the provisions of the former 'Village of Beiseker Land Use Bylaw No. 03-2013', unless prior to decision being made on the application, the Village receives a request that said application be processed and considered on the provisions of this Bylaw.

## 2-15 RECEIVED APPLICATIONS

A Development Permit application shall not be received until such time that the 'DEVELOPMENT PERMIT APPLICATION REQUIREMENTS' (Section 2-11) have been met to the satisfaction of the Development Authority.

## 2-16 DETERMINATION OF COMPLETENESS

- a) The Development Authority shall determine the completeness of a received application within twenty (20) days of receipt.
- b) In reviewing an application for completeness the Development Authority may:
  - i. Determine that the application is complete and provide an 'Acknowledgment of Completeness' to the applicant, or
  - ii. Determine that the application is incomplete, provide a 'Notice of Incompleteness' and request outstanding information from the applicant, along with a time period within which the outstanding information is required.
- c) An 'Acknowledgement of Completeness' or 'Notice of Incompleteness' shall be provided to the applicant via email.

**Comment [s16]:** Is this a form?

**Comment [s17]:** Do we need these forms? We normally don't accept the application until it is complete (at which time we take the fee). If there is still information required, we would return it with a dated letter explaining what else is needed. Trying to limit administration work.

## 2-17 REVIEW PERIOD

- a) The Development Authority must make a decision on an application for a Development Permit within forty (40) days;
- b) The review period commences once the 'Acknowledgement of Completeness' is provided to the applicant.



**2-18 TIME EXTENSION AGREEMENT**

- a) The Development Authority may request up to a three (3) month extension of the review period of a Development Permit application from the applicant;
- b) The Development Authority may grant up to a three (3) month extension of the review period of a Development Permit Application at the request of the applicant;
- c) Time extension agreements shall be agreed to by both parties in writing;
- d) Time extensions on any approved Development Permit may be granted for a period of twelve (12) months to a maximum of three (3) extensions.

**Comment [s18]:** Is this a form – if so reference it

**2-19 DEEMED RESUSALS**

- a) A Development Permit application shall be deemed to be refused in the following circumstances:
  - i. The Development Authority does not make a decision within the review period of forty (40) days, or
  - ii. The Development Authority does not make a decision within the alternative review period as stated within a written time extension agreement, or
  - iii. Outstanding information requested as part of the determination of completeness is not submitted by the Applicant;
- b) The Development Authority shall provide notice of a deemed refusal to the applicant.

**Comment [ww19]:** REFUSAL

**2-20 NOTICE OF DECISION**

**Applicant Notice:**

- a) All decisions on Development Permit applications shall be given in writing to the applicant the same day the decision is made;
- b) If the Development Permit application is refused or conditionally approved, the Notice of Decision shall contain the conditions imposed or the reasons for the refusal or as part of the approval.

**Public Notice:**

- c) Development Permit applications for Discretionary Uses shall be posted on the Village’s website and mailed out to adjacent landowners within a 100-metre distance from the parcel boundary. This notice shall include:
  - i. The location and use of the Parcel;
  - ii. The date the Development Permit was issued;
  - iii. That an appeal may be made by a person affected by the decision by serving written notice of the appeal to the ISDAB within twenty-one (21) days of the date of the decision.

**Comment [s20]:** This is different than the definition of adjacent. We want to use the definition, but include road. See definitions

**2-21 EFFECTIVE DATE**

A Development Permit does not come into effect until twenty-one (21) days from the date on which public notice was issued.

**Comment [s21]:** Development permit is effective immediately for permitted and 21 days if discretionary – this should say that.

**2-22 LAPSE OF DEVELOPMENT**

A Development Permit shall lapse after one (1) year from the date of issuance unless development has commenced on the site or a ‘TIME EXTENSION AGREEMENT’ (Section 2-18) has been granted.

**Comment [s22]:** Or conditions of the DA include a period longer than one year



**2-23 COMPLETION OF DEVELOPMENT**

A Development shall be completed to the satisfaction of the Development Authority within twenty-four (24) months of the Development Authority’s approval of the Development Permit, unless the Applicant applies for and obtains a ‘TIME EXTENSION AGREEMENT’ (Section 2-18) from the Development Authority prior to the end of the twenty-four (24) month period.

**2-24 CANCELLED OR SUSPENDED DEVELOPMENT PERMITS**

- a) The Development Authority may cancel, suspend, or modify a Development Permit by written notice to the holder of the permit when, after a Development Permit has been issued, the Development Authority becomes aware of one the following circumstances:
  - i. The application contained a misrepresentation, or
  - ii. Facts concerning the application or the development were not disclosed which should have been disclosed at the time the application was considered, or
  - iii. Any condition under which the Development Permit was issued has been contravened; or
  - iv. The Development Permit was issued in error, or
  - v. The applicant has requested cancellation of the Development Permit in writing, or
  - vi. The approved use or development is discontinued or abandoned for two or more consecutive years;
- b) A person whose Development Permit is cancelled, suspended, or modified may appeal to the ISDAB.

**Comment [s23]:** Please provide examples of what this means

**Comment [s24]:** This should be for businesses only and should only be one year (unless other legislation requires otherwise)

**Comment [s25]:** I think we should be careful about ISDAB and SDAB since we don’t know if Beiseker is going inter-municipal and/or will stay inter-municipal instead of independent.

**2-25 RE-APPLICATION INTERVAL**

- a) Where an application for a Development Permit is refused, the submission of a second application for the same or similar use on the same parcel, may not be made for a period of six (6) months from the date of issue of the refusal, except where waived by Council.
- b) If a second application is refused, a third application may not be made within one (1) year of the date of refusal.
- c) The determination of what constitutes the same or similar use shall be made by the Development Authority.

# Development Permit Conditions

**2-26 CONDITIONAL APPROVAL**

The Development Authority, in imposing conditions on a Development Permit for:

**A Permitted Use:**

- a) May impose conditions only to ensure compliance with the Bylaw.

**A Discretionary Use:**

- b) May impose conditions as deemed appropriate, so long as they serve a legitimate planning objective and do not sub-delegate the Development Authority’s discretionary powers.

**Comment [s26]:** Example of sub-delegate?

**2-27 DEVELOPMENT AGREEMENTS**

As a condition of approval, the Development Authority may require the applicant to enter into a Development Agreement with the Village, in accordance with the MGA, and may require the applicant to:

- a) Construct, install or pay for any improvements and utilities which are needed to serve the development or access to it;





- b) Pay an offsite levy or redevelopment levy;
- c) Repair or reinstate to original or improved condition any street furniture, curbing, sidewalk or landscaping which may be damaged or destroyed by the development; and/or
- d) Attend to all other matters the Development Authority considers appropriate.

**Comment [s27]:** I don't know what a redevelopment levy is

**2-28 ENCROACHMENT AGREEMENTS**

If an applicant applies for a Development Permit for a building or structure that encroaches on property owned by the Village, the Development Authority may as a condition of approval require the applicant to enter into an Encroachment Agreement with the Village.

**2-29 SECURITIES**

- a) To ensure compliance with a Development Agreement the Village may require the applicant to provide an Irrevocable Letter of Credit, or any other acceptable form of security, to the Development Authority to guarantee performance of conditions imposed upon the Development Permit;
- b) The amount required as a security shall be based on the estimated cost of construction of on-site and off-site infrastructure unless otherwise determined in the terms of the Development Permit or the Development Agreement;
- c) Cost estimates are subject to review and verification by the Development Authority, and quoted costs shall be valid for the required work.

**2-30 CAVEATS**

To ensure compliance with a Development Agreement, the Village may register a caveat against a property being developed which shall be discharged upon the terms of the Development Agreement being met. This requirement does not apply to development under Federal, Provincial or local authority.

## Development Permit Appeals

**2-31 APPEALING A DECISION**

- a) Any person affected by an order, decision or Development Permit made or issued by a Development Authority, including the applicant, may appeal the decision to the Intermunicipal Subdivision Development and Appeal Board (ISDAB) pursuant to the 'ISDAB Bylaw', as amended;
- b) The Process followed by the ISDAB is articulated within the 'ISDAB Bylaw', as amended.

**2-32 ISDAB DECISIONS**

- a) If the decision to approve a Development Permit application is varied by the ISDAB, the Development Authority shall be directed to issue a Development Permit in accordance with the terms of the decision of the ISDAB.
- b) If the decision to approve a Development Permit application is reversed by the ISDAB:
  - i. The Development Permit shall be null and void; and
  - ii. the Development Authority shall be directed to issue a Development Permit in accordance with the ISDAB decision;



# SECTION THREE

# Development Regulations

# 3

*This section outlines the general regulations that apply to all development in Beiseker.*

## Building & Structures

### 3-1 ADDRESSING

All principal buildings shall have the civic address clearly displayed and easily visible pursuant to the 'Municipal Address Bylaw,' as amended.

### 3-2 BUILDING DESIGN

A building's character and appearance may be considered in the review of proposed developments with respect to the buildings:

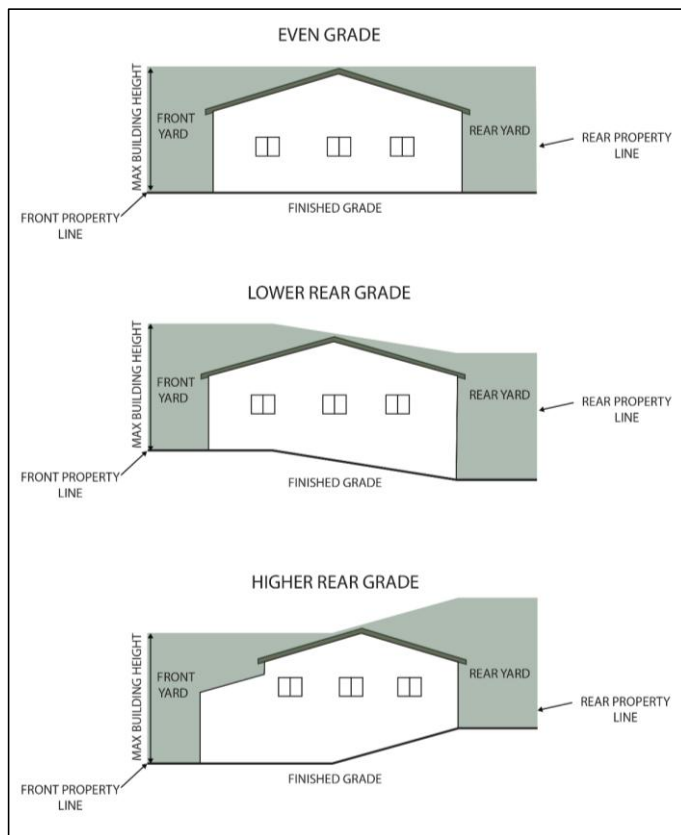
- a) Consistency with the prescribed District;
- b) Compatibility with nearby buildings;
- c) Compliance to the provisions of any Statutory Plan which sets out specific guidelines as to the design, character, appearance, or building materials used in a development.

### 3-3 BUILDING OR STRUCTURE HEIGHT

- a) As illustrated in **Figure 1 – Determining Building Height**, The base from which to measure the height of a building or structure shall be from any point on the finished ground elevation which adjoins an exterior wall.
- b) In determining the highest point of a building, any elevator housing, mechanical housing, roof stairway entrance, ventilation fans, skylights, steeples, smokestacks, or parapet walls are not considered part of a building.
- c) The height of a building should not extend above the height requirement within the prescribed District.



**Figure 1 – Determining Building Height**



**3-4 ACCESSORY BUILDINGS**

- a) No Accessory Building or structure shall be permitted that will prevent access to a rear yard where a parcel has vehicular access from the front yard only.
- b) An Accessory Building or structure shall be located a minimum of 2.0 m from a principal building on a parcel.
- c) An Accessory Building in a Residential District shall be similar to, and complement, the principal building in exterior material, colour and appearance.
- d) An Accessory Building shall not exceed the height of the Principal Building on the parcel in which it is located.

**3-5 FABRIC COVERED BUILDINGS**

- a) Fabric Covered Buildings shall be anchored in accordance with Alberta Safety Codes.
- b) Fabric Covered Buildings shall be kept in good condition to the satisfaction of the Development Authority.

**Comment [s28]:** So – if the accessory building does not require a permit, these conditions still apply? We need to ensure the developer is aware of these

**Comment [s29]:** I'd still like to say that these are not allowed in a residential district



### 3-6 GARAGES

An attached garage shall be considered to be part of the principal building, a detached garage shall be considered to be an Accessory Building.

### 3-7 MANUFACTURED HOMES

- a) No Manufactured Home, or additions thereto, shall exceed 5.0 m above grade;
- b) No Manufactured Home older than 10 years is permitted;
- c) Each Manufactured Home shall have CSA certification;
- d) Each Manufactured Home shall be placed on a solid foundation;
- e) Axles, wheels and trailer hitches shall be removed; and
- f) The crawl space between a Manufactured Home and the ground shall be suitably enclosed from view by skirting, or other means satisfactory to the Development Authority, within thirty (30) days of placement.

**Comment [s30]:** Should we require a peaked roof? May not make them without peaked roof if under 10 years?

### 3-8 SEA CANS

- a) Sea Cans are to be used for storage and located at the rear of the Principal Building;
- b) Sea Cans may be authorized on a temporary basis in the front yard, not exceeding twenty-eight (28) days;
- c) Sea Cans shall not be stacked;
- d) Sea Cans shall not have graffiti or rust showing; and
- e) Sea Cans adjacent to Residential Districts or roads shall be screened from view.

