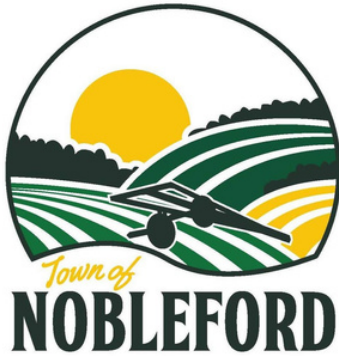




TOWN OF NOBLEFORD

LAND USE BYLAW NO. 720

AUGUST 2026, PUBLIC CONSULTATION



Prepared by



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Prepared for the Town of Nobleford

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ENACTMENT

SECTION 1 TITLE

- 1.1 This bylaw may be referred to or cited as the “Town of Nobleford Land Use Bylaw”.

SECTION 2 SCOPE

- 2.1 No development shall hereafter be carried out within the boundaries of the municipality except in conformity with the provisions of this Bylaw.

SECTION 3 PURPOSE

- 3.1 The purpose of this Bylaw is to, amongst other things:
- (a) divide the municipality into land use districts;
 - (b) prescribe and regulate the use(s) for each district;
 - (c) establish the role of approving authorities;
 - (d) establish a method for making decisions on applications for redesignations and development permits, including issuing development permits for a development;
 - (e) provide the manner in which notice of the issuance of a development permit is to be given; and
 - (f) implement the Municipal Development Plan and other statutory plans of the municipality, as may be developed.

SECTION 4 REPEAL OF FORMER BYLAW

- 4.1 The Town of Nobleford Land Use Bylaw No. 614 and amendments thereto are hereby repealed.

SECTION 5 METRIC AND IMPERIAL MEASUREMENTS

- 5.1 All units of measure contained within this Bylaw are metric (SI) standards. Imperial measurements and conversions are provided for convenience and information only.
- 5.2 The following notations may be used in place of whole words within this Bylaw:

“m” shall mean metre(s);
“km” shall mean kilometre(s);
“ft” shall mean feet;
“ha” shall mean hectare(s);

“m²” shall mean square metre(s);
“mi” shall mean mile(s);
“ft²” shall mean square feet;
“ac” shall mean acre(s).

SECTION 6 DEFINITIONS

- 6.1 For “Definitions” refer to Schedule 7.

SECTION 7 FORMS AND FEES

- 7.1 For the purpose of administering the provisions of this Bylaw, Council may authorize by bylaw, the preparation and use of such fee schedules as it may deem necessary. Any such fee schedules are deemed to have the full force and effect of this Bylaw in execution of the purpose for which they are designed, authorized and issued.
- 7.2 In any case, where a required fee is not listed in the fee schedule, such fee shall be determined by the Development Officer or other such approving authority as assigned by Council and shall be consistent with those fees listed in the schedule for similar developments.
- 7.3 For the purpose of administering the provisions of this Bylaw, the Municipality may prepare and use such forms it may deem necessary. Any such forms are deemed to have the full force and effect of this Bylaw in execution of the purpose for which they are designed, authorized and issued. Forms are included in Appendix A.
- 7.4 The reduction, refund, or any matter related to application fees requires the approval of the Municipal Planning Commission.
- 7.5 When a development has commenced prior to a development permit application being made, and the applicant subsequently submits an application, the fee charged shall be double the normal permit fee.

SECTION 8 COMPLIANCE WITH LEGISLATIVE AND BYLAW REQUIREMENTS

- 8.1 This Bylaw is enacted under Part 17 of the Municipal Government Act. This bylaw is to be read in conjunction with the Alberta Land Stewardship Act and the South Saskatchewan Regional Plan.
- 8.2 Notwithstanding that a development permit may not be required by this Bylaw, nothing in this Bylaw relieves a person or corporation of their duty or obligation to comply with the provisions and requirements of this Bylaw, or to obtain any other permit, license or other authorization required by the Government of Canada, the Province of Alberta, or any regulation pursuant to provincial or federal legislation, nor any bylaw of the Town of Nobleford.
- 8.3 Compliance with the provisions and requirements of this Bylaw does not exempt any person or corporation from complying with any easement, covenant, agreement or contract affecting the land or development.
- 8.4 For those developments requiring approval by provincial agencies, a local decision shall be provided by the Development Authority prior to or after a decision by the relevant provincial agency (at the sole discretion of the Development Authority).

SECTION 9 SEVERABILITY

- 9.1 If one or more provisions of this Bylaw are, for any reason, declared to be invalid, all remaining provisions are to remain in full force and in effect.

SECTION 10 RULES OF INTERPRETATION

- 10.1 Unless otherwise required by the context, words used in the present tense include the future tense; words used in the singular include the plural; and the word person includes a corporation as well as an individual. The Interpretation Act, as amended, shall be used in the interpretation of this Bylaw. Words have the same meaning whether they are capitalized or not.
- 10.2 The written regulations of this Bylaw take precedence over any graphic or diagram if there is a perceived conflict.

- 10.3 The Land Use Districts Map(s) takes precedence over any graphic or diagram in the district regulations if there is a perceived conflict.
- 10.4 Where a reference to another document or piece of legislation is made in this Bylaw, it is intended that the reference apply to include any amendments or a successor document or legislation that replaces the original.

SECTION 11 APPENDICES

- 11.1 Appendices attached hereto, are for information purposes, and do not form part of this Bylaw but have the full force and effect of this Bylaw in execution of the purpose for which they are designed, authorized, and issued. The Appendices may be amended, updated, and/or altered independent of this Bylaw.

APPROVING AUTHORITIES

SECTION 12 DEVELOPMENT AUTHORITY

- 12.1 The term "Development Authority", where used in this Bylaw, refers to either the Development Officer or the Municipal Planning Commission (as the case may be), depending on the classification of a "use" in a specific land use district or where Council has chosen to specifically authorize one entity or the other, or both. Where the Development Officer or the Municipal Planning Commission are specifically named, the relevant provision is meant to apply specifically to that individual entity.
- 12.2 The Development Authority is established by separate bylaw pursuant to the Municipal Government Act (MGA) and for the purposes of this Bylaw.
- 12.3 Council shall be the Approval Authority within any Direct Control District, unless specifically delegated to the Municipal Planning Commission, the Development Officer, or another designate(s) as stipulated in the particular Direct Control land use district.
- 12.4 In the absence of the Development Officer, the following are authorized to act in the capacity of Development Officer:
- (a) Municipal Planning Commission;
 - (b) Chief Administrative Officer; or
 - (c) a designate(s) in accordance with the MGA.
- 12.5 The Development Officer is an authorized person in accordance with section 210 of the MGA.
- 12.6 The Development Authority shall perform such powers and duties as are specified:
- (a) in the Town of Nobleford Municipal Planning Commission Bylaw;
 - (b) in this Bylaw;
 - (c) in the MGA; or
 - (d) where applicable, by resolution of Council.

SECTION 13 SUBDIVISION AUTHORITY

- 13.1 The Subdivision Authority is established by separate bylaw pursuant to the Municipal Government Act (MGA) and for the purposes of this Bylaw is comprised of the Municipal Planning Commission.

- 13.2 The Subdivision Authority is authorized to make decisions on applications for subdivisions pursuant to the Subdivision and Development Authority Bylaw, and may exercise only such powers and duties as are specified:
- (a) in the Town of Nobleford Municipal Planning Commission Bylaw;
 - (b) in this Bylaw; or
 - (c) by resolution of Council.
- 13.3 The Subdivision Authority may delegate, through the Subdivision Authority Bylaw, to any individual, municipal staff, or a regional services commission, any of its required functions or duties in the processing of subdivision applications. In respect of this:
- (a) the delegation of duties by the Subdivision Authority may include the authorized entity being responsible for determining the completeness of a submitted subdivision application; and
 - (b) the Subdivision Authority delegate is authorized to carry out the application process with subdivision applicants as described in the Subdivision Rules and Procedures section of the Bylaw, including the task of sending all required notifications to applicants as stipulated.

SECTION 14 DEVELOPMENT OFFICER – POWERS AND DUTIES

- 14.1 The office of the Development Officer is hereby established, and such office shall be filled by one or more persons as appointed by resolution of Council.
- 14.2 The Development Officer:
- (a) shall receive and process all applications for development permits and determine whether a development permit application is complete in accordance with Section 31;
 - (b) shall maintain for inspection by the public during office hours, a copy of this Bylaw and all amendments thereto and ensure that copies of the same are available for public purchase;
 - (c) shall establish and maintain a register in which shall be recorded the applications made for development permits and the decisions made on the applications, and contain any such other information as the Municipal Planning Commission considers necessary;
 - (d) shall consider and decide on “Permitted Use” and “Discretionary Use – Development Officer” applications in accordance with this Bylaw;
 - (e) shall refer to the Municipal Planning Commission, with recommendations, all development permit applications for which decision-making authority has not been assigned to the Development Officer;
 - (f) may refer any development application to the Municipal Planning Commission for its review, comment or advice;
 - (g) shall refer all development applications in a Direct Control district to Council for a decision, unless Council has specifically delegated approval authority to the Development Officer or the Municipal Planning Commission;
 - (h) shall notify adjacent landowners and any persons who are likely to be affected by a proposed development in accordance with Section 40 of this Bylaw;
 - (i) shall receive, review, and refer any applications to amend this Bylaw to Council;
 - (j) shall issue the written notice of decision and/or development permit on all development permit applications and any other notices, decisions or orders in accordance with this Bylaw;
 - (k) may receive and consider and decide on first time requests for time extensions, up to one year, for development permits which the Development Officer or the Municipal Planning Commission has approved;

- (l) shall provide a regular report to the Municipal Planning Commission summarizing the applications made for a development permit and the decision made on the applications, and any other information as the Municipal Planning Commission considers necessary; and
- (m) shall perform any other powers and duties as are specified in this Bylaw, the Municipal Planning Commission Bylaw, the MGA or by resolution of Council.

SECTION 15 MUNICIPAL PLANNING COMMISSION – POWERS AND DUTIES

- 15.1 The Municipal Planning Commission may exercise only such powers and duties as are specified in the MGA, the Municipal Planning Commission Bylaw, this Bylaw, or by resolution of Council.
- 15.2 The Municipal Planning Commission shall be responsible for:
 - (a) considering and deciding upon development permit applications referred to it by the Development Officer;
 - (b) providing recommendations on planning and development matters referred to it by the Development Officer or Council;
 - (c) considering and deciding upon requests for time extensions on development permit applications referred to it by the Development Officer;
 - (d) considering and deciding upon applications for subdivision approval; and
 - (e) any other powers and duties as are specified in this Bylaw, the Municipal Planning Commission Bylaw, the MGA, or by resolution of Council.

SECTION 16 COUNCIL

- 16.1 Council shall be responsible for considering development permit applications within any Direct Control district, except where the decision-making authority has been delegated to the Municipal Planning Commission or the Development Officer.

SECTION 17 SUBDIVISION AND DEVELOPMENT APPEAL BOARD (SDAB)

- 17.1 The Subdivision and Development Appeal Board (SDAB) is established by separate bylaw pursuant to the MGA and may exercise such powers and duties as are specified in this Bylaw, the MGA and the Subdivision and Development Appeal Board Bylaw.

DEVELOPMENT AND SUBDIVISION IN GENERAL

SECTION 18 LAND USE DISTRICTS

- 18.1 The Town is divided into those land use districts as specified in Schedule 1 and shown on the Land Use Districts Map found in Schedule 1.
- 18.2 The one or more uses of land or buildings that are:
 - (a) permitted uses in each district, with or without conditions; and/or
 - (b) discretionary uses in each district, with or without conditions;are described in Schedule 2, Land Use District Regulations.

- 18.3 A land use that is not listed as a permitted or discretionary use, but which is reasonably similar in character and purpose to a permitted or discretionary use in that district may be deemed a similar use by the Development Authority in accordance with Section 36.
- 18.4 A land use not listed as a permitted or discretionary use or not deemed a similar use in a district is a prohibited use and shall be refused.
- 18.5 Each land use district contains the rules and policies regarding the subdivision of land.

SECTION 19 SUITABILITY OF SITES

- 19.1 Notwithstanding that a use of land may be permitted or discretionary or considered similar in nature to a permitted or discretionary use in a land use district, the Development Authority may refuse to approve a subdivision or issue a development permit if the Development Authority is made aware of or if, in their opinion, the site of the proposed building or use is not safe or suitable based on the following:
- (a) does not have safe legal and physical access to a maintained road in accordance with the Land Use Bylaw, other municipal requirements or those of Alberta Transportation of a controlled highway and a public road;
 - (b) has a high-water table or soil conditions which make the site unsuitable for foundations and/or sewage disposal systems in accordance with provincial regulations;
 - (c) is situated on an unstable slope;
 - (d) consists of unconsolidated material unsuitable for building;
 - (e) is situated in an area which may be prone to flooding, subsidence or erosion;
 - (f) does not comply with the requirements of the South Saskatchewan Regional Plan, Matters Related to Subdivision and Development Regulation or any other applicable statutory plans;
 - (g) is situated over an active or abandoned coal mine or oil or gas well or pipeline that has not been sufficiently remediated;
 - (h) would expose the structure itself and/or people living and working there to risk from the operations of a nearby airport or airstrip;
 - (i) is unsafe due to contamination by previous land uses;
 - (j) does not meet the minimum setback requirements from a sour gas well or bulk ammonia storage facility;
 - (k) does not have an adequate (quality or volume) water supply or proposes water usage beyond what the municipality is able to supply;
 - (l) does not have an adequate means of wastewater (i.e. sewage) disposal or proposes to create volumes of wastewater beyond what the municipality is able to treat;
 - (m) does not have an adequate means of stormwater disposal;
 - (n) does not meet an applicable measurable standard (i.e. lot size or setback requirements) or any other applicable standards or requirements of this Bylaw;
 - (o) would prevent or interfere with the natural and economic extension of a nearby developed area.
 - (p) is subject to any easement, caveat, restrictive covenant or other registered encumbrance which makes it impossible to build on the site.
 - (q) does not comply with the requirements of the Municipal Government Act, The South Saskatchewan Regional Plan, Provincial Land Use Policies, Matters Related to Subdivision and Development Regulation, Municipal Development Plan, applicable Intermunicipal Development Plan, applicable area structure plan, conceptual design scheme, or any other applicable Statutory Plan.

- 19.2 Nothing in this section shall prevent the Development Authority from issuing a development permit or the Subdivision Authority approving a subdivision if the applicable Authority is satisfied that there is no risk to persons or property or that these concerns will be met by appropriate engineering measures or other mitigating measures and approvals from provincial and/or federal agencies have been obtained, as applicable.

SECTION 20 NUMBER OF DWELLING UNITS ON A PARCEL

- 20.1 No person shall construct or locate or cause to be constructed or located more than one dwelling unit on a parcel unless authorized by the Development Authority through the issuance of a development permit and only where allowed in the land use district for which the application was made.

SECTION 21 NON-CONFORMING BUILDINGS AND USES

- 21.1 A non-conforming building or use may only be continued in accordance with the provisions outlined in section 643 of the MGA.
- 21.2 The Development Officer and the Municipal Planning Commission are authorized to exercise minor variance powers with respect to non-conforming buildings pursuant to section 643(5)(c) of the MGA.

SECTION 22 DEVELOPMENT ON NON-CONFORMING SIZED LOTS

- 22.1 Development on an existing registered non-conforming sized lot that does not meet the minimum requirements for lot length, width or area specified in the applicable land use district in Schedule 2 may be permitted at the discretion of the Development Authority.

SECTION 23 DEVELOPMENT AGREEMENTS

- 23.1 The Development Authority may require, with respect to a development that as a condition of issuing a development permit, the applicant enter into an agreement with the municipality, pursuant to section 650(1) of the MGA, to do any or all of the following:
- (a) to construct or pay for the construction of a road required to give access to the development;
 - (b) to construct or pay for the construction of a pedestrian walkway system to serve the development and/or connect with existing or proposed pedestrian walkway systems that serves or is proposed to serve an adjacent development;
 - (c) to install or pay for the installation of public utilities, other than telecommunication systems or works, that are necessary to serve the development, whether or not the public utility is, or will be, located on the land that is the subject of the development;
 - (d) to construct or pay for the construction of off-street, or other parking facilities and/or loading and unloading facilities;
 - (e) to pay an off-site levy or redevelopment levy;
 - (f) to give security to ensure that the terms of the agreement under this section are carried out.
- 23.2 The Municipal Planning Commission may require, with respect to a subdivision, that as a condition of issuing an approval for a subdivision, the applicant enter into an agreement with the municipality, pursuant to section 655(1)(b) of the MGA.
- 23.3 An agreement referred to in this section may require the applicant for a development permit or subdivision approval to oversize improvements in accordance with section 651 of the MGA.

- 23.4 The Town may register a caveat under the Land Titles Act with respect to an agreement under this section against the certificate of title for the land that is the subject of the development, or for the parcel of land that is the subject of the subdivision.
- 23.5 If the Town registers a caveat under this section, the municipality must discharge the caveat when the agreement has been complied with.

SECTION 24 GUARANTEED SECURITY TRIGGERED BY DEVELOPMENT PERMITS

- 24.1 The Development Authority may require a guaranteed security upon evaluation of the scale and the type of a proposed development. The purpose of the guaranteed security is to ensure the completion of the development including any attached conditions including decommissioning of a use. The security may take the form of a cash deposit or an irrevocable letter of credit.
- 24.2 The projected amount of the guaranteed security shall be estimated by the applicant/developer and shall be based on information provided in the development permit application. If, in the opinion of the Development Authority, the projected costs utilized by the applicant/developer to calculate the guaranteed security are inadequate, the Development Authority may establish a higher projected cost for the required work for the purposes of determining the acceptable amount of the required security. The Development Authority retains the right to stipulate the amount of guaranteed security.
- 24.3 The Town shall hold the guaranteed security, without interest payable, until the development permit has been completed, including any attached conditions, to the satisfaction of the Development Authority.
- 24.4 Once the development is complete and all conditions of the development permit have been met, to the satisfaction of the Development Authority, the guaranteed security will be released back to the applicant/developer within thirty (30) business days.
- 24.5 In the event that the development, including any attached conditions, is not completed to the satisfaction of the Development Authority, in accordance with the terms of the development permit, the Town is entitled to draw from the guaranteed security, sufficient funds to undertake the activities necessary to complete the outstanding items of the development. The Town shall provide an accounting to the applicant/developer indicating how the proceeds of the security were applied within 60 days from the date of completion.

SECTION 25 ARCHITECTURAL CONTROLS

- 25.1 Some areas within the Town may have architectural control guidelines in place for the construction of new buildings and other matters. Architectural control review of plans must be approved by the Developers' Architectural Control Approval Officer prior to the Town accepting a development permit application.
- 25.2 The Municipal Planning Commission may require, as a condition of subdivision approval:
- (a) architectural control guidelines to be submitted for review and approval by the municipality prior to subsequently being registered on title; and
 - (b) may stipulate specific development standards, land or building restrictions to be applied or included in the covenants.
- 25.3 The Town shall not be held responsible for private covenants with regard to the enforcement of any applicable architectural controls.
- 25.4 The developer shall be responsible for private covenants and shall designate an authorized agent to review and enforce any applicable architectural controls and a written approval shall be required to be submitted as part of an application for development.

SECTION 26 MUNICIPAL APPROVAL FOR ENCROACHMENTS

- 26.1 Prior to submitting a development permit application to the municipality, it is the applicant's responsibility for determining any easements or utility rights-of-way registered on title, including those of the Town of Nobleford and obtaining written permission from the applicable easement or utility right-of-way holder authorizing any proposed development within the easement or utility right-of-way. The Development Authority may require a copy of the written permission as a submittal requirement for a development permit application.
- 26.2 In situations where a development may be exempt from obtaining a development permit, the landowner or developer is still required to obtain permission from the applicable easement or utility right-of-way holder, including those of the Town of Nobleford, authorizing the improvement or structure that may be located over an easement or utility right-of-way.
- 26.3 Notwithstanding section 26.1 and 26.2, the municipality, at their prerogative, may deny the placement of buildings, structures or improvements within an easement or utility right-of-way and may also order the removal or relocation of such.

SECTION 27 CERTIFICATE OF COMPLIANCE

- 27.1 A certificate of compliance letter respecting the categorization of a land use(s) (i.e. permitted or discretionary), building setbacks on a parcel of land, driveway width and consistency with an approved development permit(s), may be issued by the Development Officer upon receipt of a real property report, and the applicable fee.
- 27.2 The real property report must not be more than 2 years old. If older than 2 years, it must be accompanied by a statutory declaration stating that no new buildings or structures have been erected on the property. The Town will not accept any RPR more than 10 years old. If there have been any structures that have been added to or relocated on the property that are not identified on the RPR, an updated RPR is required.

DEVELOPMENT PERMIT RULES AND PROCEDURES

SECTION 28 DEVELOPMENT PERMIT – WHEN REQUIRED

- 28.1 Except as otherwise provided for in Schedule 3 (Development Not Requiring a Development Permit), no development shall be commenced unless a development permit application has been approved, a development permit issued, and the development is in accordance with the terms and conditions of a development permit issued pursuant to this Bylaw.
- 28.2 In addition to meeting the requirements of this Bylaw, it is the responsibility of the applicant to ascertain, obtain and comply with all other approvals and licenses that may be required by other federal, provincial or municipal regulatory departments or agencies.

SECTION 29 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

- 29.1 For the list of uses and developments not requiring a development permit, see Schedule 3.

SECTION 30 DEVELOPMENT PERMIT APPLICATION

- 30.1 Except as provided in Section 29 and Schedule 3, no person shall commence a development unless issued a development permit in respect of the proposed development.

- 30.2 An application for a development permit shall be made by submitting to the Development Officer the following, which must be of a sufficient quality and content adequate to properly evaluate the application (see Section 31.3 for more information):
- (a) a completed development permit application, signed by the registered owner or authorized by the owner;
 - (b) the prescribed application fee;
 - (c) a description of the existing and proposed use of the land, building(s) and/or structure(s) and whether it is a new development, an alteration/addition, relocation or change of use and whether the use is temporary in nature;
 - (d) a description of the proposed method of providing necessary services including water and sewage disposal;
 - (e) a site plan acceptable to the Development Officer identifying:
 - the location of all existing and proposed buildings and structures and registered easements or rights-of-way, dimensioned to property lines and drawn to a satisfactory scale; and
 - where applicable, the location of existing and proposed approaches, driveways, parking and loading areas, abutting streets, avenues and lanes, culverts and crossings, surface drainage patterns, and proposed municipal or private local improvements;
 - (f) drawings depicting the exterior elevations of a building and indicating height, horizontal dimensions, finishing materials and architectural features;
 - (g) a floor plan illustrating the use of rooms or spaces within buildings and structures;
 - (h) a parcel grading plan or storm water management plan;
 - (i) any additional information as may be stipulated in Schedule 4: Residential Standards of Development, Schedule 5: Non-Residential Standards of Development or Schedule 6: Use-Specific Standards of Development;
 - (j) a statement of disclosure from the applicant regarding anticipated sequencing and phasing of a development;
 - (k) a statement of disclosure prepared by a qualified professional (licensed to practice in Alberta) if there are any known environmental contaminants existing on the site; and
 - (l) documentation from the Alberta Energy Regulator identifying the presence or absence of abandoned oil and gas wells as required by the Matters Related to Subdivision and Development Regulation, including a professionally prepared plot plan that shows the actual well location(s) in relation to existing and proposed building site(s) and the minimum setback requirement if abandoned oil and gas well(s) are present;
 - (m) any additional information as may be required in accordance with an adopted Intermunicipal Development Plan, Town of Nobleford Municipal Development Plan, Area Structure Plan, or other adopted statutory plan; and
 - (n) any such other information as may be required at the discretion of the Development Authority to accurately evaluate an application, determine compliance with the Land Use Bylaw, and/or other government regulations, including but not limited to: conceptual design schemes, landscaping plans, building and floor plans, stormwater management plans/drainage plans, grading plans, servicing and infrastructure plans, soils analysis, septic feasibility, geotechnical reports and/or other reports regarding site suitability, Real Property Report or a surveyors sketch, elevations, traffic studies, and environmental impact assessment.
- 30.3 The Development Officer may determine that not all the information listed in Section 30.2 is required, while having regard for the criteria in Section 31.3.

- 30.4 An application for a development permit must be made by the registered owner of the land on which the development is proposed. A person who is not the registered owner may submit an application only with the written authorization of the registered owner. The Development Officer may request a current title documenting ownership and copies of any registered encumbrance, lien or interest registered on title.
- 30.5 In the case of a development permit application made for a parcel of land within a Direct Control district, all requirements and procedures pertinent to the development permit application will be at the direction and to the satisfaction of Council.

SECTION 31 DETERMINATION OF COMPLETE DEVELOPMENT PERMIT APPLICATION

- 31.1 A Development Officer shall, within 20 days after the receipt of an application in accordance with Section 30 for a development permit, determine whether the application is complete.
- 31.2 The Development Officer may refer an application to the Municipal Planning Commission in order for the Municipal Planning Commission to determine if the application is complete.
- 31.3 An application is complete if, in the opinion of the Development Officer or the Municipal Planning Commission, the application contains the documents and other information are adequate to review the application.
- 31.4 The time period referred to in Section 31.1 may be extended by providing written notice between the applicant and the Development Officer which includes the information necessary to deem the application complete and a new date in which the information shall be submitted to the Development Officer. The Development Officer may further extend the date in consultation with the applicant before deeming the application refused.
- 31.5 If the Development Officer does not make a determination referred to in Section 31.1 within the time required under Section 31.1 or 31.4, the application is deemed to be complete.
- 31.6 If a Development Officer determines that the application is complete, the Development Officer shall issue to the applicant a written Notice of Completeness acknowledging that the application is complete, delivered by hand, mail or electronic means.
- 31.7 The Notice of Completeness in Section 31.6 may be contained within a Notice of Receipt of an application under Section 31.1 or with a Notice of Decision under Section 41.
- 31.8 If the Development Officer determines that the application is incomplete, the Development Officer shall issue to the applicant a written notice indicating that the application is incomplete and specifying the outstanding documents and information to be provided. A submittal deadline for the outstanding documents and information shall be set out in the notice. A later date may be agreed on between the applicant and the Development Officer in writing to extend the deadline.
- 31.9 When the Development Officer determines that the information and documents required to be submitted under Section 31.8 are complete, the Development Officer shall issue to the applicant a written Notice of Completeness acknowledging that the application is complete, delivered by hand, mail or electronic means.
- 31.10 If the required documents and information under Section 31.8 have not been submitted to the Development Officer within the timeframe prescribed in the notice issued under Section 31.8, the Development Officer shall return the application to the applicant accompanied by a written Notice of Refusal stating the application is deemed refused and the reasons for refusal.
- 31.11 Despite issuance of a Notice of Completeness under Section 31.6 or 31.9, the Development Authority in the course of reviewing the application may request additional information or documentation from the applicant that the Development Authority considers necessary to review the application.

SECTION 32 PERMITTED USE APPLICATIONS

32.1 Upon receipt of a completed application for a development permit for a permitted use, the Development Officer shall approve an application for a permitted use where the proposed development conforms to this Bylaw, with or without conditions, and may require:

- (a) that the applicant enter into a development agreement pursuant to Section 23 Development Agreements;
- (b) the payment of any applicable off-site levy or redevelopment levy;
- (c)
- (d) a geotechnical investigation to confirm that the site is suitable in terms of topography, soil characteristics, flooding, subsidence, erosion and treatment of sanitary sewage;
- (e) an alteration of a structure or building size or location to ensure any setback requirements of this Land Use Bylaw or the Matters Relating to Subdivision and Development Regulation can be met;
- (f) any measures to ensure compliance with the requirements of this Land Use Bylaw or any other statutory plan adopted by the Town;
- (g) any necessary easements and/or encroachment agreements;
- (h) the provision of public utilities, other than telecommunications systems or works, and vehicular and pedestrian access;
- (i) the provision of security to ensure the terms of the permit approval under this section are carried out to the satisfaction of the Town;
- (j) the repair or reinstatement, to original condition, of roads or approaches which have been damaged, destroyed or otherwise altered by development or construction activities upon the site;
- (k) time periods stipulating commencement, completion and/or phasing of development;
- (l) time periods limiting the period for which a development permit is valid (i.e. temporary development permit in accordance with Section 37 Temporary Use);
- (m) requirement for the submittal of a surveyor's sketch or plans and documents prepared by a professional engineer or other qualified professional confirming the location of completed development, lot grades, and/or surface drainage;
- (n) a lot and/or construction stakeout conducted by an approved surveyor or agent to ensure a building is situated as per an approved site plan;
- (o) any measures to ensure compliance with applicable federal, provincial and/or other municipal legislation and approvals,
- (p) consolidation of lots by means determined acceptable to the Development Authority,
- (q) the filing of pertinent professional reports and plans prior to commencement of construction and any conditions to ensure compliance with such,
- (r) any other conditions authorized within this Bylaw.

32.2 Upon receipt of a completed application for a permitted use that requests a variance, as stipulated in Section 38.1, the Development Officer:

- (a) may grant the variance if, in the opinion of the Development Officer, the variance would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land; or
- (b) may refer the development application involving a request for a variance to the Municipal Planning Commission for a decision; and
- (c) is not required to notify adjacent landowners or persons likely to be affected prior to issuance of a decision on a development permit granting a limited variance under this section.

- 32.3 Upon receipt of a completed application for a permitted use, the Development Officer may refer the application to the Municipal Planning Commission for a decision.

SECTION 33 DISCRETIONARY USE APPLICATIONS

- 33.1 Upon receipt of a completed application for a development permit for a discretionary use for which the Development Officer is authorized to decide upon, the Development Officer shall:
- (a) notify adjacent landowners and other persons likely to be affected in accordance with Section 40; and
 - (b) make a decision on the application, or
 - (c) may refer the application to the Municipal Planning Commission for a decision.
- 33.2 Upon receipt of a completed application for a development permit for a discretionary use for which the Municipal Planning Commission is authorized to decide upon, the Development Officer shall:
- (a) notify adjacent landowners and other persons likely to be affected in accordance with Section 40; and
 - (b) refer the application to the Municipal Planning Commission for a decision.
- 33.3 After consideration of any response to the notifications of adjacent landowners and other persons likely to be affected, including government departments and referral agencies as applicable, compatibility and suitability of the proposed use, Section 33.3, and any other relevant matters, the applicable Development Authority may:
- (a) approve a development permit with or without conditions, stating reasons; or
 - (b) refuse to approve the development permit, stating reasons.
- 33.4 The Development Authority may place any of the conditions stipulated in Section 32.1 on a development permit for a discretionary use in any land use district, in addition to any other conditions necessary to ensure the quality, suitability and compatibility of a development with other existing and approved uses in the area, or to achieve a logical land use planning objective.
- 33.5 The Development Authority may approve a discretionary use development permit in whole or in part. Where only a portion or aspect of the proposed development is approved and another portion or aspect is refused, the Development Authority shall provide written reasons for the partial refusal.

SECTION 34 ADDITIONAL PLANNING REQUIREMENTS

- 34.1 The Development Authority may require, as a condition of development permit, that the conceptual scheme forms part of the development permit and, if desired to be deviated from in the future, shall require a subsequent application for a development permit in order to approve the deviation, along with a revised conceptual scheme.

SECTION 35 DIRECT CONTROL DISTRICTS

- 35.1 Upon receipt of a completed application for a development permit in a Direct Control district, the Development Officer shall:
- (a) refer the application to Council for a decision, except where the decision-making authority has been delegated to the Municipal Planning Commission or the Development Officer; and
 - (b) notify adjacent landowners and other persons likely to be affected in accordance with Section 40.
- 35.2 After considering any response to notifications issued under Section 40, Council or the delegated decision-making authority may:

- (a) approve a development permit with or without conditions, stating reasons; or
 - (b) refuse to approve the development permit, stating reasons.
- 35.3 Where Council chooses to redistrict a parcel to Direct Control, it shall establish, within the Direct Control bylaw, site specific direct control information which may include standards and procedural direction.
- 35.4 In accordance with section 685(4)(a) of the MGA, there is no appeal to the Subdivision and Development Appeal Board on a decision of an application for a development permit in a Direct Control district made by Council.

SECTION 36 SIMILAR USE

- 36.1 Upon receipt of an application for a development permit for a use that is not specifically defined in the Use and Use Related Definitions in Schedule 7, but which may be similar in character and purpose to other uses of land and structures in the land use district in which such use is proposed, the Development Officer may classify the use as either similar to a permitted use or similar to a discretionary use.
- 36.2 Where a use has been classified similar to a permitted or DO Discretionary use, the Development Officer may process the application accordingly as a permitted use or refer the application to the Municipal Planning Commission for a decision. The notice of the decision shall be subject to Section 41.
- 36.3 Where a use has been classified similar to a discretionary use for which the Municipal Planning Commission is authorized to issue a decision, the Development Officer shall:
 - (a) notify adjacent landowners and other persons likely to be affected in accordance with Section 40; and
 - (b) refer the application to the Municipal Planning Commission for a decision.
- 36.4 Upon referral of an application by the Development Officer to the Municipal Planning Commission for a use that may be similar in character and purpose to a use in the district, the Municipal Planning Commission:
 - (a) shall rule whether or not the proposed use is similar to a use in the land use district in which it is proposed;
 - (b) if the proposed use is deemed similar to a use in the land use district in which it is proposed, the application shall be reviewed as a discretionary use application;
 - (c) if the proposed use is not deemed similar to a use in the land use district in which it is proposed, the development permit shall be refused.