**Comment [s31]:** Should just say yard – some front yards would not allow for the sea can, in which case it could be placed in the back

**Comment [s32]:** The village is considering allowing sea cans in residential districts for a period of no more than 30 days to allow for temporary storage during a move or a build. This would require a development permit. Awaiting council decision.

### 3-9 VACANT BUILDINGS

Within six (6) months of a building being vacated, owners are responsible for the following, to the satisfaction of the Development Authority:

- a) Removing any Signs;
- b) Boarding up any windows and doors; and
- c) Removing any graffiti, posters and other debris.

**Comment [s33]:** Should say “if required” by the DA. In the case of a house or main street business, we may not require the windows to be boarded up as it wouldn’t present well for a sale

**Comment [ww34]:** Define “vacated”. Should it be abandoned?

**Comment [s35]:** How would we enforce this? How do we know when the building has been vacated?

## Parcels

### 3-10 CORNER PARCELS

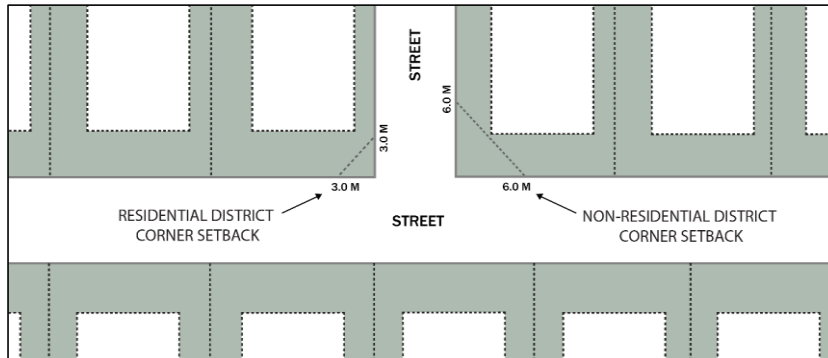
- a) The location of Buildings on a corner parcel shall be subject to approval of the Development Authority.
- b) A driveway on a corner parcel shall be setback at least 6.0 m from the intersecting property lines.

### 3-11 CORNER VISIBILITY

- a) As illustrated in **Figure 2 – Corner Visibility Triangle**:
  - i. In a Residential District, buildings, structures, fences and landscaping shall be setback at least 3.0 m from the intersection of two (2) streets to maintain corner visibility, and
  - ii. In a Non-Residential District, buildings, structures, fences and landscaping shall be setback at least 6.0 m from the intersection of two (2) streets to maintain corner visibility;
- b) A Corner setback may be varied by the Development Authority.



**Figure 2 – Corner Visibility Triangle**



**3-12 DOUBLE-FRONTING PARCELS**

Where a Parcel abuts two (2) or more streets, the front yard setback shall be established on the street that is identified by a municipal address.

**3-13 DEVELOPMENT SETBACKS**

Notwithstanding any other setback provision of the Bylaw, all new residential development proposed adjacent to:

- a) Highway No. 9 – shall be setback at least 30.0 m from the right-of-way;
- b) Highway No. 72 – shall be setback at least 15.0 m from the right-of-way;
- c) The CN Rail Line – shall be setback at least 15.0 m from the right-of-way;
- d) A pipeline or oil and gas well – shall comply with Alberta Energy Regulator (AER) requirements, as amended, as determined by the Development Authority.
- e) A landfill or wastewater treatment plant – shall comply with the provincial *Subdivision and Development Regulation*, as amended, as determined by the Development Authority.

**3-14 PROJECTIONS INTO SETBACKS**

The following Projections are permitted:

- a) Front Yards – any projection not exceeding 2.0m over the minimum front yard.
- b) Side Yards – any projection not exceeding half of the minimum side yard required for the Building, except in front only access Parcels where no projections are permitted.
- c) Rear Yards – Any projection not exceeding 3.0m over the minimum rear yard; in a Non-Residential District, any projection that is an exterior fire escape.

**3-15 EMERGENCY ACCESS**

- a) Neighbourhoods shall be so designed that streets and access routes for firefighting vehicles and equipment are provided in accordance with the requirements of the Safety Codes Act;
- b) Setbacks in any District may be increased at the discretion of the Development Authority in order to provide adequate emergency access.

**Comment [s36]:** Is it understood that the address is determined by the front door of the building and if so, does this bylaw say so?

**Comment [s37]:** Projections are not identified in the definitions – should they be?



### 3-16 OBJECTS IN YARDS

The following objects are prohibited in a Residential District:

- a) Any dismantled, or inoperable motor vehicle or equipment of any kind;
- b) More than one unregistered vehicle; and/or
- c) Any other object or chattel that in the opinion of the Development Authority are unsightly so as to adversely affect the amenities of the District.

**Comment [s38]:** Pretty sure this is covered in our community standards and streets bylaw, but if its necessary to repeat it, so be it.

## Landscaping & Lighting

### 3-17 GENERAL PROVISIONS

- a) Existing shrubs and trees retained on a Parcel may be considered as part of the total landscaping requirement;
- b) All landscaped areas shall be designed to facilitate effective surface drainage and avoid overflow on adjacent parcels;
- c) Where, during development, there are areas requiring leveling, filling, or grading, the topsoil shall be removed before work commences, stockpiled, and then replaced following completion of the work; and

### 3-18 MINIMUM LANDSCAPING STANDARDS

- a) All portions of a Parcel not covered by a Building, Structure, parking stall or driveway shall be landscaped and maintained to the satisfaction of the Development Authority;
- b) Residential Districts:
  - i. Landscaping shall be completed within two years of the date of occupancy or two growing seasons, whichever is less;
- c) Non-Residential Districts:
  - i. A landscaping plan to the satisfaction of the Development Authority;
  - ii. A minimum 6.0 m buffer along every boundary adjacent to a residential District.
- a) The Village may draw upon the security to complete the landscaping deficiencies in the event the work has not been completed within the required timeframe, to the satisfaction of the Development Authority.

### 3-19 LANDSCAPE SECURITIES

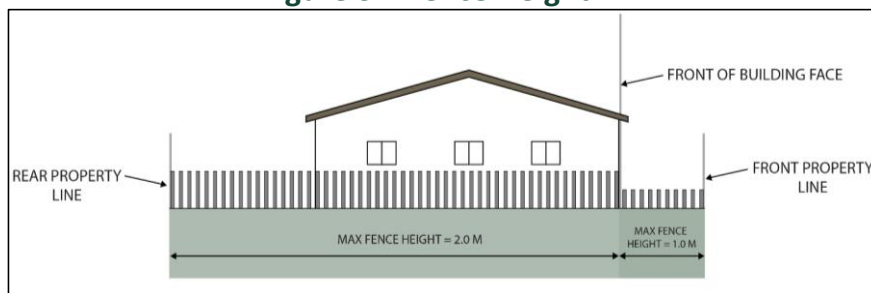
- a) Where identified as a 'CONDITIONAL APPROVAL' (Section 2-26), landscape securities shall be provided to the satisfaction of the Development Authority;
- b) The minimum amount required as a landscaping security shall be based on 100% of the estimated cost of landscaping as articulated in the Development Agreement;
- c) Cost estimates are subject to review and verification by the Development Authority;
- d) Landscaping securities shall be released once an inspection of the site demonstrates that the landscaping has been successfully maintained for two growing seasons after completion of the landscaping;



### 3-20 FENCING

- a) As illustrated in **Figure 3 – Fence Height**, except as otherwise provided, the maximum height of a fence shall be:
  - i. 1.0 m in the front yard or a side yard abutting a street other than a lane; and
  - ii. 2.0 m in the side or rear yard;
- b) The height of a fence in an Industrial District shall be determined by the Development Authority;
- c) Fences with barbed wire are restricted to Industrial Districts only;
- d) No fence with barbed wire shall be below a height of 2.0 m.

**Figure 3 – Fence Height**



**Comment [s39]: ENFORCEMENT –**  
We currently have fences made out of pallets and other materials not conducive to a proper fence. How do we mitigate this? More than just barbed wire required here.

### 3-21 SCREENING

- a) Visual screening to a minimum height of 2.0 m shall be provided by a fence or a combination of fence and soft landscaping where a Non-Residential District abuts a Residential District;
- b) All mechanical equipment or apparatus on the roof of any office, Multiple Unit Dwelling, commercial, or industrial building shall be screened to the satisfaction of the Development Authority;
- c) All exterior work areas, storage areas and waste handling areas shall be screened and/or enclosed from view to the satisfaction of the Development Authority; and
- d) In those cases where wrecked or damaged vehicles are permitted to be stored or located on a site they shall be screened or enclosed to the satisfaction of the Development Authority.

### 3-22 LIGHTING PROVISIONS

- a) All outdoor lighting shall be located and arranged so that light is directed away from adjoining properties;
- b) Full cut-off fixtures shall be installed for all exterior lighting;
- c) No outdoor light fixture may emit light above the horizontal plane at the bottom of the light fixture;
- d) Notwithstanding c), outdoor lighting used to illuminate architectural features, landscaping, monuments, signs, or trees may emit light above the horizontal plane so long as it is directed at such features;
- e) The maximum mounting height for an outdoor light fixture shall be 8.0 m in any Residential District, and up to 12.0 m in Non-Residential Districts; and
- f) No flashing, strobe, or revolving lights are permitted.

**Comment [s40]:** What does this mean? In Grasslands we have required houses to have an auto light on the property to act as street light.



# Parking

## 3-23 GENERAL PROVISIONS

- a) Where development is proposed, parking shall be provided and maintained by the owner in accordance with the requirements of the Bylaw.
- b) Parking areas shall be freely accessible at all times during which the facility is in operation.
- c) Schools shall be designed to accommodate all buses on-site without reducing the provisions for parking and loading.
- d) Parking spaces shall not be located in the front yard of Multiple Unit Dwellings unless otherwise allowed by the Development Authority.
- e) Where a parking or loading area is associated with Non-Residential District, and the parcel abuts a Residential District the parking or loading area shall have 'SCREENING' (Section 3-21).

## 3-24 NUMBER OF SPACES

- a) The minimum number of parking stalls required for each use specified in **Table 3 – Parking Minimums**. Where the use is not listed below, the number of spaces shall be determined by the Development Authority, having regard for similar uses and the estimated parking demand of the proposed use; and
- b) Where the calculation does not yield a whole number, the required number of spaces shall be rounded down to the next whole number.

**Table 3 – Parking Minimums**

USE OF BUILDING OR SITE	MINIMUM NUMBER OF PARKING STALLS	
Automotive Services (Minor)	1 stall	per 100 m <sup>2</sup> gross floor area
Automotive Services (Major)	2 stalls	per 100 m <sup>2</sup> gross floor area
Care Facility (Child)	3 stalls	per 100 m <sup>2</sup> gross floor area
Care Facility (Senior)	0.75 stalls	per Dwelling Unit + 1 staff stall per 15 units + Guest Parking
Care Facility (Treatment)	1 stall	per 4 beds/units + 1 staff stall per 15 units + Guest Parking
Dwelling, Single Detached	1 stall	per dwelling unit
Dwelling, Multiple Unit	1.5 stalls	per dwelling unit
Eating & Drinking (Type I)	5 stalls	per 100 m <sup>2</sup> gross floor area
Eating & Drinking (Type II)	10 stalls	per 100 m <sup>2</sup> gross floor area
Establishment (Entertainment/Vice)	10 stalls	per 100 m <sup>2</sup> gross floor area
Hotel/Motel	1 stall	per guest room plus 3 for staff
Industrial (Services)	1 stall	per 100 m <sup>2</sup> gross floor area
Industrial (Agricultural/Manufacturing & Operations)	1.25 stalls	per 100 m <sup>2</sup> gross floor area
Office/Care Facility (Clinic/Pet)	2.5 stalls	per 100 m <sup>2</sup> gross floor area
Place of Worship	10 stalls	per 100 m <sup>2</sup> gross floor area
Public Building	10 stalls	per 100 m <sup>2</sup> gross floor area





USE OF BUILDING OR SITE	MINIMUM NUMBER OF PARKING STALLS	
Recreation (Private/Public)	3 stalls	per 100 m <sup>2</sup> gross floor area
Recreation (Outdoor)	5 stalls	per 100 m <sup>2</sup> gross floor area
Retail (Small) < 1000 m <sup>2</sup>	2 stalls	per 100 m <sup>2</sup> gross floor area
Retail (General) 1000-4000m <sup>2</sup>	1.5 stalls	per 100 m <sup>2</sup> gross floor area
Retail (Large/Groceries) > 4000 m <sup>2</sup> /	3 stalls	per 100 m <sup>2</sup> gross floor area
School	At the discretion of the School Board	
Trade School	3 stalls	per 100 m <sup>2</sup> gross floor area
Warehouse/Warehouse Sales	1.25 stalls	per 100 m <sup>2</sup> gross floor area

### 3-25 OFF-STREET PARKING

- a) Off-street parking for Non-Residential uses shall:
  - i. Have clearly delineated parking stalls, maneuvering aisles, entrances, and exits with pavement markings, signs, and/or other physical means,
  - ii. Be designed so as to restrict overland surface drainage beyond the boundaries of the parcel, and
  - iii. Be constructed with surface grades not exceeding 6%;
- b) Off-street parking for Residential uses shall:
  - i. Shall be located on the site of the development served by the parking, and
  - ii. Should be easily accessible to the corresponding building;
- c) Where a development consists of a mix of uses, the total off-street parking requirement shall be the sum of the off-street parking requirements for each use, unless it is demonstrated through a Parking Study that there will be complementary demand for parking that warrants a reduction in the total requirement.

### 3-26 LOADING SPACE

- a) Off-Street Loading Spaces Shall:
  - i. Have minimum dimensions of 4.0 m in width and 8.0 m in length;
  - ii. Have overhead clearance of at least 5.0 m above grade;
  - iii. Have vehicular access from a street or lane either directly or by a clearly defined traffic aisle; and
  - iv. Be hard-surfaced.

**Comment [s41]:** By this I assume you mean either asphalt, concrete or gravel??? Not in definitions

### 3-27 COMMUNAL PARKING

- a) In Non-Residential Districts, owner(s) may pool required off-street parking stalls within one (1) or more communal parking stall on a parcel other than the parcel of the principal use, provided:
  - i. The communal parking provides the sum of the off-street parking requirements for each development served by the parking facility. A smaller number may be permitted if supported by a Parking Study acceptable to the Development Authority,
  - ii. Owners enter into an agreement with the Village and consent to such an agreement being registered as an encumbrance against the titles of land involved, and
  - iii. Owners pay the full costs of preparing and registering the agreement.



**3-28 PARKING STALL DIMENSIONS**

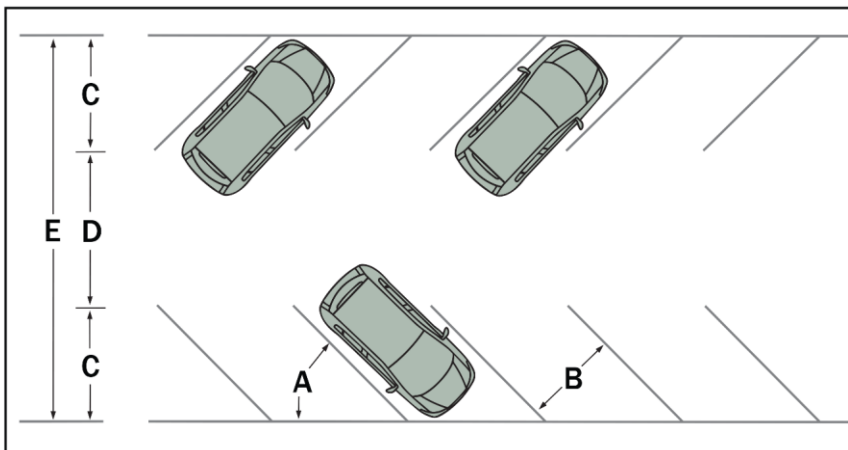
- a) As illustrated in **Figure 4 – Parking Stall Dimensions**, unless otherwise specified, the minimum width and depth of automobile parking stalls is as outlined below:

**Table 4 – Parking Stall Dimensions**

A	B	C	D	E
ANGLE OF PARKING	STALL WIDTH	STALL DEPTH*	AISLE WIDTH	OVERALL DEPTH
30°	2.5 m	5.0 m	3.5 m	13.5 m
45°	2.5 m	6.5 m	3.5 m	16.5 m
60°	2.5 m	6.5 m	5.5 m	18.5 m
90°	2.5 m	6.0 m	7.0 m	19.0 m

\*Perpendicular to Aisle

**Figure 4 – Parking Stall Dimensions**



**3-29 SMALL CAR LOT**

For parking stalls other than parallel stalls, up to twenty per cent (20%) of the required parking stalls may be of a depth shorter than that required above, to a minimum of 4.5m. These stalls shall be clearly marked 'SMALL CAR'.

**3-30 BICYCLE PARKING**

- a) Onsite bicycle racks shall be provided for any residential development of more than four (4) units; and
- b) Bicycle racks shall be located to the satisfaction of the Development Authority.

# Signage

## 3-31 GENERAL PROVISIONS

- a) Signs shall be compatible with the general character of the prescribed District;
- b) No sign or any part of a sign shall be within 2.0 m of overhead power lines;
- c) A sign shall not be erected or affixed on a property unless permission is granted in writing from the owner;
- d) A sign shall be located entirely within the site unless prior written approval granting permission for the sign to overhang another property is submitted by the affected owner; and
- e) A sign's illumination shall not exceed 5,000 candelas per square metre.

**Comment [s42]:** Does a sign require a development permit?

## 3-32 DEVELOPMENT PERMIT FOR A SIGN

- a) No sign may be erected or affixed unless a Development Permit for a Sign has been issued, excluding 'SIGNS NOT REQUIRING A DEVELOPMENT PERMIT' (Section 3-33).
- b) A person preparing an application for a Development Permit for a sign shall do so using **Form D** attached hereto, and shall include the following:
  - i. The completed application form;
  - ii. An application fee as established within the 'Fees and Rates Bylaw,' as amended.
  - iii. A copy of the Certificate of Title (within 30 days);
  - iv. Current copies of any restrictive covenants or easements (within 30 days);
  - v. Current copies of any provincial or federal approvals, licenses or permits, as required (within 30 days);
- c) An applicant may be required to submit the following in support of a Development Permit for a Sign:
  - i. A Site Plan showing the sign's location in relation to property boundaries and Buildings; and
  - ii. Photographs of the proposed site showing adjacent properties and signs within approximately 30.0 m of the proposed sign location.
  - iii. Such other considerations as the Development Authority may deem to be relevant.

**Comment [s43]:** Village office can get this easily, may be cumbersome for applicant.

## 3-33 SIGNS NOT REQUIRING A DEVELOPMENT PERMIT

The following signs do not require a Development Permit, but shall otherwise comply with the Bylaw:

- a) Signs displayed by or on behalf of the federal, provincial, or local government;
- b) Signs displayed on public transportation or infrastructure related to public transportation that are subject to an agreement with the Village;
- c) The alteration of a sign which only includes routine maintenance, painting or change in the sign's lettering;
- d) Community Identification signs, provided their design and location has been reviewed and approved by the Development Authority;
- e) Banners and pennant flags that are not permanently installed and which are displayed for a period not exceeding thirty (30) days; and
- f) The following signs, subject to the standards outlined herein:
  - i. 'Election Signs'



- ii. 'Real Estate Signs'
- iii. 'Sandwich Boards'
- iv. 'Temporary Signs'

**3-34 PROHIBITED SIGNS**

Any sign which, in the opinion of the Development Authority, creates a traffic or pedestrian hazard either due to its design or location.

**3-35 SIGN MAINTENANCE**

The owner of a sign shall be responsible for the maintenance of that sign to an acceptable standard as determined by the Development Authority.

**3-36 SIGN REMOVAL**

- a) The Development Authority may require the removal of any sign which, in their opinion, has become unsightly or is in such a state of disrepair as to constitute a hazard, including:
  - i. When the excess of twenty-five per cent (25%) of the sign face has experienced loss of finish through chipping, fading, or excessive dirt building up,
  - ii. If the sign is physically damaged on either face or its supports so it is no longer structurally safe or located correctly, and/or
  - iii. If sign is no longer relevant to the permitted use of the Building (i.e. the Building is no longer inhabited by the approved business and/or is vacant).
- b) Non-compliance may result in the removal of a sign and the assessment of a fee as established within the 'Fees and Rates Bylaw,' as amended.
- c) Any sign removed shall be held for thirty (30) days; if not claimed, the sign will be disposed of at the discretion of the Development Authority.

**Comment [s44]:** We don't have this in the Fees and Rates, should just say at the cost of the land or business owner

**3-37 AWNING/CANOPY SIGNS**

Means a sign which either forms part of, or is attached to, a retractable or permanently affixed canopy.

Permit Required	Yes	
District	Residential	Prohibited
	Commercial	Permitted
	Industrial	Permitted
	Special	Discretionary
Max. Dimensions	N/A	
Standards	<ul style="list-style-type: none"> <li>• Shall be constructed of durable, waterproof, colorfast material</li> <li>• Shall be attached to the building or structure to which it refers</li> <li>• Shall project from 0.6 m to 1.2m from the building or structure</li> <li>• Shall have a minimum clearance of 2.4 m above grade</li> </ul>	



### 3-38 BILLBOARD SIGNS

Means a sign which stands independently of a building for the purposes of advertising a product or service.

Permit Required	Yes	
District	Residential	Prohibited
	Commercial	Discretionary
	Industrial	Discretionary
	Special	Discretionary
Max. Dimensions	<ul style="list-style-type: none"><li>35.0 m<sup>2</sup> sign area</li><li>12.0 m sign height</li></ul>	
Standards	<ul style="list-style-type: none"><li>Shall be a minimum 90.0 m apart from any like sign</li><li>May be illuminated by a constant source of light</li><li>Shall not be lit by a flashing, animated or intermittent light source</li><li>Shall be setback at a minimum of 5.0 m from the Parcel line</li><li>Shall have a minimum clearance of 2.4 m above grade</li></ul>	

### 3-39 ELECTION SIGNS

Means a sign displayed during an election period, referendum or plebiscite.

Permit Required	No, provided it meets the following standards	
District	Residential	Permitted
	Commercial	Permitted
	Industrial	Permitted
	Special	Permitted
Max. Dimensions	<ul style="list-style-type: none"><li>2.0 m<sup>2</sup> sign area</li><li>1.5 m sign height</li></ul>	
Standards	<ul style="list-style-type: none"><li>Shall be erected no more than sixty (60) days prior to an election</li><li>Shall be removed within twenty-four (24) hours after the election</li><li>Shall not be placed on any centre median or in any location that affects traffic safety or visibility</li><li>Shall not be illuminated</li></ul>	

### 3-40 FASCIA SIGNS

Means a flat sign that is attached flush to a Building face or is painted on.

Permit Required	Yes	
District	Residential	Discretionary
	Commercial	Permitted
	Industrial	Permitted
	Special	Discretionary



Max. Dimensions	<ul style="list-style-type: none"> <li>Residential Districts, sign area 3.0 m<sup>2</sup></li> <li>Commercial and Industrial Districts, sign area 40% of the Building face</li> <li>Special Districts, sign area 20% of the Building face</li> </ul>
Standards	<ul style="list-style-type: none"> <li>Shall be projected a maximum of 0.3 m</li> <li>Shall not project within 0.6 m of a property line</li> <li>Shall have no exposed wiring or bulbs</li> <li>May be illuminated and may include changeable copy</li> <li>Shall be painted on or safely and securely attached to the building by means of metal anchors, bolts or expansion screws</li> <li>Shall not exceed 0.5 m<sup>2</sup> in area or 1.5 m in height for a Bed &amp; Breakfast or Home-Based Business</li> </ul>

### 3-41 FREESTANDING SIGNS

Means a sign, other than a billboard, that is self-supporting in a fixed location and not attached to a Building.

Permit Required	Yes
District	
Residential	Permitted
Commercial	Permitted
Industrial	Permitted
Special	Discretionary
Max. Dimensions	<ul style="list-style-type: none"> <li>Residential, 1.5 m<sup>2</sup> sign area</li> <li>Residential, 1.5 m sign height</li> <li>Non-Residential, 7.0 m<sup>2</sup> sign area</li> <li>Non-Residential, 10.0 m sign height</li> </ul>
Standards	<ul style="list-style-type: none"> <li>Only one (1) sign shall be permitted per parcel, except where sites have 60.0 m or more of street frontage and signs are placed no closer than 30.0 m apart</li> <li>In Commercial and Industrial Districts, the sign may be illuminated and may contain electronic message display and changeable copy</li> <li>For the purpose of marketing or guiding traffic to a new development: <ul style="list-style-type: none"> <li>a) Shall be located a minimum of 25.0 m from a street intersection and 100.0 m from another such sign for the same development;</li> <li>b) May be erected within a street's right-of-way provided that they do not interfere with maintenance or create a hazard</li> </ul> </li> <li>Shall not exceed 0.5 m<sup>2</sup> in area or 1.5 m in height for a Bed &amp; Breakfast or Home-Based Business</li> </ul>



### 3-42 INFLATABLE SIGNS

Means a sign that is inflated.

Permit Required		Yes
District	Residential	Prohibited
	Commercial	Discretionary
	Industrial	Discretionary
	Special	Discretionary
Max. Dimensions		N/A
Standards		<ul style="list-style-type: none"><li>• Shall be at the discretion of the Development Authority</li><li>• Shall be anchored against the wind</li><li>• Shall be a minimum of 10.0 m from powerlines and the street right-of-way</li></ul>

### 3-43 PORTABLE SIGNS

Means a sign mounted on a frame, trailer, stand or similar structure that is easily transported, but does not include a sandwich board.

Permit Required		Yes
District	Residential	Prohibited
	Commercial	Permitted
	Industrial	Permitted
	Special	Prohibited
Max. Dimensions		<ul style="list-style-type: none"><li>• 5.0 m<sup>2</sup> sign area</li><li>• 3.0 m sign height</li></ul>
Standards		<ul style="list-style-type: none"><li>• Not more than one (1) Portable Sign is allowed for any one Parcel</li><li>• Shall be a minimum of 30.0 m apart when located on the same Parcel</li><li>• Shall not be permanently fastened to the ground</li><li>• May be issued for a maximum of thirty (30) days, or longer at the discretion of the Development Authority</li></ul>



### 3-44 PROJECTING SIGNS

Means a sign that is attached perpendicular to the face of a Building.