SECTION 37 TEMPORARY USE

- 37.1 The Development Authority may issue a temporary development permit for a development if:
 - (a) the proposed development is of a temporary nature and a listed use in the land use district; or
 - (b) the Development Authority wishes to ensure the suitability or the compatibility of a single use or a multi-phase project prior to allowing full build out of the project by only allowing one or more phases to commence; or
 - (c) the Development Authority wishes to ensure that the development authorized by the permit will cease by a specified date or will not be ongoing indefinitely.
- 37.2 Temporary use applications shall be subject to the following conditions:
 - (a) the applicant or developer is liable for any costs involved in the cessation or removal of any development at the expiration of the established time period;
 - (b) the Development Authority may require the applicant to submit security guaranteeing the cessation or removal of the temporary use; and

(c) any other conditions deemed necessary.

37.3 A use deemed temporary in nature shall be processed in accordance with the corresponding Sections 32 and 33 of this Bylaw. Notification of adjacent landowners and other persons likely to be affected shall be in accordance with Section 40 of this Bylaw.

SECTION 38 APPLICATIONS REQUIRING A VARIANCE

38.1 Where a variance to a standard of development is requested in a development permit application, The Development Officer has the authority to consider a variance for a "Permitted Use" or a "Discretionary Use – Development Officer", subject to Section 39 and the following limitations:

- (a) up to 20 percent of any one numeric standard of this Bylaw and/or;
- (b) for existing development, up to 50 percent of one yard requirement (front, rear or side) for existing development within any Land Use District to bring development into compliance;

38.2 The Development Officer is authorized to exercise minor variance powers with respect to non-conforming buildings pursuant to Section 21.2 of this Bylaw and section 643(5)(c) of the MGA. The Development Officer may refer a matter respecting a non-conforming building to the Municipal Planning Commission for a decision.

38.3 The Municipal Planning Commission may approve or conditionally approve a permitted use referred to the Municipal Planning Commission pursuant to Section 32.3 or, a discretionary use that does not comply with this Bylaw if, in the opinion of the Municipal Planning Commission, the use complies with the following tests:

- (a) the proposed development would not unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment or value of neighbouring parcels; and
- (b) the proposed development conforms to the use intended for that land or building as described in the district within this Bylaw.

SECTION 39 LIMITATIONS ON VARIANCE PROVISIONS

39.1 In approving an application for a development permit, the Development Authority should have regard for the following

- (a) the general purpose and intent of the appropriate land use district; and
- (b) a variance should normally only be considered in cases of unnecessary hardship or practical difficulties particular to the use, character, or situation of land or building which are not, generally, common to other land in the same land use district.

SECTION 40 NOTIFICATION OF ADJACENT LANDOWNERS AND PERSONS LIKELY AFFECTED

40.1 Where notification of adjacent landowners and other persons likely to be affected is required, the Development Officer shall:

- (a) mail (postal service or electronic mail) the notice at least 12 calendar days, or hand deliver written notice of the application at least 5 calendar days before the meeting of the Municipal Planning Commission or the decision of the Development Officer to:
 - (i) adjacent landowners and other persons likely to be affected by the issuance of a development permit;
 - (ii) affected municipalities if, in the opinion of the Development Authority, the proposed development could have an impact upon land uses adjacent to the Town boundary or if required by an applicable intermunicipal development plan;

- (iii) any other persons, government departments, advisory committee, homeowner association or referral agency that is deemed to be affected; or
 - (b)
 - (c) publish a notice of the application in a newspaper circulating in the municipality where the application is located; or
 - (d) post a notice of the application in a conspicuous place on the property; or
 - (e) post a notice on the municipal website or social media account(s); or
 - (f) any combination of the above.
- 40.2 In all cases, notification shall:
- (a) describe the nature and location of the proposed use or development;
 - (b) state the place and time where the Municipal Planning Commission will meet to consider the application; and
 - (c) state the process for the submission of written or oral comments on the application.
- 40.3 At the discretion of the Development Authority the notification of non-adjacent landowners and other persons may occur.

SECTION 41 NOTICE OF DECISION FOR DEVELOPMENT PERMITS

- 41.1 **Permitted use permits (not requiring a variance):**
Upon the issuance of a development permit for a permitted use that complies with this Bylaw, the Development Officer shall:
- (a) provide a written notice of decision to the applicant in accordance with Section 41.4; and
 - (b) post a copy of the decision in a prominent place in the Town Office for at least 21 days; or
 - (c) publish a copy of the decision on the official municipal website.
- 41.2 **Permitted use permits involving a variance:**
Upon the decision on a development permit for a permitted use that involves a variance of a standard of this Bylaw, the Development Officer shall:
- (a) provide a written notice of decision to the application in accordance with Section 41.4; and
 - (b) publish a copy of the decision on the official municipal website; or
 - (c) notify the persons and the referral agencies that were originally notified in accordance with Section 40 using the same method(s) that was originally used for the notification.
- 41.3 **Discretionary use permits:**
Upon the decision by the Municipal Planning Commission or the Development Officer on a development permit for a discretionary use, the Development Officer shall:
- (a) provide a written notice of decision to the application in accordance with Section 41.4; and
 - (b) publish a copy of the decision on the official municipal website; or
 - (c) notify the persons and referral agencies that were originally notified in accordance with Section 40.1 using the same method(s) that was originally used for notification.

- 41.4 The Development Officer will give or send a copy of the written decision, which includes the date on which the decision was given and containing any other information required by the regulations, to the applicant on the same day the written decision is made in accordance with MGA section 642(3). The decision shall state whether the appeal lies with the local subdivision and development appeal board or the Land and Property Rights Tribunal in accordance with MGA section 685(1.1).
- 41.5 For the purposes of Section 41.4, the “date on which the decision was given” means the date the Development Authority signs the notice of decision or development permit.

SECTION 42 COMMENCEMENT OF DEVELOPMENT

- 42.1 Despite the issuance of a development permit, no development is authorized to commence within 21 days after the date on which the decision was made.
- 42.2 If an appeal is made, no development is authorized pending the outcome of the appeal.
- 42.3 Any development occurring prior to the dates determined under Sections 42.1 and 42.2 is at the risk of the applicant.

SECTION 43 FAILURE TO MAKE A DECISION – DEEMED REFUSED

- 43.1 In accordance with the MGA, an application for a development permit is, at the option of the applicant, deemed to be refused if the decision of the Development Authority is not made within 40 days of receipt of the completed application unless the applicant has entered into an agreement with the Development Authority to extend the 40-day period.

SECTION 44 DEVELOPMENT PERMIT VALIDITY

- 44.1 Unless a development permit is suspended or cancelled, or if an alternative timeline is provided in the approval conditions of the development permit in accordance with Section 44.2, the development must be commenced and carried on with reasonable diligence in the opinion of the Development Authority within 12 months from the date of issuance of the permit, otherwise the permit is no longer valid.
- 44.2 The Development Authority may establish, as a condition of approval, that the development must be reasonably completed within a set period of time, not less than 24 months from the date of the approval.
- 44.3 A development permit must be carried out in accordance with approved plans and conditions of approval.
- 44.4 A request to withdraw a development permit shall be made in writing to the Development Officer.
- 44.5 When any use has been discontinued for a period of 6 months or more, any development permit that may have been issued is no longer valid and said use may not be recommenced until a new application for a development permit has been made and a new development permit issued. This section does not apply to non-conforming uses which are regulated under section 643 of the MGA and Section 21 of this Bylaw.
- 44.6 A development permit is valid only for the location for which it has been issued.
- 44.7 A development permit which has been issued for a specified period of time (temporary development permit) is only valid for the period stated within the development permit approval.

SECTION 45 DEVELOPMENT PERMIT EXTENSION

- 45.1 An application to extend the validity of a development permit may be made at any time prior to the expiration of the approved permit, except for a permit for a temporary use which shall not be extended.
- 45.2 Upon receipt of a request to extend the validity of a development permit, the validity of a development permit may be extended for up to a period of 12 months, by:
- (a) the Development Officer if the permit was issued by the Development Officer or the Municipal Planning Commission;
 - (b) the Municipal Planning Commission if the permit was approved on appeal by the Subdivision and Development Appeal Board.
- 45.3 Any secondary request for extension shall go before the Municipal Planning Commission for decision.
- 45.4 Notification of adjacent landowners and persons likely affected is not required for an extension request, or the decision on an extension request.
- 45.5 An extension request, where approved, must be granted "as is" with the original content of the development permit application and conditions of approval.

SECTION 46 CHANGES TO AN APPROVED DEVELOPMENT PERMIT

- 46.1 The Development Officer may accept in writing minor, non-material modifications to an approved development permit. Where minor, non-material modifications are proposed and accepted by the Development Officer, revised drawings shall be submitted to the satisfaction of the Development Officer.
- 46.2 Where, in the opinion of the Development Officer, a proposed post-approval change to a development permit exceeds the threshold described in 46.1, a new development permit shall be required to consider the change.
- 46.3 A new development application to consider a change to an existing approved development permit shall be processed in the same way as the original development permit.
- 46.4 Where a new development application proposing to change an existing approved development permit is approved, the new development permit shall supersede the original development permit to the extent that they deal with the same matter.

SECTION 47 TRANSFERABILITY OF DEVELOPMENT PERMIT

- 47.1 A valid development permit is transferable where the use remains unchanged and the development is affected only by a change of ownership, tenancy, or occupancy, of the land or building except in accordance with section 47.2.
- 47.2 A home based business permit is non-transferable and is invalidated by a change of ownership, tenancy, or occupancy.

SECTION 48 REAPPLICATION FOR A DEVELOPMENT PERMIT

- 48.1 If an application for a development permit is refused by the Development Authority or, an Appeal Board (SDAB or LPRT), the submission of another application for a development permit on the same parcel of land for the same or for a similar use of the land may not be accepted by the Development Officer for at least 12 months after the date of refusal.

- 48.2 If an application was refused solely because it did not comply with the standards of this Bylaw or was refused as an incomplete application under Section 31.10, the Development Officer may accept another application on the same parcel of land for the same or similar use before the time period referred to in Section 48.1 has lapsed, provided the application has been modified to comply with this Bylaw.

SECTION 49 SUSPENSION OR CANCELLATION OF A PERMIT

- 49.1 If, after a development permit has been issued, the Development Authority determines that:
- (a) the application contained a misrepresentation;
 - (b) facts were not disclosed which should have been at the time of consideration of the application for the development permit;
 - (c) the development permit was issued in error; or
 - (d) the applicant withdrew the application by way of written notice;
- the Development Authority may suspend or cancel the development permit by giving notice in writing to the permit holder of it and stating the reasons for any suspension or cancellation.
- 49.2 Upon receipt of the written notification of suspension or cancellation, the applicant must cease all development and activities to which the development permit relates.
- 49.3 A person whose development permit is suspended or cancelled under this section may appeal within 21 days of the date of the notice of cancellation or suspension to the Subdivision and Development Appeal Board.
- 49.4 If a development permit is suspended or cancelled, the Subdivision and Development Appeal Board shall review the application if an appeal is filed by the applicant and either:
- (a) reinstate the development permit;
 - (b) cancel the development permit if the Development Authority would not have issued the development permit if the facts subsequently disclosed had been known during the consideration of the application; or
 - (c) reinstate the development permit and may impose such other conditions as are considered necessary to ensure that this Bylaw or any statutory plan is complied with.

SUBDIVISION RULES AND PROCEDURES

SECTION 50 SUBDIVISION APPLICATIONS

- 50.1 An applicant applying for subdivision shall provide the required material and information as requested by the Subdivision Authority or its designate. A complete application shall consist of:
- (a) an official application, in the manner and form prescribed, clearly and legibly completed with all the required information and signatures provided as requested on the form;
 - (b) the applicable fees paid;
 - (c) an up-to-date and current copy of the certificate of title to the subject land;
 - (d) a surveyor's sketch or tentative subdivision plan professionally prepared or an accurate and legible sketch drawn to scale that shows the location, dimensions and boundaries of the proposed subdivision and all other requirements prescribed in the subdivision application package. For a subdivision application where any buildings or structures are present on the land that is subject of the subdivision, a

surveyor's sketch prepared by a registered surveyor or a Real Property Report is required unless determined to be unnecessary by the Subdivision Authority or its designate;

- (e) provincial abandoned gas well information required by Alberta Energy Regulator Directive 079;
- (f) any such other information as may be required at the discretion of the Subdivision Authority in order to accurately evaluate the application and determine compliance with the Land Use Bylaw and other government regulations. This may include but is not limited to the provision of geotechnical information, soil analysis reports, water reports, soil or slope stability analysis, drainage information, contours and elevations of the land, engineering studies or reports, wetland reports, environmental impact assessments, utility and servicing information, and/or the preparation of a conceptual scheme or an area structure plan may be required from the applicant prior to a decision being rendered on a subdivision application to determine the suitability of the land for the proposed use; and

50.2 In accordance with the MGA, the Subdivision Authority or those authorized to act on its behalf, shall provide notification to a subdivision applicant within the 20-day prescribed time period, on whether a submitted application is deemed complete, or if it is determined to be deficient what information is required to be submitted by a specified time period, by sending notification in the following manner:

- (a) for an application deemed complete, the applicant shall be notified in writing as part of the formal subdivision application circulation referral letter;
- (b) for an application determined to be incomplete, written notification shall be given to the applicant which may be in the form of a letter sent by regular mail to the applicant, or sent by electronic means, or both, or by any other method as may be agreed to between the applicant and Subdivision Authority;
- (c) in respect of subsection (b) for a subdivision application determined to be incomplete, the applicant will be advised in writing as part of the Notice of Incompleteness what the outstanding or required information items are that must be submitted by the time specified in the notice.

50.3 Notwithstanding Section 50.2, the applicant and Subdivision Authority may agree and sign a time extension agreement in writing in accordance with section 653.1(3) of the MGA to extend the 20-day decision time period to determine whether the subdivision application and support information submitted is complete.

50.4 A determination made by the Subdivision Authority that an application is complete for processing does not preclude the ability for the Subdivision Authority to request other information or studies to be submitted by the applicant during the review and processing period, prior to a decision being rendered, or as condition of subdivision approval.

SECTION 51 INCOMPLETE SUBDIVISION APPLICATIONS

51.1 The Subdivision Authority may refuse to accept and process a subdivision application where the information required under Section 50 and/or as described in a Notification of Incompleteness has not been submitted, is determined to be deficient, is still incomplete, or in the opinion of the Subdivision Authority the quality of the material supplied is inadequate to properly evaluate the application.

51.2 If the Subdivision Authority determines that the application is refused due to incompleteness, the applicant shall be notified in writing with reasons in the manner as described in Section 50.2.

51.3 The notification provided for in Section 50.2(b) shall state the required information for the filing of an appeal and to which appeal board body the appeal lies, either the local appeal board or provincial Appeal Board, in accordance with the parameters of the MGA.

SECTION 52 SUBDIVISION APPROVAL VALIDITY

- 52.1 Upon being satisfied that a plan of subdivision or other instrument complies with a subdivision approval and that any conditions have been met within 1 year from the date on which the subdivision application is approved, the Subdivision Authority must, in accordance with section 657 of the MGA, endorse the plan or other instrument.
- 52.2 An application to extend the 1-year endorsement period of a subdivision approval may be made at any time to the Municipal Planning Commission.
- 52.3 An extension request must be denied or granted "as is" with the original content of the subdivision application and conditions of approval.
- 52.4 Where granted, an individual subdivision approval endorsement extension shall be for a period not exceeding 1 year and the total time from the date of the original approval shall not exceed 3 years.

SECTION 53 GENERAL SUBDIVISION REQUIREMENTS

- 53.1 Minimum dimensional standards for lots are as specified in the applicable land use district.
- 53.2 All proposed lots, including any residual portion of a parcel of land, shall have frontage on and direct physical access to a public street, except for development internal to a condominium development. Lot frontage on a laneway alone will not be permitted.
- 53.3 Subdivision of land for a semi-detached dwelling or multi-unit dwelling will typically not be permitted unless a duplex or multi-unit dwelling has been constructed on the parcel that is the subject of the subdivision.
- 53.4 An accessory building or structure may be subdivided into a separate lot without a principal building or structure at the discretion of the Subdivision Authority.
- 53.5 For any subdivision within a block identified as having residential infill potential, as determined by the Municipal Planning Commission and consistent with the Municipal Development Plan policies, the following additional requirements apply:
- (a) A minimum 6.1 m (20 ft) wide right-of-way, including sufficiently sized corner cutoffs at street intersections, running the entire length of the subject parcel of land shall be dedicated at the time of subdivision for future road widening adjacent to a lane unless determined otherwise by the Municipal Planning Commission through the issuance of a variance or as approved in an infill development plan.
 - (b) Dedication of utility rights-of-ways will be required adjacent to the road dedication provided in subsection (a) unless determined otherwise by the Municipal Planning Commission through the issuance of a variance or as approved in an infill development plan.
 - (c) Subdivision of the rear portion of a parcel of land within an infill block will typically only be permitted provided adequate right-of-way for a street has been obtained throughout the entire block or as approved in an infill development plan.
- 53.6 Other subdivision design, development standards and requirements are as prescribed in the applicable parts of this Bylaw, the Town of Nobleford Municipal Development Plan, applicable area structure plans and concept design schemes, and any other applicable municipal or provincial plans, regulations, and acts. The Subdivision Authority may also prescribe additional subdivision design, development standards and requirements at its discretion.
- 53.7 Any variance granted by the Subdivision Authority for a required setback as part of a subdivision approval is for subdivision purposes only and does not apply to development. Development variances must be sought through the Development Authority under the land use bylaw.

APPEALS AND ENFORCEMENT

SECTION 54 APPEALS AND PROCEDURES

- 54.1 In accordance with the MGA, any person receiving a decision on a development permit or any other person affected by any order, decision or development permit made or issued by an approval authority may appeal to the Subdivision and Development Appeal Board or the provincial Land & Property Rights Tribunal, as the case may be within 21 days after the date on which the written decision is given.
- 54.2 Notwithstanding section 54.1, no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of this Bylaw were relaxed, varied or misinterpreted pursuant to section 685(3) of the MGA.
- 54.3 In accordance with the MGA and the procedures outlined, any landowner who applied for subdivision and was refused an approval or had conditions attached to the approval, may appeal the decision to the Subdivision and Development Appeal Board, or the provincial Land & Property Rights Tribunal, as the case may be in accordance with the MGA. Adjacent or affected landowners have no right to appeal a subdivision under the MGA.
- 54.4 An appeal to the Subdivision and Development Appeal Board shall be commenced by serving a written notice of the appeal to the Subdivision and Development Appeal Board and shall be accompanied by the applicable fees.
- 54.5 The Subdivision and Development Appeal Board must hold an appeal hearing within 30 days of the receipt of a notice of appeal, and give its decision in writing together with reasons within 15 days after concluding the hearing, in accordance with the provision of the MGA.
- 54.6 Any decisions made by Council with respect to a Direct Control district are not subject to appeal to the Subdivision and Development Appeal Board pursuant to section 685(4) of the MGA.

SECTION 55 NOTICE OF VIOLATION

- 55.1 Where the Development Authority finds that a development or use of land or buildings is not in accordance with the MGA, the Matters Related to Subdivision and Development Regulation, a development permit or subdivision approval, or this Bylaw, the Development Officer may, prior to issuing a Stop Order, issue a notice of violation to the registered owner or the person in possession of the land or buildings or to the person responsible for the contravention.
- 55.2 Such notice shall state the following:
- (a) nature of the violation;
 - (b) corrective measures required to comply; and
 - (c) time period within which such corrective measures must be performed.

SECTION 56 STOP ORDERS

- 56.1 As set forth in the MGA, the Development Authority is authorized to issue an Order under section 645 of the MGA if a development, land use or use of a building is not in accordance with the MGA, the Matters Related to Subdivision and Development Regulation, a development permit or subdivision approval, or this Bylaw.
- 56.2 A person who receives a Stop Order under Section 56.1 may appeal the order to the Subdivision and Development Appeal Board within 21 days after the date on which the order is made.

SECTION 57 ENFORCEMENT OF STOP ORDERS

- 57.1 Pursuant to section 646 of the MGA, if a person fails or refuses to comply with an order directed to the person under section 645 or an order of a Subdivision and Development Appeal Board under section 687, the designated officer may, in accordance with section 542, enter on the land or building and take any action necessary to carry out the order.
- 57.2 The Town may register a caveat under the Land Titles Act in respect of an order referred to in Section 56.1 against the certificate of title for the land that is the subject of an order.
- 57.3 If a caveat is registered under Section 57.2, the Town must discharge the caveat when the order has been complied with.
- 57.4 If compliance with a stop order is not voluntarily affected, the Town may undertake legal action, including but not limited to, seeking injunctive relief from the Alberta Court of King's Bench pursuant to section 554 of the MGA. In accordance with section 553 of the MGA, the expenses and costs of carrying out an order under section 646 of the MGA may be added to the tax roll of the parcel of land.

SECTION 58 PENALTIES AND RIGHT OF ENTRY

- 58.1 Any person who contravenes any provision of this Bylaw is guilty of an offence in accordance with the applicable provincial legislation.
- 58.2 In accordance with section 542 of the MGA, a designated officer may, after giving reasonable notice to and obtaining consent from the owner or occupier of land upon which this Bylaw or MGA authorizes anything to be inspected, remedied or enforced or done by a municipality:
- (a) enter on that land at a reasonable time and carry out inspection, enforcement, or action authorized or required by the enactment or bylaw;
 - (b) request anything to be produced to assist in the inspection, remedy, enforcement or action; and
 - (c) make copies of anything related to the inspection, remedy, enforcement or action.
- 58.3 If a person refuses to grant consent or refuses to produce anything to assist in the inspection, remedy, enforcement or action referred to in section 542 of the MGA, the municipality under the authority of section 543 of the MGA may obtain a court order.

AMENDMENTS

SECTION 59 AMENDMENTS TO THE LAND USE BYLAW

- 59.1 Subject to section 692 of the MGA, any Section or Part of this Bylaw may be amended in accordance with Section 59 of this Bylaw.
- 59.2 Any person may apply to amend this Bylaw by making an application using the application form provided in Appendix A for a site-specific or textual amendment and submitting it to the Development Officer for processing and referral to Council. For a site-specific amendment, a signed authorization of the registered owner(s) consenting to the application for amendment shall be required.
- 59.3 As part of the application referred to in Section 59.2, the applicant must provide the information required under Section 60 of this Bylaw.

- 59.4 A person making an application to amend this Bylaw for a purpose other than the clarification of an existing provision of this Bylaw shall be required to:
- (a) pay the Town an application fee as set by Council; and
 - (b) provide, in writing, authorization and the right of entry for the Development Authority to such lands or buildings as may be required for investigation of the proposed amendment.
- 59.5 Upon receipt of an application to amend the Land Use Bylaw, the Development Officer shall:
- (a) initiate or carry out any necessary investigation or analysis of the problems involved in or related to the amendment;
 - (b) prepare a report for Council on the proposed amendment; and
 - (c) submit a copy of the report and all supporting materials to Council.
- 59.6 If it appears that the proposed amendment is one which is applicable to and for the benefit of the Town of Nobleford at large, or most of the persons affected in one area, or to the entire district, then Council may direct that the application fee be returned to the applicant.
- 59.7 The Municipal Planning Commission may, at any time on its own motion, present for the consideration of Council any proposed amendment to this Bylaw.
- 59.8 Council may, at any time, initiate an amendment to this Bylaw, but prior to first reading of any proposed amendment the proposal shall be referred to the Development Authority for their report and recommendations.
- 59.9 Proposed amendments to this Bylaw are subject to those requirements and procedures set out in the MGA regarding enactment of bylaws, section 692 specifically.

SECTION 60 LAND USE REDESIGNATION APPLICATION REQUIREMENTS

- 60.1 An Area Structure Plan or Conceptual Design Scheme shall be required in conjunction with a redesignation application when the proposal meets the criteria of the Municipal Development Plan, an adopted Intermunicipal Development Plan or if requested by the Municipal Planning Commission or Council.
- 60.2 A request for redesignation from one land use district to another or text amendment which proposed to change criteria within the land use bylaw shall be accompanied by the following information:
- (a) a completed application form and fee;
 - (b) a narrative describing the:
 - (i) proposed designation and future use(s);
 - (ii) consistency with the Municipal Development Plan and applicable statutory plans;
 - (iii) consistency with the South Saskatchewan Regional Plan and any applicable provincial legislation or policies (i.e. Water Act, Wetland Policy, etc.);
 - (iv) compatibility of the proposal with surrounding uses and zoning;
 - (v) the suitability of the site, including identification of any constraints and/or hazard areas, (i.e. easements, soil conditions, topography, drainage, etc.);
 - (vi) viability of facilities and services (sewage disposal, domestic water, gas, electricity, fire and police protection, schools, etc.) to serve the subject property; and
 - (vii) access considerations including potential impacts on public roads;
 - (c) a diagram containing the following information prepared by a professional:

- (i) the dimensioned development potential of the site, including proposed location of structures, access point, and any constraints and/or hazard areas (i.e. easements, soil conditions, topography, drainage, etc.) and a conceptual subdivision design;
 - (ii) proposed location of facilities and services (sewage disposal, domestic water, gas, electricity) to serve the subject property dimensioned to property lines and structures;
 - (d) an evaluation of surface drainage which may include adjacent properties; and
 - (e) any other information deemed necessary by Council or the Municipal Planning Commission to properly evaluate the application and to understand the impacts and/or merits of the application.
- 60.3 Council or the Municipal Planning Commission may determine that some or all of the information under Section 60.2 is not necessary to be submitted with an application.
- 60.4 A determination that a redesignation application is complete by the Development Authority does not preclude the ability of Council to request additional information or studies to be submitted during the review and processing period, prior to a public hearing being held and closed.

SECTION 61 AREA STRUCTURE PLAN REQUIREMENT

- 61.1 An area structure plan may be required to be prepared, at the discretion of Council or the Municipal Planning Commission, in conjunction with a redesignation application or on its own, when any of the following apply:
- (a) more than four lots are proposed or could be created; or
 - (b) developments which include multi-unit dwellings or mixed-use developments; or
 - (c) large isolated or grouped industrial or commercial uses; or
 - (e) private recreation proposals; or
 - (f) the proposed development is of a size, intensity, location, or any combination of the three, that warrants the benefit of a plan prepared pursuant to sections 633, 636 and 692 of the MGA.

SECTION 62 DECISIONS ON AMENDMENTS TO THE LAND USE BYLAW

- 62.1 After considering the application and its supporting information, and representations made at the public hearing, and having regard for the South Saskatchewan Regional Plan, Municipal Development Plan, any other applicable statutory plan and this Bylaw, Council may, in accordance with section 216.4 of the MGA:
- (a) pass the proposed bylaw as is;
 - (b) amend the proposed bylaw, without the need for further advertising or hearing, and then pass it;
 - (c) refer the proposed bylaw back to administration for further review and/or changes, and reschedule the application for further consideration;
 - (d) amend the proposed bylaw and then refuse it;
 - (e) refuse the proposed bylaw as is.

SECTION 63 LAND USE REDESIGNATION REAPPLICATION

- 63.1 Where an application for an amendment to this Bylaw has been defeated by Council, another application that is the same or similar in nature may not be accepted until at least 12 months after the date of defeat, unless Council applies its discretion in accordance with section 63.2.

- 63.2 Council, at its sole discretion, may accept another application for an amendment to the Land Use Bylaw on a bylaw that was defeated, prior to the 12 months described in section 63.1, if the applicant applies in writing to Council and describes how the circumstances or proposal has changed to address Council's concerns on defeat of the previous bylaw, and Council is of the opinion the revised application may be accepted.

SECTION 64 RESCINDING LAND USE REDESIGNATION BYLAWS

- 64.1 Council, at its sole discretion, may rescind an amending bylaw which has redesignated certain lands within the municipality to accommodate a specific proposed subdivision and/or development. Council may rescind the said redesignation bylaw and rezone (redesignate) the lands back to their original designation within 24 months of the redesignation bylaw being given third and final reading if:
- (a) the proposed subdivision has not been applied for, decided upon or extended; and/or
 - (b) the proposed development has not been applied for, decided upon, commenced or extended; and
 - (c) Council is satisfied that, to the best of their determination, the developer has no intentions to proceed with the proposal that was the purpose of applying for the redesignation application.
- 64.2 The rescinding of the redesignation bylaw shall be undertaken in accordance with section 191 of the MGA.

LAND USE DISTRICTS

SECTION 1 GENERAL REQUIREMENTS

- 1.1 Land use districts and the associated district provisions are established for the Town of Nobleford in accordance with the Schedules of this Bylaw.
- 1.2 The municipality is divided into those districts as shown on the Town of Nobleford Land Use Districts Maps in Schedule 1.
- 1.3 Where a parcel contains more than one Land Use District, each designated area shall be treated as a separate entity for the purpose of determining compliance with the provisions of the Land Use District. Where land use zoning does not follow a property line, the applicant shall provide the dimensions of each zoned area on a site plan.

SECTION 2 ESTABLISHING LAND USE DISTRICTS

- 2.1 The land within the boundaries of the Town of Nobleford is divided into the Land Use Districts specified in Subsection 2.3 of this Schedule and delineated on the Town of Nobleford Land Use District Map specified in Section 4.
- 2.2 The intent and regulations for each land use district within the Town of Nobleford are prescribed in Subsection 2.3 of this Schedule and Schedule 2: Land Use Regulations.
- 2.3 For the purpose of this Bylaw, the Town is divided into the following land use districts and shall be known by the following identifying names and symbols:

LAND USE DISTRICT	DISTRICT PURPOSE AND INTENT
RESIDENTIAL – R1	The intent of this land use district is to encourage and ensure that residential and related development in the Town of Nobleford occurs in an attractive, orderly, economic and efficient manner.
SMALL LOT RESIDENTIAL – R2	The intent of this land use district is to encourage small residential lots to accommodate a variety of residential housing options, but primarily for smaller starter homes in the Town of Nobleford, and that development occurs in an attractive, orderly, economic and efficient manner
MULTI-UNIT RESIDENTIAL -R3	The intent of this land use district is to provide opportunities for multi-unit development in the Town of Nobleford, and that development occurs in an attractive, orderly, economic and efficient manner.
COTTAGE INDUSTRY RESIDENTIAL – R4	The intent of this land use district is to blend a high quality of residential development with opportunity for home-based business on large residential lots by promoting high quality residential and compatible commercial development yet restricting the types of uses that may occur.

LAND USE DISTRICT	DISTRICT PURPOSE AND INTENT
DOWNTOWN COMMERCIAL - DTC	To provide an area suited to intensive commercial uses, including the redevelopment of existing uses, which are convenient and attractive to pedestrians, while offering ready vehicular access and adequate parking.
COMMERCIAL / INDUSTRIAL - CI	The intent of this land use district is to encourage the efficient and planned development of the non-residential area of the Town and to ensure that commercial and industrial development is compatible with other land uses.
PUBLIC - P	The intent of this land use district is to ensure that the development of institutional, public and semi-public uses and facilities within the Town of Nobleford are compatible with other land uses.
URBAN RESERVE - UR	To be applied to larger parcels of land usually on the periphery of existing development. The district restricts uses and maintains parcels in larger sizes to allow maximum flexibility for use and development when the land is required for urban development.
DIRECT CONTROL - DC	The intent of this land use district is to provide a means whereby Council may regulate and control the use, development or subdivision of land or buildings within a specific area of the municipality where the circumstances relating to the development or subdivision of a site are such that regulation and control by use of the other land use districts in this bylaw is inadequate considering long-range planning goals and the greater public interest.

SECTION 3 LAND USE DISTRICT MAPS

- 3.1 The Town of Nobleford Land Use District Map may be amended from time to time in accordance with this Bylaw and are attached to and forms part of this Bylaw. The map establishes the land use designation (zoning) for each parcel of land within the Town boundary, as applicable.
- 3.2 The Land Use Districts Map shall among other things bear the following identification:
- (a) Town of Nobleford Land Use Districts Map;
 - (b) Land Use Bylaw number and any amending bylaw numbers;
 - (c) adoption date.
- 3.3 Where there is uncertainty or dispute about the exact location of a boundary of any district as shown on the Land Use Districts Maps, the location shall be determined by the application of the following rules. Where the district boundary is shown approximately following:
- (a) the boundary of a parcel of land, the parcel boundary shall be deemed to be the boundary of the district;
 - (b) in situations where a parcel of land is split zoned, the measurements on the Land Use Districts Map using the map scale shall apply or where Council has adopted an amending bylaw which approved

split zoning of a parcel of land, the measurements on the land use districts amendment bylaw that designated the area of land shall apply.