Permit Required	Yes	
District	Residential	Prohibited
	Commercial	Permitted
	Industrial	Permitted
	Special	Discretionary
Max. Dimensions	<ul style="list-style-type: none"> <li>Commercial, 5.0 m<sup>2</sup> sign area</li> <li>Industrial, 9.0 m<sup>2</sup> sign area</li> </ul>	
Standards	<ul style="list-style-type: none"> <li>Shall not project more than 2.0 m from a building</li> <li>Shall not project above the roof or parapet of a building</li> <li>Shall have a minimum clearance of 2.4 m above grade</li> <li>Shall not be located within 0.6 m of a street right-of-way</li> <li>Businesses located in the same building may combine their sign areas to form a single projecting sign</li> </ul>	

### 3-45 REAL ESTATE SIGNS

Means any temporary, non-illuminated sign that is displayed on a property for the purpose of advertising the sale, lease or rent of that property.

Permit Required	No, provided it meets the following standards	
District	Residential	Permitted
	Commercial	Permitted
	Industrial	Permitted
	Special	Permitted
Max. Dimensions	<ul style="list-style-type: none"> <li>0.5 m<sup>2</sup> sign area</li> <li>3.0 m sign height</li> </ul>	
Standards	<ul style="list-style-type: none"> <li>Shall only be located on the property that is for sale</li> <li>Shall be removed within seven (7) days after the property has been sold</li> <li>Shall be restricted to a maximum of two (2) signs per dwelling unit</li> </ul>	

### 3-46 ROOF SIGNS

Means any sign erected upon, against, or directly above a roof or the parapet wall of a building.

Permit Required	Yes	
District	Residential	Prohibited
	Commercial	Permitted
	Industrial	Prohibited
	Special	Prohibited





Max. Dimensions	<ul style="list-style-type: none"> <li>• 9.0 m<sup>2</sup> sign area</li> <li>• 1.0 m sign height (not exceeding the height in the prescribed District)</li> </ul>
Standards	<ul style="list-style-type: none"> <li>• Shall be erected so that the supporting structure is not visible</li> <li>• Shall not rotate or employ any flashing or intermittent lights, devices or means to create the impression of flashing lights</li> </ul>

### 3-47 SANDWICH BOARDS

Means an “A” shaped freestanding sign, which is set on but not attached to the ground.

Permit Required	No, provided it meets the following standards	
District	Residential	Prohibited
	Commercial	Permitted
	Industrial	Permitted
	Special	Prohibited
Max. Dimensions	<ul style="list-style-type: none"> <li>• 0.8 m<sup>2</sup> sign area</li> <li>• 1.0 m sign height</li> </ul>	
Standards	<ul style="list-style-type: none"> <li>• Shall be located in proximity to the business advertised and permitted only during hours of operation</li> <li>• Shall not include any illumination or electronic message display</li> <li>• Shall be constructed of a rigid material</li> <li>• Shall not obstruct pedestrian or vehicular traffic</li> </ul>	

### 3-48 TEMPORARY SIGNS

Means a non-permanent sign limited to a one-time event such as a yard or garage sale, or other special event.

Permit Required	No, provided it meets the following standards:	
District	Residential	Discretionary
	Commercial	Discretionary
	Industrial	Discretionary
	Special	Discretionary
Max. Dimensions	<ul style="list-style-type: none"> <li>• 0.5 m<sup>2</sup> sign area</li> </ul>	
Standards	<ul style="list-style-type: none"> <li>• May be erected within street boulevards provided that they do not, in the opinion of the Development Authority, interfere with the maintenance of the area or create a hazard</li> <li>• Shall not be erected for more than a forty-eight (48) hour period, unless otherwise stated in a Special Event Permit.</li> </ul>	



# SECTION FOUR

# Specific Uses & Activities

# 4

*This section outlines the regulations that apply to specific types of development and activities in Beiseker.*

## 4-1 SPECIFIC USE REQUIREMENTS

- a) The Development Permit requirements outlined for specific uses in this section are over and above the requirements stated within 'DEVELOPMENT PERMIT APPLICATION REQUIREMENTS' (Section 2-11).
- b) The Development Authority shall have regard to these requirements in addition to the 'DEVELOPMENT PERMIT APPLICATION REQUIREMENTS' (Section 2-11).

**Comment [s45]:** Somewhere it should say that if the business changes ownership, a new permit is required

## 4-2 BED & BREAKFAST

### General Requirements

- a) A Bed & Breakfast shall not be permitted in a dwelling which has an existing Home-Based Business (Type I or II).
- b) The Bed & Breakfast shall be contained entirely within the principal Building.
- c) No cooking facilities are permitted in guest rooms.

### Site Requirements

- d) Minimal exterior modifications of the structure or grounds may be made only if such changes are compatible with the character of the area or neighbourhood and are pursuant to a Development Permit.
- e) One (1) off-street parking stall per guest room shall be required.
- f) One (1) Freestanding Sign is permitted, at the discretion of the Development Authority.

**Comment [s46]:** Don't capitalize "Requirements". Is there any certification or license that we should ask for?

### Development Permit Requirements

- g) A Development Permit application will respond to the above noted Requirements and the provincial "Bed and Breakfast Health Standards and Guidelines."
- h) The maximum term of a Development Permit issued is five (5) years.

**Comment [s47]:** This means that every 5 years we have to ask for another development permit and that we need to track this, correct? **ALL OF THESE SHOULD SAY THAT THE DP is required to be renewed either at the term suggested or at the discretion of the Development Authority.**



#### 4-3 BUILDING RELOCATION AND/OR DEMOLITION

##### General Requirements

- a) The demolition of a building or structure is subject to the requirements of the Alberta Building Code.

##### Site Requirements

- b) A relocated building or structure shall comply with the District to which it is being relocated.

##### Development Permit Requirements

- c) The relocation or demolition of a building requires a Development Permit that outlines:
  - i. Timelines for the relocation and/or demolition of the building;
  - ii. Timelines for site restoration (filling, grading, landscaping, etc.); and
  - iii. The salvage and stockpiling of any demolition material and fill.

**Comment [s48]:** In the case of moving out buildings, we may require a security deposit for any road/sidewalk or other village infrastructure damage. Further, we would want to know the transportation route – ie: moving of a manufactured home.... **Suggest wording from page 46, Item 5 of the old LUB**

#### 4-4 CANNABIS PRODUCTION & DISTRIBUTION

##### General Requirements

- a) Cannabis Production & Distribution shall be restricted to Industrial Districts.

##### Site Requirements

- b) A site where Cannabis Production and Distribution occurs must be located:
  - i. At least 100.0 m from a Health Care Services Site or School Site,
  - ii. At least 100.0 m from a Park or a site that is designated as a School Reserve on title, and
  - iii. At least 200.0 m from a Residential Site.
- c) The minimum separation distance between Cannabis Production & Distribution and other uses shall be established by measuring the shortest distance between the building where Cannabis Production & Distribution occurs and the parcel boundary of the adjacent use.

##### Development Permit Requirements

- d) A Development Permit application will respond to the above noted Requirements and federal regulations.
- e) The maximum term of a Development Permit issued is five (5) years.

**Comment [s49]:** Again needs to be tracked, correct?

#### 4-5 CANNABIS SALES

##### General Requirements

- a) Cannabis Sales shall be restricted to Commercial and Industrial Districts.

##### Site Requirements

- b) A site where Cannabis Sales occurs must be located:
  - i. At least 100.0 m from a Health Care Services Site or School Site,
  - ii. At least 100.0 m from a Park or a site that is designated as a School Reserve on title, and
  - iii. At least 200.0 m from a Residential Site.
- c) The minimum separation distance between Cannabis Sales and other uses shall be established by measuring the shortest distance between the building where Cannabis Sales occurs and the parcel boundary of the adjacent use.

##### Development Permit Requirements

**Comment [s50]:** Isn't there some requirement for being located close to a liquor store or other cannabis store?



- d) A Development Permit application will respond to the above noted Requirements and provincial regulations.
- e) The maximum term of a Development Permit issued is five (5) years.

**Comment [s51]:** Again, we need to track

**4-6 CAR WASH**

**General Requirements**

- a) Car Washes shall not be located on parcels which, in the opinion of the Development Authority, negatively impact adjacent Parcels in terms of noise and traffic generation.

**Site Requirements**

- b) The parcel shall contain space for at least eight (8) vehicles or a minimum of two (2) vehicles per bay for space to que, whichever is greater.

**Comment [ww52]:** Why 8? Our current car was has 2 bays with 2 spaces for each. This should be only 2 spaces for each

**Development Permit Requirements**

- c) A Development Permit application will respond to the above noted Requirements.
- d) An applicant is required to submit a Traffic Impact Assessment in support of a Development Permit

**4-7 GAS STATION**

**General Requirements**

- a) Gas Stations shall not be located on Parcels which, in the opinion of the Development Authority, would be considered unsafe in terms of vehicle circulation or access to/egress from the Parcel;

**Site Requirements**

- b) The minimum front yard setback shall be 12.0 m, with no pump being located closer than 6.0 m from the property line.
- c) The minimum side yard and rear yard setbacks shall be 6.0 m.
- d) The maximum Building coverage is twenty-five percent (25%) of the parcel area.
- e) A minimum of ten percent (10%) of the parcel shall be landscaped.

**Development Permit Requirements**

- f) A Development Permit application will respond to the above noted Requirements.
- g) No Development Permit will be issued for the installation of fuel or any other flammable liquid storage tanks prior to the Development Authority receiving certified copies of the required permits from the appropriate provincial agencies.

**4-8 HOME-BASED BUSINESS (TYPE I)**

**General Requirements**

- a) Persons employed in the business shall be residents of the principal building.
- b) The business shall be contained entirely within the principal building or an accessory building at the discretion of the Development Authority.
- c) The business may occupy up to twenty percent (20%) of the floor area of the principal building or 30 m<sup>2</sup> whichever is less.
- d) The business may generate up to two (2) business-related visits per day, defined as two (2) vehicles visiting the business per day.
- e) The business should not operate between the hours of 18:00 and 8:00 if noise is generated.
- f) The sale of goods is restricted, unless they are incidental to the service provided by the business.

**Comment [s53]:** So the application must show the areas of the home that are being used for the business? Does this require a plan of the house?

**Comment [s54]:** What do you mean by restricted . This note is very vague.



**Site Requirements**

- g) The business shall not alter the character or external appearance of the principal building.
- h) Outside storage may be permitted at the discretion of the Development Authority provided it:
  - i. Is screened from adjacent lands and streets;
  - ii. Meets minimum setback requirements; and
  - iii. Does not exceed 400.0 m<sup>2</sup>.
- i) No more than one (1) commercial vehicle shall be parked onsite.
- j) No form of advertising related to the business is allowed onsite.
- k) At least one (1) off-street parking stall shall be required.

**Development Permit Requirements**

- l) A Development Permit application will respond to the above noted Requirements.
- m) A Development Permit issued for a Type 1 Home-Based Business shall be initially valid for a maximum period of one (1) year.
- n) Subsequent Development permits for approved Type 1 Home-Based Businesses may be renewed for a period not exceeding three (3) years if the following conditions have been met:
  - i. An application is made for a renewal of the Development Permit;
  - ii. The business has not violated the conditions of its Development Permit; and
  - iii. There are no active Bylaw enforcement orders related to the business.

**Comment [s55]:** We need to track

**Comment [s56]:** See comments above for Home based type I

**4-9 HOME-BASED BUSINESS (TYPE II)**

**General Requirements**

- a) Persons employed in the business shall be residents of the principal building.
- b) There can be one (1) employee or partner working at the business who does not live on the property.
- c) The business shall be contained entirely within the principal building.
- d) The business shall occupy up to twenty percent (20%) of the floor area of the principal building or 30 m<sup>2</sup> whichever is less.
- e) The business may generate up to eight (8) business-related visits per day, defined as eight (8) vehicles visiting the business per day.
- f) The business should not operate between the hours of 18:00 and 8:00 if noise is generated.
- g) The sale of goods is restricted, unless they are incidental to the service provided by the business.

**Site Requirements**

- h) The business shall not alter the character or external appearance of the principal building.
- i) No outside storage of equipment, goods, materials, commodities, or finished products is permitted.
- j) No commercial vehicles are permitted onsite.
- k) One (1) non-illuminated Fascia Sign is permitted.
- l) At least two (2) off-street parking stalls shall be required.

**Comment [s57]:** In the sign section it says Free Standing sign is permitted and fascia is discretionary – here it says fascia... We prefer free standing.

**Development Permit Requirements**

- m) A Development Permit application will respond to the above noted Requirements.

**Comment [s58]:** TRACK



- n) A Development Permit issued for a Type 2 Home-Based Business shall be initially valid for a maximum period of one (1) year.
- o) Subsequent Development permits for approved Type 2 Home-Based Businesses may be renewed for a period not exceeding three (3) years if the following conditions have been met:
  - i. An application is made for a renewal of the Development Permit;
  - ii. The business has not violated the conditions of its Development Permit; and
  - iii. There are no active Bylaw enforcement orders related to the business.

**4-10 MULTIPLE UNIT DWELLING**

**General Requirements**

- a) None.

**Site Requirements**

- b) A minimum of a 6.0 m landscape buffer is required adjacent to streets.

**Development Permit Requirements**

- c) A Development Permit application will respond to the above noted Requirements.
- d) An applicant is required to submit a Development Concept which has been endorsed by a registered architect or professional engineer.
- e) An applicant is required to submit a Site Plan in support of a Development Permit for a Multiple Unit Dwelling, showing:
  - i. The location and position of all Buildings and Structures, including signage, on the Parcel;
  - ii. The location and number of parking stalls,
  - iii. Access/egress from the Parcel to streets;
  - iv. The location of refuse storage areas;
  - v. The location and design of fencing on the Parcel;
  - vi. Detailed Landscaping Plans and amenity areas for the Parcel;
  - vii. Visitor parking areas; and
  - viii. Snow removal and storage areas.

**4-11 SECONDARY SUITES (EXTERNAL)**

**General Requirements**

- a) Units shall be constructed on a permanent foundation.
- b) Units shall be considered part of the total building area of an accessory building.
- c) Units shall contain at least one (1) room and include a washroom and cooking facilities;

**Site Requirements**

- d) Units shall not exceed a floor area greater than eighty percent (80%) of the principal dwelling floor area;
- e) One (1) off-street parking stall shall be required.

**Development Permit Requirements**

- f) A Development Permit application will respond to the above noted Requirements and provincial regulations and further set out:

**Comment [s59]:** How does this fit into secondary suites above a garage?



- i. The architectural character of the unit;
- ii. The location of the unit;
- iii. Amenity space for the unit; and
- iv. Landscaping or screening;

#### 4-12 SECONDARY SUITES (INTERNAL)

##### General Requirements

- a) Units shall have a minimum floor area of 30.00 m<sup>2</sup> and maximum of 110.0 m<sup>2</sup>, unless it is located in a basement of a principal dwelling unit in which case the maximum may be exceeded;
- b) The exterior of the principal dwelling shall continue to appear as a single dwelling;

##### Site Requirements

- c) One (1) off-street parking stall shall be required.

##### Development Permit Requirements

- d) A Development Permit application will respond to the above noted Requirements and provincial regulations.

**Comment [s60]:** One parking space for both principal and secondary residents?

#### 4-13 SOLAR COLLECTORS

##### General Requirements

- a) Freestanding:
  - i. Freestanding Solar Collectors are considered to be an Accessory Building/Structure.
- b) Roof Mounted:
  - i. May project a maximum of 1.3 m from the surface of the roof and shall not exceed the maximum height requirements of the applicable District; and
  - ii. Shall not extend beyond the outermost edge of the roof.
- c) Wall Mounted:
  - i. May project a maximum of 1.5 m from the surface of the wall, when the wall faces the rear property line, subject to the setback requirements of the applicable District;
  - ii. May project a maximum of 0.6 m from the surface of the wall when the wall faces the front, or side property line, subject to the setback requirements of the applicable District.

**Comment [s61]:** What is used to measure the size of the structure? Height?

##### Site Requirements

- d) Freestanding:
  - i. Shall be located such that it does not create undue glare on neighbouring parcels or streets;
  - ii. Shall not be located in the front yard or side yard of a parcel;
- e) Roof Mounted:
  - i. No Requirements
- f) Wall Mounted:
  - i. Shall be located such that it does not create undue glare on neighbouring parcels or streets;
  - ii. Shall be located a minimum of 2.4 m above grade;

##### Development Permit Requirements

- g) Development Permits are not required so long as they comply with the above Requirements.

**Comment [s62]:** Do not capitalize requirements



#### 4-14 STRIPPING & GRADING

##### General Requirements

- a) Parcels shall be graded to ensure that storm water is directed to a street without crossing adjacent land, except as permitted by the Development Authority;
- b) Topsoil shall be retained on a parcel, except where it must be removed for building purposes; and
- c) Any excavations shall have a temporary fence erected around them;

##### Site Requirements

- d) Where finished ground elevations are established, all grading shall comply with the established elevations;

##### Development Permit Requirements

- a) A Development Permit is required for all Stripping and Grading, excluding those lands governed by a valid Development Agreement.
- b) A Development Permit application will respond to the above noted Requirements and further set out:
  - i. A description of the excavation, stripping or grading operation proposed,
  - ii. A detailed schedule covering the length of the proposed operation,
  - iii. A plan showing the final site conditions following completion of the operation and any land reclamation proposals where applicable,
  - iv. A description of the measures to be taken for the prevention or lessening of dust and other nuisances during and after the operation;
- c) An applicant is required to submit a Site Plan in support of a Development Permit for Stripping & Grading, showing:
  - i. the location of the area of the operation relative to site boundaries and depth of excavation or the quantity of topsoil to be removed,
  - ii. the final site conditions following completion of the operation and any land reclamation proposals where applicable
- d) A Stripping and Grading Permit is automatically void if improvements are not completed by the schedule approved by the Development Authority.

**Comment [s63]:** To what extent? What if I want to remove lawn from my residential property and replace with gravel... what other circumstances would require a separate development permit? Should this say that a DP is required only if the grade is going to change?

**Comment [ww64]:** Capitals?

**Comment [ww65]:** capitals

#### 4-15 TEMPORARY RESIDENCE

##### General Requirements

- a) The Development Authority may issue a Development Permit for a manufactured home or a recreational vehicle as a temporary residence in a District in which a dwelling is a permitted use, providing that:
  - i. A Building Permit has been issued for construction of a dwelling, and
  - ii. A security has been provided to ensure that the terms of the permit pertaining to the removal of the temporary residence are kept.

##### Site Requirements

- b) None.

##### Development Permit Requirements

- c) A Development Permit application will respond to the above noted Requirements.
- d) A Development Permit issued for a Temporary Residence shall be initially valid for a maximum period of one (1) year.

**Comment [s66]:** Anything else required for temporary storage facilities while building?





- e) An extension of the Development Permit shall not be issued unless the framing of the dwelling under construction is complete and has been proceeding with reasonable diligence during the term of the permit.
- f) The temporary residence shall be removed from the parcel within thirty (30) days of the occupancy of the dwelling.

**Comment [s67]:** A little concerned about this. What is the normal time for completion of construction of a dwelling. As long as there are no time discrepancies here. Also, is there an amount that is considered reasonable for a security 4 a ii.

#### 4-16 ZERO SIDE YARD DEVELOPMENT

##### General Requirements

- a) The Development Authority may issue a Development Permit for zero side yard development in a Residential District, as illustrated in **Figure 5 – Zero Side Yard Development**.

##### Site Requirements

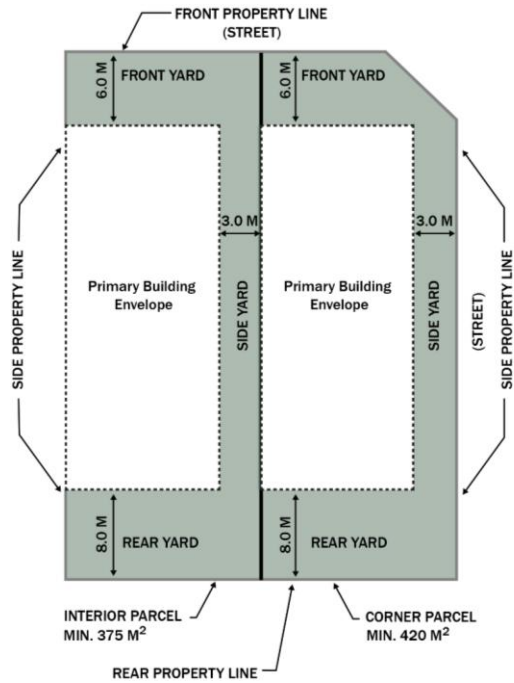
- b) The setbacks for zero side yard development are as follows:
  - i. Zero (0.0 m) for one side, except where a Parcel abuts a different District, in which case the minimum side yard setback from the boundary abutting the adjacent District shall be 1.5 m,
  - ii. 3.0 m for the other side yard, or 3.5 m if parking is required, and
  - iii. In no case shall the distance between two principal Buildings be less than 3.0 m.

##### Development Permit Requirements

- c) A Development Permit for a zero side yard development requires:
  - i. Plans showing grading and drainage on Adjacent Parcels must be submitted to and deemed acceptable by the Development Authority; and
  - ii. An easement plan be registered to allow maintenance access to the adjacent parcel.



Figure 5 – Zero Side Yard Development



# SECTION FIVE

## Land Use Districts

# 5



*This section outlines specific regulation that applies to the Village’s Land Use Districts.*

## Land Use District Map

**Comment [s68]:** Please make sure you have maps available at the Public Hearing. I’m already dealing with people who are concerned that current districts are changing.

### 5-1 LAND USE DISTRICT MAP

- a) Districts are described in the short form on the Land Use District Map, within **Schedule B** of the Bylaw;
- b) District boundaries are delineated on the Land Use District Map. Where the precise location of the boundary is uncertain, the following rules apply:
  - i. Where a boundary follows a street, lane, stream or canal it shall follow the centerline thereof,
  - ii. Where a boundary generally follows a parcel line, it shall follow the parcel line, and
  - iii. Where there is doubt or dispute concerning the exact location of the boundary of a District, Council shall determine the location of the boundary according to the direction of the Bylaw;
- c) Boundaries shall not be altered except by an amendment to the Bylaw; and
- d) Council shall maintain a list of amendments to the boundaries on the Land Use District Map.

## General Provisions for All Districts

### 5-2 INFILL DEVELOPMENT

Infill development shall be in keeping with the scale and character of the surrounding area, having regard to the provisions of the prescribed District.

### 5-3 TEMPORARY OUTDOOR EVENTS

Temporary Outdoor Events are permitted in all Districts provided the appropriate Special Event Permit has been issued.

**Comment [s69]:** Is this covered elsewhere? Is there a form?

### 5-4 LAND USE DISTRICT CONVERSION

Districts in the Bylaw have been updated as follows:

**Table 5 – District Conversion Chart**

	Land Use Bylaw No. 03-2013		Land Use Bylaw No. 2019-04
R-1	Residential Single Family District	R-GEN	General Residential District
R-2	Residential Two Unit Attached District	R-GEN	General Residential District
R-3	Residential Multi-Family District	R-MLT	Multiple Dwelling District
RMP	Residential Manufactured Home Park District	R-MHP	Manufactured Home Park District
RMS	Residential Manufactured Home Subdivision District	R-SML	Small Lot District
CB	Central Business District	C-CBD	Central Business District
C-HWY	Highway Commercial District	C-HWY	Highway Commercial District
MG	General Industrial District	I-GEN	General Industrial District
PSR	Public Service and Recreation District	S-PSR	Public Service & Recreation District
UR	Urban Reserve District	S-URB	Urban Reserve District



**5-5 DIRECT CONTROL DISTRICTS**

- a) Direct Control Districts provide for development that, due to unique characteristics, innovative ideas or unusual site constraints, require specific regulations unavailable in other Districts;
- b) Land uses shall be at the discretion of Council;
- c) All development regulations shall be at the discretion of Council; and
- d) Direct Control Districts should not be used in substitution for any other District that could be used to achieve the same objective either with or without relaxations of the Bylaw or to regulate matters typically addressed through Subdivision or Development Permit approval conditions.



# R-GEN General Residential District

## General Purpose

To provide for low density residential development, primarily in the form of single-detached dwellings, but allowing discretion for semi-detached and duplex dwellings.

## Permitted Uses

- Dwelling, Singled Detached
- Accessory Building
- Park
- Public Utility

## Discretionary Uses

- Dwelling, Duplex
- Dwelling, Semi-Detached
- Secondary Suite (External/Internal)
- Bed & Breakfast
- Home-Based Business (Type I & II)

Those uses, not otherwise defined in the Bylaw, which in the opinion of the Development Authority are similar to the Permitted or Discretionary Uses and conform to the purpose of this District.

## Site Requirements

Minimum Parcel Size	464 m <sup>2</sup>
Minimum Parcel Width	15.0 m (7.5 m for Semi-Detached)
Maximum Parcel Coverage	50% for principal buildings & up to 10% extra for Accessory Buildings
Maximum Building Height	10.0 m (except 5m for accessory buildings)
Maximum Density	2 dwelling units per parcel (1 principal dwelling and one secondary suite or 1 semi-detached dwelling)

## Minimum Setback Requirements

Front Yard	6.0 m
Side Yard	1.5 m principal building 0.6 m accessory building 3.0 m street side of corner parcel 3.0 m one side, without lane
Rear Yard	7.0 m principal building 1.0 m accessory building

## Additional Regulations

Setbacks may be varied at the discretion of the Development Authority if the irregular shape or size of the parcel is such that compliance with these setbacks makes the siting of the principal building impossible, impractical or undesirable.

**Comment [s70]:** I don't see any minimum size requirements

Not sure if any other districts need this info

**Comment [s71]:**

**Comment [s72]:** PUBLIC HEARING/ADMINISTRATION – Do not change from R-1 and R-2. Considerations are being made

**Comment [s73]:** Should we add manufactured/modular homes into this section and the small district one. These would be discretionary uses in all cases.

**Comment [ww74]:** Should read "Single Detached". As no other types of construction are mentioned I don't see why manufactured homes should be mentioned



# R-SML Small Lot District

## General Purpose

To provide for single and semi-detached residential dwellings on small parcels.

## Permitted Uses

- Dwelling, Duplex
- Dwelling, Semi-Detached
- Dwelling, Single Detached
- Accessory Building
- Park
- Public Utility

## Discretionary Uses

- Manufactured Home
- Secondary Suite (Internal)
- Home-Based Business (Type I & II)

Those uses, not otherwise defined in the Bylaw, which in the opinion of the Development Authority are similar to the Permitted or Discretionary Uses and conform to the purpose of this District.