SECTION 4 LAND USE SUMMARY TABLE

- 4.1 The land use summary table below provides an overview of the permitted, discretionary and development officer discretionary uses in each district. If there are discrepancies between this table and those uses outlined in the districts, the uses outlined in the districts shall prevail.

P = Permitted Use DD = Development Officer Discretionary Use D = MPC Discretionary									
	Land Use Districts (Note: District Acronyms are identified in Section 2)								
Uses	R1	R2	R3	R4	DTC	CI	P	UR	DC
Accessory building, first, less than 83.6 m ² (900 ft ²)	P	P	P	P		P			
Accessory building, first, greater than 83.6 m ² (900 ft ²)	D			DD		DD			
Accessory building, first					P		P	D	
Accessory building, second or subsequent	DD	DD	DD	DD	DD		DD	D	
Accessory structure	P	P	P	P	P	P			
Accessory use	DD	DD	DD	DD	DD	DD	P	D	
Anhydrous ammonia and other bulk fertilizer storage						D			
Arcade					D				
Automotive sales and service					D	D			
Bakery					P				
Bulk oil station						D			
Campground								D	
Cannabis production facility						D			
Cannabis retail store					D				
Childcare facility	D	D	D				DD		
Civic and government office							P		
Community hall							P		
Construction trade						P			
Cottage industry in conjunction with an approved dwelling				D					
Day home	P	P							

P = Permitted Use DD = Development Officer Discretionary Use D = MPC Discretionary									
	Land Use Districts (Note: District Acronyms are identified in Section 2)								
Uses	R1	R2	R3	R4	DTC	CI	P	UR	DC
Dwelling:									
Apartment building			D						
Modular home	P	P	D	P					
Moved-in dwelling	DD	DD	D						
Multi-unit (up to four units)			P						
Multi-unit (greater than four units)			D						
One-unit – Site built	P	P	D	P					
Ready-to-move home	P	P	D	P					
Rowhouse (up to four units)			P						
Rowhouse (greater than four units)			D						
Secondary suite	D	D	D						
Two-unit	D	D	P						
Extensive agriculture								P	
Farm machinery sales, rental and service						P			
Financial institution					P				
Funeral home					D				
Golf course								D	
Grain elevator						D			
Greenhouse						D			
Heavy manufacturing and industry						D			
Home occupation A	P	P	P						
Home occupation B	D	D	D						
Hotel / motel					P				
Industrial use requiring spur trackage						D			
Institutional	D	D	D	D					
Intermodal container – Temporary	P	P	P	P	DD				
Intermodal container						P	P	D	
Licensed lounge					D				
Light industry/manufacturing						P			

P = Permitted Use DD = Development Officer Discretionary Use D = MPC Discretionary									
	Land Use Districts (Note: District Acronyms are identified in Section 2)								
Uses	R1	R2	R3	R4	DTC	CI	P	UR	DC
Lumber yard/building supply						P			
Market garden								D	
Mixed use					D				
Moved-in building	D	D	D	DD	DD				
Municipal facility							P		
Non-noxious manufacturing and processing facility						DD			
Nursery								D	
Office					P				
Outdoor storage						DD			
Park and playground	DD	DD	DD	D				D	
Parking area and structure					D				
Personal service					P				
Place of worship							P		
Post office					P				
Private club or fraternal organization							D		
Public utility	DD	DD	DD	D			P		
Railway and railway installation						P			
Recreation and sports field								D	
Residential accommodation in conjunction with an approved use					D	D			
Restaurant					P				
Retail Store					P				
School							P		
Seed cleaning plant						D			
Seniors supportive housing facility							D		
Service station/gas bar						D			
Short-term rental	D	D							
Sign					DD	P	P	D	

P = Permitted Use DD = Development Officer Discretionary Use D = MPC Discretionary									
	Land Use Districts (Note: District Acronyms are identified in Section 2)								
Uses	R1	R2	R3	R4	DTC	CI	P	UR	DC
Small equipment sales, rental and service					D				
Solar energy system, individual, roof or wall mounted	P	P	P	P	P	P	P		
Truck or car wash						D			
Truck transportation dispatch/depot						DD			
Utility								D	
Veterinary clinic						D			
Warehousing and indoor storage facility						DD			
Workshop accessory to retail store					D				

RESIDENTIAL – R1

INTENT

The intent of this land use district is to encourage and ensure that residential and related development in the Town of Nobleford occurs in an attractive, orderly, economic and efficient manner.

SECTION 1 LAND USES

1.1 Permitted Uses

Uses	Use Specific Standards of Development
Accessory building, first, less than 83.6 m ² (900 ft ²)	
Accessory structure	
Day home	Schedule 6, Section 6
Dwelling: Modular home One-unit – Site built Ready-to-move home	Schedule 6, Section 9
Home occupation A	Schedule 6, Section 7
Intermodal container - Temporary	Schedule 6, Section 8
Solar energy system, individual, roof or wall mounted	Schedule 6, Section 14

1.2 Discretionary Uses – Development Officer

Uses	Use Specific Standards of Development
Accessory building, second or subsequent less than 83.6 m ² (900 ft ²)	
Accessory use	
Dwelling: Moved-in	Schedule 6, Section 10
Park and playground	
Public utility	

1.3 Discretionary Uses – Municipal Planning Commission

Uses	Use Specific Standards of Development
Accessory building, greater than 83.6 m ² (900 ft ²)	
Childcare facility	Schedule 6, Section 5
Dwelling: Secondary suite Two-unit	Schedule 6, Section 11
Home occupation B	Schedule 6, Section 7
Institutional	
Moved-in building	Schedule 6, Section 10
Short-term rental	Schedule 6, Section 13

SECTION 2 MINIMUM LOT SIZE

2.1 Minimum lot sizes are as follows:

Use	Width		Length		Area	
	m	ft	m	ft	m ²	ft ²
Dwelling: One-unit	15.2	50	36.5	120	419.8	4560
Dwelling: Two-unit side-by-side back-to-back (each unit)	20.0	66	36.5	120	730.0	7920
	15.2	50	16.8	55	348.0	2850
All other uses	As required by the Municipal Planning Commission or Development Officer					

The Development Authority may approve a development on an existing registered lot the minimum dimensions or area of which are less than those specified in this district provided that the minimum area is at least 232.3 m² (2,500 sq. ft.).

SECTION 3 MINIMUM SETBACK REQUIREMENTS

3.1 Minimum setbacks are as follows:

Use	Front Yard		Secondary Front (Corner Lots)		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft	m	ft
Dwelling: Modular home One-unit Ready-to-move home Two-unit (side by side)	7.6	25	3.8	12.5	1 @1.5 1 @1.5	5 5	7.6	25
Dwelling: Two-unit (back-to-back)	7.6	25	3.8	12.5	1 @1.5 1 @1.5	5 5	--	--
Accessory building, exempt shed	7.6	25	3.8	12.5	0.6	2	0.6	2
Accessory building	7.6	25	3.8	12.5	1.5	5	1.5	5
Accessory building, detached garage	7.6	25	3.1	12.5	1.5	5	1.5	5
All other uses	As required by the Municipal Planning Commission							

3.2 The Development Authority may require increased building setbacks if such setbacks would:

- (a) help avoid land use conflict; or
- (b) enhance the appearance of the area; or
- (c) avoid existing registered easements.

3.3 The Development Authority may waive the building setback requirement in a well-established residential area if, in their opinion, the setback is in accordance with the prevailing yard pattern.

- 3.4 The following features may, subject to the relevant provisions of Safety Codes, project into the required setbacks under this bylaw:
- (a) eaves, fireplaces, belt courses, bay windows, cornices, sills or other similar architectural features attached to the principal dwelling may project over a side setback as permitted under the relevant provisions of Safety Codes and over a front or rear setback a distance not to exceed 1.2 m (4 ft);
 - (b) unenclosed steps or unenclosed fire escapes, wheelchair ramp, fences or walls to the property line, driveways, curbs and sidewalks, off-street parking, cooling units not to exceed 0.9 m (3 ft), mailboxes, landscaping, fish ponds, ornaments, flagpoles (less than 4.6 m (15 ft) in height), temporary swimming pools and signs may project over a side, front or rear setback at the discretion of the Development Officer or the Municipal Planning Commission.
- 3.5 Where a laneway or roadway has reduced the size of a lot by cutting off a corner of the lot, the minimum setback requirements shall apply to the portions of the lot that have not been cut-off by the laneway or roadway.
- 3.6 Secondary front yard means a yard on a corner lot with street frontage but which is not the frontage where the main entrance to the building or development is oriented or is the yard which is designated the secondary front by the Development Authority. (see Figure 2.1)

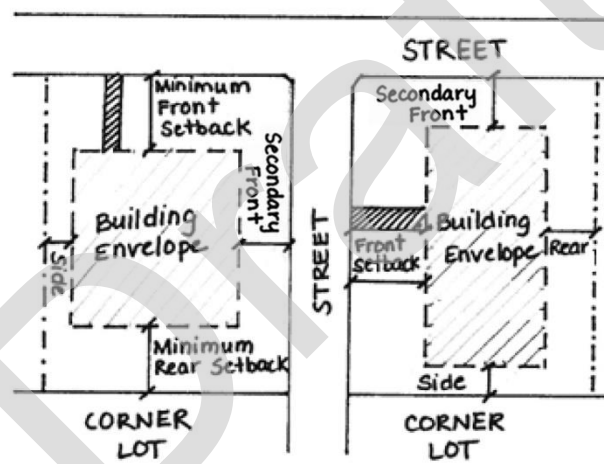


Figure 2.1

- 3.7 Modular, ready-to-move and moved-in detached dwellings developed and sited in a like manner shall be treated as conventional One-unit – Site built dwellings by the Municipal Planning Commission and subject to the same lot size and setback requirements.
- 3.9 The Development Officer may require a professionally prepared surveyor's sketch or site plan in order to certify the distance from the sidewalk to the property line or any other distance required to evaluate an application.
- (a) For lots within Blocks 27 and 28, Plan 141 2353, the minimum rear yard setback shall be 1.5 m (5 ft.).

SECTION 4 MAXIMUM SITE COVERAGE

- 4.1 Total lot coverage – 45%
(Inclusive of all dwellings, accessory buildings and structures)
- 4.2 Accessory buildings – 10%
The combined total of all accessory buildings (shed, garages, accessory buildings) shall cover not more than 10% of the surface area of a lot. Accessory buildings must be subordinate to the principal dwelling.
- 4.3 Hard surfaced parking pads, walkway, and/or paving stones or similar impervious ground cover is limited to a maximum of 50% of the lot (front, side and rear) not covered by the dwelling and accessory buildings and structures, unless approved otherwise by a development permit.

SECTION 5 FLOOR AREA

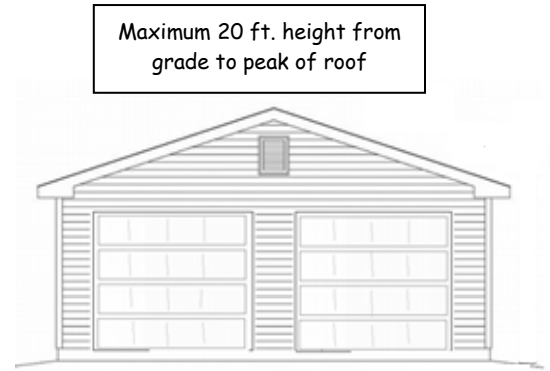
- 5.1 Minimum main floor area:
- (a) One-unit – Site built dwelling, Ready-to-move home, Modular home – 74.3 m² (800 ft²)
 - (b) Two-unit dwelling – 74.3 m² (800 ft²) per unit
 - (c) All other uses – As required by the Development Authority
- 5.2 The total floor area of any accessory building and/or attached garage must be less than the main floor area of the principal building.

SECTION 6 MAXIMUM BUILDING HEIGHT (measured to peak of roof)

- 6.1 Maximum building height:
- (a) Principal building – 11.0 m (36 ft)
 - (b) Accessory buildings – 6.0 m (20 ft)

SECTION 7 ACCESSORY BUILDINGS AND STRUCTURES

- 7.1 Where a structure is attached to the principal building on a site by a roof, an open or enclosed structure, a floor or foundation, it is to be considered a part of the principal building and is not an accessory building.
- 7.2 No accessory building, structure or use shall be allowed:
- (a) on a lot without an approved principal dwelling or use,
 - (b) to be located in the front yard of the principal structure.
- 7.3 The first accessory building, which is 9.3 m² (100 ft²) or less in area, placed on a lot does not require a development permit, but any second or subsequent accessory building shall require a development permit and the Development Authority may limit the number of accessory buildings on a lot.



- 7.4 Accessory buildings, structures and uses that are not specifically included within a development permit require a separate development permit application.
- 7.5 Detached garages shall have a minimum separation of 3.1 m (10 ft) from the foundation of any dwellings or buildings.
- 7.6 Accessory buildings and structures shall be set back from a side lot line or rear lot line in accordance with Section 3.1 and all drainage is conducted to the appropriate storm drain via the applicant's own property.
- 7.7 As a condition of a permit, the Development Authority may stipulate specific requirements for the type of foundation, fastening or tie-down system, finish, colour, roof pitch, and materials to be applied to an accessory building or structure.
- 7.8 A carport is permitted in a side yard but shall not be less than 1.5 metres (5 ft.) from a side lot line.
- 7.9 The side yard requirement for a principal building with an attached garage shall be the same as for a principal building except on irregular-shaped lots where two-thirds of the building is not less than 1.5 metres (5 ft.) from the side lot line.

SECTION 8 DEVELOPMENT NOT REQUIRING A PERMIT – See Schedule 3

SECTION 9 RESIDENTIAL STANDARDS OF DEVELOPMENT– See Schedule 4

SECTION 10 USE SPECIFIC STANDARDS OF DEVELOPMENT – See Schedule 6

Draft

SMALL LOT RESIDENTIAL – R2

INTENT

The intent of this land use district is to encourage small residential lots to accommodate a variety of residential housing options, but primarily for smaller starter homes in the Town of Nobleford, and that development occurs in an attractive, orderly, economic and efficient manner.

SECTION 1 LAND USES

1.1 Permitted Uses

Uses	Use Specific Standards of Development
Accessory building, first, less than 83.6 m ² (900 ft ²)	
Accessory structure	
Day home	Schedule 6, Section 6
Dwelling: Modular home One-unit – Site built Ready-to-move home	Schedule 6, Section 9
Home occupation A	Schedule 6, Section 7
Intermodal container -Temporary	Schedule 6, Section 8
Solar energy system, individual, roof or wall mounted	Schedule 6, Section 14

1.2 Discretionary Uses – Development Officer

Uses	Use Specific Standards of Development
Accessory building, second or subsequent	
Accessory use	
Dwelling: Moved-in	Schedule 6, Section 10
Park and playground	
Public utility	

1.3 Discretionary Uses – Municipal Planning Commission

Uses	Use Specific Standards of Development
Childcare facility	Schedule 6, Section 5
Dwelling: Secondary suite Two-unit	Schedule 6, Section 11
Home occupation B	Schedule 6, Section 7
Institutional	
Moved-in building	Schedule 6, Section 10
Short-term rental	

1.4 Prohibited Uses: Accessory building greater than 83.6 m² (900 ft²)

SECTION 2 MINIMUM LOT SIZE

2.1 Minimum lot sizes are as follows:

Use	Width		Length		Area	
	m	ft	m	ft	m ²	ft ²
Dwelling: One-unit Modular Home One-unit – Site built Ready-to-move	11.5	38	35.1	115	407.2	4370
Dwelling: Two-unit Side-by-Side Back-to-Back (each unit)	22.9	75	35.1	115	801.3	8625
	12.8	42	17.0	55	348.0	2850
All other uses	As required by the Municipal Planning Commission or Development Officer					

The Development Authority may approve a development on an existing registered lot the minimum dimensions or area of which are less than those specified in this district provided that the minimum area is at least 204.4 m² (2,200 sq. ft.).

SECTION 3 MINIMUM SETBACK REQUIREMENTS

3.1 Minimum setbacks are as follows:

Use	Front Yard		Secondary Front (Corner Lots)		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft	m	ft
Dwelling: Modular home One-unit – Site built Ready-to-move home Two-unit (side by side)	7.6	25	3.8	12.5	1 @1.5 1 @1.5	5 5	7.6	25
Dwelling: Two-unit (back-to-back)	7.6	25	3.8	12.5	1 @1.5 1 @1.5	5 5	--	--
Accessory building, exempt shed	--	--	--	12.5	0.6	2	0.6	2
Accessory building	--	--	--	12.5	1.2	4	1.5	5
Accessory building, detached garage	--	--	--	12.5	1.5	5	1.5	5
All lots, Block 26, Plan 091 4115	7.6	25	3.8	12.5	1 @1.5 1 @1.5	5 5	1.5	5
All other uses	As required by the Municipal Planning Commission							

3.2 The Development Authority may require increased building setbacks if such setbacks would:

- (a) help avoid land use conflict; or
- (b) enhance the appearance of the area; or
- (c) avoid existing registered easements.

- 3.3 The Development Authority may waive the building setback requirement in a well-established residential area if, in their opinion, the setback is in accordance with the prevailing yard pattern.
- 3.4 The following features may, subject to the relevant provisions of Safety Codes, project into the required setbacks under this bylaw:
- (a) eaves, fireplaces, belt courses, bay windows, cornices, sills or other similar architectural features attached to the principal dwelling may project over a side setback as permitted under the relevant provisions of Safety Codes and over a front or rear setback a distance not to exceed 1.2 m (4 ft);
 - (b) unenclosed steps or unenclosed fire escapes, wheelchair ramp, fences or walls to the property line, driveways, curbs and sidewalks, off-street parking, cooling units not to exceed 0.9 m (3 ft), mailboxes, landscaping, fish ponds, ornaments, flagpoles (less than 4.6 m (15 ft) in height), temporary swimming pools and signs may project over a side, front or rear setback at the discretion of the Development Officer or the Municipal Planning Commission.
- 3.5 Where a laneway or roadway has reduced the size of a lot by cutting off a corner of the lot, the minimum setback requirements shall apply to the portions of the lot that have not been cut-off by the laneway or roadway.
- 3.6 Secondary front yard means a yard on a corner lot with street frontage but which is not the frontage where the main entrance to the building or development is oriented or is the yard which is designated the secondary front by the Development Authority. (see Figure 2.1)

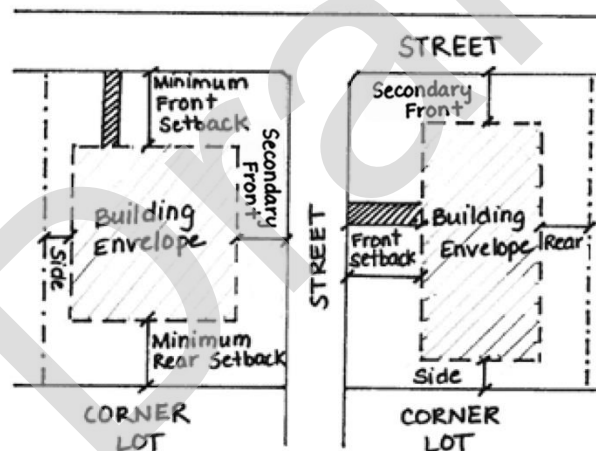


Figure 2.1

- 3.7 Modular, ready-to-move and moved-in detached dwellings developed and sited in a like manner shall be treated as conventional One-unit – Site built dwellings by the Municipal Planning Commission and subject to the same lot size and setback requirements.
- 3.9 The Development Officer may require a professionally prepared surveyor's sketch or site plan in order to certify the distance from the sidewalk to the property line or any other distance required to evaluate an application.

SECTION 4 MAXIMUM SITE COVERAGE

- 4.1 Total lot coverage – 50%
(Inclusive of all dwellings, accessory buildings and structures)
- 4.2 Accessory buildings – 10%

The combined total of all accessory buildings (shed, garages, accessory buildings) shall cover not more than 10% of the surface area of a lot. Accessory buildings must be subordinate to the principal dwelling.

- 4.3 Hard surfaced parking pads, walkway, and/or paving stones or similar impervious ground cover is limited to a maximum of 50% of the lot (front, side and rear) not covered by the dwelling and accessory buildings and structures, unless approved otherwise by a development permit.

SECTION 5 FLOOR AREA

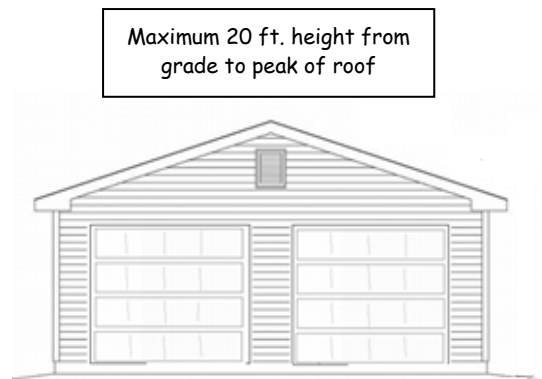
- 5.1 Minimum main floor area:
- (a) Dwelling: One-unit – Site built, Modular home, Ready-to-move home – 74.3 m² (800 ft²)
 - (b) Two-unit dwelling – 74.3 m² (800 ft²) per unit
 - (c) All other uses – As required by the Development Authority
- 5.2 The total floor area of any accessory building and/or attached garage must be less than the main floor area of the principal building.

SECTION 6 MAXIMUM BUILDING HEIGHT (measured to peak of roof)

- 6.1 Maximum building height:
- (a) Principal building – 11.0 m (36 ft)
 - (b) Accessory buildings – 6.0 m (20 ft)

SECTION 7 ACCESSORY BUILDINGS AND STRUCTURES

- 7.1 Where a structure is attached to the principal building on a site by a roof, an open or enclosed structure, a floor or foundation, it is to be considered a part of the principal building and is not an accessory building.
- 7.2 No accessory building, structure or use shall be allowed:
- (a) on a lot without an approved principal dwelling or use,
 - (b) to be located in the front yard of the principal structure.



- 7.3 The first accessory building, which is 9.3 m² (100 ft²) or less in area, placed on a lot does not require a development permit, but any second or subsequent accessory building shall require a development permit and the Development Authority may limit the number of accessory buildings on a lot.
- 7.4 Accessory buildings, structures and uses that are not specifically included within a development permit require a separate development permit application.
- 7.5 Detached garages shall have a minimum separation of 3.1 m (10 ft) from the foundation of any dwellings or buildings.

- 7.6 Accessory buildings and structures shall be set back from a side lot line or rear lot line in accordance with Section 3.1 and all drainage is conducted to the appropriate storm drain via the applicant's own property.
- 7.7 As a condition of a permit, the Development Authority may stipulate specific requirements for the type of foundation, fastening or tie-down system, finish, colour, roof pitch, and materials to be applied to the accessory building or structure.
- 7.8 A carport is permitted in a side yard but shall not be less than 1.5 metres (5 ft.) from a side lot line.

SECTION 8 DEVELOPMENT NOT REQUIRING A PERMIT – See Schedule 3

SECTION 9 RESIDENTIAL STANDARDS OF DEVELOPMENT– See Schedule 4

SECTION 10 USE SPECIFIC STANDARDS OF DEVELOPMENT – See Schedule 6

Draft

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MULTI-UNIT RESIDENTIAL – R3

INTENT

The intent of this land use district is to provide opportunities for multi-unit development in the Town of Nobleford, and that development occurs in an attractive, orderly, economic and efficient manner.

SECTION 1 LAND USES

1.1 Permitted Uses

Uses	Use Specific Standards of Development
Accessory building, first, less than 83.6 m ² (900 ft ²)	
Accessory structure	
Dwelling: Multi-unit (up to four units) Rowhouse (up to four units) Two-unit	
Home occupation A	Schedule 6, Section 7
Intermodal container - Temporary	Schedule 6, Section 8
Solar energy system, individual, roof or wall mounted	Schedule 6, Section 14

1.2 Discretionary Uses – Development Officer

Uses	Use Specific Standards of Development
Accessory building, second or subsequent	
Accessory use	
Park and playground	
Public utility	

1.3 Discretionary Uses – Municipal Planning Commission

Uses	Use Specific Standards of Development
Childcare facility	Schedule 6, Section 5
Dwelling: Apartment building Modular home Moved-in Multi-unit (greater than four units) One-unit – Site built Ready-to-Move home Rowhouse (greater than four units) Secondary suite	Schedule 6, Section 9 Schedule 6, Section 10 Schedule 6, Section 11
Home occupation B	Schedule 6, Section 7
Institutional	
Moved-in building	Schedule 6, Section 10

SECTION 2 MINIMUM LOT SIZE

2.1 Minimum lot sizes are as follows:

Use	Width		Length		Area	
	m	ft	m	ft	m ²	ft ²
Dwelling: One-unit Modular home One-unit – Site built Ready-to-move home	15.2	50	35.1	115	534.2	4750
Dwelling: Two-unit Side-by-Side Back-to-Back (each unit)	22.9 12.8	75 42	35.1 17.0	115 55	801.3 348.0	8625 2850
Dwelling: Multi-unit (up to four units)	22.9	75	35.1	115	801.3	8625
Dwelling: Rowhouse, Interior unit Rowhouse, End-unit	22.9 12.8	75 42	35.1 17.0	115 55	801.3 348.0	8625 2850
All other uses	As required by the Municipal Planning Commission or Development Officer					

SECTION 3 MINIMUM SETBACK REQUIREMENTS

3.1 Minimum setbacks are as follows:

Use	Front Yard		Secondary Front (Corner Lots)		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft	m	ft
Dwelling: Modular home Multi-unit (up to four units) One-unit – Site built Ready-to-move home Two-unit (side by side)	7.6	25	3.8	12.5	1 @1.5 1 @1.5	5 5	7.6	25
Accessory building, exempt shed	--	--	--	12.5	0.6	2	0.6	2
Accessory building	--	--	--	12.5	1.2	4	1.5	5
Accessory building, detached garage	--	--	--	12.5	1.5	5	1.5	5
All other uses	As required by the Municipal Planning Commission							

3.2 The Development Authority may require increased building setbacks if such setbacks would:

- (a) help avoid land use conflict; or
- (b) enhance the appearance of the area; or

- (c) avoid existing registered easements.
- 3.3 The Development Authority may waive the building setback requirement in a well-established residential area if, in their opinion, the setback is in accordance with the prevailing yard pattern.
- 3.4 The following features may, subject to the relevant provisions of Safety Codes, project into the required setbacks under this bylaw:
 - (a) eaves, fireplaces, belt courses, bay windows, cornices, sills or other similar architectural features attached to the principal dwelling may project over a side setback as permitted under the relevant provisions of Safety Codes and over a front or rear setback a distance not to exceed 1.2 m (4 ft);
 - (b) unenclosed steps or unenclosed fire escapes, wheelchair ramp, fences or walls to the property line, driveways, curbs and sidewalks, off-street parking, cooling units not to exceed 0.9 m (3 ft), mailboxes, landscaping, fish ponds, ornaments, flagpoles (less than 4.6 m (15 ft) in height), temporary swimming pools and signs may project over a side, front or rear setback at the discretion of the Development Officer or the Municipal Planning Commission.
- 3.5 Where a laneway or roadway has reduced the size of a lot by cutting off a corner of the lot, the minimum setback requirements shall apply to the portions of the lot that have not been cut-off by the laneway or roadway.
- 3.6 Secondary front yard means a yard on a corner lot with street frontage but which is not the frontage where the main entrance to the building or development is oriented or is the yard which is designated the secondary front by the Development Authority. (see Figure 2.1)

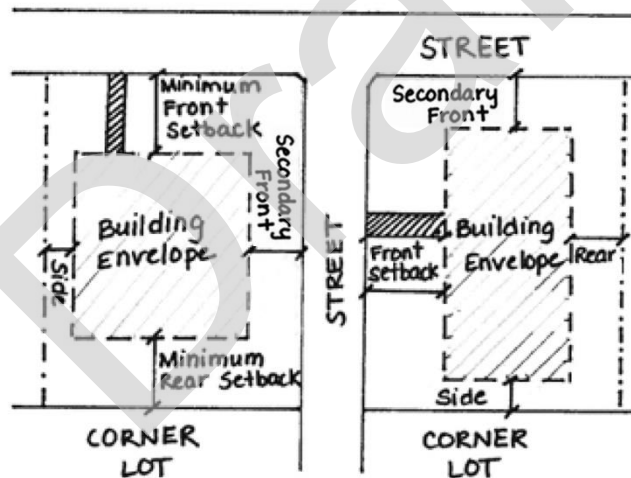


Figure 2.1

- 3.7 Modular, ready-to-move and moved-in detached dwellings developed and sited in a like manner shall be treated as conventional One-unit – Site built dwellings by the Municipal Planning Commission and subject to the same lot size and setback requirements.
- 3.9 The Development Officer may require a professionally prepared surveyor's sketch or site plan in order to certify the distance from the sidewalk to the property line or any other distance required to evaluate an application.

SECTION 4 MAXIMUM SITE COVERAGE

- 4.1 Total lot coverage – 60%
(Inclusive of all dwellings, accessory buildings and structures)

4.2 Accessory buildings – 10%

The combined total of all accessory buildings (shed, garages, accessory buildings) shall cover not more than 10% of the surface area of a lot. Accessory buildings must be subordinate to the principal dwelling.

4.4 Hard surfaced parking pads, walkway, and/or paving stones or similar impervious ground cover is limited to a maximum of 50% of the lot (front, side and rear) not covered by the dwelling and accessory buildings and structures, unless approved otherwise by a development permit.

SECTION 5 FLOOR AREA

5.1 Minimum main floor area:

- (a) Dwelling: One-unit – Site built, Modular, Ready-to-move – 74.3 m² (800 ft²)
- (b) Multi-unit dwelling – 74.3 m² (800 ft²) per unit
- (c) All other uses – As required by the Development Authority

5.2 The total floor area of any accessory building and/or attached garage must be less than the main floor area of the whole principal building if the accessory building serves the entire multi-unit development or the accessory building must be less than the main floor of the individual unit if it serves only one unit.

SECTION 6 MAXIMUM BUILDING HEIGHT (measured to peak of roof)

6.1 Maximum building height:

- (a) Principal building – 11.0 m (36 ft)
- (b) Accessory buildings – 6.0 m (20 ft)

Maximum 20 ft. height from
grade to peak of roof

SECTION 7 ACCESSORY BUILDINGS AND STRUCTURES

7.1 Where a structure is attached to the principal building on a site by a roof, an open or enclosed structure, a floor or foundation, it is to be considered a part of the principal building and is not an accessory building.



7.2 No accessory building, structure or use shall be allowed:

- (a) on a lot without an approved principal dwelling or use,
- (b) to be located in the front yard of the principal structure.

7.3 The first accessory building, which is 9.3 m² (100 ft²) or less in area, placed on a lot does not require a development permit, but any second or subsequent accessory building shall require a development permit and the Development Authority may limit the number of accessory buildings on a lot.

7.4 Accessory buildings, structures and uses that are not specifically included within a development permit require a separate development permit application.

- 7.5 Detached garages shall have a minimum separation of 3.1 m (10 ft) from the foundation of any dwellings or buildings.
- 7.6 Accessory buildings and structures shall be set back from a side lot line or rear lot line in accordance with Section 4.1 and all drainage is conducted to the appropriate storm drain via the applicant's own property.
- 7.7 As a condition of a permit, the Development Authority may stipulate specific requirements for the type of foundation, fastening or tie-down system, finish, colour, roof pitch, and materials to be applied to the accessory building or structure.
- 7.8 A carport is permitted in a side yard but shall not be less than 1.5 metres (5 ft.) from a side lot line.

SECTION 8 DEVELOPMENT NOT REQUIRING A PERMIT – See Schedule 3

SECTION 9 RESIDENTIAL STANDARDS OF DEVELOPMENT– See Schedule 4

SECTION 10 USE SPECIFIC STANDARDS OF DEVELOPMENT – See Schedule 6

Draft

COTTAGE INDUSTRY RESIDENTIAL – R4

INTENT

The intent of this land use district is to blend a high quality of residential development with opportunity for home-based business on large residential lots by promoting high quality residential and compatible commercial development yet restricting the types of uses that may occur.

SECTION 1 LAND USES

1.1 Permitted Uses

Uses	Use Specific Standards of Development
Accessory building, first, less than 83.6 m ² (900 ft ²)	
Accessory structure	
Dwelling: Modular home One-unit – Site built Ready-to-move home	Schedule 6, Section 9 Schedule 6, Section 10
Intermodal container - Temporary	Schedule 6, Section 8
Solar energy system, individual, roof or wall mounted	Schedule 6, Section 14

1.2 Discretionary Uses – Development Officer

Uses	Use Specific Standards of Development
Accessory building, greater than 83.6 m ² (900 ft ²)	
Accessory building, second or subsequent	
Accessory use	
Moved-in building	Schedule 6, Section 10

1.3 Discretionary Uses – Municipal Planning Commission

Uses	Use Specific Standards of Development
Cottage industry in conjunction with an approved dwelling	
Institutional	
Park and playground	
Public utility	

1.4 Prohibited Uses: Retail store Noxious manufacturing

SECTION 2 MINIMUM LOT SIZE

2.1 Minimum lot sizes are as follows:

Use	Width		Length		Area	
	m	ft	m	ft	m ²	ft ²
Dwelling: One-unit Modular Home One-unit – Site built Ready-to-move					1100	11,840
All other uses	As required by the Municipal Planning Commission or Development Officer					

SECTION 3 MINIMUM SETBACK REQUIREMENTS

3.1 Minimum setbacks are as follows:

Use	Front Yard		Secondary Front (Corner Lots)		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft	m	ft
Dwelling: Modular home One-unit – Site built Ready-to-move home	7.6	25	3.8	12.5	1 @1.5 1 @1.5	5 5	7.6	25
Accessory building, exempt shed	--	--	--	12.5	0.6	2	0.6	2
Accessory building	--	--	--	12.5	1.2	4	1.5	5
Accessory building, detached garage	--	--	--	12.5	1.5	5	1.5	5
All other uses	As required by the Municipal Planning Commission							

3.2 The Development Authority may require increased building setbacks if such setbacks would:

- (a) help avoid land use conflict; or
- (b) enhance the appearance of the area; or
- (c) avoid existing registered easements.

3.3 The Development Authority may waive the building setback requirement in a well-established residential area if, in their opinion, the setback is in accordance with the prevailing yard pattern.

3.4 The following features may, subject to the relevant provisions of Safety Codes, project into the required setbacks under this bylaw:

- (a) eaves, fireplaces, belt courses, bay windows, cornices, sills or other similar architectural features attached to the principal dwelling may project over a side setback as permitted under the relevant provisions of Safety Codes and over a front or rear setback a distance not to exceed 1.2 m (4 ft);
- (b) unenclosed steps or unenclosed fire escapes, wheelchair ramp, fences or walls to the property line, driveways, curbs and sidewalks, off-street parking, cooling units not to exceed 0.9 m (3 ft), mailboxes, landscaping, fish ponds, ornaments, flagpoles (less than 4.6 m (15 ft) in height), temporary swimming pools

and signs may project over a side, front or rear setback at the discretion of the Development Officer or the Municipal Planning Commission.

- 3.5 Where a laneway or roadway has reduced the size of a lot by cutting off a corner of the lot, the minimum setback requirements shall apply to the portions of the lot that have not been cut-off by the laneway or roadway.
- 3.6 Secondary front yard means a yard on a corner lot with street frontage but which is not the frontage where the main entrance to the building or development is oriented or is the yard which is designated the secondary front by the Development Authority. (see Figure 2.1)

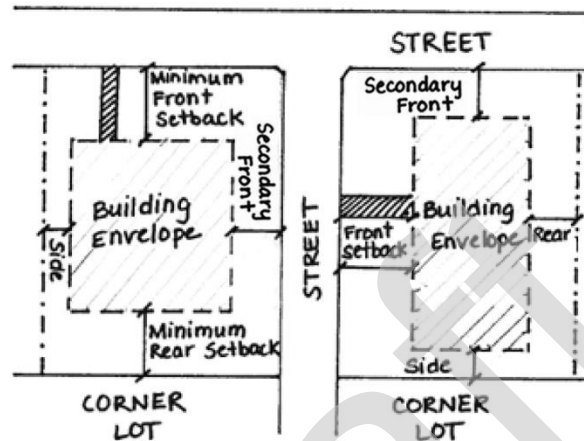


Figure 2.1

- 3.7 Modular, ready-to-move and moved-in detached dwellings developed and sited in a like manner shall be treated as conventional One-unit – Site built dwellings by the Municipal Planning Commission and subject to the same lot size and setback requirements.
- 3.9 The Development Officer may require a professionally prepared surveyor's sketch or site plan in order to certify the distance from the sidewalk to the property line or any other distance required to evaluate an application.

SECTION 4 MAXIMUM SITE COVERAGE

- 4.1 Total lot coverage – 35%
(Inclusive of all dwellings, accessory buildings and structures)
- 4.2 Accessory buildings – 15% or to a maximum of 223.0 m² (1200 ft².)
The combined total of all accessory buildings (shed, garages, accessory buildings) shall cover not more than 10% of the surface area of a lot. Accessory buildings must be subordinate to the principal dwelling.
- 4.3 Other development shall be at the discretion of the Development Authority.
- 4.4 Hard surfaced parking pads, walkway, and/or paving stones or similar impervious ground cover is limited to a maximum of 50% of the lot (front, side and rear) not covered by the dwelling and accessory buildings and structures, unless approved otherwise by a development permit.

SECTION 5 FLOOR AREA

- 5.1 Minimum main floor area:

- (a) Dwelling: One-unit – Site built, Modular, Ready-to-move – 111.48 m² (1200 ft²)
 - (b) All other uses – As required by the Development Authority
- 5.2 The total floor area of any accessory building and/or attached garage must be less than the main floor area of the principal building.

SECTION 6 MAXIMUM BUILDING HEIGHT (measured to peak of roof)

- 6.1 Maximum building height:
- (a) Principal building – 12.2 m (40 ft)
 - (b) Accessory buildings – 6.0 m (20 ft)

SECTION 7 ACCESSORY BUILDINGS AND STRUCTURES

- 7.1 Where a structure is attached to the principal building on a site by a roof, an open or enclosed structure, a floor or foundation, it is to be considered a part of the principal building and is not an accessory building.
- 7.2 No accessory building, structure or use shall be allowed:
- (a) on a lot without an approved principal dwelling or use,
 - (b) to be located in the front yard of the principal structure.
- 7.3 The first accessory building, which is 9.3 m² (100 ft²) or less in area, placed on a lot does not require a development permit, but any second or subsequent accessory building shall require a development permit, and the Development Authority may limit the number of accessory buildings on a lot.
- 7.4 Accessory buildings, structures and uses that are not specifically included within a development permit require a separate development permit application.
- 7.5 Accessory buildings shall have a minimum separation of 6.2 m (20 ft) from the foundation of any dwellings or buildings.
- 7.6 Accessory buildings and structures shall be set back from a side lot line or rear lot line in accordance with Section 3.1 and all drainage is conducted to the appropriate storm drain via the applicant's own property.
- 7.7 As a condition of a permit, the Development Authority may stipulate specific requirements for the type of foundation, fastening or tie-down system, finish, colour, roof pitch, and materials to be applied to the accessory building or structure.
- 7.8 A carport is permitted in a side yard but shall not be less than 1.5 metres (5 ft.) from a side lot line.

Maximum 20 ft. height from
grade to peak of roof



SECTION 8 DEVELOPMENT NOT REQUIRING A PERMIT – See Schedule 3

SECTION 9 RESIDENTIAL STANDARDS OF DEVELOPMENT– See Schedule 4

SECTION 10 USE SPECIFIC STANDARDS OF DEVELOPMENT – See Schedule 6

Draft

Draft

DOWNTOWN COMMERCIAL – DTC

INTENT

To provide an area suited to intensive commercial uses, including the redevelopment of existing uses, which are convenient and attractive to pedestrians, while offering ready vehicular access and adequate parking.

SECTION 1 LAND USES

1.1 Permitted Uses

Uses	Use Specific Standards of Development
Accessory building, first	
Accessory structure	
Bakery	
Financial institution	
Hotel / motel	
Office	
Personal service	
Post office	
Restaurant	
Retail Store	
Solar energy system, individual, roof or wall mounted	Schedule 6, Section 14

1.2 Discretionary Uses – Development Officer

Uses	Use Specific Standards of Development
Accessory building, second or subsequent	
Accessory use	
Moved-in building	
Intermodal container - Temporary	Schedule 6, Section 8
Sign	Schedule 6, Section 12

1.3 Discretionary Uses – Municipal Planning Commission

Uses	Use Specific Standards of Development
Arcade	
Automotive sales and service	
Cannabis retail store	Schedule 6, Section 4
Funeral home	
Licensed lounge	
Mixed use	
Parking area and structure	
Residential accommodation in conjunction with an approved use	
Small equipment sales, rental and service	
Workshop accessory to retail store	

SECTION 2 MINIMUM LOT SIZE

2.1 Minimum lot sizes are as follows:

Use	Width		Length		Area	
	m	ft	m	ft	m ²	ft ²
All uses	7.6	25	35.1	115	267.1	2875

SECTION 3 MINIMUM SETBACK REQUIREMENTS

3.1 Minimum setbacks are as follows:

Use	Front Yard		Secondary Front (Corner Lots)		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft	m	ft
Accessory building	See 8.2				3.0	10	7.6	25
Intermodal containers	See 8.2				0.9	3	0.9	3
All other uses	As required by the Development Authority						7.6	25

3.2 The Development Authority may require increased building setbacks if such setbacks would:

- (a) help avoid land use conflict; or
- (b) enhance the appearance of the area; or
- (c) avoid existing registered easements.

3.3 The Development Authority may waive the building setback requirement in a well-established area if, in their opinion, the setback is in accordance with the prevailing yard pattern.

3.4 The following features may, subject to the relevant provisions of Safety Codes, project into the prescribed setbacks under this bylaw:

- (a) eaves, fireplaces, belt courses, bay windows, cornices, sills or other similar architectural features attached to the principal building may project over a side setback as permitted under the relevant provisions of Safety Codes and over a front or rear setback a distance not to exceed 1.2 m (4 ft);
- (b) unenclosed steps or unenclosed fire escapes, wheelchair ramp, fences or walls to the property line, driveways, curbs and sidewalks, off-street parking, cooling units not to exceed 0.9 m (3 ft), mailboxes, landscaping, fish ponds, ornaments, flagpoles (less than 4.6 m (15 ft) in height), signs may project over a side, front or rear setback at the discretion of the Development Officer or the Municipal Planning Commission.

3.5 Where a laneway or roadway has reduced the size of a lot by cutting off a corner of the lot, the minimum setback requirements shall apply to the portions of the lot that have not been cut-off by the laneway or roadway.

3.6 The Development Officer may require a professionally prepared surveyor's sketch or site plan in order to certify the distance from the sidewalk to the property line or any other distance required to evaluate an application.

SECTION 4 MAXIMUM SITE COVERAGE

- 4.1 Total lot coverage – 80%
 (Inclusive of all buildings, accessory buildings and structures)

SECTION 5 MAXIMUM BUILDING HEIGHT (measured to peak of roof)

- 5.1 Maximum building height:
 (a) Principal building – 10.7 m (35 ft)
 (b) Accessory buildings – 6.0 m (20 ft)

SECTION 6 ACCESSORY BUILDINGS AND STRUCTURES

- 6.1 Where a structure is attached to the principal building on a site by a roof, an open or enclosed structure, a floor or foundation, it is to be considered a part of the principal building and is not an accessory building.
- 6.2 No accessory building, structure or use shall be allowed:
 (a) on a lot without an approved principal building or use,
 (b) to be located in the front yard of the principal structure.
- 6.3 Accessory buildings and structures shall be set back from a side lot line or rear lot line in accordance with Section 3.1 and all drainage is conducted to the appropriate storm drain via the applicant's own property.
- 6.4 Accessory buildings, structures and uses that are not specifically included within a development permit require a separate development permit application.
- 6.5 Accessory buildings shall have a minimum separation of 3.1 m (10 ft) from the foundation of any buildings.
- 6.6 As a condition of a permit, the Development Authority may stipulate specific requirements for the type of foundation, fastening or tie-down system, finish, colour, roof pitch, and materials to be applied to the accessory building or structure.

SECTION 7 DEVELOPMENT NOT REQUIRING A PERMIT – See Schedule 3

SECTION 8 NON-RESIDENTIAL STANDARDS OF DEVELOPMENT– See Schedule 5

SECTION 9 USE SPECIFIC STANDARDS OF DEVELOPMENT – See Schedule 6

Draft

COMMERCIAL / INDUSTRIAL – CI

INTENT

The intent of this land use district is to encourage the efficient and planned development of the non-residential area of the Town and to ensure that commercial and industrial development is compatible with other land uses.

SECTION 1 LAND USES

1.1 Permitted Uses

Uses	Use Specific Standards of Development
Accessory building, less than 83.6 m ² (900 ft ²)	
Accessory structure	
Construction trade	
Farm machinery sales, rental and service	
Intermodal container	Schedule 6, Section 8
Light industry/manufacturing	
Lumber yards/buildings supplies	
Railway and railway installation	
Sign	Schedule 6, Section 12
Solar energy system, individual, roof or wall mounted	Schedule 6, Section 14

1.2 Discretionary Uses – Development Officer

Uses	Use Specific Standards of Development
Accessory building, greater than 83.6 m ² (900 ft ²)	
Accessory Use	
Non-noxious manufacturing and processing facility	
Outdoor storage	
Truck transportation dispatch/depot	
Warehousing and indoor storage facility	

1.3 Discretionary Uses – Municipal Planning Commission

Uses	Use Specific Standards of Development
Anhydrous ammonia and other bulk fertilizer storage	
Automotive sales and service	
Bulk oil station	
Cannabis production facility	Schedule 6, Section 3
Grain elevator	
Greenhouse	
Heavy manufacturing and industry	
Industrial use requiring spur trackage	

Residential accommodation in conjunction with an approved use	
Seed cleaning plant	
Service station/gas bar	
Truck or car wash	
Veterinary clinic	

SECTION 2 MINIMUM LOT SIZE

2.1 Minimum lot sizes are as follows:

Use	Width		Length		Area	
	m	ft	m	ft	m ²	ft ²
All uses	30.5	100	35.1	115	1068.4	11,500

SECTION 3 MINIMUM SETBACK REQUIREMENTS

3.1 Minimum setbacks are as follows:

Use	Front Yard		Secondary Front (Corner Lots)		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft	m	ft
All uses	7.6	25	4.6	15	3.0	10	7.6	25

3.2 The Development Authority may require increased building setbacks if such setbacks would:

- (a) help avoid land use conflict; or
- (b) enhance the appearance of the area; or
- (c) avoid existing registered easements.

3.3 The Development Authority may waive the building setback requirement in a well-established areas if, in their opinion, the setback is in accordance with the prevailing yard pattern.

3.4 Where a laneway or roadway has reduced the size of a lot by cutting off a corner of the lot, the minimum setback requirements shall apply to the portions of the lot that have not been cut-off by the laneway or roadway.

3.5 Secondary front yard means a yard on a corner lot with street frontage but which is not the frontage where the main entrance to the building or development is oriented or is the yard which is designated the secondary front by the Development Authority.

3.6 The Development Officer may require a professionally prepared surveyor's sketch or site plan in order to certify the distance from the sidewalk to the property line or any other distance required to evaluate an application.

SECTION 4 MAXIMUM SITE COVERAGE

4.1 Total lot coverage – 60%

(Inclusive of the principal building, accessory buildings and structures)

SECTION 5 MAXIMUM BUILDING HEIGHT (measured to peak of roof)

- 5.1 Maximum building height:
- (a) Principal building – 10.7 m (35 ft)
 - (b) Accessory buildings – 6.0 m (20 ft)

SECTION 6 ACCESSORY BUILDINGS AND STRUCTURES

- 6.1 Where a structure is attached to the principal building on a site by a roof, an open or enclosed structure, a floor or foundation, it is to be considered a part of the principal building and is not an accessory building.
- 6.2 No accessory building, structure or use shall be allowed:
- (a) on a lot without an approved principal building or use,
 - (b) to be located in the front yard of the principal structure.
- 6.3 Accessory buildings, structures and uses that are not specifically included within a development permit require a separate development permit application.
- 6.4 Accessory buildings shall have a minimum separation of 3.1 m (10 ft) from the foundation to buildings.
- 6.5 Accessory buildings and structures shall be set back from a side lot line or rear lot line in accordance with Section 3.1 and all drainage is conducted to the appropriate storm drain via the applicant's own property.
- 6.6 As a condition of a permit, the Development Authority may stipulate specific requirements for the type of foundation, fastening or tie-down system, finish, colour, roof pitch, and materials to be applied to the accessory building or structure.

SECTION 7 DEVELOPMENT NOT REQUIRING A PERMIT – See Schedule 3

SECTION 8 NON - RESIDENTIAL STANDARDS OF DEVELOPMENT– See Schedule 5

SECTION 9 USE SPECIFIC STANDARDS OF DEVELOPMENT – See Schedule 6

Draft

PUBLIC – P

INTENT

The intent of this land use district is to ensure that the development of institutional, public and semi-public uses and facilities within the Town of Nobleford are compatible with other land uses.

SECTION 1 LAND USES

1.1 Permitted Uses

Uses	Use Specific Standards of Development
Accessory building, first	
Accessory use	
Civic and government office	
Community hall	
Intermodal container	Schedule 6, Section 8
Municipal facility	
Place of worship	
Public utility	
School	
Sign	Schedule 6, Section 12
Solar energy system, individual, roof or wall mounted	Schedule 6, Section 14

1.2 Discretionary Uses – Development Officer

Uses	Use Specific Standards of Development
Accessory building, second or subsequent	
Childcare facility	Schedule 6, Section 5

1.3 Discretionary Uses – Municipal Planning Commission

Uses	Use Specific Standards of Development
Private club or fraternal organization	
Seniors supportive housing facility	

SECTION 2 MINIMUM LOT SIZE

2.1 Minimum lot sizes are as follows:

Use	Width		Length		Area	
	m	ft	m	ft	m ²	ft ²
All uses	As required by the Development Authority					

SECTION 3 MINIMUM SETBACK REQUIREMENTS

3.1 Minimum setbacks are as follows:

Minimum setbacks are as follows:

Use	Front Yard		Secondary Front (Corner Lots)		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft	m	ft
Accessory building	Not permitted in front yards				3.0	10	7.6	25
Intermodal containers	Not permitted in front yards				0.9	3	0.9	3
All other uses	7.6	25	3.8	12.5	3.0	10	7.6	25

3.2 The Development Authority may require increased building setbacks if such setbacks would:

- (a) help avoid land use conflict; or
- (b) enhance the appearance of the area; or
- (c) avoid existing registered easements.

3.3 The Development Authority may waive the building setback requirement in a well-established areas if, in their opinion, the setback is in accordance with the prevailing yard pattern.

3.4 The following features may, subject to the relevant provisions of Safety Codes, project into the prescribed setbacks under this bylaw:

- (a) eaves, fireplaces, belt courses, bay windows, cornices, sills or other similar architectural features attached to the principal building may project over a side setback as permitted under the relevant provisions of Safety Codes and over a front or rear setback a distance not to exceed 1.2 m (4 ft);
- (b) unenclosed steps or unenclosed fire escapes, wheelchair ramp, fences or walls to the property line, driveways, curbs and sidewalks, off-street parking, cooling units not to exceed 0.9 m (3 ft), mailboxes, landscaping, fish ponds, ornaments, flagpoles (less than 4.6 m (15 ft) in height), signs may project over a side, front or rear setback at the discretion of the Development Officer or the Municipal Planning Commission.

3.5 Where a laneway or roadway has reduced the size of a lot by cutting off a corner of the lot, the minimum setback requirements shall apply to the portions of the lot that have not been cut-off by the laneway or roadway.

3.6 Secondary front yard means a yard on a corner lot with street frontage but which is not the frontage where the main entrance to the building or development is oriented or is the yard which is designated the secondary front by the Development Authority. (see Figure 2.1)

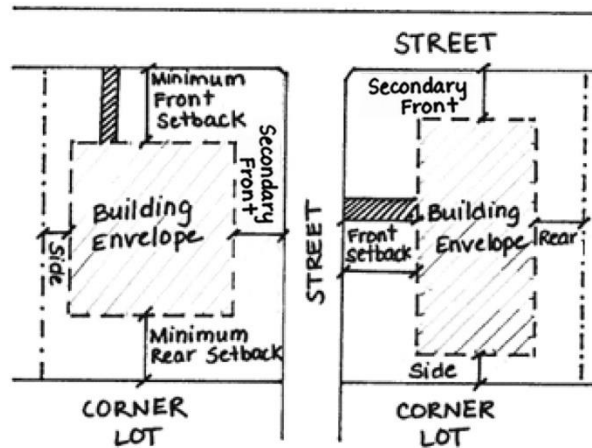


Figure 2.1

- 3.7 The Development Officer may require a professionally prepared surveyor's sketch or site plan in order to certify the distance from the sidewalk to the property line or any other distance required to evaluate an application.

SECTION 4 MAXIMUM SITE COVERAGE

- 4.1 Total lot coverage – 50%
(Inclusive of all primary buildings, accessory buildings and structures)

SECTION 5 DEVELOPMENT NOT REQUIRING A PERMIT – See Schedule 3

SECTION 6 NON-RESIDENTIAL STANDARDS OF DEVELOPMENT– See Schedule 5

SECTION 7 USE SPECIFIC STANDARDS OF DEVELOPMENT – See Schedule 6

Draft

URBAN RESERVE – UR

INTENT

To be applied to larger parcels of land usually on the periphery of existing development. The district restricts uses and maintains parcels in larger sizes to allow maximum flexibility for use and development when the land is required for urban development.

SECTION 1 LAND USES

1.1 Permitted Uses

Uses	Use Specific Standards of Development
Extensive agriculture	

1.2 Discretionary Uses – Development Officer

1.3 Discretionary Uses – Municipal Planning Commission

Uses	Use Specific Standards of Development
Accessory building, first, second or subsequent	
Accessory use	
Campground	
Golf course	
Intermodal container	Schedule 6, Section 8
Market garden	
Nursery	
Park and playground	
Recreation and sports field	
Sign	Schedule 6, Section 12
Utility	Schedule 6, Section 14

SECTION 2 MINIMUM LOT SIZE

- 2.1 160 acres or existing titles.

SECTION 3 AREA STRUCTURE PLAN

- 3.1 The Municipal Planning Commission may require an area structure plan to be adopted prior to the approval of a discretionary use.

SECTION 4 MINIMUM SETBACK REQUIREMENTS AND MAXIMUM SITE COVERAGE

- 4.1 As required by the either the Development Officer or Municipal Planning Commission.

SECTION 5 STANDARDS OF DEVELOPMENT – See Schedules 4, 5 and 6.

Draft

DIRECT CONTROL – DC

INTENT

The intent of this land use district is to provide a means whereby Council may regulate and control the use, development or subdivision of land or buildings within a specific area of the municipality where the circumstances relating to the development or subdivision of a site are such that regulation and control by use of the other land use districts in this bylaw is inadequate considering long-range planning goals and the greater public interest.

SECTION 1 PERMITTED USES

- 1.1 Any use Council considers suitable.

SECTION 2 MINIMUM LOT SIZE

- 2.1 As Council determines necessary.

SECTION 3 STANDARDS OF DEVELOPMENT

- 3.1 As Council considers necessary having regard to Schedules 4, 5, and 6.

SECTION 4 OTHER STANDARDS

- 4.1 Council may require additional standards having regard to statutory plans, and comments from referral agencies contacted under Section 6.3 of this district.

SECTION 5 APPROVAL PROCEDURE

- 5.1 Before Council considers an application for a use in the Direct Control district, they shall:
- (a) cause notice to be issued by the Development Officer in accordance with Section 39 of this bylaw;
 - (b) hear any persons that claim to be affected by the decision on the application.
- 5.2 Council may then approve the application with or without conditions or refuse the application.
- 5.3 When applicable, Council should seek comments from other government agencies, such as:

Alberta Health Services,
Planning Advisor,
Alberta Transportation,
Alberta Environment, and

SECTION 6 SITE SPECIFIC DIRECT CONTROL STANDARDS

Draft

DEVELOPMENT NOT REQUIRING A PERMIT

SECTION 1 GENERAL STANDARDS

- 1.1 This schedule does not negate the requirement of obtaining all required permits, as applicable, under the Safety Codes Act and any other municipal, provincial or federal statute.
- 1.2 This schedule does not negate the requirement of obtaining a business license where required.
- 1.3 Developments that do not require a development permit must otherwise comply with all provisions of this bylaw including:
- (a) the development must conform to the uses in the land use district in which the development is proposed; and
 - (b) the development must meet or exceed the applicable development standards including but not limited to setbacks from property lines, height, site coverage as stated in the applicable land use district.
- 1.4 If there is a doubt about whether a development is exempt from obtaining a development permit, the matter shall be decided by the Development Officer.

SECTION 2 RESIDENTIAL DEVELOPMENT

The following residential developments do not require a development permit but must otherwise comply with all other provisions of this bylaw and other legislation in accordance with Section 1 of this schedule.

- 2.1 The maintenance or repair of any building provided that the work does not include structural alterations or additions.
- 2.2 Interior renovations to a building which do not:
- (a) create another dwelling unit,
 - (b) increase parking requirements, or
 - (c) result in the change of use of a building.
- 2.3 One portable storage shed per lot, not exceeding 9.3 m² (100 ft²) or less in area and that is not on a permanent foundation.
- 2.4 The erection, maintenance or alteration of a fence:
- (a) with a rear or side yard maximum height of 1.8 m (6.0 ft.)
 - (b) with a front or secondary front maximum height of 0.9 m (3.0 ft)
- 2.5 The construction of uncovered decks or patios 24 inches or less from ground level and with a maximum area of 11.15 m² (10 ft. x 12 ft.) that meets the appropriate land use district's front, side and rear setback requirements. Any covered deck shall require a development permit.
- 2.6 Any satellite dish less than 1 m (3.3 ft) in diameter.

- 2.7 Stand-alone temporary inflatable outdoor swimming pools and above ground hot tubs. Permits are required for shade structures or decks for access to the pool or hot tub require permits.
- 2.8 The installation of hard surfaced parking pads, walkway, and/or paving stones or similar impervious ground cover that is not to be covered or partially covered by a roof or other shelter and does not exceed 50% of the total landscaped area.

SECTION 3 NON- RESIDENTIAL DEVELOPMENT

The following developments do not require a development permit but must otherwise comply with all other provisions of this bylaw and other legislation in accordance with Section 1 of this schedule.

- 3.1 The temporary placement or construction of works, plants or machinery (not including intermodal containers) needed to construct a development for which a development permit has been issued for the period of those operations.
- 3.2 Temporary and directional signs.
- 3.3 The erection, maintenance or alteration of a chain link fence:
 - (a) Within the Commercial / Industrial Land Use District - maximum height of 2.4 m (8.0 ft.)
 - (b) Within the Downtown Commercial Land Use on a rear and side lot only to a maximum height of 2.4 m (8.0 ft.)
 - (c) Within all other non-residential land use districts – maximum height of 1.8 m (6.0ft)
- 3.4 Excavation, grading, stripping, or stockpile provided is part of a development for which a development permit has been issued or is addressed in a signed Development Agreement with the Town of Nobleford.
- 3.5 Seasonal sales that are not permanent, but may require a Town of Nobleford Business License, (e.g. farmers' market, outdoor amusement park, fruit and vegetable stands, Christmas tree sales, etc.) if in the opinion of the Development Authority, such sales, activities and special events would not adversely affect:
 - (a) parking or traffic flow,
 - (c) the appearance of the site,
 - (d) public safety, and/or
 - (e) the seasonal outside sale, activity or special event is in operation for a period not to exceed 30 days.
- 3.6 In all land use districts, heavy machinery excavation (i.e. stripping or stockpiling of topsoil, and rough grading of land), when such operations are performed in accordance with a valid Development Agreement made with the municipality which authorizes such work.
- 3.7 In the Urban Reserve – UR land use district the cultivation of land or extensive agriculture use.

SECTION 4 MUNICIPAL, PROVINCIAL AND FEDERAL DEVELOPMENT

The following developments do not require a development permit:

- 4.1 The maintenance or repair of public works, services and utilities on publicly owned or administered land carried out by or on behalf of federal, provincial, municipal or public authorities.
- 4.2 Municipal signs on public land.

- 4.3 The installation and maintenance of new or replacement playground facilities in public parks that are owned and operated by the Town of Nobleford.
- 4.4 Telecommunication antenna systems that are regulated by Science, Innovation and Economic Development Canada subject to Schedule 8, Telecommunication Antenna Siting Process.
- 4.5 The completion of a building which was lawfully under construction at the date this bylaw came into effect provided that the building is completed in accordance with the terms and conditions of any development permit granted.
- 4.6 The completion of a building that did not require a development permit under the previous Land Use Bylaw and which was lawfully under construction prior to the adoption of this bylaw, and provided the building is completed within 12 months from the date this bylaw came into effect.

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RESIDENTIAL STANDARDS OF DEVELOPMENT

Unless indicated otherwise in the individual land use districts the following standards apply to all uses in all districts.

PART 1: GENERAL RESIDENTIAL STANDARDS

SECTION 1 STATUTORY PLANS

- 1.1 Where the policies, rules or procedures indicated in a statutory plan vary, supplement, reduce, replace or qualify the requirements of this bylaw for a particular district or districts, the policies, rules or procedures indicated in the statutory plan shall take precedence.

SECTION 2 QUALITY OF DEVELOPMENT

- 2.1 The Development Authority may impose reasonable conditions on a development permit if it will make the use or development more consistent with the purpose of the land use district or with the Municipal Development Plan.
- 2.2 In no circumstances shall any part of any structure encroach or cause runoff on an adjoining property.

SECTION 3 DESIGN AND ORIENTATION OF BUILDINGS, STRUCTURES AND SIGNS

- 3.1 The design, character and appearance of buildings, structures or signs shall be consistent with the intent of the land use district in which the building is located and compatible with other buildings in the vicinity.
- 3.2 The Development Authority may regulate the exterior finish of buildings, structures or signs to improve the quality of any proposed development within any land use district.
- 3.3 The maximum allowable height above the average finished surface level of the surrounding ground of the exposed portion of a concrete or block foundation may be limited by the Development Authority.
- 3.4 Subject to the requirements of the Safety Codes, the Development Authority may require that buildings be physically accessible to disabled persons.
- 3.5 If a building is to be located on a lot with more than one street frontage or on a lot with potential for further subdivision, the Development Authority may regulate the orientation and location of the building as a condition of development approval.

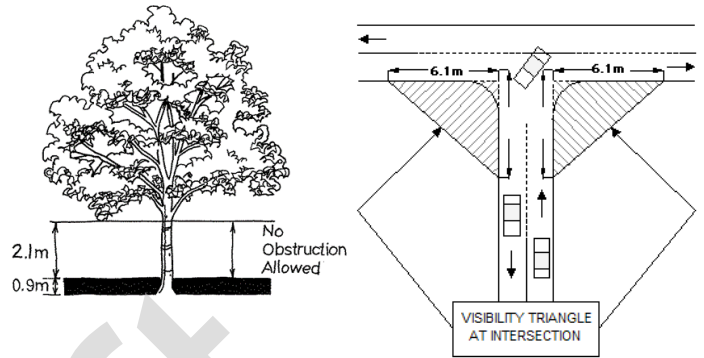
SECTION 4 EASEMENTS

- 4.1 No structures shall be located within a registered easement.

- 4.2 All permanent structures shall be located a minimum of 3.1 m (10 ft), or such greater distance as required by the Development Authority, from an easement registered for the protection of municipal water mains and sewer mains or any other such infrastructure, as determined by the municipality.

SECTION 5 CORNER LOT SIGHT TRIANGLE

- 5.1 On a corner lot, nothing shall be erected, placed, planted or allowed to grow in a manner which may restrict traffic visibility at street intersections, between 0.9 m (3 ft) and 3.1 m (10 ft) above the centre line grades of the intersecting streets in the area bounded by the property lines of such corner lots and a line joining points along the said property line 6.1 m (20 ft) [or such other distance as required by the Development Authority] from the point of intersection.



SECTION 6 REDUCED LOT AREA AND DIMENSIONS

- 6.1 The Development Authority may approve a development on an existing registered lot of which the minimum dimensions or area are less than those specified in each land use district provided that the minimum area allowed is not less than 232.3 m² (2,500 ft²).

SECTION 7 MULTIPLE FRONT YARD PROVISION (Corner Lots)

- 7.1 Where any lot has more than one street frontage, one yard shall be determined to be the front yard and the other shall be the secondary front as follows:

Front yard: means a yard extending across the full width of a lot and situated between the front lot line and the nearest portion of the principal buildings

Secondary front yard: means a yard on a corner lot with street frontage but which is not the frontage where the main entrance to the building or development is oriented or is the yard which is designated the secondary front by the Development Authority.

SECTION 8 PROJECTIONS OVER PUBLIC LAND

- 8.1 In residential districts, no projections are to be over public lands, including roads, boulevards or sidewalks.
- 8.2 Signs, awnings or other projections shall be designed so that drainage or snow melt will be contained on the property.