## Site Requirements

Minimum Parcel Size	310 m <sup>2</sup>
Minimum Parcel Width	12.0 m (6.0 m per unit for Semi-Detached)
Maximum Parcel Coverage	55% for principal buildings & up to 10% extra for Accessory Buildings
Maximum Building Height	10.0 m (except 5m for accessory buildings)
Maximum Density	2 dwelling units per parcel (1 principal dwelling and one secondary suite or 1 semi-detached dwelling)

## Minimum Setback Requirements

Front Yard	6.0 m
Side Yard	1.2 m principal building 0.6 m accessory building 3.0 m street side of corner parcel 3.0 m one side, without lane
Rear Yard	7.0 m principal building 1.0 m accessory building

## Additional Regulations

Setbacks may be varied at the discretion of the Development Authority if the irregular shape or size of the parcel is such that compliance with these setbacks makes the siting of the principal building impossible, impractical or undesirable.



# R-MLT Multiple Dwelling District

## General Purpose

To provide for residential development in the form of a variety of multi-unit attached dwellings.

## Permitted Uses

Dwelling, Duplex	Park
Dwelling, Semi-Detached	Public Utility

## Discretionary Uses

Accessory Building	Home-Based Business (Type I)
Dwelling, Singled Detached	Multiple Unit Dwelling

Those uses, not otherwise defined in the Bylaw, which in the opinion of the Development Authority are similar to the Permitted or Discretionary Uses and conform to the purpose of this District.

## Site Requirements

Duplex / Semi-Detached	
Minimum Parcel Size (per unit)	204 m2 255 m2, abutting a street
Minimum Parcel Width	15.0 m / 7.5 m per unit
Maximum Building Height	12.0 m (except 5.0 m for accessory buildings)
Maximum Density	Density shall be to the satisfaction of the Development Authority
Maximum Parcel Coverage	50% for principal buildings & up to 10% extra for Accessory Buildings
Multiple Unit Dwelling	
Minimum Parcel Size (per unit)	929 m2
Minimum Parcel Width	22.0 m
Maximum Building Height	12.0 m (except 5.0 m for accessory buildings)
Maximum Density	Density shall be to the satisfaction of the Development Authority
Maximum Parcel Coverage	50% for principal buildings & up to 10% extra for Accessory Buildings

For all other uses, parcel size and dimensions shall be to the satisfaction of the Development Authority.

## Minimum Setback Requirements

Front Yard	6.0 m from street 3.0 m from internal road
Side Yard	1.5 m 1.0 m for Accessory Buildings 3.0 m street side of corner parcel 3.0 m one side, without lane
Rear Yard	7.0 m 1.0 m garages 1.0 m for Accessory Buildings

## Additional Requirements

Laneless townhouse development shall not be subdivided into individual parcels without acceptable provision for off-street parking and access to the rear of the units for emergency and maintenance purposes.

## Exceptions



Setbacks may be varied at the discretion of the Development Authority if the irregular shape or size of the parcel is such that compliance with these setbacks makes the siting of the principal building impossible, impractical or undesirable.





# R-MHP Manufactured Home Park District

## General Purpose

To provide serviced sites for lease or rent for manufactured homes as part of a comprehensively planned site.

## Permitted Uses

Manufactured Home  
Parks  
Utilities

## Discretionary Uses

Accessory Building  
Home-Based Business (Type I)

Those uses, not otherwise defined in the Bylaw, which in the opinion of the Development Authority are similar to the Permitted or Discretionary Uses and conform to the purpose of this District.

## Site Requirements

Minimum Parcel Size	At the discretion of the Development Authority
Minimum Parcel Width	At the discretion of the Development Authority
Maximum Parcel Coverage	50% for principal buildings and up to an additional 10% for total of all Accessory Buildings
Maximum Building Height	6.0 m (except 5m for accessory buildings)
Maximum Density	At the discretion of the Development Authority

## Minimum Park Setback Requirements

Each manufactured home park shall provide a minimum 3.0 m buffer on its perimeter to the satisfaction of the Development Authority.

## Minimum Dwelling Setback Requirements

Front Yard	3.0 m from internal road
Side Yard	1.25 m
Rear Yard	3.0 m

## Additional Requirements

- Prior to the location of manufactured homes in the park, guidelines and standards for the design and materials of carports, porches, storage buildings, skirting, fences, fuel storage and accessory buildings shall be established satisfactory to the Development Authority;
- A minimum of 10% of site area shall be developed as outdoor communal amenity space and recreational use;
- Internal street lighting shall be provided to the satisfaction of the Development Authority;
- Internal roads shall have a minimum carriageway of 7.5 m;
- One off-street shall be provided within the front yard setback of each manufactured home;
- Each manufactured home shall be connected to the local sewer & water supply;
- All utility lines shall be placed underground;
- Garbage storage shall be visually screened from all adjacent parcels and streets.



# C-CBD Central Business District

## General Purpose

To provide for commercial development serving local residents and surrounding rural areas.

## Permitted Uses

Care Facility (Child/Clinic/Pet)	Retail (Personal/Small/General)
Eating & Drinking (Type I)	Office
Establishment (Entertainment)	Park
Recreation (Public/Private)	Public Utility

**Comment [s75]:** Some missing descriptions: Financial (ie Bank; Medical (clinic, dentist); grocery?

## Discretionary Uses

Accessory Building	Gas Station
Automotive Services (Minor)	Hotel/Motel
Establishment (Vice)	Retail (Grocery/Vice)
Funeral Home	

Those uses, not otherwise defined in the Bylaw, which in the opinion of the Development Authority are similar to the Permitted or Discretionary Uses and conform to the purpose of this District.

## Site Requirements

Minimum Parcel Size	At the discretion of the Development Authority
Minimum Parcel Width	30.0 m or at the discretion of the Development Authority
Maximum Parcel Coverage	At the discretion of the Development Authority
Maximum Building Height	12.0 m (except 5.0 m for accessory buildings)

**Comment [s76]:** PUBLIC HEARING – most existing properties are 7.5 meters. No one would build at this width as frontage. Suggest changing to existing conditions on Main Street?

## Minimum Setback Requirements

Front Yard	None required
Side Yard	1.2 m
	6.0 m when loading is from the rear of the building
	None required where fire rated wall is provided
Rear Yard	1.2 m
	None required where fire rated wall is provided.

## Additional Requirements

- a) All roof apparatus shall be screened to the satisfaction of the Development Authority;
- b) Landscaping must be maintained throughout the life of the development;
- c) Dwelling units shall be located in a completely separate space above or below the commercial use;
- d) Dwelling units shall have direct access to the outside at ground level;
- e) Dwelling units shall have a minimum floor area of 37.0 m<sup>2</sup> and a maximum floor area of 78.0 m<sup>2</sup>.



# C-HWY Highway Commercial District

## General Purpose

To provide areas along Highway 9 and/or Highway 72 to accommodate a limited range of commercial activities to service the travelling public.

## Permitted Uses

Automotive Services (Minor/Major)	Gas Station
Eating & Drinking (Type I/Type II)	Retail (General/Grocery/Vice)
Establishment (Entertainment/Vice)	Public Utility

## Discretionary Uses

Accessory Building	Sea Can
Bulk Fuel Facility	Shopping Centre
Cannabis Sales	Storage (Self/Outdoors)
Communication Tower	Trade School
Hotel/Motel	Warehouse
Industrial (Logistics/Services)	Warehouse Sales
Retail (Large)	

Those uses, not otherwise defined in the Bylaw, which in the opinion of the Development Authority are similar to the Permitted or Discretionary Uses and conform to the purpose of this District.

## Site Requirements

Minimum Parcel Size	At the discretion of the Development Authority
Minimum Parcel Width	22.0 m
Maximum Building Height	12.0 m (except 5.0 m for accessory buildings)

## Minimum Setback Requirements

Front Yard	6.0 m
Side Yard	3.0 m abutting residential
	3.0 m abutting a street
	6.0 m one side, without lane
	None required where fire rated wall is provided
Rear Yard	1.2 m
	None required where fire rated wall is provided

## Additional Requirements

- All roof apparatus shall be screened to the satisfaction of the Development Authority.
- Landscaping must be maintained throughout the life of the development.



# I-GEN General Industrial District

## General Purpose

To provide for industrial uses where the assembly, processing and/or storage of raw materials or finished products may be required and nuisance factors are confined to the site area. Development shall address issues of compatibility and transition with respect to adjacent uses.

## Permitted Uses

Accessory Building	Storage (Self/Outdoors)
Automotive Services (Minor)	Public Utility
Industrial (Agricultural/Logistics/Services)	Warehouse
Gas Station	Warehouse Sales

**Comment [s77]:** Some missing descriptions: Large greenhouse production/sales, lumber yard? Building supplies?

## Discretionary Uses

Accessory Building	Communication Tower
Auction House	Fabric Covered Building
Automotive Services (Major)	Industrial (Manufacturing & Operations)
Bio-Medical Waste Incinerator	Kennel
Bulk Fuel Facility	Recycling Facility
Cannabis Production & Distribution	Sea Can
Cannabis Sales	

Those uses, not otherwise defined in the Bylaw, which in the opinion of the Development Authority are similar to the Permitted or Discretionary Uses and conform to the purpose of this District.

## Site Requirements

Minimum Parcel Size	1254.0 m <sup>2</sup>
Minimum Parcel Width	30.0 m
Maximum Building Height	12.0 m or at the discretion of the Development Authority

## Minimum Setback Requirements

Front Yard	6.0 m
Side Yard	6.0 m abutting residential 6.0 m one side, without lane 3.0 m abutting a street None required where fire rated wall is provided.
Rear Yard	1.2 m 6.0 m abutting residential None required where fire rated wall is provided.

## Additional Requirements

- a) Landscaping must be maintained throughout the life of the development.
- b) Industrial Uses which emit pollutants and/or noxious odours or which have fire or explosive risks shall be required to meet minimum separation distances in accordance with provincial legislation.
- c) Bulk storage vessels with a capacity exceeding 9,092 liters and which contain liquefied petroleum products shall be set back a minimum of 15.0 m from all property lines and a minimum 121.0 m from any place used for public assembly such as schools and Residential Districts.



# S-PSR Public Service & Recreation District

## General Purpose

To provide for public cultural, educational, institutional and recreational uses.

## Permitted Uses

- Accessory Building
- Care Facility (Child/Clinic/Pet)
- Park
- Public Building
- Public Utility
- Recreation (Public/Private)
- School

## Discretionary Uses

- Cemetery
- Recreation (Outdoor)
- Care Facility (Group/Seniors/Treatment)
- Communication Tower
- Place of Worship

Those uses, not otherwise defined in the Bylaw, which in the opinion of the Development Authority are similar to the Permitted or Discretionary Uses and conform to the purpose of this District.

## Site Requirements

Minimum Parcel Size	At the discretion of the Development Authority
Minimum Parcel Width	At the discretion of the Development Authority
Maximum Building Height	At the discretion of the Development Authority

## Minimum Setback Requirements

At the discretion of the Development Authority

**Comment [s78]:** Why is this here?  
Accessory to what?



# S-UR Urban Reserve District

## General Purpose

To protect lands for future development and provide for a limited range of temporary uses.

## Permitted Uses

- Park
- Public Utility

## Discretionary Uses

- Accessory Building
- Agriculture
- Communication Tower
- Dwelling, Single Detached
- Recreation (Outdoor)

Comment [s79]: See above

Any temporary use or building which, in the opinion of the Development Authority, will not prejudice the convenient and economical development of the area in the future, may be discretionary uses.

Those uses, not otherwise defined in the Bylaw, which in the opinion of the Development Authority are similar to the Permitted or Discretionary Uses and conform to the purpose of this District.

## Site Requirements

Minimum Parcel Size	At the discretion of the Development Authority
Minimum Parcel Width	At the discretion of the Development Authority
Maximum Building Height	At the discretion of the Development Authority

## Minimum Setback Requirements

At the discretion of the Development Authority

## Additional Requirements

The Development Authority may specify the length of time a use is permitted, having regard for the future servicing and development of the subject land.



# SECTION SIX

## Glossary

# 6

*This section provides definitions for terms used within the Land Use Bylaw.*

**"ABUTTING"** means immediately contiguous or physically touching; when used with respect to a parcel, means that the lot or site physically touches another parcel.

**"ACCESSORY BUILDING"** means a building which, in the opinion of the Development Authority is subordinate or incidental to the Principal Building located on the same site.

**"ACCESSORY BUILDING – COMMON TERMS"**

- a) **"CARPORT"** means a structure designed and used for the shelter or storage of not more than two private motor vehicles, and consisting of a roof supported on posts or columns and not enclosed on more than two sides whether separated from or attached to the principal building on a site.
- b) **"GARAGE"** means an Accessory Building/Structure or part of the principal Building, designed and used primarily for the storage of motor vehicles;
- c) **"SHED"** means a simple roofed structure, typically made of wood or metal, used as a storage space, or workshop.

**"ADJACENT"** means contiguous or would be contiguous if not for an easement, right-of-way or natural feature.

**"AGRICULTURE"** means the practice of cultivating the soil, producing crops, and raising livestock – and in varying degrees the preparation and marketing of the resulting products – not including cannabis production.

**"AMENITY AREA"** means outdoor space, provided for the active or passive recreation and enjoyment of the occupants of a development, which may be for private or communal use and owned individually or in common.