SECTION 9 DEMOLITION OR REMOVAL OF BUILDINGS OR STRUCTURES

- 9.1 No person shall commence or cause to be commenced the demolition or removal of any building or structure, or portion thereof, until all necessary approvals have been obtained.
- 9.2 An application and approval must be obtained for the demolition or removal of any building or structure greater than 9.3 m² (100 ft²) in size.
- 9.3 Whenever an approval is issued for the demolition or removal of a building or structure, it shall be required that the lot shall be cleared, with all debris removed, and left in a graded condition upon completion of the demolition or removal to the satisfaction of the Development Authority.
- 9.4 An approval for demolition or removal of a building or structure may require the applicant to provide a cash deposit, irrevocable letter of credit or other acceptable form of security in such amount as to cover the costs of reclamation to any public utility or town property.
- 9.5 Whenever a demolition or removal of a building or structure is carried out, the property owner shall, at his own expense, protect any wall, structure, sidewalk or roadway liable to be affected by such demolition or removal, including those on neighbouring properties, from damage or displacement. Further, the property owner shall ensure that adequate measures are taken by way of fencing and screening to ensure public safety.
- 9.6 The applicant shall be responsible for obtaining all necessary Safety Codes approvals and utility service disconnections before demolition or removal of buildings or structures.

SECTION 10 DEVELOPMENT OF LANDS SUBJECT TO SUBSIDENCE, UNDERMINING OR FLOODING

- 10.1 If, in the opinion of the Development Authority, land upon which development is proposed is subject to subsidence, flooding or undermining, the Development Authority may require the applicant to submit a structural building plan prepared and sealed by a qualified professional engineer, and/or a slope stability analysis, and/or geotechnical report, and/or flood mapping prepared by a qualified professional engineer demonstrating that any potential hazards can be mitigated.
- 10.2 The Development Authority may determine that the land upon which development is proposed which has been identified as impacted by subsidence, flooding or undermining may refuse the application.

PART 2: LOT IMPROVEMENTS

SECTION 1 PERMITTED PROJECTIONS INTO SETBACKS

- 1.1 In no circumstances shall any part of any structure encroach or cause runoff on an adjoining property.
- 1.2 The following features may, subject to the relevant provisions of Safety Codes, project into the required setbacks under this bylaw:
- (a) unenclosed steps or unenclosed fire escapes;
 - (b) a wheelchair ramp at the discretion of the Development Authority;
 - (c) driveways, curbs and sidewalks;
 - (d) off-street parking in accordance with the applicable land use district and section 10;
 - (e) cooling units not to exceed 0.9 m (3 ft);

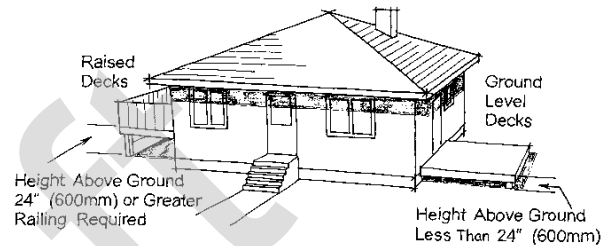
- (f) mailboxes; and
 - (g) signs, in accordance with Schedule 6, Section 12.
- 1.3 In all cases, projections into any required setback must comply with the requirements of Safety Codes.

SECTION 2 DECKS

- 2.1 A development permit is required for the construction of a deck if it will be constructed so that the decking is situated more than 0.6 m (24 inches) above grade and greater in size than 11.15 m² (124 ft²).

- 2.2 Attached and unattached decks must be located in a manner such as to preserve the privacy on adjacent properties.

- 2.3 A ground level deck means an unenclosed (no roof) amenity area of concrete, brick, wood, or other material that is constructed at grade or attached to a dwelling. The overall height of a ground level deck shall not exceed 0.6 m (24 inches) measured from the finished grade to the underside of the supporting structure and must be constructed to meet all yard setbacks in the appropriate land use district.



- 2.4 A raised deck means an unenclosed (no roof) amenity area, of wood frame or other construction, which may be attached to a dwelling. The overall height of a raised deck is greater than 0.6 m (2 ft) from the finished grade to the underside of the supporting structure and must be constructed to meet all yard setbacks in the appropriate land use district.
- 2.5 For the purpose of calculating yard setbacks and site coverage requirements as provided in this bylaw, where a deck structure is attached to the principal building it shall be deemed to be part of the principal building and must meet the required side and rear yard setbacks.
- 2.6 Unenclosed decks may encroach into the minimum required rear yard setback distance a maximum of 2.0 m (6.5 ft) on laneless lots and 3.1 m (10 ft) on lots with lanes.

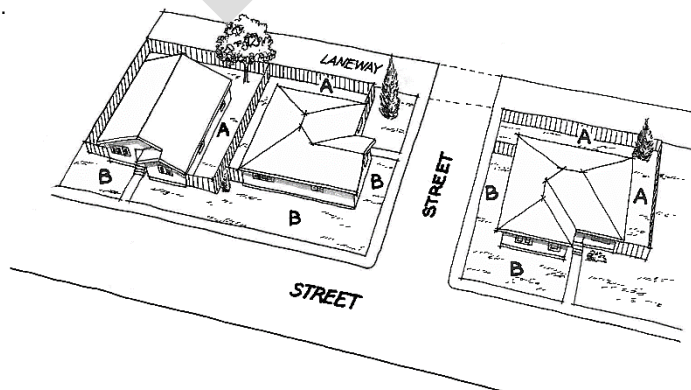
SECTION 3 PRIVACY WALLS AND/OR PRIVACY SCREENS

- 3.1 The placement of a privacy wall or screen shall be limited to the side and rear yard only.
- 3.2 Privacy walls and/or screens will not require a development permit if:
- (a) the proposed development complies with all of the standards for privacy walls and/or screens within this section; and
 - (b) are attached to a raised deck 0.6 m (2 ft) or greater in height and the deck has been issued a development permit; or
 - (c) the structure is freestanding and meets the setback requirements for accessory buildings within the applicable land use district.
- 3.3 Privacy walls and/or screens which are attached to a raised deck or balcony in conjunction with a **single-unit dwelling** shall:

- (a) be no more than 2.4 m (8 ft) above the finished deck floor elevation (finished board on top of joist floor);
 - (b) have all the area of the wall or screen above 1.2 m (4 ft) be constructed of material that is translucent or has individual openings of at least 2.5 cm (1 inch) to allow light to pass;
 - (c) be subject to the setback requirements for principal buildings.
- 3.4 Privacy walls and/or screens which are attached to a raised deck or balcony **shared by more than one dwelling unit** shall:
- (a) be no more than 2.4 m (8 ft) above the finished deck floor elevation (finished board on top of joist floor);
 - (b) require that the dividing wall be constructed of material that is solid to allow for privacy between the units;
 - (c) require that all other privacy walls or screens be constructed to have all of the area of the wall or screen above 1.2 m (4 ft) constructed of material that is translucent or has individual openings of at least 2.5 cm (1 inch) to allow light to pass.
- 3.5 Privacy walls and/or screens which are free standing shall:
- (a) be no more than 3.1 m (10 ft) above ground level; and
 - (b) have all of the area of the wall or screen above 1.8 m (6 ft) be constructed of material that is translucent or has individual openings of at least 2.5 cm (1 inch) to allow light to pass;
 - (c) be subject to the setback requirements for accessory buildings in the appropriate land use district.
- 3.6 The privacy walls and/or screens are required to be finished on both sides with similar materials and colours. The Development Officer or Municipal Planning Commission may stipulate the type of material and colour of finish for the privacy wall and/or screen as a condition on a development approval.

SECTION 4 FENCES

- 4.1 No fence, wall, gate, hedge or other means of enclosure shall extend more than 0.9 m (3 ft) above level grade and shall not be more than 0.3 m (1 ft) in width in any front yard without an approved development permit (labelled as area B on diagram), except in the case of corner lots where one yard is considered as the side yard.
- 4.2 Fences in the secondary front, rear and side yards must not exceed 1.8 m (6 ft) in height from level grade and shall not be more than 0.3 m (1 ft) in width without an approved development permit (labelled as area A on diagram).



- 4.3 Fencing shall not be permitted to be constructed within any developed or undeveloped roadway or laneway right-of-way. Removal of such fencing will be at the property owner's expense.

- 4.4 The Development Authority may regulate the material types and colour used for the fence. Regardless of fence height, barbed wire fencing or unconventional fencing materials, including but not limited to pallets, used construction materials, etc., as determined by the Development Authority, are prohibited.
- 4.5 No portion of a fence, including an associated retaining wall, shall be greater than 0.30 m (1 ft) in thickness. Any variance to the thickness of a fence shall be referred to the Development Officer for a decision.
- 4.6 The construction of a fence should be completed within 12 months of commencement and shall be finished, where appropriate, by painting or staining the fence.

SECTION 5 REFUSE COLLECTION AND STORAGE

- 5.1 In all land use districts, refuse and garbage shall be stored in suitable containers for the applicable use within a land use district as per the Town's Utility Bylaw.

SECTION 6 LIGHTING

- 6.1 Where artificial outdoor lighting is provided to illuminate any parcel, building or site, the type, location and orientation of lighting shall:
- (a) avoid direct illumination of the neighbouring properties;
 - (b) not adversely affect the use, enjoyment and privacy of any dwelling; and
 - (c) not interfere with traffic safety on public roadways.
- 6.2 Outdoor lighting is to be mounted not more than 6.1 m (20 ft) above ground, excepting outdoor lighting for public uses and lighting approved in conjunction with a development permit.
- 6.3 Site lighting may be required as a condition of development and any such lighting shall be located, oriented and shielded so as not to adversely affect neighbouring properties or traffic safety on public roadways.

PART 3: ACCESS / PARKING / DRIVEWAYS

SECTION 1 ROAD FRONTAGE AND APPROVAL OF ACCESS

- 1.1 All lots shall have frontage on a public roadway which enables direct physical and legal access onto that public road. Frontage on a laneway alone will not be permitted. The minimum frontage requirements shall be as defined by the minimum lot dimensions in the applicable land use district.
- 1.2 All access to a lot shall be at the sole discretion of the municipality and subject to approval by the appropriate Development Authority in consultation with the Public Works Department.
- 1.3 All new development shall have frontage on and direct physical and legal access to a maintained public roadway, except for:
- (a) development internal to a condominium plan containing private roadways; and
 - (b) development internal to a manufactured home community or multi-use development containing internal roadways as approved by the Development Authority.
- 1.4 Vehicular access to a corner lot shall generally be limited to locations along the minor residential street and access will be determined by the Development Authority at the time of development approval.

- 1.5 Every vehicular entrance and exit shall be located a minimum 7.6 m (25 ft) from the intersection of two streets, and a greater distance where determined reasonable and appropriate by the Development Authority.
- 1.6 The Development Authority may require access to be located so that it can be shared with an adjoining lot or development.
- 1.7 Residential garages shall have access from the lane or minor streets and consideration of sight-lines and safety shall be used to determine the approved location of the access.

SECTION 2 OFF-STREET PARKING REQUIREMENTS

- 2.1 Minimum off-street parking requirements are as follows:

USE	MINIMUM PARKING SPACES
Dwelling Unit: - Modular home - One-unit - Ready-to-move home - Secondary suite - Two-unit	2 spaces per dwelling unit
Dwelling Unit: - Multi-unit (up to four units)	2 spaces per dwelling unit with up to 3 bedrooms plus one additional parking stall for each additional bedroom thereafter
Apartment Building	1.5 spaces per dwelling unit plus 1 visitor parking space for every 2 dwelling units
Home occupation A Home occupation B	N/A 1 additional space
Seniors supportive housing facility	1 space per 2.5 dwelling units plus visitor parking as required by the Development Authority
Bed and breakfast	1 space per guest room
Childcare facility	1 pick-up/drop-off space per 10 children plus 1 space per employee
Group care facility	1 space per employee
Park and playground Religious assembly	As required by the Development Authority
All other uses not listed above or deemed similar to	As required by the Development Authority

- 2.2 Off-street parking stall standards for residential uses are as follows:
- (a) Minimum width – 2.4 m (8 ft)
- (b) Minimum length – 6.1 m (20 ft)
- 2.3 Calculation of off-street parking requirements resulting in a fractional number of 0.5 or greater shall be rounded up and rounded down when resulting in a fractional number of less than 0.5.

- 2.4 Parking lots which are required to be developed in conjunction with any residential development requiring more than 8 onsite parking stalls shall be subject to the minimum requirements found in Schedule 5, Part 3, Sections 6 and 7.
- 2.5 A multiple use development must provide parking in an amount equal to the number of spaces for all uses, except where a shared parking provision is approved by the Development Authority.
- 2.6 Tandem or stacked parking space designs are prohibited in residential districts and shall only be counted as 1 stall towards the required parking stall requirement.
- 2.7 Stalls located in attached or detached garages are not counted towards the required off-street parking requirements.
- 2.8 Off-street parking areas shall be constructed in a manner which will permit adequate drainage, snow removal, and maintenance. The Development Authority may require that off-street parking areas or portions thereof be paved as a condition of approval.
- 2.9 The standards and requirements found in Schedule 5, Part 3, Section 6 and 7 shall apply when a multi-stall parking area/lot is required to be constructed in conjunction with a large residential development.

SECTION 3 DRIVEWAY STANDARDS

- 3.1 Only one driveway per lot is permitted for residential development.
- 3.2 The width of a driveway shall be no greater than 50 % of the lot width.
- 3.3 Driveways in all residential land use districts shall be:
 - (a) Setback from road or lane – 3.0 m (10 ft)
 - (b) Setback from intersection – 7.6 m (25 ft)
- 3.4 The Development Authority may require that driveways be paved as a condition of approval.
- 3.5 Hard surfaced parking pads, walkways, and/or paving stones or similar impervious ground cover is limited to a maximum of 50% of the lot (front, side and rear) not covered by the dwelling and accessory buildings and structures, unless approved otherwise by a development permit.

PART 4: INFRASTRUCTURE

SECTION 1 UTILITIES AND SERVICING

- 1.1 All development shall be required to connect to both the municipal water supply and wastewater system except, where in the opinion of the Development Authority, the development does not require water and sewer.
- 1.2 The erection of a building on any site may be prohibited where it would otherwise be permitted when, in the opinion of the Development Authority, satisfactory arrangements have not been made for the supply of water, gas, electric power, sewage, street access or other services or facilities necessary to serve the development.

SECTION 2 GRADING AND STORMWATER MANAGEMENT

- 2.1 Roof and surface drainage shall be directed either to the public roadway fronting the property, or as approved by the Development Officer, to a rear or side property boundary or as approved in an engineered stormwater management plan.
- 2.2 When discharging down spouts or sump hoses, the end point of the spout or hose must discharge a minimum of 1.5 m (5 ft) within the boundary of the property.
- 2.3 The Development Authority may require as a condition of development approval engineered grading and drainage plans for the development and legal survey demonstrating that engineered grades have been met.
- 2.4 Grading and other measures, as appropriate, may be required to control surface drainage, reduce or eliminate grade difference between adjacent lots, and minimize erosion or slope instability.
- 2.5 The final grades of the development must be approved by the Development Authority before the issuance of a building permit.
- 2.6 The applicant is responsible for ensuring adherence to final grades.
- 2.7 Where a retaining wall is required, the applicant shall submit to the Development Officer plans identifying the design and specifications of development for review and approval by an accredited Safety Codes Officer.

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NON-RESIDENTIAL STANDARDS OF DEVELOPMENT

Unless indicated otherwise in the individual land use districts the following standards apply to all uses in all districts.

PART 1: GENERAL STANDARDS

SECTION 1 STATUTORY PLANS

- 1.1 Where the policies, rules or procedures indicated in a statutory plan vary, supplement, reduce, replace or qualify the requirements of this bylaw for a particular district or districts, the policies, rules or procedures indicated in the statutory plan shall take precedence.

SECTION 2 QUALITY OF DEVELOPMENT

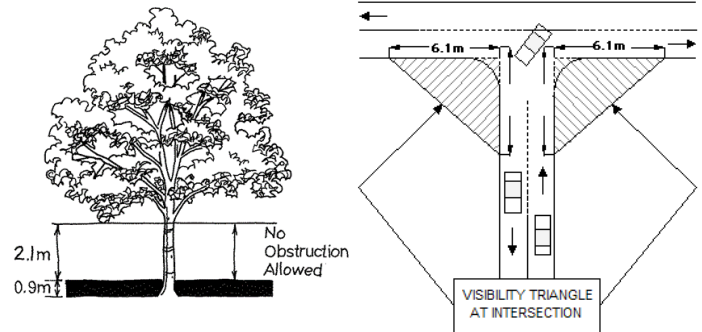
- 2.1 The Development Authority may impose reasonable conditions on a development permit if it will make the use or development more consistent with the purpose of the land use district or with the Municipal Development Plan.
- 2.2 In no circumstances shall any part of any structure encroach or cause runoff on an adjoining property.

SECTION 3 DESIGN AND ORIENTATION OF BUILDINGS, STRUCTURES AND SIGNS

- 3.1 The design, character and appearance of buildings, structures or signs shall be consistent with the intent of the land use district in which the building is located and compatible with other buildings in the vicinity.
- 3.2 The Development Authority may regulate the exterior finish of buildings, structures or signs to improve the quality of any proposed development within any land use district.
- 3.3 The maximum allowable height above the average finished surface level of the surrounding ground of the exposed portion of a concrete or block foundation may be limited by the Development Authority.
- 3.4 Subject to the requirements of the Safety Codes, the Development Authority may require that buildings be physically accessible to disabled persons.
- 3.5 If a building is to be located on a lot with more than one street frontage or on a lot with potential for further subdivision, the Development Authority may regulate the orientation and location of the building as a condition of development approval.
- 3.6 Buildings shall be located close to the main street with buildings along a street following the same 'build to' line with some variances to provide for pocket setbacks, interest and definition.

SECTION 4 CORNER LOT SIGHT TRIANGLE

- 4.1 On a corner lot, nothing shall be erected, placed, planted or allowed to grow in a manner which may restrict traffic visibility at street intersections, between 0.9 m (3 ft) and 3.1 m (10 ft) above the centre line grades of the intersecting streets in the area bounded by the property lines of such corner lots and a line joining points along the said property line 6.1 m (20 ft) [or such other distance as required by the Development Authority] from the point of intersection.



SECTION 5 REDUCED LOT AREA AND DIMENSIONS

- 5.1 The Development Authority may approve a development on an existing registered lot of which the minimum dimensions or area are less than those specified in each land use district provided that the minimum area allowed is not less than 232.3 m² (2,500 ft²).

SECTION 6 MULTIPLE FRONT YARD PROVISION (Corner Lots)

- 6.1 Where any lot has more than one street frontage, one yard shall be determined to be the front yard and the other shall be the secondary front as follows:

Front yard: means a yard extending across the full width of a lot and situated between the front lot line and the nearest portion of the principal buildings

Secondary front yard: means a yard on a corner lot with street frontage but which is not the frontage where the main entrance to the building or development is oriented or is the yard which is designated the secondary front by the Development Authority.

SECTION 7 PROJECTIONS OVER PUBLIC LAND

- 7.1 In all districts, no projections are to be over public lands, including roads, boulevards or sidewalks.
- 7.2 Signs, awnings or other projections shall be designed so that drainage or snow melt will be contained on the property.

SECTION 8 DEMOLITION OR REMOVAL OF BUILDINGS OR STRUCTURES

- 8.1 No person shall commence or cause to be commenced the demolition or removal of any building or structure, or portion thereof, until all necessary approvals have been obtained.
- 8.2 An application and approval should be obtained for the demolition or removal of any building or structure greater than 9.3 m² (100 ft²) in size.
- 8.3 Whenever an approval is issued for the demolition or removal of a building or structure, it shall be required that the lot shall be cleared, with all debris removed, and left in a graded condition upon completion of the demolition or removal to the satisfaction of the Development Authority.
- 8.4 An approval for demolition or removal of a building or structure may require the applicant to provide a cash deposit, irrevocable letter of credit or other acceptable form of security in such amount as to cover the costs of reclamation to any public utility or town property.

- 8.5 Whenever a demolition or removal of a building or structure is carried out, the property owner shall, at his own expense, protect any wall, structure, sidewalk or roadway liable to be affected by such demolition or removal, including those on neighbouring properties, from damage or displacement. Further, the property owner shall ensure that adequate measures are taken by way of fencing and screening to ensure public safety.
- 8.6 The applicant shall be responsible for obtaining all necessary Safety Codes approvals and utility service disconnections before demolition or removal of buildings or structures.

SECTION 9 DEVELOPMENT OF LANDS SUBJECT TO SUBSIDENCE, UNDERMINING OR FLOODING

- 9.1 If, in the opinion of the Development Authority, land upon which development is proposed is subject to subsidence, flooding or undermining, the Development Authority may require the applicant to submit a structural building plan prepared and sealed by a qualified professional engineer, and/or a slope stability analysis, and/or geotechnical report, and/or flood mapping prepared by a qualified professional engineer demonstrating that any potential hazards can be mitigated.
- 9.2 The Development Authority may refuse an application on lands upon which development is proposed which has been identified as impacted by subsidence, undermining or flooding.

PART 2: LOT IMPROVEMENTS

SECTION 1 FENCES

- 1.1 For the following land use district, fences shall be restricted to the side and rear yard of properties and fence heights restrictions are:

Land Use District	Maximum Height	
	m	ft
Downtown Commercial – DTC	2.4	8

- 1.2 For the below specific land use districts, fences or other means of enclosure may be erected in the front, rear and side yard of a non-residential lot and fence heights are as follows:

Land Use District	Maximum Height	
	m	ft
Commercial / Industrial	2.4	8
Public	1.8	6

- 1.3 Fencing in any other non-residential land use district, not specified in 1.1 or 1.2, shall be as determined by the Development Authority.
- 1.4 Fencing shall not be permitted to be constructed within any developed or undeveloped roadway or laneway right-of-way. Removal of such fencing will be at the property owner's expense.
- 1.5 The Development Authority may regulate the material types and colour used for the fence. Regardless of fence height, barbed wire fencing or unconventional fencing materials, including but not limited to pallets, used construction materials, etc., as determined by the Development Authority, are prohibited.
- 1.6 No portion of a fence, including an associated retaining wall, shall be greater than 0.30 m (1 ft) in thickness. Any variance to the thickness of a fence shall be referred to the Municipal Planning Commission for a decision.

- 1.7 The construction of a fence should be completed within 12 months of commencement and shall be finished, where appropriate, by painting or staining the fence.

SECTION 2 LANDSCAPING STANDARDS AND SCREENING

- 2.1 The Development Authority may impose additional landscaping or screening requirements on a development approval for a permitted or discretionary use to improve the quality or compatibility of the proposed development.
- 2.2 Parking lots for non-residential uses shall be landscaped and/or screened as required by the Development Authority.

SECTION 3 LIGHTING

- 3.1 Where artificial outdoor lighting is provided to illuminate any parcel, building or site, the type, location and orientation of lighting shall:
- (a) avoid direct illumination of the neighbouring properties;
 - (b) not adversely affect the use, enjoyment and privacy of any adjacent dwelling; and
 - (c) not interfere with traffic safety on public roadways.
- 3.2 Outdoor lighting is to be mounted not more than 6.1 m (20 ft) above ground, excepting outdoor lighting for public uses and lighting approved in conjunction with a development permit.
- 3.3 Site lighting may be required as a condition of development and any such lighting shall be located, oriented and shielded so as not to adversely affect neighbouring properties or traffic safety on public roadways.

SECTION 4 REFUSE COLLECTION AND STORAGE

- 4.1 In non-residential land use districts refuse and garbage shall be stored in suitable containers for the applicable use within a land use district as per the Town's Utility Bylaw.
- 4.2 In non-residential land use districts, refuse and garbage holding areas, including containers and compaction, shall be effectively screened from public view. The Development Authority may require screening of refuse and garbage holding areas as a condition of development approval.
- 4.3 In all non-residential land use districts, refuse and garbage holding areas, enclosures, and compaction areas are to be located a minimum of 7.6 m (25 ft) from an adjacent residential use.
- 4.4 All garbage holding areas, enclosures, and compaction areas shall be located and designed to ensure adequate on-site maneuvering for refuse collection vehicles.
- 4.5 All refuse on any construction site shall be properly screened or placed in an approved enclosure until removed for disposal.

PART 3: ACCESS / OFF-STREET PARKING / PARKING LOTS

SECTION 1 ROAD FRONTAGE AND ACCESS

- 1.1 All lots shall have frontage on a public roadway which enables direct physical and legal access onto that public road. Frontage on a laneway alone will not be permitted. The minimum frontage requirements shall be as defined by the minimum lot dimensions in the applicable land use district.
- 1.2 Location of the access to each development from a public roadway should be shown on the plot plan submitted with the application for a development permit and is subject to the approval of the Development Officer or Municipal Subdivision and Development Authority.
- 1.3 Vehicular access to a corner lot shall generally be limited to locations along the minor streets and access will be determined by the Development Authority at the time of development approval.
- 1.4 Every vehicular entrance and exit shall be located at least 7.6 m (25 ft) from the intersection of two streets, and a greater distance where reasonable and appropriate by the Development Authority.
- 1.5 The Development Authority may require access to be located so that it can be shared with an adjoining lot or development.

SECTION 2 OFF-STREET PARKING REQUIREMENTS

- 2.1 The off-street parking and loading requirements and design standards apply to:
 - (a) all new buildings and uses, and
 - (b) the expansion or enlargement of existing buildings or uses.
- 2.2 In the case of expansion or enlargement of an existing building or use, additional off-street parking spaces will be required to serve the expanded or enlarged area only, not the entire building or use.
- 2.3 Off-street parking requirements based on floor area are to be computed on the gross floor area (GFA) of the building. Table 1, Minimum Required Off-Street Parking, shall be used to calculate the minimum number of off-street parking spaces a use is required to provide.
- 2.4 Calculation of off-street parking requirements resulting in a fractional number of 0.5 or greater shall be rounded up and rounded down when resulting in a fractional number of less than 0.5.
- 2.5 A multiple use development must provide parking in an amount equal to the number of spaces for all uses, except where a shared parking provision is approved by the Development Authority.

Table 1 – Minimum Required Off-street Parking

USE	MINIMUM PARKING SPACES
Shopping center	1 space /23.2 m ² (250 ft ²) of GFA
Recreation facility	1 space /27.9 m ² (300 ft ²) of GFA
Financial institution Personal service	1 space /37.2 m ² (400 ft ²) of GFA

Retail store Service station/gas bar	
Bulk oil / fuel station Office	1 space /46.5 m ² (500 ft ²) of GFA
Construction trade Light industry/manufacturing Truck transportation dispatch/depot Warehousing	1 space /65 m ² (700 ft ²) of GFA
Truck or car wash	1 space per employee
Restaurant	1 space per 4 seats plus employee parking
Health service	1 space per staff member and 1 space per examination room
Hotel / motel	1 space per guest room
Outdoor storage	As required by the Development Authority

- 2.6 A shared parking provision based upon the proposed sharing of parking spaces between two or more uses must include a written agreement between the owners on record. Where such off-site parking is approved, a caveat shall be registered against the lot to guarantee the continuous use of the site for parking.
- 2.7 Where a use is not listed, minimum required off-street parking shall be provided as required by the Development Authority having regard to the listed use that is most similar to the proposed use. As an alternative, the Development Authority may require a parking study to be prepared by a qualified professional at the applicant's expense to determine the parking requirements for a use not listed in Table 1.
- 2.8 All required parking spaces shall be provided on the same lot as the building or use, except where the Development Authority may permit off-site parking spaces to be provided on a lot within 152.4 m (500 ft) of the building or use if, in the Development Authority's opinion, it is impractical to provide parking on the same lot as the building or use. Where such off-site parking is approved, a caveat shall be registered against the lot to guarantee the continuous use of the site for parking.

SECTION 3 BARRIER-FREE OFF-STREET PARKING REQUIREMENTS

- 3.1 The minimum number of barrier-free parking spaces to be provided for the disabled shall be a portion of the total number of off-street parking spaces required, in accordance with Table 2, Barrier-Free Parking Spaces.
- 3.2 Each barrier-free parking space for the disabled shall be:
- (a) at least 2.4 m (7.9 ft) wide;
 - (b) have a firm, slip-resistant and level surface;
 - (c) be clearly marked as being for the use of persons with disabilities only.
- 3.3 Where there are two or more adjacent barrier-free parking stalls, a 2.4 m (7.9 ft) wide access aisle shall be provided between the stalls.
- 3.4 Barrier-free parking stalls shall be clearly identifiable in accordance with Safety Codes.
- 3.5 There must be a well-lit, distinguishable, barrier-free path of travel from the parking areas to the building entrance.

- 3.6 It is recommended that an additional number of spaces be considered when the purpose or use of the building facilities may cause an increase in the number of seniors or persons with disabilities who require accessible parking, such as, but not limited to, medical services and restaurants.

Table 2 – Barrier-Free Parking Spaces

NUMBER OF PARKING SPACES REQUIRED FOR A USE	NUMBER OF BARRIER-FREE SPACES REQUIRED FOR A USE BY PERSONS WITH DISABILITIES
2-10	1
11-25	2
26-50	3
51-100	4
for each additional increment of 100 or part thereof	1 additional stall

* Development is encouraged to provide at least one barrier-free parking space for use by persons with disabilities.

SECTION 4 LOADING AREA REQUIREMENTS

- 4.1 There shall be a minimum of one off-street loading area per building in the Downtown Commercial – DTC Commercial/Industrial – CI land use districts.
- 4.2 The Municipal Planning Commission may require that off-street loading areas be provided in land use districts other than the Downtown Commercial – DTC and Commercial/Industrial – CI land use districts.
- 4.3 All loading areas shall provide a doorway into a building sufficient to meet the needs of the use within the building.
- 4.4 Each loading area shall be designed in such a manner that it will not interfere with convenient and safe pedestrian movement, traffic flow, or parking.
- 4.5 The Municipal Planning Commission may consider a joint loading area for two or more uses if, in their opinion, such a loading area would facilitate orderly development or relieve congestion in the immediate area.
- 4.6 The Municipal Planning Commission may require additional loading areas or doors if, in their opinion, such additional areas or doors are deemed necessary.

SECTION 5 QUEUING REQUIREMENTS FOR DRIVE-THROUGH USES

- 5.1 Vehicle-oriented uses should be located only where the development will not adversely affect the functioning of surrounding public roadways.
- 5.2 Queuing space should be provided as follows:
- (a) Gas station: 9.1 m (30 ft) from each end on pump island;
 - (b) Car wash: 15.2 m (50 ft) from car wash entrance;
 - (c) Any use that has an order box and pick-up window component: 30.5 m (100 ft) from order box to pick-up window.

- 5.3 The minimum stacking space requirements in Section 5.2 may be varied by the Development Authority depending upon the intensity of the proposed development.
- 5.4 All portions of the queuing lane shall be contained on the parcel on which the development is located. The use of public lanes or roadway shall be prohibited as part of the queuing lane.
- 5.5 Queuing lanes should be located to the outer perimeter of the businesses parking lot wherever possible, to avoid vehicles in queuing spaces from impeding/blocking other vehicles navigating parking spaces.
- 5.6 Queuing lanes must provide sufficient space for turning and maneuvering, and be maintained by the parcel owner.

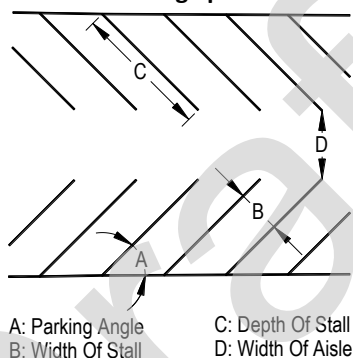
SECTION 6 OFF-STREET PARKING DESIGN STANDARDS

- 6.1 Off-street parking areas shall be accessible and designed in a manner which will provide for orderly parking in accordance with the minimum parking space dimensions in Table 3, Minimum Parking Space Dimensions.
- 6.2 Parking space designs proposing tandem or stacked parking to a maximum of two vehicles per stall may be approved by the Development Authority provided the spaces are for employee parking only.
- 6.3 The stall width and depth requirements for an off-street parking space may be reduced by the Development Authority where spaces are designed to accommodate compact vehicle parking.
- 6.4 Where a use or development may need to accommodate over-sized vehicles such as tractor-trailers, large recreational vehicles, buses or other similar vehicles, the Development Authority may require larger parking space and aisle dimensions.
- 6.5 Off-street parking areas shall be constructed in a manner which will permit adequate drainage, snow removal, and maintenance.
- 6.6 Off-street parking spaces adjacent to a road right-of-way shall be provided with bumper blocks, curbing or other similar protective feature to ensure public safety and prevent vehicle overhang.
- 6.7 The Development Authority may require that off-street parking areas or portions thereof be paved as a condition of approval.

Table 3 – Minimum Parking Space Dimensions

A: Parking Angle	B: Stall Width		C: Stall Depth		D: Aisle Width	
Degrees	m	ft	m	ft	m	ft
0	2.4	8.0	6.7	22	3.7	12
30	2.7	9.0	5.5	18	3.5	11
45	2.6	8.5	6.1	20	3.9	13
60	2.6	8.5	6.4	21	5.5	18
90	2.9	9.5	5.6	18.5	7.3	24

Minimum Parking Space Dimensions



SECTION 7 DESIGN REQUIREMENTS FOR MULTI-STALL PARKING AREAS (PARKING LOTS)

- 7.1 The requirements of this section are in addition to any other requirement for multi-stall parking areas contained in this bylaw.
- 7.2 For multi-stall parking areas of more than 20 total stalls, the Development Authority may impose conditions regarding landscaping, drainage, pedestrian walkways, lighting and any other design considerations deemed appropriate.

PART 4: INFRASTRUCTURE

SECTION 1 EASEMENTS

- 1.1 No structures shall be located within a registered easement.
- 1.2 All permanent structures shall be located a minimum of 3.1 m (10 ft), or such greater distance as required by the Development Authority, from an easement registered for the protection of municipal water mains and sewer mains or any other such infrastructure, as determined by the municipality.

SECTION 2 UTILITIES AND SERVICING

- 2.1 The erection of a building on any site may be prohibited where it would otherwise be permitted when, in the opinion of the Development Authority, satisfactory arrangements have not been made for the supply of water, gas, electric power, sewage, street access or other services or facilities necessary to serve the development.
- 2.2 All development shall be required to connect to both the municipal water supply and wastewater system, except where in the opinion of the Development Authority, the development does not require water and sewer.
- 2.3 The development authority may require that a water use agreement be entered into to limit the volume of water to a particular development to ensure adequate water supply can be maintained by the municipality for future uses.

SECTION 3 GRADING AND STORMWATER MANAGEMENT

- 3.1 The Development Authority may require as a condition of development approval:
 - (a) engineered grading and drainage plans for the development and legal survey demonstrating that engineered grades have been met;
 - (b) grading and other measures, as appropriate, to control surface drainage, reduce or eliminate grade difference between adjacent lots, and minimize erosion or slope instability;
 - (c) the final grades of the development must be approved by the Development Authority before the issuance of a building permit;
 - (d) the applicant is responsible for ensuring adherence to final grades.
- 3.2 The construction of a retaining wall whenever, in the opinion of the Development Authority, significant differences in grade exist or will exist between the lot being developed and any adjacent lot or roadway. Where a retaining wall is required, the applicant shall submit to the Development Officer plans identifying the design and specifications of development for review and approval by the accredited Safety Codes Officer.
- 3.3 Roof and surface drainage shall be directed either to the public roadway fronting the property, or as approved by the Development Officer, to a rear or side property boundary or as approved in an engineered stormwater management plan.

USE SPECIFIC STANDARDS OF DEVELOPMENT

SECTION 1 BED AND BREAKFAST- Home Occupation B

- 1.1 Bed and breakfast means a use accessory to a single-detached dwelling which involves a home based development in a private owner-occupied dwelling where rooms are rented for short-term accommodation, generally not exceeding 14 days, and a breakfast meal is provided for registered guests.
- 1.2 Bed and Breakfast accommodation shall be an incidental and subordinate use to the principal use and restricted to the dwelling unit, and:
- (a) advertising may only be permitted the same as a Home Occupation B use;
 - (b) alterations to the principal building may be permitted but shall not change the principal character or external appearance of the principal building;
 - (c) an approved development permit will remain in effect, provided the intensity of use does not increase and all requirements of the development permit have been satisfied;
 - (d) a development permit does not exempt compliance with health regulations or any other provincial and municipal requirements;
 - (e) employees working in the business shall be limited to the residents of the dwelling unit;
 - (f) the accommodation shall be limited to a maximum of two guest rooms and a maximum of four guests in addition to the permanent residents;
 - (g) a development permit is based solely on the location of use. If a permit holder relocates within the municipality, the person must apply for a development permit to continue the use from the new location;
 - (h) accommodation for each group of guests shall be for a maximum of 14 consecutive days;
 - (i) guest rooms shall not be permitted to contain cooking or kitchen facilities;
 - (j) meals may be provided to registered guests only and meals for guests shall be prepared in the common kitchen of the principal residence;
 - (k) one off-street parking space is required for each guest room in addition to the off-street parking requirements for the dwelling;
 - (l) the applicant shall be responsible for compliance with the Alberta Health Standards and Guidelines and the Alberta Safety Code requirements for Bed and Breakfast accommodations;
 - (m) the issuance of a development permit in no way exempts the applicant from obtaining any other Provincial approvals that may be required.

SECTION 2 CAR AND TRUCK WASH FACILITIES

- 2.1 All washing facilities shall occur within an enclosed building with at least two bay doors.
- 2.2 Vacuuming facilities may be outside the building but shall not be in the front yard and shall not be closer than 15.24 metres (50 ft.) from the boundary of any residential land use district.
- 2.3 The building shall be located a minimum of 30.48 metres (100 ft.) from the boundary of any residential land use district.
- 2.4 All off-street parking areas shall be hard-surfaced and dust-free.

- 2.5 Any lights used to illuminate the area shall be directed away from adjacent residential properties.
- 2.6 A permanent screening fence or wall not less than 1.83 metres (6 ft.) in height shall be constructed along any site property line which abuts a residential land use district.
- 2.7 For parking and stacking requirements, refer to Schedule 5.
- 2.8 A development permit approval for a car or truck wash may be denied, if in the opinion of the Development Authority, there is not sufficient water or sewer service or capacity for the development.
- 2.9 All washing facilities, both new and those being renovated, will be required to provide an oil separator package or device, to the satisfaction and standards as stipulated by the municipality. This shall be a condition of any development permit approval.
- 2.10 Consideration may be given to allow truck or trailer wash-out (clean-out) use as a part of an approved car or truck wash facility, or on its own, as part of any approval.

SECTION 3 CANNABIS PRODUCTION FACILITY

- 3.1 The owner or applicant must provide, as a condition of development permit, a copy of the current license for all activities associated with cannabis production as issued by Health Canada.
- 3.2 The owner or applicant must obtain, and maintain on a permanent basis, any other approval, permit, authorization, consent or license that may be required to ensure compliance with applicable federal, provincial or other municipal legislation.
- 3.3 The development must be carried out in a manner whereby all of the processes and functions are fully enclosed within a stand-alone building including all loading stalls and docks, and garbage containers and waste material.
- 3.4 The development shall not operate in conjunction with another approved use.
- 3.5 The development shall not include an outdoor area for storage of goods, materials or supplies.
- 3.6 The development must include equipment designed and intended to remove odours from the air where it is discharged from the building as part of a ventilation system.
- 3.7 The Municipal Planning Commission may require, as a condition of a development permit, a public utility and waste management analysis, completed by a qualified professional, that includes detailed information on:
- (a) the incineration of waste products and airborne emissions, including smell;
 - (b) the quality and characteristics of liquid and waste material discharged by the facility; and
 - (c) the method and location of collection and disposal of liquid and waste material.

SECTION 4 CANNABIS RETAIL STORE

- 4.1 A cannabis retail store use must be a separate use from any other uses or business activities unless it is a use or activity expressly authorized by the Alberta Gaming and Liquor Commission (AGLC).
- 4.2 A cannabis retail store use must obtain the necessary license from the AGLC and proof of license shall be required as a condition of development permit approval.

- 4.3 If at any time an approved cannabis retail store use has its AGLC license revoked or the license expires, the development permit issued to the cannabis retail store shall be null and void.
- 4.4 The owner or applicant must obtain, and maintain on a permanent basis, any other approval, permit, authorization, consent or license that may be required to ensure compliance with applicable federal, provincial or other municipal legislation.
- 4.5 A development permit for a cannabis retail store shall not be approved if the premises (measured from the nearest wall of the cannabis retail store) is located within a 100 m separation distance (see figure below) of any of the following:
- (a) the boundary of a parcel of land on which a school is located;
 - (b) the boundary of a parcel of land on which a hospital is located;
 - (c) the boundary of a parcel designated as school reserve (SR) or municipal and school reserve (MSR) is located; or
 - (d) the boundary of a church, park, playground, walking path (current or future) or museum is located.



- 4.6 The specified separation distances in subsection (e) are not eligible to be varied (waived) by the Designated Officer, Municipal Planning Commission or the Subdivision and Development Appeal Board.

- 4.7 The hours of operation for a cannabis retail store shall be limited to 10 a.m. to 9 p.m. daily.
- 4.8 A cannabis retail store is not eligible to be developed as a home occupation.
- 4.9 Application requirements for a cannabis retail store are as follows:
- (a) prior to applying for a municipal development permit for a cannabis retail store, the applicant is required to apply to the AGLC for a determination of eligibility to obtain a licence, and submit verification of the AGLC eligibility as part of the development application;
 - (b) a detailed business plan including hours of operations, number of employees and any other relevant matters;
 - (c) documentation demonstrating how the cannabis retail store complies with the Conditions Governing Cannabis Store Premises under the Alberta Gaming, Liquor and Cannabis Regulation;
 - (d) proposed exterior business signage and information demonstrating compliance with the Alberta Gaming and Liquor Commission store names; and
 - (e) a site plan including details of the proposed store and a detailed listing of surrounding land uses, both on adjacent (contiguous) parcels and within 100 m from the site subject of the application (drawn on a high quality and clearly legible site plan with text descriptions).

SECTION 5 CHILDCARE FACILITY

Childcare facilities may be approved subject to the following conditions and requirements:

- 5.1 If determined necessary by the Municipal Planning Commission, the applicant for a childcare facility may be required to meet and consult with all adjacent land owners in the vicinity of where the use is proposed.
- 5.2 In any residential district, no exterior alterations shall be undertaken to a dwelling or former dwelling which would be inconsistent with the residential character of the building or property.
- 5.3 Signage for a childcare facility must comply with the following:
- (a) a maximum of one sign;
 - (b) sign must be no greater than 0.74 m² (8 sq. ft.) in size; and
 - (c) sign must be located in the building's window in a residential land use district.
 - (d) In a residential land use district a request for more than one sign or a sign greater than 0.74 m² (8 sq. ft.) requires a separate development permit application. In a commercial or industrial land use district, one exterior building sign may be permitted in addition to a window sign.
- 5.4 Site lighting must be designed not to "flood or spill" into adjacent property.
- 5.5 The site must allow for secure storage and pick up of garbage and recycling material located away from public areas.
- 5.6 The use shall not generate traffic problems within the district.
- 5.7 The use requires a minimum of one on-site pick-up and drop-off space for every 15 children/clients and the location of passenger loading zones for day care facilities may be specified by a condition of a development permit.

- 5.8 On-site parking for employees is as required at the discretion of the Municipal Planning Commission.
- 5.9 On-site parking should be separated from pedestrian traffic and outdoor areas for children.
- 5.10 A childcare facility catering to children must have screening for any outdoor play areas to the satisfaction of the Municipal Planning Commission.
- 5.11 All applications for day care facilities shall, as a condition of approval, obtain the necessary approvals required from regulatory agencies. All childcare facilities must be licensed and operate in accordance with the provincial Child Care Licensing Act.
- 5.12 It is highly encouraged that childcare facilities have some sort of secure, outdoor or active play area space available for children on the parcel, which may be stipulated as conditions on a development permit approval.
- 5.13 In considering the suitability of a building or site for a discretionary child care use, the Municipal Planning Commission may consider the appropriateness of location for childcare with regard for the proximity to required services, parks, neighbourhood characteristics, traffic issues or congestion in the neighbourhood, and if the size is adequate to meet program requirements, including outdoor space, parking, and the drop-off zone.

SECTION 6 DAY HOME

- 6.1 The operation of a day home does require a development permit.
- 6.2 A day home shall have no more than six clients a day.
- 6.3 A day home shall not be located within a dwelling containing another Home Occupation.
- 6.4 Signage for day home facilities must comply with the following:
- (a) a maximum of one sign;
 - (b) sign must be no greater than 0.74 m² (8 sq. ft.) in size; and
 - (c) sign must be located in the buildings window.
- 6.5 All day homes must comply with provincial requirements and regulations.

SECTION 7 HOME OCCUPATIONS

- 7.1 The intent of this schedule is to provide regulations respecting home occupations in accordance with the following objectives:
- (a) to protect residential areas and districts from incompatible non-residential land uses;
 - (b) to ensure that commercial and industrial uses are located in appropriate commercial or industrial districts;
 - (c) to facilitate, where appropriate, the establishment of suitable home occupations as a means to foster small-scale business, while ensuring such businesses are relocated to suitable commercial or industrial districts when they become incompatible with a residential area or become unsuitable as a home occupation.
- 7.2 Home occupations may be approved under the following classifications:
- (a) Home Occupation A – a home-based occupation that involves the establishment of a small-scale business incidental to the primary use of the residence and which does not involve:

- (i) outdoor storage and/or display of goods;
 - (ii) non-resident employees; and/or
 - (iii) customer/client visits to the residence.
- (b) Home Occupation B – a home-based occupation involving the establishment of a small-scale business incidental to the primary use of the residence that does not meet the criteria for a Home Occupation A and which may involve:
- (i) the use of an accessory building;
 - (ii) outdoor storage and/or display of goods within the residence or accessory building;
 - (iii) one non-resident employee; and/or
 - (iv) customer visits.

Note: Bed and breakfast operations and home-based day care providing care and supervision for periods of less than 24 consecutive hours to not more than seven children may be classified as a Home Occupation B in compliance with the applicable standards.

7.3 The following general standards apply to Home Occupations A and B:

- (a) The business operator must be a full-time resident of the home.
- (b) No variation in the residential character and appearance of the dwelling, accessory building, or land shall be permitted.
- (c) The use shall not generate more vehicular or pedestrian traffic and vehicular parking than normal within the district.
- (d) No commercial vehicle of a capacity greater than 907.2 kg (1 ton) shall be parked or maintained on a public road right-of-way or lane.
- (e) No offensive noise, vibration, electrical interference, smoke, dust, odours, heat or glare shall be produced by the use.
- (f) No use shall cause an increase in the demand placed on any one or more utilities (water, sewer, garbage, etc.) such that the combined total consumption for a dwelling and its home occupation exceed the normal demand for residences in the area.
- (g) No use requiring electrical or mechanical equipment shall cause a fire rating change in the structure or the district in which the home occupation is located.
- (h) The approved use shall be valid only for the period of time the property is occupied by the applicant for such approved use.
- (i) All permits issued for home occupations shall be subject to the conditions that the permit may be revoked at any time, if, in the opinion of the Municipal Planning Commission, the use is or has become detrimental to the residential character or the amenities of the neighbourhood.
- (j) Home occupations shall not include:
 - (i) activities that use or store hazardous materials;
 - (ii) any use that would, in the opinion of the Municipal Planning Commission, materially interfere with or affect the use, enjoyment or value of neighbouring properties;
 - (iii) any use stated in this bylaw or declared by resolution of Council to be undesirable as a home occupation.
- (k) Only one home occupation shall be permitted per dwelling.

- (l) Signage advertising a Home Occupation A is limited to one sign located in the structure window up to a maximum of 0.4 m² (4 ft².) in size. Signage advertising a Home Occupation B shall be as approved by the Municipal Planning Commission.

7.4 In addition to the general standards, the following standards shall apply to Home Occupation B permits:

- (a) A maximum of one non-resident employee is allowed. For the purposes of this provision, a non-resident employee is someone who does not live at the home.
- (b) Outdoor storage shall be screened from adjacent properties and the public view.
- (c) Customer and employee parking, in addition to the parking requirements for residential use, may be required.
- (d) The number of customer visits and hours of operation may be limited by the Municipal Planning Commission to minimize impacts on surrounding residential uses.
- (e) The home occupation shall not be permitted if, in the opinion of the Municipal Planning Commission, the use would be more appropriately located within a commercial or industrial district.

SECTION 8 INTERMODAL CONTAINERS

All **intermodal containers** shall be subject to the following general standards:

- 8.1 In residential, Downtown Commercial – DTC, and Public – P land use districts, **one** intermodal container may be placed on a lot one time for up to 6 months, within a 1-year period.
- 8.2 For the purposes of 8.1, the property owner shall notify the Development Authority of the date when the intermodal container is placed in a residential, Downtown Commercial – DTC or Public – P land use district. If no notice or other acceptable verification is provided to the Development Authority, the intermodal container shall be deemed to have been in use for the period of three months immediately prior to the date when the Development Authority initially requests confirmation of when the intermodal container was placed on the property.
- 8.3 Intermodal containers in residential land use districts shall be a maximum of 6.1 m (20 ft) in length.
- 8.4 Intermodal containers shall be used for storage only and shall not be used as a construction material or as a building for a commercial, industrial, or residential use.
- 8.5 Intermodal containers must comply with the setbacks, site coverage and standards of development for accessory buildings in the applicable land use district.

SECTION 9 MODULAR AND READY-TO-MOVE

- 9.1 The approval authority shall issue a development permit for a modular or ready-to-move (RTM) home provided that:
- (a) the dwelling is a factory-built unit that meets the manufactured housing industry and CSA standards and the building code;
 - (b) the dwelling is securely fastened and must be placed on a basement;
 - (c) the minimum roof pitch shall not be less than a 4/12 pitch;
 - (d) the minimum floor area of the principal dwelling not including an attached garage shall not be less than 79.89 m² (800 sq. ft.);
 - (e) the dwelling shall be a minimum 7.3 metres (24 ft.) in width and not greater than 20.0 m (66 ft.) in length;
 - (f) the unit is CSA certified (meets CSA A-277 Standards) and will meet all safety code requirements;
 - (g) the design, character, and appearance (including roof lines/material and exterior finish) of modular homes shall be consistent with the purpose of the district in which the building is located and shall take into account any other buildings existing in the vicinity;
 - (h) at the discretion of the Development Officer or the Municipal Planning Commission, the exterior finish, colour and roofing material may be stipulated as a condition of approval;
- the dwelling shall conform to any architectural controls that may apply.
- 9.2 As a condition of approval the Designated Officer or the Municipal Planning Commission, at their discretion, may place other conditions on a development permit including the requirement that the developer provide landscaping, fencing, address drainage issues, or other such matters it considers necessary if, in their opinion, it would serve to improve the quality or compatibility of any proposed development.
- 9.3 The building and the land upon which it is to be located shall be subject to all conditions and regulations specified for the particular land use district set out in the Land Use Bylaw.
- 9.4 The building, when completed, shall meet or exceed provincial building requirements.
- 9.5 The applicant/developer must submit professional building plans illustrating the exterior design, floor plan, elevations and setbacks.
- 9.6 The quality of the completed building shall be at least equal to the quality of the other buildings in the area.
- 9.7 If there is any doubt as to the required standards being met, the Designated Officer may refer the application to the Municipal Planning Commission for a decision.
- 9.8 The Designated Officer or Municipal Planning Commission may require a bond or irrevocable letter of credit of a minimum \$5000.00 to a maximum value of up to 50 percent of the assessed value of the building to ensure the conditions of the development permit for a principal building are met.

SECTION 10 MOVED-IN BUILDINGS AND MOVED-IN DWELLINGS

- 10.1 The building and the land upon which it is to be located shall be subject to all conditions and regulations specified for the particular land use district set out in the Land Use Bylaw.
- 10.2 The building, when completed, should meet or exceed Alberta Safety Codes requirements.

- 10.3 The building should comply with all provincial and municipal health and fire regulations.
- 10.4 The quality of the completed building shall be equal to or better than the quality of the other buildings in the area.
- 10.5 A report from a building inspector or engineer regarding the structure, plumbing and electrical shall be filed before an application is considered.
- 10.6 A limit of the time of completion and full compliance with all stipulated requirements shall be established by the Designated Officer at the time of the approval of the application.
- 10.7 The Designated Officer may require recent colour photographs of all sides of the proposed moved in structure..
- 10.8 The Municipal Planning Commission may require a bond or irrevocable letter of credit of a minimum of 50 percent of the estimated value of the structure or \$2,000.00, whichever is greater, to ensure the conditions of the development permit are met.
- 10.9 Return of the posted bond or irrevocable letter of credit is contingent on the Designated Officer verifying the completion of all the conditions of this schedule and the development permit.
- 10.10 A copy of the occupancy permit shall be submitted to the Town office prior to occupancy.

SECTION 11 SECONDARY SUITE

Secondary Suite General Standards

- 11.1 A secondary suite shall have cooking facilities, food preparation area, sleeping and sanitary facilities, which are physically separate from those of the principal dwelling within the structure. A Secondary Suite shall also have an entrance separate from the entrance to the principal dwelling, either from a common indoor landing or directly from the side or rear of the structure.
- 11.2 A secondary suite shall be restricted to a lot occupied by a single-detached dwelling. A secondary suite is prohibited from being constructed within or in conjunction with a duplex, semi-detached dwelling, multi-attached or multi-unit dwellings or apartment housing.
- 11.3 All secondary suites developed after December 31, 2006, shall comply with all Alberta Building Code requirements, including separate heating/ventilation systems for each dwelling unit. Pre-existing suites developed prior to December 31, 2006, must meet the requirements of the Alberta Safety Codes.
- 11.4 The maximum floor area of the secondary suite shall be as follows:
- (a) in the case of a secondary suite located completely below the first storey of a single detached dwelling (other than stairways or a common landing), the floor area (excluding the area covered by stairways) shall not exceed the floor area of the first storey of the associated principal dwelling;
 - (b) in the case of a secondary suite developed completely or partially above grade, the floor area (excluding the area covered by stairways) shall not exceed 29 percent of the total floor area above grade of the building containing the associated principal dwelling.

Secondary Suite (Contained Within a Single-Detached Dwelling)

- 11.5 A secondary suite (contained within a single-detached dwelling) shall remain accessory to and subordinate to the single-detached dwelling and shall not exceed the floor area of the principal dwelling and shall have a minimum floor area not less than 32.5 m² (350 ft²).

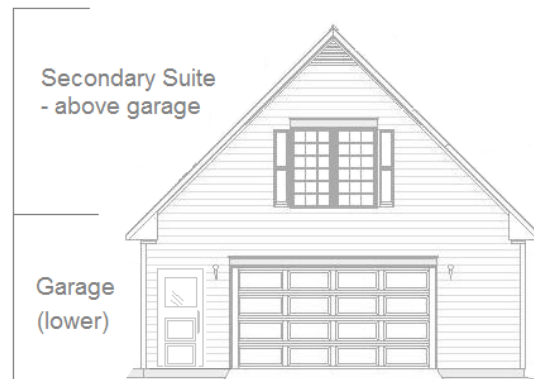
- 11.6 A secondary suite shall be developed in such a manner that the exterior of the principal building containing the secondary suite shall appear as a single dwelling.
- 11.7 The secondary suite shall not be subject to separation from the principal dwelling through a condominium conversion or subdivision.
- 11.8 The secondary suite shall have full utility services through service connections from the principal dwelling unit.
- 11.9 Development of a secondary suite shall adhere to the Alberta Building Code and Alberta Fire Code as a condition of approval.
- 11.10 Parking must be able to be adequately provided on site for the additional suite in consideration of bylaw requirements.

Secondary Suite (Detached Garage) Standards

- 11.11 The maximum height to roof peak of the garage shall not exceed 9.1 metres (30 ft.)
- 11.12 A secondary suite (detached garage) shall have an entrance separate from the entrance to the garage, either from a common indoor landing or from the exterior of the structure.
- 11.13 One on-site parking space shall be provided for each secondary suite.
- 11.14 A secondary suite (detached garage) shall remain accessory to and subordinate to the single-detached dwelling and shall:
 - (a) have a minimum floor area of 32.5 m² (350 ft²), and
 - (b) not exceed 111.52 m² (1200 ft².) in all land use districts.

Shared mechanical rooms and common areas shall be excluded from the floor area calculation of the secondary suite.

- 11.15 The maximum lot coverage of a secondary suite (detached garage) shall be limited to the area as stipulated for an accessory building for the applicable land use district.
- 11.16 A secondary suite in conjunction with a detached garage shall meet the setbacks for accessory buildings found in the appropriate land use district.
- 11.17 A secondary suite (detached garage) shall be located on the upper floor of the garage, and the main (grade) floor shall be restricted for garage/accessory use. In all land use districts, the building must be utilized as a functional garage/accessory building for purposes incidental to the one-unit dwelling with a functional overhead garage door installed and cannot be used for additional living space.
- 11.18 An applicant is responsible to ensure that a secondary suite (detached garage) must be able to be constructed on a foundation of strip footings and concrete walls, concrete piers set below frost level, or other suitable foundation in accordance with the Alberta Building Code, unless otherwise permitted under the code.
- 11.19 An applicant is responsible for obtaining all required building permits and the development of a secondary suite (detached garage) shall adhere to the Alberta Building Code and Alberta Fire Code as a condition of approval.



SECTION 12 SIGNS

12.1 For the purpose of this bylaw, certain terms or words herein shall be interpreted or defined as follows:

AREA OF A SIGN means the total superficial area within the outer periphery of the said sign, and, in the case of a sign comprised of individual letters or symbols, shall be calculated as the area of a rectangle enclosing the letters or symbols. Frames and structural members not bearing advertising matter shall not be included in computation of surface areas.

BILLBOARD means a visual device and its structure and component parts which is intended to advertise or call attention to any matter, object, event or person, where the copy area is usually leasable and where the subject matter is not necessarily related to a use at or around the parcel on which the billboard is located. "Sign" is a separate use.

BUSINESS FRONTAGE means:

- (a) any side of a separate property or building which abuts a public street or avenue; or
- (b) in the case of individual business or tenants within a building, any businesses which has separated access to a public street.

FASCIA SIGN means a sign placed flat and parallel to the face of the building so that no part projects more than one foot from the building.

FREESTANDING SIGN means a sign on a standard or column permanently attached to the ground, and which is not connected in any way to any building or other structure.

FREESTANDING PORTABLE SIGN means a sign on a standard or column fixed to its own self-contained base and capable of being moved manually.

MARQUEE OR CANOPY means a projection outward from the face of a building, primarily designed to provide protection from climatic elements.

MARQUEE OR CANOPY SIGN means a sign attached to a marquee or canopy.

MERCHANDISING AIDS means devices used for the display of merchandise and related advertising material.

POINT-OF-SALE ADVERTISING means advertising which is related to the name of the occupier or firm, the nature of the business conducted and/or the goods produced, and/or the main products and services sold or obtainable at the premises on which the advertising is displayed.

PROJECTING SIGN means a sign which is attached to a building or structure so that part of the sign projects more than 0.3 m (1 ft.) from the face of the building or structure.

ROOF means the top enclosure, above or within the vertical walls of a building.

ROOF SIGN means any sign placed on or over a roof.

SIGN means an outdoor visual device and its structure and component parts, intended to identify, advertise or call attention to any matter, object, event or person having to do with a use on the parcel on which the sign is located. This use excludes traffic signs, railway operating signs, window displays, signs on licensed vehicles, and national, provincial or municipal flags. "Billboard" is a separate use.

SKY SIGN means a roof sign comprising individual letters or symbols on an open framework.

EXEMPTIONS

12.2 The following shall be exempted from the provisions of these sign regulations:

- (a) signs displayed on enclosed land where they are not readily visible to the public;
- (b) signs displayed within a building;
- (c) signs displayed in or on an operational vehicle;

- (d) signs displayed on door plates, door bars or kick plates.

12.3 The following specified signs are also exempted from these sign regulations and may be erected without further application being made to the designated officer, provided that the permission hereby granted in respect of any such signs specified below, shall be subject to any conditions or limitations specified in the case of the particular signs, and be subject to all other orders, bylaws and regulations affecting such signs:

- (a) statutory and official notices and functional advertisements of local authorities and public transport authorities;
- (b) traffic and directional signs authorized by council;
- (c) notices of identification in respect of the land or building on which they are displayed, and professional business and trade name plates related to the occupants of the land or buildings on which they are displayed, provided that each notice or name plate shall not exceed 0.09 m² (1 sq. ft.) in area and there shall be a limit of one notice for each occupant of each firm or company represented within the building, at one entrance on each different street;
- (d) notices relating to the sale, lease, or rental of the buildings, or land to which they are attached, provided that the notice shall not be illuminated; shall not exceed 0.4 m² (4 sq. ft.) in area; and there shall be a limit of one notice for each of the land or buildings on a different street;
- (e) posters relating specifically to a pending election, provided that such posters shall be removed within 14 days after the election;
- (f) notices of land or buildings used for religious, educational, cultural, recreational, medical or similar public or quasi-public purposes, provided that each notice shall not exceed 1.1 m² (12 sq. ft.) in area and there shall be a limit of one notice for each side of the land or buildings on a different street;
- (g) signs of building contractors relating to constructional work in progress on the land on which such signs are erected, provided that such signs shall be removed within 14 days of occupancy and shall be limited one sign to a maximum of 6.0 m² (65 sq. ft.) for each boundary of the property under construction which fronts onto a public street;
- (h) temporary signs referring to sales which are displayed upon the premises upon or within which such sales will be or are being conducted, provided that the signs shall not be illuminated and shall be constructed of paper, canvas, cardboard, or other light materials or painted on glass and intended to be displayed for a short period of time only and such signs shall not be erected more than 7 days before the commencement of the sale to which they refer and shall be removed within 8 days of the completion of the said sale;
- (i) freestanding portable signs are exempted, provided that such signs shall be removed within 14 days of occupancy; the overall height of the sign shall not be greater than 1.5 m (5 ft.) above ground level; and the maximum area of the sign shall not exceed 1.1 m² (12 sq. ft.);
- (j) signs on merchandising aids are exempted, provided that any device shall be placed wholly within the property lines; the overall height of any sign shall not be greater than 1.8 m (6 ft.) above ground level; the maximum area of any sign shall not exceed 1.1 m² (12 sq. ft.).

DETAILS OF APPLICATION

12.4 Applications for a development permit shall be made to the designated officer. The application shall be:

- (a) made out on the official form provided by the Development Officer;
- (b) supported by two copies of drawings drawn to scale. Where a building is involved, the scale shall not be smaller than 1:100. In the case of a plot plan, the scale shall not be smaller than 1:360;
- (c) The drawings shall indicate:
 - (i) the location of the sign by elevational drawing or plot plan;

- (ii) the overall dimensions of the sign;
- (iii) the size of the letters or letter;
- (iv) the amount of projection from the face of the building;
- (v) the amount of projection over Town property;
- (vi) the height of the sign above the Town street or sidewalk, or the height above the average ground level at the face of the building;
- (vii) the manner of illuminating the sign and any form of animated or intermittent lights that may be embodied in the construction;
- (viii) the least distance that the sign will be erected from an intersection of one street with another; also, the least distance from any device for the control of traffic at such an intersection.

12.5 No person shall perform any work of erection or of placing a sign differing from or enlarging the work for which a development permit has been issued. If during the progress of the work, the applicant desires to deviate in any way from the terms of the original approved development permit, he shall notify the designated officer and submit amended drawings, and if necessary shall make application to the designated officer for approval of the plans as amended.

12.6 A development permit shall not be required to clean, repair or repaint any sign.

GENERAL PROVISIONS

12.7 All proposed signs, with the exception of the exemptions as provided for in Section 2, shall be authorized by the designated officer prior to any building permit being issued.

12.8 With the exception of the special provisions relating to billboards, all signs shall contain "point-of-sale advertising" only, as desired.

12.9 No sign shall be permitted which is attached to a fence, pole, tree or any object in a public street or place.

12.10 No sign shall be permitted which is attached to or standing on the ground in any public street or place.

12.11 No signs shall be erected so as to obstruct free and clear vision of vehicular traffic or at any location where it may interfere with, or be confused with, any authorized traffic sign, signal or device.

FASCIA SIGNS

12.12 In the districts defined in the Land Use District Map of the Town of Nobleford as "Commercial/Industrial – CI", fascia signs shall be erected so that they:

- (a) do not project more than 0.4 m (19 in.) above the top of the vertical face of the wall to which they are attached;
- (b) do not exceed in area the equivalent of 25 percent of the superficial area of the wall comprising the business frontage; and
- (c) are located on a business frontage as defined.

12.13 Fascia signs on a flank or gable which is not a business frontage, as defined, shall be considered by the designated officer according to the merits of the individual application.

- 12.14 On commercial or industrial buildings which are non-conforming uses in residential districts, fascia signs shall be considered by the designated officer according to the merits of the individual application.

MARQUEE AND CANOPY SIGNS

- 12.15 Marquee and canopy signs shall be considered as fascia signs according to the provisions of Section 5, provided that:
- (a) they shall be attached to the front edge of the marquee or canopy;
 - (b) no additional supporting wires or stays shall be attached to the canopy or wall;
 - (c) no portion of the sign shall project below the bottom edge, or more than 0.5 m (18 in.) above the top edge of the marquee or canopy;
 - (d) a sign not exceeding 0.3 m (1 ft.) by 1.2 m (4 ft.) in outside dimensions may be suspended below a marquee or canopy provided no part of the sign shall be closer than 2.4 m (8 ft.) to the ground or sidewalk.
- 12.16 Roof signs shall be considered as fascia signs according to the provisions of Section 5, where the following conditions are met:
- (a) the sign shall be attached to the front edge of the roof;
 - (b) no additional supporting wires or stays shall be attached to the roof;
 - (c) no portion of the sign shall project more than 0.5 m (18 in.) above the roof.