**"APPLICANT"** means a person who is lawfully entitled to make, and makes, an application for any document, approval, permit or other thing that may be issued, made or done under the authority of the Bylaw.



"**AUCTION HOUSE**" means a use where goods, motor vehicles or livestock are auctioned, including the temporary storage of such goods.

"**AUTOMOTIVE SERVICES (MINOR)**" means a use where the repair and maintenance of automobiles and other single-axle vehicles occurs, and excludes the sale of gasoline and related fuels. Typical uses include standalone mechanics shops, transmission and muffler shops, and auto body paint and repair facilities.

"**AUTOMOTIVE SERVICES (MAJOR)**" means a use where the sale, servicing and repair of vehicles occurs that may include the sale of gasoline and related fuels. Typical uses include automotive dealerships and truck stops and may include ancillary uses such as Eating & Drinking (Type I).

"**AUTOMOTIVE WRECK & SALVAGE**" means a use where land and buildings are used for the storage and dismantling of old or wrecked cars or trucks for the purpose of recycling their components.

"**BED & BREAKFAST**" means a use where a where sleeping accommodation is provided.

"**BIO-MEDICAL WASTE INCINERATOR**" means a use where bio-medical waste is incinerated in a purpose-built facility.

"**BUFFER**" means a row of trees, shrubs, earth berm, or fencing to provide visual screening and separation between sites and districts.

"**BUILDING**" means a structure with a roof and walls.

**"BUILDING – COMMON TERMS"**

- a) "**AWNING**" means a cloth like or lightweight shelter projecting from a building.
- b) "**BALCONY**" means a projecting elevated platform on a building, which is enclosed by a railing or parapet and is greater than 0.6 m above grade and width. Access is from the building only.
- c) "**BASEMENT**" means that portion of a building or structure which is wholly or partially below grade and has no more than 1.8 m. of its clear height above grade and lies below the finished level of the floor directly above. A basement does not constitute a storey for the purpose of the Bylaw.
- d) "**BAY**" means a self-contained unit of part of a building or of the whole building which can be sold or leased for individual occupancy.
- e) "**CANOPY**" means a non-retractable solid projection extending from the wall of the building intended to be used as a protection against weather, other than normal architectural features such as lintels, sills, moldings, architraves and pediments, but includes the structure known as the theatre marquee.
- f) "**DECK**" means an open-sided roofless platform adjoining a building and the height of which is up to and does not exceed 0.6 m. (2 ft.) from grade. A deck may have a railing but a portion of the perimeter is open and unobstructed
- g) "**FIRE RATED WALL**" means a type of fire separation of non-combustible construction which subdivides a building or separates adjoining buildings to resist the spread of fire and which has a fire resistance rating.
- h) "**FOUNDATION**" means the lower portion of a building, usually concrete or masonry, and includes the footings, which transfers the weight of and loads on a building to the ground.
- i) "**PARAPET**" means a low wall or railing to protect the edge of a roof
- j) "**PATIO**" means an uncovered open platform or area, without foundation, and constructed at or not more than 0.3 m. (1 ft.) in height above finished grade.





- k) **"PORCH"** means a roofed structure having direct access to and projecting from the principal building with walls that are unenclosed and open to the extent of at least 50% and may be glazed or screened.
- l) **"VERANDA"** has a corresponding meaning.

**"BUILDING PERMIT"** means a permit issued in writing by a designated Safety Codes Officer authorizing the commencement of a use, occupancy, relocation, construction, or demolition of any building.

**"BULK FUEL FACILITY"** means a use where gas and petroleum products are stored for distribution to customers.

**"BYLAW"** means the Village of Beiseker Land Use Bylaw, No. 2019-04.

**"CARE FACILITY (CHILD)"** means a use where care, maintenance and supervision for seven (7) or more children under the age of fifteen (15) years, is provided by a person other than one related by blood or marriage, for periods of more than three (3) but less than twenty-four (24) consecutive hours, other than institutions operated by or under the authority of the provincial agency for children services. Typical uses include daycares.

**"CARE FACILITY (CLINIC)"** means a use where the principal use is to provide medical and health care services on an outpatient basis only. Typical uses include medical and dental offices, health care clinics, pre-natal clinics and counseling services.

**"CARE FACILITY (GROUP)"** means a use where individuals who are either handicapped, aged, disabled, or in need of supervision reside on a temporary or long-term basis, in accordance with their individual needs. Typical uses include foster or boarding homes for children, group homes, family homes and long-term care facilities.

**"CARE FACILITY (PET)"** means a Development used for the accommodation, boarding, breeding, grooming, impoundment, training, sale and medical treatment of domestic animals. Typical uses include veterinary clinics, and 24-hour veterinary services.

**"CARE FACILITY (SENIORS)"** means accommodation with moderate care provisions for residents in a congregate setting. Assisted Living residents do not require continuous access to professional services or on-site professional services. Room and board services, light housekeeping services, twenty-four (24) hour availability of assistance and oversight with personal care and social and recreation support may be provided. Assisted Living Suites may contain up to two bedrooms, living area space and cooking facilities. Typical uses include lodges and senior homes.

**"CARE FACILITY (TREATMENT)"** means a use where medical and health treatment services for the sick, injured or infirm, including outpatient services are provided and may include accessory staff residences. Typical uses include hospitals, sanitariums, nursing homes, convalescent homes, psychiatric hospitals, auxiliary hospitals, detoxification centres and cancer centres.

**"CEMETERY"** means a use where the deceased are entombed, and may include accessory buildings such as a cinerarium, columbarium or mausoleum.

**"CERTIFICATE OF COMPLIANCE"** means a written statement issued by the Designated Officer confirming that the bay, building or structure meets all applicable requirements of this Land Use Bylaw in all respects or is treated as a legal non-conforming bay, building, or structure.

**"CHATTEL"** means a moveable item of personal property.

**"CARRIAGEWAY"** means that portion of the street right-of-way available for vehicular movement. Included are the travelling lanes, medians, parking and other auxiliary lanes. Not included are the shoulders, sidewalks and other associated pedestrian areas.

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



**"COMMUNICATION TOWER"** means a structure designed to support antennas for telecommunications and broadcasting and may include television, cellular phone, or wireless internet or radio signals. Communication Towers are regulated by Industry Canada however municipal consultation is required and considerations respected.

**"COMPATIBLE"** means the characteristics of different uses or activities or designs which allow them to be located near or Adjacent to each other in harmony. Compatibility does not mean "same as". Rather, compatibility refers to the sensitivity of development proposals in maintaining the character of existing developments.

**"CONSTRUCT"** means to build, rebuild, or relocate and without limiting the generality of the word, also includes: any preliminary operation such as excavation, filling or draining; altering an existing building or structure by addition, enlargement, extension, or other structural change; and any work which requires a Building Permit from the Village of Beiseker.

**"COUNCIL"** means the Council of the Village of Beiseker.

**"DENSITY"** means the number of dwelling units on a site expressed in units per hectare (uph).

**"DESIGNATED OFFICER(S)"** means those persons designated by bylaw under the MGA and for purposes of the Bylaw, are the Development Officer, Bylaw Enforcement Officer, and CAO of the Village of Beiseker.

**"DEVELOPMENT"** means:

- m) An excavation or stockpile and the creation of either of them, or
- n) A building or an addition to, or replacement or repair of a building, or
- o) A change of use of land or a building ("Redistricting") or an act done in relation to land or a building that results in or is likely to result in a change in the land or building, or
- p) A change in the intensity of use of land of a building that results in or is likely to result in a change in the intensity of use of the land or building.

**"DEVELOPMENT AGREEMENT"** means an agreement which is a contract between a developer and the municipality regarding the sharing of costs arising from the construction of certain items needed to service a development or subdivision, as a condition of development or subdivision approval.

**"DEVELOPMENT COMMENCEMENT"** means the moment construction is started on site (i.e. excavation) or the land use has begun for the purposes of the Development Permit application.

**"DEVELOPMENT COMPLETION"** means the moment the required Building/Development Permit conditions and requirements have been met for the purposes of the Development Permit application and/or the final inspection reports have been received.

**"DEVELOPMENT PERMIT"** means a document authorizing a development, issued by a Development Officer pursuant to the Bylaw or any other legislation authorizing development within the Village of Beiseker and includes the plans and conditions of approval.

**"DEVELOPMENT SETBACK"** means a setback from any landfill, sewage treatment facility, or oil and gas infrastructure as regulated per the *Subdivision and Development Regulation*, as amended.

**"DISCRETIONARY USE"** means a use of land or of a building for which a development permit may be issued, with or without conditions, by the Development Authority.

**"DISTRICT"** means a Land Use District.



**"DWELLING OR DWELLING UNIT"** a building or portion of a building consisting of one or more rooms operated or intended to be operated as a permanent residence for a household, containing cooking, sleeping and sanitary facilities only for that unit. This use does not include Manufactured Home Dwellings.

**"DWELLING, MANUFACTURED HOME"** means a building whether ordinarily equipped with wheels or not, that is constructed or manufactured to be moved from one point to another and which provides completely self-contained, year-round residential accommodation and meets the requirements for a residence under the Canadian Standards Association. A manufactured home does not include Recreation Vehicles.

**"DWELLING, MULTIPLE UNIT"** means a dwelling with more than three (3) dwelling units. This use includes housing types such as Row Houses, Town Houses, Stacked-Townhouses and Four-plexes. Secondary Suites are not permitted in Multiple Unit Dwellings.

**"DWELLING, DUPLEX"** means a dwelling containing two (2) dwelling units having the dwelling area of one located above the dwelling area of the other each with a private entry.

**"DWELLING, SEMI-DETACHED"** means a dwelling containing not more than two (2) dwelling units sharing a common wall or Structure feature (regardless of the number of storeys) and in no case being located above or below each other, which may be subdivided along the common wall.

**"DWELLING, SINGLE DETACHED"** means a dwelling (constructed on site or built via modular construction) intended for occupancy by one family which is supported on a permanent foundation or basement. Manufacture Homes are not Single Detached Dwellings.

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

**"EATING & DRINKING (TYPE I)"** means a use where prepared food and beverages are offered for consumption within the premises or off-site. Typical uses include neighbourhood pubs, licensed restaurants, cafes, delicatessens, tea rooms, lunch rooms, refreshment stands, take-out restaurants and catering services.

**"EATING & DRINKING (TYPE II)"** means a use where prepared food and beverages are offered for consumption within the premises. Typical uses are larger in scale (more patrons at once) than a Class 1 Eating or Drinking Establishment, and include brewpubs, bars, cocktail lounges, cabarets, nightclubs, theatre restaurants and banquet facilities.

**"ESTABLISHMENT (ENTERTAINMENT)"** means use where live performances or motion pictures are shown. Typical uses include auditoria, cinemas and theatres, but does not include Establishment (Vice).

**"ESTABLISHMENT (VICE)"** means a use where potentially controversial goods and services are offered to the public. Typical uses include gambling venues such as casino's and bingo halls.

**"EXCAVATION"** means any breaking of ground, except common household gardening and ground care.

**"FABRIC COVERED BUILDING"** means a steel-framed, fabric-membrane pre-engineered building for temporary & permanent storage.

**"FENCE"** means a vertical physical barrier constructed out of typical building material to prevent visual or unauthorized access or both.

**"FLOOR AREA"** means the gross floor area defined by the outside dimensions of the building for each floor.

**"FUNERAL HOME"** means a use where the dead are prepared for burial or cremation, which may hold funeral services or carrying out cremations on-site.



**"FRAGMENTED LAND"** means an area of land that is severed or separated from the lands held in title by a street, railway, river or other permanent water body shown on a registered plan, township plan or appears as an exception on the Certificate of Title.

**"GARDEN CENTRE"** means a development for growing, storage and/or sale of garden, household and ornamental plants and trees, and may include the supplemental sale of fertilizers, garden chemicals, lawn and breeding seeds, gardening implements and associated products.

**"GAS STATION"** means a use where gasoline and related fuels are sold, typically including a Small Retail component. This use does not include a Bulk Fuel Facility.

**"GROUND COVER"** means vegetation, other than grass, commonly used for landscaping purposes and includes herbaceous perennials and flowers.

**"HOME-BASED BUSINESS (TYPE I)"** means a use where business is conducted in a Principal Building with limited weekly visits and employees that reside in the Principle Building. Typical uses include private tutoring, web-based businesses, private consultant's office, or small engine repair.

**"HOME-BASED BUSINESS (TYPE II)"** means a use where business is conducted in a principal Building or Accessory Building/Structure with moderate weekly visits and with one employee who does not live on the property. Typical uses include hairdressers, music teachers and day homes.

**"HOTEL/ MOTEL"** means a building used primarily for sleeping accommodations and ancillary services provided in rooms or suites of rooms which may contain bar/kitchen facilities; the building may also contain commercial or other uses and may or may not offer such additional services as party facilities, restaurant or dining room services, or public convention facilities.

**"INDUSTRIAL (AGRICULTURAL)"** means a use where agricultural services are provided or feed, grain or seeds are stored or processed. Typical uses include feed mills, grain elevators and seed cleaning plants, not including cannabis or cannabis-product production.

**"INDUSTRIAL (LOGISTICS)"** means a use accommodating the storage and inter-modal (rail, highway) distribution of goods. Typical uses include shipping/receiving facilities, transshipment and distribution centres.