PROJECTING SIGNS

- 12.17 In districts defined as "Commercial/Industrial – CI", freestanding signs shall be erected so that:
- (a) no part of the sign, excluding that portion which is used for support and which is free of advertising, shall be less than 3.0 m (10 ft.) above the ground or sidewalk grade;
 - (b) no part of the sign shall project more than 1.8 m (6 ft.) over public property, or come within 0.6 m (2 ft.) of the curb or edge of a roadway;
 - (c) no part of the sign shall project more than 0.5 m (18 in.) above the top of the vertical face of the wall to which it is attached;
 - (d) the space between the sign and supporting structure shall not be more than 0.6 m (2 ft.);
 - (e) there shall be only one projecting sign for each business frontage provided that, if a business frontage shall exceed 15.2 m (50 ft.), a further projecting sign shall be permitted for each additional 15.2 m (50 ft.) or portion thereof;
 - (f) the permitted areas of the sign shall be related to the amount of projection from the face of the building as follows:

	m	ft.	m	ft.	m	ft.	m	ft.
Amount of Projection	1.8	6	1.5	5	1.2	4	0.9	3 or less
	m ²	ft ²	m ²	ft ²	m ²	ft ²	m ²	ft ²
Maximum Area of Sign	3.3	35	4.5	48	5.6	60	7.0	75

- (g) support shall not be provided by an "A" frame.

FREESTANDING SIGNS

- 12.18 In districts defined as "Commercial/Industrial – CI", freestanding signs shall be erected so that:
- (a) no part of the sign, excluding that portion which is used for support and which is free of advertising, shall be less than 3.0 m (10 ft.) nor more than 9.1 m (30 ft.) above ground or sidewalk grade;
 - (b) no part of the sign shall project beyond the property line;
 - (c) the area of the sign shall not exceed the ratio of 0.1 m² (1 sq. ft.) for each linear 0.3 m (1 ft.) of business frontage to a maximum of 8.4 m² (90 sq. ft.) with the area of the sign being computed exclusive of the pylon or support provided that it is free of advertising;
 - (d) there shall not be more than one freestanding sign for each business frontage.

ILLUMINATED ROOF AND SKY SIGNS

- 12.19 Illuminated roof and sky signs in commercial and industrial districts shall be considered by the designated officer according to the merits of each individual application, provided that:
- (a) the designated officer shall be satisfied that the purpose of the sign cannot be achieved by another type of sign;
 - (b) the sign must refer to the principal use of the building on which it is erected.

VARIANCES

- 12.20 Where there are exceptional circumstances or conditions applicable to a particular property to the extent that practical difficulties, or results inconsistent with the general purpose of these regulations may result from their strict and literal interpretation and enforcement, variances shall be considered by the designated officer or Development Authority according to the merits of the individual application.

EXISTING SIGNS

- 12.21 These Sign Regulations shall not be applied to signs legally in existence at the date of the adoption of this bylaw; however, when the use to which the sign pertains is discontinued, if the sign is non-conforming it must be removed.

SECTION 13 SHORT-TERM RENTALS

A short-term rental means a dwelling unit operated as an accommodation unit, occupied by a guest or guests for a period of less than 28 days.

- 13.1 Short term rentals are prohibited in any land use district except where they are expressly listed as a discretionary use.
- 13.2 Where approved, short-term rentals shall be developed and operated in accordance with the following regulations in order to ensure that the impacts of this commercial use do not unduly affect the amenities of the residential neighbourhood in which they are located:
- (a) The maximum number of bedrooms in a dwelling unit used for a short-term rental shall be four, with maximum of eight guests.
 - (b) Short term rentals require a development permit. A permit may be revoked at any time if, in the opinion of a designated officer, the operator has violated any provision of this bylaw or the conditions of a permit.
 - (c) Short term rentals shall not interfere with the rights of other residents to quiet enjoyment of a residential neighbourhood.
- 13.3 The operator of the short-term rental shall:

- (a) keep and maintain, or have kept and maintained by a company or individual identified in the development permit application, a guest register that shall be reasonably available for inspection by designated officer;
- (b) provide 1 on-site parking stall per bedroom. Parking stalls shall not be tandem;
- (c) not display any form of advertising related to the short-term rental except as provided for in this bylaw and until after a development permit is issued;
- (d) ensure that all parts of the dwelling conform to the Alberta Safety Code.

SECTION 14 SOLAR ENERGY SYSTEM, INDIVIDUAL

ROOF OR WALL MOUNTED

- 14.1 The Development Authority is authorized to issue development approvals for alternative energy sources such as, but not limited to, solar panels, heat exchange systems, generators, turbines, etc. provided that any additional approvals or standards required at the municipal, provincial and/or federal levels are met or exceeded.
- 14.2 A solar energy system attached to a wall or roof of a building may be permitted in any land use district as an accessory structure subject to the following:
- 14.3 A solar collector mounted on a roof:
 - (a) may project a maximum of 1.3 m (4 ft) from the surface of the roof and shall not exceed the maximum height requirements of the applicable land use district; and
 - (b) must not extend beyond the outermost edge of the roof.
- 14.4 A solar collector mounted to a wall:
 - (a) must be located such that it does not create undue glare on neighbouring property or public roadways;
 - (b) must be located a minimum of 2.3 m (7.5 ft) above grade;
 - (c) may project a maximum of 1.5 m (5 ft) from the surface of the wall, when the wall faces the rear property line, subject to the setback requirements of the applicable land use district; and
 - (d) may project a maximum of 0.6 m (2 ft) from the surface of the wall when the wall faces the front, secondary front or side property line, subject to the setback requirements of the applicable land use district.

FREE STANDING

- 14.5 A free-standing solar collector or a solar collector mounted to any structure other than a roof or wall of a building shall be processed subject to the applicable land use district and shall be subject to the setback requirements for accessory buildings and structures.
- 14.6 A free-standing solar collector or a solar collector mounted to any structure other than a roof or wall of a building:
 - (a) must be located such that it does not create undue glare on neighbouring property or public roadways; and
 - (b) must not exceed 1.8 m (6 ft) in height above existing grade.

DEFINITIONS

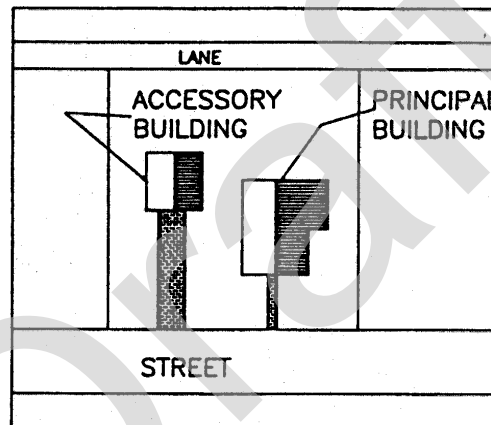
A

Abutting means to have a common boundary; to border on.

Addition means construction that increases the footprint of an existing building or structure on a parcel of land. Typically, there will be a common connection from the existing building to the addition.

Accessory building means a building or structure that is incidental or subordinate to and customarily found in connection with a primary structure or use, located on the same lot as the principal building or use, but does not include a building or structure used for human habitation.

Figure 9.1



Accessory structure means a structure that is detached from the principal building. It is ancillary, incidental, and subordinate to the principal building or use. Typical accessory structures include flagpoles, swimming pools, storage tanks, and satellite dishes. When a structure is attached to the principal building by a roof, a floor, a wall, or a foundation, either above or below grade, it is considered part of the principal building. No accessory structure shall be used for human habitation.

Accessory use means a use of a building or land, which is incidental to and subordinate to the principal use of the site on which it is located.

Act means the *Municipal Government Act, Revised Statutes of Alberta, 2000, Chapter M-26*, as amended.

Adjacent land or adjacent means land that is contiguous to a parcel of land proposed for development, subdivision or redesignation and includes land that would be contiguous if not for a road, railway, walkway, water body, utility lot, right-of-way, reserve land or other similar feature.

Alteration means any structural change to a building that results in an increase or decrease in the area or the volume of the building; any change in the area frontage, depth, or width of a lot that affects the required yard, landscaped open space, or parking requirements of this Bylaw; structural change to a sign; and to discontinue or change the principal use of the site or building with a use defined as being distinct from the discontinued use.

Amenity area means an area(s) within the boundaries of a development intended for recreational or leisure purposes. These may include landscaped areas, patios, balconies, swimming pools, beaches, and other similar items that are intended for public use.

Anhydrous ammonia and other bulk fertilizer storage means an establishment where fertilizer goods are received and stored for the purpose of distribution.

Applicant means the registered owner of the land or his/her representative or agent certified as such.

Approved use means a use of land and/or building for which a development permit has been issued by the Designated Officer or the Municipal Planning Commission.

Arcade means an amusement facility where the public can play mechanical, electronic, or coin-operated games of skill or chance for a fee and that may incorporate eating facilities as an accessory use.

Architectural controls means a set of development guidelines or standards that have been established by the developer and registered on a certificate of title for the purpose of creating and maintaining a higher quality of development/construction than is the norm for a particular subdivision and/or development project. Standards normally address, but are not limited to, design diversity, square footage, roof slopes and materials, building cladding, landscaping, accessory buildings, setbacks, driveway materials and other appealing neighbourhood aesthetics and may also address building lot restrictions, special setbacks and lot grading.

Area, buildable means the space created on a lot or parcel within which a building may be constructed once the setback requirements for a specific zoning district, and any site-specific limitations, have been considered. The portion of a lot remaining after all undevelopable areas, setbacks from property boundaries and other development constraints, and minimum yard dimensions have been deducted. The area on a lot that will accommodate the proposed development of a building. Also referred to as "building envelope."

Area, lot means the total area of a lot. Also called "gross area."

Area redevelopment plan means a statutory plan accepted or adopted by Council as an area redevelopment plan pursuant to the *Act*.

Area structure plan means a statutory plan in accordance with the *Municipal Government Act* and for the purpose of providing a framework for subsequent subdivision and development of an area of land in the municipality.

As required by the development authority means that a standard or requirement of the Land Use Bylaw may be established or varied by the Development Officer or the Municipal Planning Commission, as the case may be, dependent on which entity has jurisdiction.

As required by the development officer means that a standard or requirement of the Land Use Bylaw may be established or varied by the Development Officer.

As required by the municipal planning commission means that a standard or requirement of the Land Use Bylaw may be established or varied by the Municipal Planning Commission.

Attached garage means a building or portion of a building that is used for the storage of motor vehicles, which is attached to the principal building by sharing a common wall with the dwelling, and usually contains an access doorway into the principal building. For the purpose of calculating setbacks and site coverage requirements, an attached garage is deemed to be part of the principal building.

Automotive sales and service means a development for the retail sale, lease, or rental of new or used automobiles and/or recreational vehicles and/or a facility for the repair and servicing of automobiles and/or recreational vehicles including, but not limited to, mufflers, oil changes, transmissions, engine replacement, glass repair, auto detailing. Such facilities do not include the sale of gas but may include towing services as an accessory use.

B

Bakery means a development of a small-scale, on-site production of food products that may include retail sales, display, storage and eating facilities.

Balcony means a platform, attached to and projecting from the face of a principal building with or without a supporting structure above the first storey, normally surrounded by a baluster railing and used as an outdoor porch or sundeck with access only from within the building.

Bareland condominium means a condominium in which the units are defined in relation to the land rather than in relation to a structure, created specifically through subdivision and registered as a condominium plan in accordance with the *Condominium Property Act*.

Bareland condominium unit means a bareland unit as defined in the *Condominium Property Act*.

Basement means the lowest storey of a building, partly or wholly below grade and having its floor below grade by a distance greater than one-half the distance from floor to ceiling. (see Figure 9.2)

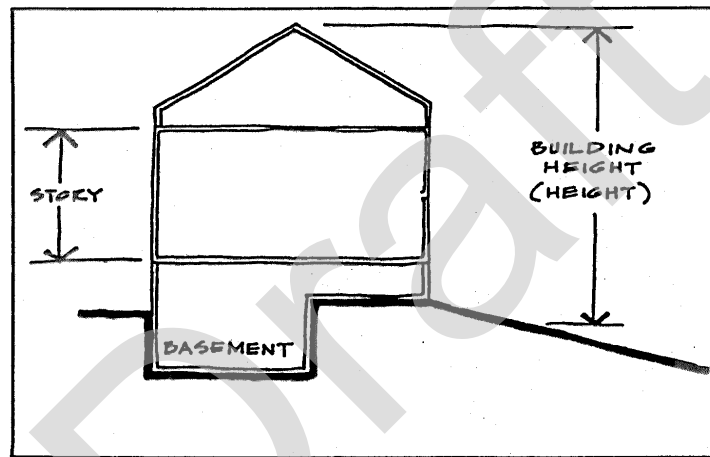


Figure 9.2

Bed and breakfast means a private dwelling occupied by the owner or operator that offers overnight lodging and breakfast, but no other meal, for a fee, to no more than 8 registered guests at one time.

Berm means a dyke-like form used to separate incompatible areas or uses, or constructed to protect the site or district from vehicular road or other noise.

Belt course means a narrow horizontal band projecting from the exterior walls of a building, usually defining the interior floor levels. (see Figure 9.3)

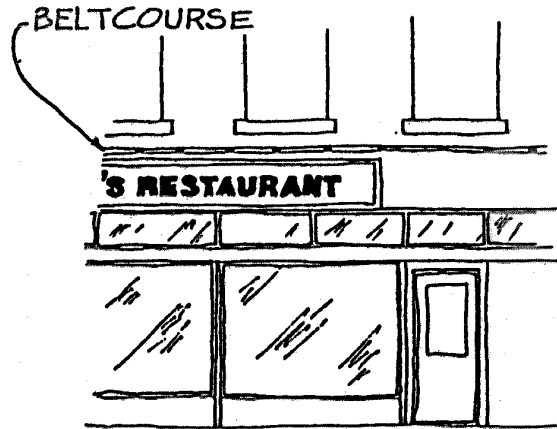


Figure 9.3

Boarding house means a building (other than a hotel or motel) containing not more than 15 sleeping rooms where means or lodging for five or more persons are provided for compensation pursuant to previous arrangements or agreement.

Boulevard means that portion of a public road right-of-way that lies between a curb and the boundary of a lot or parcel.

Buffer means the systematic and careful planting of vegetation, placed to provide visual screening and/or physical separation between uses, buildings, sites or areas that the Development Authority has determined to be incompatible. If deemed necessary, the Development Authority may require a berm as part of the buffer.

Building has the same meaning as in the Act.

Building height means the vertical distance between average grade and the highest point of a building excluding elevator housing, a roof stairway entrance, a ventilating fan, skylight, steeple, chimney, smoke stack, fire wall or parapet wall, flagpole, or other similar structure.

Building inspector means the person or persons appointed by the municipality to be the chief building inspector(s) in and for the Town of Nobleford.

Building permit means a certificate or document issued by the Safety Codes Officer pursuant to provincial legislation authorizing commencement of construction.

Building setback means the shortest distance between the exterior foundation wall of the building and the nearest lot line. Depending on the zoning district, the minimum setback will vary.

Bulk oil station means a facility for the purpose of storing fuel for distribution to customers or vendors and may include an accessory component of gas pumps to enable direct fuel sales to clients or a card lock operation.

Business support services means services provided to businesses such as clerical, secretarial, employment, telephone answering, photocopying, reproduction processes and similar uses.

C

Campground means a use of land or buildings intended for the temporary and seasonal occupancy by holiday or tent trailers, recreation vehicles, tents and similar equipment or vehicles. This use may include supplementary bathroom and recreational facilities, eating shelters, convenience retail, laundry facilities and may be located on municipal owned land or privately titled land.

Cannabis means a cannabis plant, as defined in the *Cannabis Act (Canada)* and its regulations, as amended from time to time.

Cannabis accessory means cannabis accessory items as defined in the *Cannabis Act (Canada)* and its regulations, as amended from time to time.

Cannabis production facility means a building where federally approved cannabis plants, for either medical or recreational use, are grown, processed, packaged, tested, destroyed, stored or loaded for shipping, and that meets all applicable federal and provincial requirements.

Cannabis retail store means a retail store licensed by the Province of Alberta where cannabis and cannabis accessories are sold to individuals who attend at the premises and for which any product sales are expressly authorized by the Alberta Gaming and Liquor Commission (AGLC). This use shall be a standalone use and not in conjunction with any other use.

Car wash means the use of a structure or area providing for the cleaning of motor vehicles but does not include truck washes or service stations/gas bars.

Carport means a partially-enclosed structure intended for the shelter of one or more motor vehicles. Enclosure is limited to the roof and to a height of not greater than 0.9 metres (3 ft.) above the ground or finished surface of the carport. (see Figure 9.4)

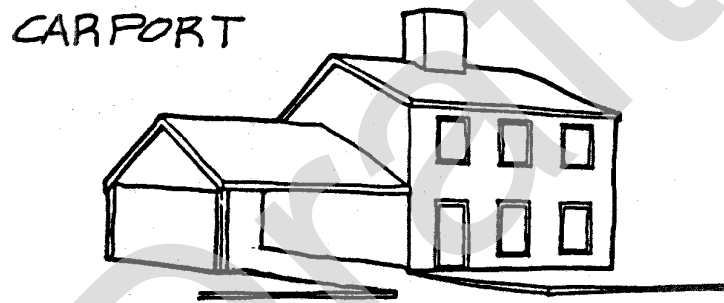


Figure 9.4

Cemetery means land used or dedicated to the burial of the dead, including crematoriums, mausoleums, necessary sales, and maintenance facilities.

Certificate of compliance means a document signed by the Development Authority, certifying that a development complies with this Bylaw with respect to yard setback, use, site coverage, water wells and private sewage disposal systems as it relates to the parcel as represented on an Alberta Land Surveyors' Real Property Report.

Change of Use means the conversion of land or building or portion thereof from one land use activity to another in accordance with the Permitted or Discretionary Uses as listed in each Land Use District.

Childcare facility means a development for the provision of care, maintenance, and supervision of seven or more children, by persons unrelated to the children by blood or marriage, for periods not exceeding 24 consecutive hours and includes all day-care centres, nurseries, and after-school or baby-sitting programs which meet the conditions of this definition or are required to be licensed by the Provincial Government. This use does not include a Day Home which is a separate use.

Civic and government office means a development providing municipal, provincial, or federal government services directly to the public or the community at large, and includes development required for the public protection of persons and/or property.

Clear vision triangle means a triangular area on a corner lot formed by an imaginary line starting at the point of intersection of the two street property lines and extending 6.1 m (20 ft.) from their point of intersection.

Clubs and fraternal organizations means development used for the meeting, social or recreational activities of members of a non-profit philanthropic, social service, and athletic, business or fraternal organization, without on-site residences. Clubs and fraternal organizations may include rooms for eating, drinking and assembly.

Commercial recreation means a facility or building that charges a fee and is not operated by a public body that is used for recreational activities. This use includes commercial campgrounds.

Common wall means a vertical separation completely dividing a portion of a building from the remainder of the building and creating in effect a building which, from its roof to its lowest level, is separate and complete unto itself for its intended purpose, such wall being owned by one party but jointly used by two parties, one or both of whom is entitled to such use by prior arrangement.

Community consultation means the process and its documented information gathered from the public to record their opinion on development applications.

Community hall means a non-commercial development established primarily for the benefit and service of the population of the community in which it is located.

Conceptual scheme means a detailed site layout plan for a parcel of land and which describes the following elements:

- (a) the location of all existing and proposed buildings;
- (b) the location of all existing and proposed uses;
- (c) the anticipated relationship between the proposed development with the surrounding area;
- (d) the potential effect of the proposed development on the surrounding area;
- (e) the proposed layout of all access roads, interior roads, utility services, easements, landscaping and other amenities, parking, and fencing;
- (f) desired future development/phases until the project reaches its full build out stage;
- (g) any other elements deemed necessary for approval, to the satisfaction of the Development Authority.

A comprehensive conceptual scheme shall be accompanied by a written overview which shall include an evaluation of impacts on adjacent land uses and how any impacts will be mitigated.

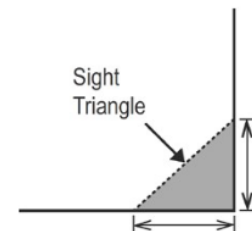
Condominium means a building or structure where there exists a type of ownership of individual units, generally in a multi-unit development or project where the owner possesses an interest as a tenant in common with other owners in accordance with the provisions of the *Condominium Property Act*.

Condominium plan means a plan of survey registered at a Land Titles Office prepared in accordance with the provisions of the *Condominium Property Act, Revised Statutes of Alberta 2000, Chapter C-22*.

Construction trade means development for the operation of a building trade or service, or a materials supplier to the construction industry.

Corner lot means a lot located at the intersection or junction of two or more streets (not including lanes).

Corner lot sight triangle means a triangular area on a corner lot that comprises two sides which are measured from the intersection corner for a distance specified in this Bylaw. The third side of the triangle is a line joining the ends of the other two sides. Where the lot lines at intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection.



Cottage industry in conjunction with an approved dwelling means a type of development that is used for small-scale on-site production of goods or products in a building or facility including areas devoted to retail sales, display and storage. This use includes production of niche goods on a small scale, bakeries and specialty food production facilities, craftsmen studios, pottery and sculpture studios, hand-made goods studios, specialty furniture makers, leather production, and such other uses as the Municipal Development and Subdivision Authority considers similar in character and nature to any one or all of these uses. The cottage industry must be subordinate in use to the approved dwelling. This definition does not include Cannabis Retail Sales.

Council means the Council of the Town of Nobleford in the Province of Alberta.

Cultivation and grazing of land means the agricultural process of growing plants (crops) on arable lands and allowing the animals to (graze) feed on the grasses.

D

Day home means a home occupation development within a private residence where care, development and supervision are provided for a maximum of six children as defined in the Early Learning and Child Care Act, by persons unrelated to the children by blood or marriage, for periods not exceeding 24 consecutive hours. Any child who ordinarily resides in the dwelling is excluded from the total number of children in care.

Deck means a paved, wooden, or other hard-surfaced area generally adjoining a principal building intended for outdoor living space that is 0.61 metres (2 ft.) or greater above grade.

Demolition means the pulling down, tearing down or razing of a building or structure.

Design guidelines refer to policies established and adopted by Council, separate from this Bylaw, that prescribe technical requirements respecting the design, construction and maintenance of roads, infrastructure, and other matters.

Designated Officer means a person authorized by Council to act as a Development Authority pursuant to Section 624(2) of the *Municipal Government Act* and in accordance with the municipality's Municipal Planning Commission and Subdivision and Development Authority Bylaw.

Development means:

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

Development agreement means an agreement between the developer and the municipality to:

- (a) construct or pay for the construction of public roadways or parking areas;
- (b) install or pay for the installation of utilities, and/or any municipal service mutually agreed upon;
- (c) pay for an off-site levy or redevelopment levy imposed by bylaw.

Development Authority means the Municipal Planning Commission or the Designated Officer as provided for within this bylaw.

Development permit means a permit issued pursuant to this bylaw authorizing a development. A development permit does not constitute a building permit.

Development standards are regulations prescribed in this Bylaw governing the manner in which development is to be effected, including the scale, placement, spacing and quality of development. Development standards that can be accurately measured are often referred to as “dimensional standards” or “measurable standards.”

Discontinued means the time at which, in the opinion of the Approving Authority, substantial construction activity has stopped, or a non-conforming use or conforming use has ceased.

Discretionary use – see **Use, discretionary**.

District means a defined area of a municipality as set out in the land use district schedule of uses and indicated on the Land Use Districts Map.

Drive-in/drive-through restaurant means an establishment where food is prepared and served on the premises for sale to the public and includes car attendant and/or drive-through, pick-up service.

Dwelling means a self-contained premise designed for human habitation which includes provisions for cooking, sleeping and sanitary facilities.

Apartment building means a building or a portion of a building which contains three or more dwelling units and where the primary access to each unit is provided through a common or shared entryway.

One unit means a building constructed on the lot intended for occupancy containing a single dwelling which is not attached to any other dwelling by any means. For the purposes of this bylaw, one unit dwelling does not include manufactured homes, modular dwellings, moved-in dwellings, or ready-to-move dwellings. (see Figure 9.6)

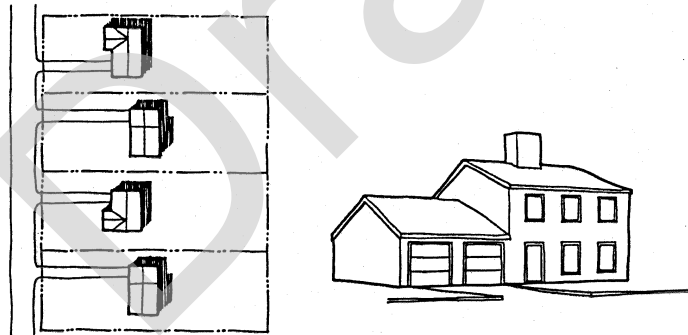


Figure 9.6

Two unit means a building containing two separate dwelling units connected by a common wall or ceiling but legally subdivided by a property line. (see Figure 9.7)

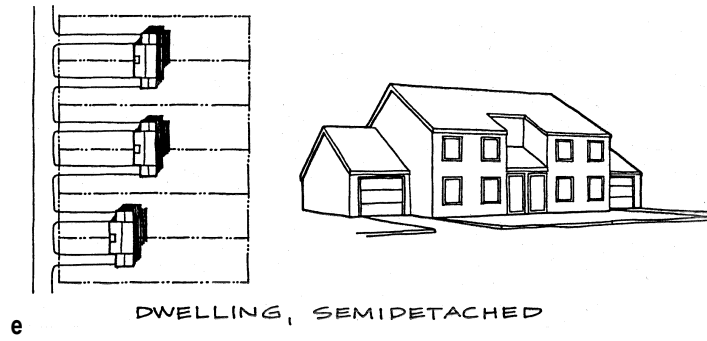


Figure 9.7

Multi-unit means a building other than a Rowhouse containing three or more separate dwelling units. (see Figure 9.8)



Figure 9.8

Manufactured home means a new residential building containing one dwelling unit built in a factory and designed to be transported in one or more sections to a suitable site. The home is transported in on a dolly (with wheels) and the wheels are removed when the home arrives to the site. New manufactured homes shall be constructed to either the CSA Z241 or CSA A277 standards. The homes are typically placed on foundation supports, skirted, installed to CSA Z240.10.1 standards, and connected to utilities.

Modular means a new dwelling unit that is manufactured in a remote facility and then delivered to their intended site of use. It is a residential building of one or more sections constructed within a factory and transported to a site and installed on a basement.

Moved-in means a conventional, previously occupied building which is physically removed from one site, transported and re-established on another site for use as a residence, but does not include modular dwellings, manufactured homes, or ready-to-move dwellings.

Ready-to-move (RTM) means a new dwelling unit not previously occupied that would normally be built on a construction site, plant site, or building yard. The dwelling is then transported as one unit, delivered to the client's location, and installed on a basement.

Rowhouse means a building containing three or more separate dwelling units with each unit placed side by side and each having a separate front and rear entrance. (see Figure 9.9)

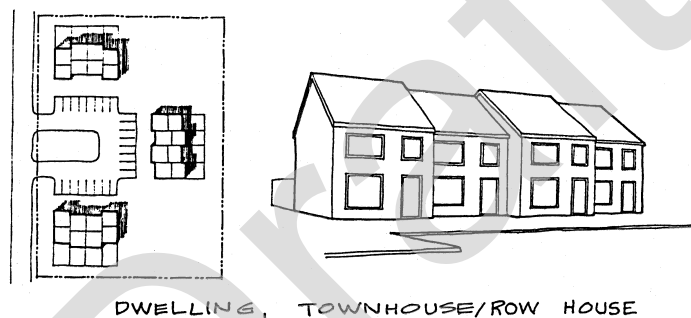


Figure 9.9

Secondary Suite means a self-contained dwelling unit used or designed to be used as a residence by one or more persons located within a single-detached dwelling or within the upper floor of a detached garage. A secondary suite is considered part of and secondary to the single-detached dwelling. A maximum of one secondary suite may be permitted within a single-detached dwelling. (See Schedule 6, section 11.)

E

Easement means a right held by one part in land owned by another.

Eave means the overhang or extension of a roof line beyond the vertical wall of a building.

Environmental reserve means any parcel of land specified as environmental reserve by the Subdivision Authority (MGA, section 664) and designated in a certificate of title in the name of Town of Nobleford.

Excavation means the process of altering the natural elevation of the ground by grading, cutting, stripping, filling or breaking of ground, but does not include common household gardening and ground care, excavation made for the building of basements, structures, landscaping, or parking for which a development permit has been issued, or extensive agriculture. Gravel pit, mineral extraction and any other similar extractive use are not classified as excavation and are a separate use.

F

Farmstead means the accessory part of an agricultural parcel developed with dwellings, structures, shelter belts, dugouts, storage areas for farm equipment, produce and fertilizer, etc. necessary to the extensive cultivation and/or grazing use of the major portion of land.

Farm machinery sales, rental and service means the use of land or buildings for the sale, service and/or rental of agricultural implements and/or vehicles over 5,900 kg (13,000 lbs.) tare weight and heavy machinery used in the operation, construction or maintenance of buildings, roadways, pipelines, oil fields, mining, or forestry operations, and in freight hauling operations. Cleaning, repairing and sale of parts and accessories may be allowed as part of the principal use or as accessory uses.

Fence means a structure usually made of wood, rails, bricks or wire used as an enclosure, to mark parcel boundaries or for screening purposes about all or part of a lot.

Fertilizer storage and sales means a development used to store bulk fertilizer for distribution. This use class does not include the sales of bagged fertilizer in a retail shop.

Financial institution means a development or use primarily for providing the service of banking or lending money, such as a bank, savings and loan institution, or credit union.

Floor area means the sum of the gross horizontal area of the several floors and passageways of a building not including basements, attached garages and open porches.

Footprint means the shape of the building/structure where it sits on the parcel. If an outline of the building could be drawn on the ground where it sits and then the building removed, the footprint is the shape that was drawn around the building. Changing the footprint of the building means adding to it or removing from it in such a way that this outline would be altered.

Foundation means the supporting base structure of a building which has been designed and engineered to support the associated weight of the building or structure.

Free standing sign means a sign on a standard or column permanently attached to the ground and which is not connected in any way to any building or other structure.

Front yard means a yard extending across the full width of a lot and situated between the front lot line and the nearest portion of the principal building.

Foundation means the supporting base structure of a building.

Funeral home means a development used for the arrangement of funerals, the preparation of the dead for burial or cremation, the holding of funeral services and the carrying out of cremations, where not more than one cremation chamber is provided.

G

Garage (residential) means an accessory building designed and used for storage of motor vehicles.

Golf Course means an outdoor development designated primarily for the recreational game of golf and consists of a landscaped area of land laid with a series of 9 or 18 holes with each hole including a tee, fairway, and putting green and often one or more natural or artificial hazards. Accessory uses include a pro shop, driving range and/or practice facility, food service, and other commercial uses typically associated with a golf course clubhouse facility.

Government service means development providing municipal, provincial or federal government services directly to the public or the community at large and includes development required for the public protection of persons or property.

Grade means the average elevation of the finished ground or street surface.

Grain elevator means a facility for the collection, grading, sorting, storage, and transshipment of grains.

Greenhouse means a building specially designed and used for the growing of vegetables, flowers or other plants for transplanting or sale. This use does not include Cannabis Production Facility which is a separate use.

H

Heavy manufacturing and industry means a development for manufacturing, assembling or fabricating activities on a large scale, where there may be external effects from the activity such as smoke, noise or odour or other similar nuisances.

Highway means a public road that is designated as a provincial highway and is under provincial jurisdiction.

Home occupation means any occupation, trade, profession or craft carried on by an occupant of a residential building as a use secondary to the residential use of the building, and which does not change the character thereof. See Schedule 6, section 7 for definitions of **Home Occupation A** and **Home Occupation B**.

Hotel / motel means a building used primarily for sleeping accommodation and ancillary services provided in rooms or suites of rooms that may contain bar/kitchen facilities. The building may also contain commercial or other uses and may offer such additional services as parking facilities, restaurant or dining room, room service or public convention facilities.

Hospital means a provincial health care facility, as defined in the *Hospitals Act*, providing medical treatment on both an in-patient and an out-patient basis and may include provision for outdoor amenity areas, laundry facilities, maintenance buildings and air transport facilities.

I

Industrial use requiring spur trackage means a large-scale development used for manufacturing, fabricating, processing, assembly, production or packaging of goods or products, as well as administrative offices and warehousing and wholesale distribution uses which are accessory uses to the above, that requires the use of spur trackage for receipt and shipment of product.

Institutional means a use by or for an organization or society for public or social purposes and, without restricting the generality of the term, includes Seniors Supportive Housing Facility, day care centres, place of worship, museums, libraries, schools, service and fraternal organizations, and government buildings.

Interior lot means any lot other than a corner lot.

Intermodal container means any container that was used or intended to be used for the transport of goods by means of rail, truck, or by sea. These are generally referred to as C-Container, sea cargo container, sea can, cargo container or portable storage bin. Such containers are typically rectangular in shape and are generally made of metal. When used for any purpose other than transporting freight or as inventory to be sold, an intermodal container shall be considered an accessory building and subject to the standards and requirements in Schedule 6 section 7 of this Bylaw.