**"INDUSTRIAL (MANUFACTURING AND OPERATIONS)"** mean a use where the following may occur:

- a) Processing or distilling of raw or finished materials,
- b) Manufacturing or assembling goods or equipment,
- c) Cleaning, servicing, renting, repairing or testing of materials, goods, and equipment normally associated with industrial or commercial businesses,
- d) Crushing, dismantling, processing or sorting recyclable or reusable waste products provided that these activities do not involve the use of chemicals or the application of heat,
- e) Storage or shipping of materials, goods or equipment. This land use may also include accessory indoor display, office, technical or administrative support areas or sales accessory to the industrial uses.

**"INDUSTRIAL (SERVICES)"** means a use where industrial services and goods are provided, sold or repaired in a manner that does not emit excessive smoke, fumes or noises that or similar nuisances which could adversely effects adjacent parcels, and may include onsite storage of materials and equipment. Typical uses include laboratory services, general contractors such as electrical, plumbing and landscaping services, construction firms and woodworking and related crafts.



"KENNEL" means a dwelling, shelter, room or place for keeping three (3) or more dogs over the age of four (4) months on a time-limited basis, but does not include a Care Facility (Pet).

"LANDSCAPED AREA" means an area designed, constructed and lay out so as to maintain, change or modify the natural features of a site so as to make it attractive and desirable by the use of grass, trees, shrubs, ornamental planting, fencing, and walks.

"LANDSCAPING" means to change or modify the natural features of a site so as to make it more attractive by adding lawns, trees, shrubs, ornamental plantings, fencing, walks, drives, or other structures and materials.

"LANE" means a public thoroughfare with a right-of-way width of not greater than 9 m and not less than 6 m. which provides a secondary means of access to a parcel. Commonly referred to as a "Back Alley."

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

"PARCEL" means the aggregate of the one or more areas of land described in a Certificate of Title or described in a Certificate of Title by reference to a plan filed or registered in a Land Titles Office.

"PARCEL AREA" means the total area of a parcel.

"PARCEL COVERAGE" means the combined area of all buildings or structures upon the parcel, measured at the approved grades, including all porches and verandas, enclosed terraces, steps, cornices, eaves, and similar projections; such area shall include air wells, and all other space within an enclosed building.

"PARCEL FRONTAGE" means the length of a street boundary measured along the front line of a parcel

"PARCEL, CORNER" means a parcel that abuts two (2) intersecting streets.

"PARCEL, DOUBLE FRONTING" means a parcel which abuts two (2) non-intersecting streets (excluding lanes).

"PARCEL, INTERIOR" means a parcel which is bounded by only one (1) street;

"MANUFACTURED HOME PARK" means a parcel of land under one title, which provides spaces for the long-term parking and occupancy of Manufactured Homes Dwellings.

"MUNICIPALITY" means, the Village of Beiseker.

"NON-CONFORMING BUILDING" means a building:

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

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

- a) Being made of land or a building or intended to be made of a building lawfully under construction at the date a land use bylaw affecting the land or building becomes effective; and
- b) That on the date the land use bylaw becomes effective does not, or in the case of a building under construction will not, comply with the land use bylaw.

"NUISANCE" means anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses.

"OCCUPANCY" means the utilization of a building or land for the use for which it was approved.

"OCCUPANCY PERMIT" means a permit issued under the Alberta Safety Codes Act for the right to occupy or use the bay, building or structure for the use intended.

**Comment [s80]:** Need descriptions and proper districting for Manufactured, Modular and Mobile homes.



"OFFICE" means a Building that provides space for professional, management, administrative, consulting and similar office and business support services, and financial/investing services.

"OFF-STREET PARKING" means an off-street facility for parking three or more motor vehicles.

"PARK" means land designated for active or passive recreational use by the public which does not require dedicated facilities beyond supporting accessory buildings or structures and landscaping. Typical uses include playgrounds, walkways, trails, nature interpretation areas, picnic areas, athletic fields and similar uses.

"PARKING LOT" means a portion of land or of a building set aside for the short term parking of motor vehicles.

"PERMITTED USE" means the use of land or of a building for which a Development Permit shall be issued by the Development Authority upon the development meeting all other requirements of the Bylaw. The Development Authority may impose such conditions necessary to ensure compliance with the Bylaw.

"PLACE OF WORSHIP" means a use for the purpose of spiritual worship. Typical uses include churches, temples, mosques, and synagogues.

"PRINCIPAL BUILDING" means a building, which in the opinion of the Development Authority occupies the major or the central portion of a site, or is the chief or the main one among the buildings on the site, or constitutes by reason of its use the primary purpose for which the site is used.

"PRINCIPAL USE" means the use of a site or of a building which in the opinion of the Development Authority constitutes the primary purpose for which the site is used.

"PUBLIC BUILDING" means a Development that is publicly owned and provides services to residents. Typical uses include a government building, municipal shop, fire and police stations, ambulance services, tourist information centre, library, museum, or other cultural facility, but does not include Recreation (Public) facilities.

"PUBLIC UTILITY" means a system or works used to provide services such as potable water, sewage disposal, public transportation (operated by or on behalf of the Municipality), waste management or storm systems, as well as the Buildings that house the utility, and any offices or equipment.

"REAL PROPERTY REPORT (RPR)" means a legal document that clearly illustrates the location of significant visible improvements within property boundaries prepared by a registered Alberta Land Surveyor.

"RECREATION (PUBLIC)" means a use where sports or recreation, that is open to the public, occurs within an enclosed building. Typical uses include recreation centres, community halls, public swimming pools, curling rinks and arenas, but does not include Public Building.

"RECREATION (PRIVATE)" means a use where sports or recreation, that is privately owned, occurs within an enclosed Building. Typical uses include private clubs or lodges, health or fitness clubs, or private recreation facilities such as bowling alleys, arcades or racquet courts.

"RECREATION (OUTDOOR)" means use where outdoor recreation occurs. Typical uses include outdoor skating rinks, lawn bowling greens, tennis courts, swimming and wading pools, water spray parks, riding stables, go-cart tracks, miniature golf, and golf courses.

"RECREATION VEHICLE" means an all-terrain vehicle or holiday trailer that is either carried on or pulled by another vehicle. A Recreation Vehicle is not considered a Dwelling Unit.

"RECYCLING FACILITY" means the use of premises for the collection and sorting of garbage, and the packaging of paper, newspapers, clothing, cans, or bottles and similar domestic or commercial garbage.

"REDISTRICTING" means the conversion of land from one land use to another.

"RESERVE, MUNICIPAL (MR)" means the land designated as Municipal Reserve per the MGA.

**Comment [s81]:** This should also include a motor home. Is there anything in the bylaw that states that an RV is NOT allowed in residential to be used as a dwelling? Are we okay with RV's being stored in residential? Are there any conditions around that in this bylaw?

**Comment [ww82]:** Leave "all-terrain vehicle" out of this. Should read "Motor home, truck camper or holiday trailer that is either self propelled, carried on or pulled by another vehicle". If LUB does not regulate all-terrain vehicles, it shouldn't be mentioned.

**Comment [s83]:**



**"RESERVE, ENVIRONMENTAL (ER)"** means the land designated as Environmental Reserve per the MGA.

**"RETAINING WALL"** means a wall for holding in place, a mass of earth or the like, as at the edge of a terrace or excavation.

**"RETAIL (GROCERIES)"** means use where the retail of raw or prepared foods (with a Gross Floor Area less than 4,500.0 m<sup>2</sup>) that may include ancillary uses such as a pharmacy, optometrist or postal services.

**"RETAIL (PERSONAL SERVICES)"** means a use where personal services are provided to an individual. Typical uses include barbershops, hairdressers/salons, massage clinics, laundromats, tailors or cobblers.

**"RETAIL (SMALL)"** means a use where the sale of goods and services occur in a building with a Gross Floor Area less than 1,000.0 m<sup>2</sup>. Typical uses include a convenience store or sandwich shop;

**"RETAIL (GENERAL)"** means a use where the sale of goods and services occur in a building with a Gross Floor Area between 1,000.0 - 4,000.0 m<sup>2</sup>. Typical uses include a clothing store or pharmacy, but does not include Retail (Groceries).

**"RETAIL (LARGE)"** means a where the sale of goods and services occur in a building with a Gross Floor Area larger than 4,000.0 m<sup>2</sup>. Typical uses include 'big box' retailer, but does not include Retail (Groceries).

**"RETAIL (VICE)"** means a use where potentially controversial goods and services are offered to the public for sale for use or consumption off-site. Typical uses include liquor stores and adult goods stores.

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

**"SCHOOL"** means a use where education is provided, which may be located on reserve land per the MGA.

**"SEA CAN"** means a painted steel container (also known as a "Shipping Container"), 2.6 m in height, that was once used to transport goods and is typically used for storage.

**"SECONDARY SUITE (INTERNAL)"** means a secondary Dwelling Unit located within a Principal Building.

**"SECONDARY SUITE (EXTERNAL)"** means a secondary Dwelling Unit located within an Accessory Building.

**"SETBACK"** means the distance, measured at a perpendicular angle, from the property line to the development or specified portion of it.

**"SIDEWALK"** means a pathway or right-of-way for pedestrian traffic.

**"SIGN"** means an object or device intended to advertise or call attention to a person, matter, event or location.

**"SIGN – COMMON TERMS"**

- a) **"COPY"** means the letters, graphics or characters that make up the message on the sign face.
- b) **"CHANGEABLE COPY"** means that portion of the copy that can be readily changed either manually or electronically.
- c) **"BUILDING FACE"** means any exterior wall of a Building.
- d) **"THIRD PARTY ADVERTISING"** means advertising which directs attention to a business, commodity, service or event that is conducted, sold or offered elsewhere than on the premises on which the sign is located.

**"SIMILAR USE"** means a use of a site or building in a District which, in the opinion of the Development Authority, is so similar to a Permitted Use or Discretionary Use in that District that it meets the intent of



Council for the development of that District as set out in the purpose and intent statement, but does not include a use that is specifically defined as a Permitted or Discretionary Use in any other District.

**"SHOPPING CENTRE"** means a use where commercial establishments are grouped on a site planned, developed, and managed as a single unit with on-site parking provided.

**"SOLAR COLLECTOR"** means a device or combination of devices, structures, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy.

**"STATUTORY PLAN"** means an inter-municipal development plan, a municipal development plan, an area structure plan or an area redevelopment plan adopted by a municipality under the MGA, as amended.

**"STORAGE (OUTDOOR)"** means a use where goods, materials or equipment are stored. Typical uses include heavy equipment storage compounds, lumber yards and pipe yards;

**"STORAGE (SELF)"** means a use where portions of a site are leased for the storage of goods. Typical uses include mini-storage and Recreation Vehicle or boat storage.

**"STOREY"** means the habitable space between the upper face of one floor and the next above it. The upper limit of the top storey shall be the ceiling above the topmost floor. A basement shall be considered a storey in calculating the height of a Building if the upper face of the floor above it is more than 1.8 m above grade.

**"STREET"** means a public thoroughfare, often paved and referred to interchangeably as a road.

**"STRUCTURE"** means anything constructed or erected on the ground, or attached to something on the ground, and includes all Buildings.

**"SUBDIVISION"** the process of dividing land into smaller Parcels, overseen by the Subdivision Authority.

**"TRADE SCHOOL"** means a school that offers instruction and practical introductory experience in the skills needed to provide a skilled service or trade as such as mechanics, carpentry, plumbing, welding, hairstyling or esthetics.

**"TOP-OF-BANK"** means the line where the surrounding tableland is broken by a valley slope and forms the escarpment as determined by a Geotechnical Engineer.

**"USE"** means the utilization of a parcel of land for a particular development activity.

**"USE, INTENSITY OF"** means the degree or scale of operation of use or activity in relation to the amount of land and buildings associated with the use, vehicular traffic generation resulting thereof, amount of parking facilities required for the particular land use activity, etc.

**"VARIANCE"** means a variation, relaxation or waiver of a development regulation or other requirement of the Bylaw.

**"WAREHOUSE"** means a use where the storage of raw materials, processed or manufactured goods or related commercial and industrial wares occurs.

**"WAREHOUSE SALES"** means a use where wholesale or retail sale of a limited range of bulk goods from within an enclosed building occurs due to size and nature of the principal goods being sold typically require large floor areas for direct display to the consumer.

**"WALKWAY"** means a public right-of-way for pedestrian use on which no motor vehicles are allowed

**"WASTE TRANSFER STATION"** means a facility for the collection and temporary holding of solid waste in a storage container.

**"YARD"** means a part of a site unoccupied by any portion of a Building or Structure 1.0 m or more above grade.

**"YARD SETBACK, FRONT"** means that portion of the Parcel extending across the full width of the Parcel, from the front Parcel boundary, back to a distance required under the District regulations.





**"YARD SETBACK, REAR"** means that portion of the Parcel extending across the full width of the Parcel from the rear Parcel boundary back to a distance required under the District regulations.

**"YARD SETBACK, SIDE"** means that portion of the Parcel extending from the Parcel line back to that distance required under the District regulations and extending from the front yard setback to the rear yard setback.

**"ZERO LOT LINE"** means a case in which a development is permitted to be built on the side Parcel line, with no required side yard setback on the side to which the Development is located.



# SCHEDULE A

## Bylaw Forms



Village of Beiseker  
Land Use Bylaw 2019-04

# SCHEDULE B

## Bylaw Map



Village of Beiseker  
Land Use Bylaw 2019-04