K

L

Land use districts are specifically delineated planning areas within Town of Nobleford. Regulations prescribed in this Bylaw govern the use of land within the districts, as well as provide minimum standards for development through stipulations pertaining to the scale, placement, spacing and quality of buildings and structures. All land use districts referred to in this Bylaw are shown on the Land Use Districts Map found in Schedule 1 of this Bylaw.

Lane means a public roadway, not exceeding 9.1 metres (30 ft.) in width which provides a secondary means of access to a lot.

Libraries and Museums means a public facility for the use, but not sale of literary, musical, artistic, or reference materials. A collection of natural, scientific, or literary curiosities displayed for viewing by the public. With or without an admission charge, and which may include as an accessory the sale of goods to the public.

Licensed lounge means a development, licensed by the Alberta Gaming and Liquor Commission, in which alcoholic beverages are served for a fee for consumption on the premises, and any preparation or serving of food is accessory thereto.

Light industry / manufacturing means development used for manufacturing, fabricating, processing, assembly, production or packaging of goods or products, as well as administrative offices and warehousing and wholesale distribution uses which are accessory uses to the above, provided that the use does not generate any detrimental impact, potential health or safety hazard or any nuisance beyond the boundaries of the developed portion of the site or lot upon which it is situated.

Lodging house – see “Boarding house”.

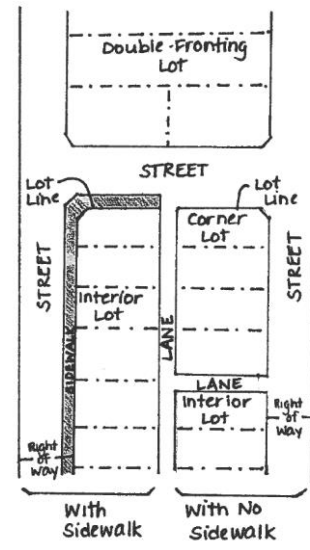
Lot means an area of land the boundaries of which are shown on a plan registered in a Land Titles Office, or are described in the Certificate of Title to the land, and that has not been divided into smaller areas by any plan or instrument registered in the Land Titles Office. The words **site** and **parcel** shall have the same meaning as the word **lot**.

Lot, corner means a lot located at the intersection or junction of two or more streets. (see Figure 9.10)

Lot, double fronting means a lot which abuts two parallel or approximately parallel streets. (see Figure 9.10)

Lot, interior means a lot situated between two lots or another lot and a lane and having access to not more than one street. (see Figure 9.10)

Lot area means the total area contained within the lot lines of a lot.



Lot line means the legally defined boundary of any lot. The term property line shall have the same meaning. (see Figures 9.10, 9.11)

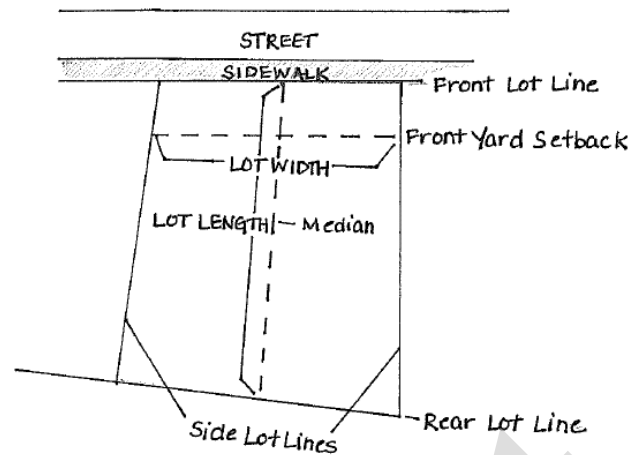


Figure 9.11

Lot length means the distance between the front and rear lot lines measured along the median between the side property boundaries. (see Figure 9.11)

Lot width means the measurement between the side lot lines measured at the front setback line. (see Figure 9.11)

Lumber yard / building supplies means a commercial retail store where lumber, building materials, intermodal containers, hardware and household accessories and other related goods are stored, offered or kept for sale and may include outdoor storage.

M

Manufactured home park means an unsubdivided parcel of land where space(s) are provided, maintained and operated by an owner or a manager for the long-term parking and occupancy of manufactured homes including any accessory services and ancillary facilities including recreation area.

Market Garden means the growing of vegetables or fruit for commercial purposes. This use includes an area for the display and sale of goods or produce grown or raised on site.

Matters Relating to Subdivision and Development Regulation means regulations established by order of the Lieutenant Governor in Council pursuant to section 694 of the *MGA* that governs the subdivision application process.

May is a discretionary term, providing notification that the regulation in question can be enforced if the Town chooses to do so, and is usually dependent on the particular circumstances of the specific parcel and application.

Measurable standard means a dimensional standard stipulated in the current Land Use Bylaw.

Medical and dental office means development providing medical, health, or dental care on an outpatient basis. **Dispensaries** are considered a **retail store** for the purposes of this bylaw.

Mixed use means a building with more than one type of use, specifically both residential and commercial, within a building and which are mutually compatible and developed in a comprehensive manner. Such an example may include a building that contains commercial retail use on a lower floor and residential dwelling units on upper floors.

Moved-in building means a conventional, pre-constructed, previously occupied building which is physically removed from one site, transported and re-established on another site and does not include manufactured homes, modular homes, or ready-to-move homes.

Municipal Development Plan means a statutory plan, formerly known as a General Municipal Plan, adopted by Bylaw (MGA, section 632).

Municipal facility means a building, structure, or land parcel owned, operated or maintained by the Town or Nobleford to provide civic, recreational, cultural, administrative, or protective services to the public.

Municipal Government Act (Act) means the *Municipal Government Act, Statutes of Alberta, 2000, Chapter M-26*, as amended.

Municipal Planning Commission (MPC) means the committee authorized by Council to act as the Subdivision Authority pursuant to section 623 of the MGA and Development Authority pursuant to section 624 of the MGA, and in accordance with the Municipal Planning Commission Bylaw.

Municipal reserve means the land specified to be municipal reserve by a subdivision approving authority pursuant to the Act.

Municipal and school reserve means the land specified to be municipal and school reserve by a subdivision approving authority pursuant to the Act.

Municipality means the Town of Nobleford in the Province of Alberta.

N

Noise impact assessment means a detailed noise survey which establish the environmental noise impacts of a development.

Non-conforming building, in accordance with the Act, means a building:

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

Non-conforming use means a lawful specific use:

- (a) being made of land or a building or intended to be made of a building lawfully under construction, at the date of a Land Use Bylaw or any amendment thereof affecting the land or building becomes effective; and
- (b) that on the date the Land Use Bylaw or any amendment thereof becomes effective does not, or in the case of a building under construction, will not comply with the Land Use Bylaw. [MGA, Part 17, section 616(r)].

Non-noxious manufacturing and processing facility means a facility for the fabrication, construction, assembling, or packaging of raw materials or semi-finished goods that does not include the use of noxious or hazardous uses.

Noxious or hazardous uses are those land uses which may be detrimental to public health, safety and welfare because of toxic gases, noxious smells, wastes, noise, dust or smoke emissions which are incompatible with residential or other development.

Nuisance means any use, prevailing condition or activity which adversely effects the use or enjoyment of property or endangers personal health or safety.

Nursery means a development where plants, trees, shrubs, and ornamental vegetation are cultivated, stored, and prepared for wholesale or retail distribution. It typically includes the on-site sale of plants and related gardening accessories.

O

OFF-SITE LEVY means the rate established by a separate bylaw of Council (*MGA*, section 648(1)) that will be imposed upon owners and/or developers who are increasing the use of utility services, traffic services, and other services directly attributable to the changes that are proposed to the personal property. The revenues from the off-site levies will be collected by the municipality and used to offset the future capital costs for expanding utility services, transportation network, and other services that have to be expanded in order to service the needs that are proposed for the change in use of the property.

Office means development to accommodate professional, managerial or consulting services; the administrative needs of businesses, trades, contractors and other organizations; and service-related businesses such as travel agents and insurance brokers.

Orientation means the arranging or facing of a building or other structure with respect to the points of the compass.

Outdoor storage means the open storage of goods, merchandise, materials, vehicles, equipment or processed or unprocessed resources outside of a building on a parcel of land.

Owner means the Crown or the person(s) registered under the *Land Titles Act* as the owner(s) of the fee simple estate in the land.

P

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 (*MGA*, section 616(s)).

Park and playground means land developed for public recreational activities that do not require major buildings or facilities, and includes picnic areas, playgrounds, pedestrian and bicycle paths, outdoor courts, landscaped areas and associated public washrooms and may include equipment for play purposes usually for children and any associated structures and uses.

Parking area and structure means a portion of land or of a building or a combination of both, set aside for and capable of providing space for the parking of a number of motor vehicles.

Patio means a paved, wooden, or other hard-surfaced area intended for outdoor living space that is less than 0.61 metres (2 ft.) above grade. A patio is not included in site coverage calculations.

Permitted use – see **Use, permitted**.

Personal service means a development used for the provision of services related to personal care and appearance or the cleaning and repair of personal effects and may include the retail sale of associated products. Typical uses include but are not limited to beauty salons, barber shops, health spas, tailors and dressmakers, dry cleaners, laundromats and shoe repair shops but excludes household equipment repair establishments and the provision of medical or health services.

Planning advisor means the person or organization retained by the Town of Nobleford to provide planning-related advice and services.

Place of worship means a building dedicated to the undertaking of religious practices and activities and includes churches, chapels, temples, parish halls, synagogues, convents, seminaries, monasteries, rectories, mosques and other similar uses and may include such accessory uses as offices for administration of the place of worship, a child care facility and space for social recreational and community activities.

Porch means a roofed, open structure projecting from the exterior wall of a building with walls which are open or screened to facilitate use as an outdoor living area. A porch shall be included in site coverage calculations.

Post office means a government approved facility charged with regulating and handling the transmission of mail or parcels in a country.

Principal building or use means the building or use of land or buildings that constitutes the dominant structure or activity on the lot.

Private club or fraternal organization means a development for the assembly of members of non-profit clubs or service clubs and organizations, including charitable, social service, ethnic, religious, athletic, business or fraternal organizations. This use may include eating, drinking, entertainment, sports, recreation and amusement facilities as part of the use, or as accessory uses.

Prohibited use means one or more uses of land or buildings that are either described in a land use district as prohibited uses or are not listed as either permitted or discretionary uses and are not deemed to be similar in nature to either a permitted or discretionary use within a particular land use district.

Protective services includes fire halls, police stations and ambulance services.

Public roadway means:

- (a) the right-of-way of all or any of the following:
 - (i) a local road;
 - (ii) a service road;
 - (iii) a street;
 - (iv) an avenue; or
 - (v) a lane;
 - (vi) that is or is intended for public use; or
- (b) a road, street or highway pursuant to the *Public Highways Development Act*.

Public Utility means the right-of-way for one or more of the following for public consumption, benefit, convenience or use:

- (a) telecommunications systems;
- (b) waterworks systems;
- (c) sewage systems;
- (d) heating systems;
- (e) systems for the distribution of gas, whether natural or artificial;
- (f) systems for the distribution of artificial light or electric power.

Q

QUALIFIED PROFESSIONAL means a professional educated in their field of practice or study and whom can demonstrate appropriate knowledge, expertise and abilities and one who practices the principle of professional accountability (architect, landscape architect, land use planner, municipal planner, biologist, civil engineer, geotechnical engineer, municipal engineer, Alberta Land Surveyor, agrologist, geoscientist, hydrologist). A qualified professional can be described as an expert with specialized knowledge in the field which one is practicing professionally and practices a high standard of professional ethics, behaviour and work activities while carrying out one's profession.

R

Railway and railway installation means the right-of-way for a public utility as defined in the Municipal Government Act.

Real property report (RPR) means a legal document that illustrates in detail the location of all relevant, visible public and private improvements relative to property boundaries.

Recreation and sports fields means development providing facilities that are available to the public at large for sports and active recreation conducted outdoors. Typical facilities would include golf courses, driving ranges, sports fields, outdoor tennis courts, unenclosed ice surfaces or rinks, athletic fields, boating facilities, Scout/Guide camps, religious outdoor retreat camps and parks, outdoor swimming pools, bowling greens, riding stables and fitness trails. This may include public or private (for-profit) development and may include eating and retail sales ancillary to the use for recreation or sports.

Reserve land means environmental reserve, municipal reserve or school reserve or municipal and school reserve.

Residential accommodation in conjunction with an approved use means dwelling unit that is strictly incidental and subordinate in scale and use to the principal, permitted non-residential use on the property.

Restaurant means an establishment where food is prepared and served on the premises for sale to the public and may include supplementary alcoholic beverage service and supplementary on- or off-premises catering services. This term includes restaurants, cafes, lunch and tea rooms, ice cream parlours, banquet facilities, take-out restaurants and other uses similar in character and nature to any one of these.

Retail store means a building where goods, wares, merchandise, substances, articles or things are stored, offered or kept for sale at retail, and includes storage on or about the store premises of limited quantities of such goods, wares, merchandise, substances, articles or things, sufficient only to service such a store.

S

Safety codes means a code, regulations, standard, or body of rules regulating things such as building, electrical systems, elevating devices, gas systems, plumbing or private sewage disposal systems, pressure equipment, fire protection systems and equipment, barrier free design and access in accordance with the *Safety Codes Act*.

Screening means a fence, wall, berm or hedge used to visually separate areas or functions which detract from the urban street or neighbouring land uses.

Seasonal means a term as defined by the Development Authority and typically not exceeding six months in a calendar year.

Security means a cash deposit or an irrevocable letter of credit provided by a developer to ensure the conditions of a development agreement, subdivision condition or development permit condition are carried out to the satisfaction of the Development Authority.

Seed cleaning plant means a facility for the collection, cleaning, and transshipment of grains.

Seniors Supportive Housing Facility means a building or group of buildings that emphasizes barrier-free design and integrates some combination of supportive services, personalized assistance and health care services that is responsive to the unique needs of senior residents and facilitates the ability to age in place. The facility shall be predominantly residential in character and may include centralized areas for dining and social activities, along with separate living quarters for staff. A spectrum of different levels of on-site care may be accommodated in a seniors supportive housing facility, ranging from comparatively minimal care where residents are able to retain substantial functional independence over daily activities, to the continuing care required in nursing homes and lodge accommodation as defined under the *Alberta Housing Act*.

Service station/gas bar means any lot or building used for the retail sale of motor accessories, gasoline or other fuels and the supply of washing, greasing, cleaning and minor repair services for motor vehicles.

Setback means the minimum distance required between property line of a lot and the nearest part of any building, structure, development, excavation or use on the lot and is measured at a right angle to the lot line. (see Figure 9.12)

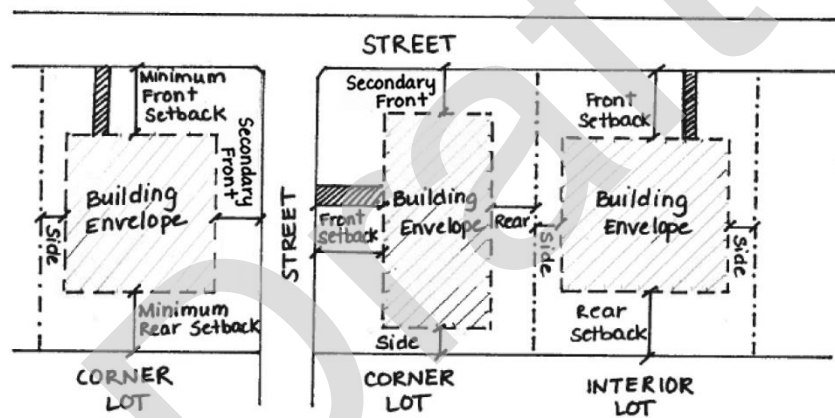


Figure 9.12

****Note:** On a corner lot, the secondary front setback is assigned to the frontage that does not provide the primary access to the building or development.

Shall means that an action is mandatory.

Short-term rentals means a dwelling unit operated as an accommodation unit, occupied by a guest or guests for a period of less than 28 days.

Should means that an action is recommended but not mandatory.

Sign means any device (including but not limited to letters, words, numerals, figures, emblems, pictures, or any part or combination) used for visual communication intended to attract the attention of the public and visible to the public right-of-way or other properties.

Similar use means a use of land or building(s) for a purpose that is not provided in any district designated in this Bylaw, but is deemed by the Development Authority to be similar in character and purpose to another use of land or buildings that is included within the list of uses prescribed for that district.

Site – see **Lot**.

Site coverage means the percentage of the lot area which is covered by all buildings and structures on the lot.

Site coverage, principal means the percentage of the lot area which is covered by the principal building including any structure attached to the principal building by an open or enclosed roofed structure, including but not limited to attached garages, verandas, covered balconies, covered decks, and porches.

Site coverage, accessory means the percentage of the lot area which is covered by the combined area of all accessory buildings and structures and includes uncovered decks.

Small equipment sales, rental and service means the use of land or buildings for the retail sale, wholesale distribution, rental and/or service of hand tools, small construction, farming, gardening and automotive equipment, small machinery parts and office machinery and equipment.

Solar energy system, individual, roof or wall mounted means a solar energy system using solar panels to collect solar energy from the sun and convert it to electrical, mechanical, thermal, or chemical energy that is primarily intended for sole use and consumption by the landowner, resident or occupant. Solar panels may be mounted or affixed to the roof of a principal and/or accessory building, the wall of a principal and/or accessory building.

South Saskatchewan Regional Plan means the regional plan and regulations established by order of the Lieutenant Governor in Council pursuant to the *Alberta Land Stewardship Act*.

Stop order means an order issued by the Development Authority pursuant to Section 645 of the *Act*.

Storey means that portion of a building included between the top of any floor and the top of the floor next above, or of the ceiling if there is no floor above it.

Street means a public thoroughfare affording the primary means of access to abutting parcels. It does not include **lanes**.

Structure means anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include buildings, walls, fences, and signs.

Subdivision means the division of a parcel by an instrument. Subdivide has a corresponding meaning.

Subdivision and Development Appeal Board means the tribunal established, by bylaw, to act as the municipal appeal body for subdivision and development.

Subdivision and Development Regulation means regulations established by order of the Lieutenant Governor in Council pursuant to Section 694 of the *Act*.

Subdivision Authority means the body established by bylaw to act as the Subdivision Authority in accordance with Section 623 of the *Act*.

Surface, hard means an asphalt or concrete surface or other similar surface approved by the Development Authority but excludes rocks, gravel and dirt.

Surface, impermeable means a surface that is not porous and does not allow fluids to pass through the surface.

Surface, permeable means a surface that is porous and will allow fluids to filtrate through the surface.

T

Temporary Development means a use and/or structure maintained for a designated time period as specified in a temporary development permit and ceased after that time.

Townhouse – see **Dwelling, Rowhouse**.

Truck transportation dispatch/depot means a facility for the purpose of storing and dispatching trucks and tractor-trailers for transporting goods.

Truck or car wash means a vehicle washing facility for vehicles varying in size from small vehicle to larger commercial vehicles such as tractor trailers.

U

Use means the purposes for which land or a building is arranged or intended, or for which either land, a building or a structure is, or may be, occupied and maintained.

Use, discretionary means the one or more uses of land or buildings in a land use district from which a development permit may be approved at the discretion of the Development Authority or Subdivision and Development Appeal Board with or without conditions.

Use, existing means a use that was in existence prior to the passing of this Bylaw.

Use, non-conforming, in accordance with the *Act*, 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 of a land use bylaw or any amendment thereof, affecting the land or building, becomes effective; and
- (b) that on the date the land use bylaw or any amendment thereof becomes effective does not, or in the case of a building under construction will not comply with the land use bylaw.

Use, permitted means those uses as prescribed in Schedule 2 of this bylaw for which a Development Permit shall be issued with or without conditions by the Development Authority upon application having been made to the Development Authority if the proposed development conforms with this bylaw.

Use, principal means the main purpose or primary activity for which a site or its buildings are designed, arranged, developed or intended, or for which it is occupied or maintained.

Use, similar means a use of land or building(s) for a purpose that is not provided in any district designated in this bylaw, but is deemed by Development Authority to be similar in character and purpose to another use of land or buildings that is included within the list of uses prescribed for that district.

Utility means any one or more of the following:

- (a) systems for the distribution of gas, whether artificial or natural;
- (b) waterworks systems (facilities for the storage, transmission, treatment, distribution or supply of water);
- (c) sewage systems (facilities for the collection, treatment, movement or disposal of sanitary sewage);
- (d) storm sewage drainage facilities;
- (e) telecommunications systems;
- (f) systems for the distribution of artificial light or electric power;

- (g) facilities used for the storage of telephone, cable, remote weather stations or internet infrastructure; and
 - (h) any other things prescribed by the Lieutenant Governor in Council by regulation;
- but does not include those systems or facilities referred to in subclause (a) through (g) that are exempted by the Lieutenant Governor in Council by regulation.

V

Veranda means a generally unenclosed, roofed structure adjoining a principal building or built as a structural part of it. A veranda shall be included in site coverage calculations.

Veterinary clinic means an establishment for the care and treatment of small animals, including household pets. A building designed for the care, observation or treatment of domestic animals.

W

Waiver or variance means a relaxation of the numerical standard(s) required of a development as established in the land use bylaw. A waiver cannot be granted for use.

Warehousing and indoor storage facility means the use of a building or portion thereof for the storage and distribution of materials, products, goods and merchandise but does not include a retail component.

Workshop accessory to retail store means a small establishment where manufacturing or craftwork is carried on by an individual or proprietor with or without helpers or power machinery that is accessory to a retail store.

Y

Yard means the area between a lot line and the nearest part of any building, structure, development, excavation or use on the lot. (see Figure 9.13)

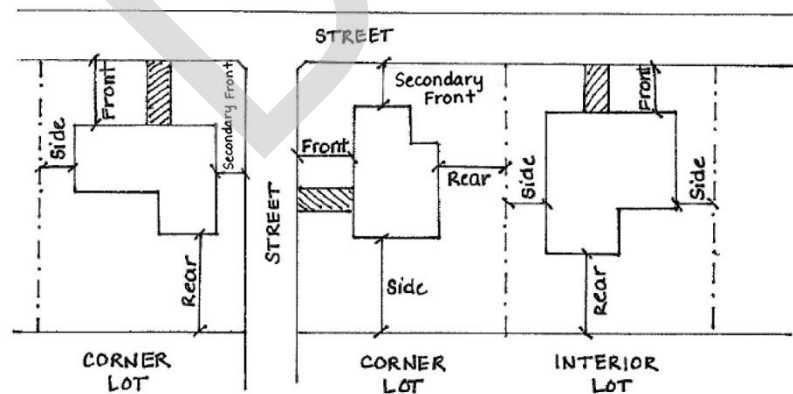


Figure 9.13

Front yard means a yard extending across the full width of a lot and situated between the front lot line and the nearest portion of the principal buildings. On a corner lot, it is the yard associated with the front lot line. (see Figure 9.13)

Rear yard means a yard extending across the full width of a lot and situated between the rear lot lines and the nearest portion of the principal building. (see Figure 9.13)

Secondary front yard means a yard on a corner lot with street frontage but which is not the frontage where the main entrance to the building or development is oriented or is the yard which is designated the secondary front by the Development Authority.

Side yard means a yard extending from the front yard to the rear yard and situated between the side lot lines and the nearest portion of the principal building. (see Figure 9.13)

Draft

CONDOMINIUM CONVERSION APPLICATION

The *Condominium Property Act RSA 2000* provides the opportunity for landowners to convert existing buildings into condominiums. The Act requires the Town's approval prior to registration of such conversions. An application process for a conversion is required.

SECTION 1 CONDOMINIUM CONVERSION PROCESS

- 1.1 An applicant is required to submit the following information as part of the application process:
- (a) one application for condominium conversion completed in full and signed by the registered owner(s) OR the person authorized to act on behalf of the registered owner(s);
 - (b) one copy of the Certificate of Title obtained from any Registries office. The copy is to be validated within 30 days of the submission of the application;
 - (c) copies of all instruments which are registered against the parcels and affects the use of the land;
 - (d) Authorization Form – if applicant is not the owner, a letter must be provided from the owner authorizing the applicant to act on his/her behalf;
 - (e) condominium conversion application per unit fee as outlined in the Town's fee schedule;
 - (f) three copies of the proposed condominium as prepared by a registered Alberta Land Surveyor in accordance with the *Condominium Property Act* and the Condominium Property Regulation;
 - (g) an Alberta Building Code Review of the subject building or copies of all final inspections for the property constructed if constructed within the last two years.
 - (h) any other information the municipality deems necessary.
- 1.2 The review consists of comparing the plan to the development permit issued when the building was constructed to ensure the number of units and the on-site parking required are consistent between the development permit and the condominium plan.
- 1.3 The plan is also reviewed in respect to the status of property taxes and the Alberta Building Code Review.
- 1.4 Approval for a conversion is granted by signing a certificate of local authority.

SECTION 2 PROHIBITED APPLICATIONS

- 2.1 The municipality may prohibit any application with respect to a building that was constructed prior to August 1, 1966, or for which the building permit was issued prior to August 1, 1966, if it considers it proper to do so, as permitted by section 10(2) of the *Condominium Property Act*.

TELECOMMUNICATION ANTENNA SITING PROTOCOL

The intent of this schedule is to guide the telecommunications industry and amateur radio operators through the process of tower siting within the municipality. This guide was developed in accordance with Science, Innovation and Economic Development Canada siting protocols.

SECTION 1 MUNICIPAL APPROVAL

- 1.1 Proposals for freestanding telecommunication antennas shall not be required to obtain a development permit but shall be required to make a submission to the Municipal Subdivision and Development Authority including:
- (a) the information as listed in section 2, and
 - (b) complete the notification and public consultation process found in Section 3.
- 1.2 Concurrence with the proponent's project will be measured against the requirements of each district's requirements and criteria listed below. If all requirements are met, the Town of Nobleford will provide concurrence in the form of a written letter to the proponent.
- 1.3 The following are excluded from submitting information for review:
- (a) an antenna mounted on a building that projects less than 2 m (6.6 ft) in height above the top of the building;
 - (b) an antenna proposed to be located on Business Park or Business Industrial lands which are a minimum of 150 m (492 ft) from lands zoned for residential or public use.

SECTION 2 INFORMATION REQUIREMENTS

Co-utilization (Co-location)

- 2.1 All proponents for freestanding antenna structures will be requested to identify any other such structures within a radius of 500 metres of the proposed location and to provide documentary evidence that co-utilization of the existing or new structure is not a viable alternative to a second structure.

Appearance

- 2.2 All proponents for antenna structures which are visible from residential areas may be requested to employ innovative design measures to mitigate the visual impact of these structures. The proponent shall provide stealth structure options when requested by the municipality. Stealth structure options will be based on an evaluation of the massing, form, colour, material, and other decorative elements, that will blend the appearance of the facility into and with the surrounding lands.

Lighting and signage

- 2.3 Lighting in addition to that which is required by applicable federal agencies shall be avoided. Security lighting may be considered provided it meets the requirements of the applicable land use district.
- 2.4 Only signage that is required by applicable federal agencies is permitted. No advertising signage shall be permitted.

SECTION 3 NOTIFICATION AND PUBLIC CONSULTATION PROCESS

- 3.1 At the expense of the applicant, the municipality will notify all landowners within a distance of 500 m (1640 ft) of the proposed structure.
- 3.2 With each notification, the proponent will be responsible to submit a letter providing notification of the location of the tower, physical details of the tower, the time and location of the public meeting, and a contact name and phone number of someone employed by the proponent who can answer questions regarding the proposal. The notifications should be sent 25 days prior to the public meeting.
- 3.3 The proponent shall be prepared to hold an open house regarding their development proposal and should proactively explain all aspects of the siting, technology and appearance of the proposed structure.
- 3.4 From the public meeting, the proponent will be responsible to provide the Municipal Subdivision and Development Authority with a copy of the agenda and the minutes indicating the topics discussed, additional concerns raised with resolutions, and any outstanding issues that the proponent and/or landowners could not resolve.
- 3.5 Where the public process has raised unresolved concerns about public health and related effects of wireless communication technology, the Town of Nobleford will request a ruling by Science, Innovation and Economic Development Canada prior to the issuance of a letter of concurrence.

Draft

TOWN OF NOBLEFORD RESIDENTIAL DEVELOPMENT PERMIT APPLICATION

Date of Application: _____

Development Permit Application No.	
---------------------------------------	--

IMPORTANT NOTICE: This application **does not** permit you to commence construction until such time as a notice of decision has been issued by the Development Authority. If approval has not been received within 40 days of the date the application is deemed complete, you have the right to file an appeal to the Subdivision and Development Appeal Board.

**THIS DOES NOT CONSTITUTE A BUILDING PERMIT.
A SEPARATE BUILDING PERMIT MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS.**

APPLICANT INFORMATION

Name of Applicant: _____

Mailing Address: _____

City: _____

Postal Code: _____

Phone: _____

Phone (alternate): _____

Fax: _____

Is the applicant the owner of the property?

☐ Yes

☐ No

IF "NO"

Name of Owner: _____

Mailing Address: _____

City: _____

Postal Code: _____

Phone: _____

Phone (alternate): _____

Fax: _____

Applicant's interest in the property:

☐ Agent

☐ Contractor

☐ Tenant

☐ Other _____

PROPERTY INFORMATION

Municipal Address: _____

Legal Description: Lot(s) _____ Block _____ Plan _____

Land Use District: _____

What is the existing use? _____

DEVELOPMENT INFORMATION	
Development Status	Under Development
Development Lead	John Doe
Development Team	John Doe, Jane Smith, Bob Johnson
Development Cycle	2 weeks
Development Environment	Windows 10, Visual Studio 2019
Development Tools	Visual Studio 2019, Git, Docker
Development Dependencies	ASP.NET Core 3.1, Entity Framework Core 3.1, Microsoft.EntityFrameworkCore.SqlServer
Development Notes	Initial development phase, focusing on core functionality and database integration.

This application is to: (Check all that apply)

☐ Construct a new dwelling

The dwelling is a:

☐ Single-detached dwelling

☐ Duplex/semi-detached

☐ Multi-unit

☐ Other _____

☐ Alter/renovate the existing building

The renovation is a:

☐ Addition

☐ Deck(s)

☐ Other _____

☐ Construct an accessory building

The accessory building is a:

☐ Garage (detached)

☐ Shed/workshop

☐ Other _____

☐ Move in building

☐ Demolish existing building (attach completed ***Building Removal Form***)

☐ Other _____

- Describe the proposed use, any changes from existing use, and any work to be done.



BUILDING REQUIREMENTS

	Principal Building	Accessory Building	Office Use
Parcel Size	☐ m ² ☐ sq. ft.	☐ m ² ☐ sq. ft.	
Building Size	☐ m ² ☐ sq. ft.	☐ m ² ☐ sq. ft.	
Height of Building	☐ m ☐ ft.	☐ m ☐ ft.	
Proposed Setbacks from Property Lines			
Front	☐ m ☐ ft.	☐ m ☐ ft.	
Rear	☐ m ☐ ft.	☐ m ☐ ft.	
Side	☐ m ☐ ft.	☐ m ☐ ft.	
Side	☐ m ☐ ft.	☐ m ☐ ft.	
Parcel Type:	☐ Interior Lot	☐ Corner Lot	

DECLARATION OF APPLICANT/AGENT

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to the application for a Development Permit. I also consent to an authorized person designated by the municipality to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application.

IMPORTANT: This information may also be shared with appropriate government/other agencies and may also be kept on file by those agencies. The application and related file contents will become available to the public and are subject to the provisions of the Freedom of Information and Protection of Privacy Act (FOIP).

APPLICANT

Registered Owner (if not the same as applicant)

Draft

TOWN OF NOBLEFORD

RESIDENTIAL DEVELOPMENT PERMIT APPLICATION

DEVELOPMENT APPLICATION SUBMISSION REQUIREMENTS

The following items shall be attached to all Development Permit Applications for new buildings or exterior changes to existing buildings. This is not an exhaustive list and the Designated Officer may request additional information that is required to assess the application.

- ☐ **Copy of Site Plan.** Site plan shall provide the following information:
(May be provided on a survey plan or a sketch on the following page)
 - ☐ Legal Description and Municipal Address of Subject Property
 - ☐ Scale, North Arrow & Land Use District
 - ☐ Adjacent roadways & lanes
 - ☐ Lot Dimensions, Lot Area, and Percentage of Lot Coverage for all structures
 - ☐ Existing residence and/or any other buildings with dimensions of foundation and projections including decks (indicate using a solid line ———)
 - ☐ Proposed residence and/or any other buildings with dimensions of foundation and projections including decks (indicate using a dashed line - - - - -)
 - ☐ The proposed distances from the front, side, and rear property lines
 - ☐ Location of Lot Access, Existing Sidewalk(s) and Curbs
 - ☐ Location of Fire Hydrant, Street Light, Power/Telephone/Cable Pedestal(s) (if located within property frontage)
 - ☐ Location of any Registered Utility Right of Ways or easements
 - ☐ Number of off-street parking spaces
- ☐ **Copy of Building Plans.** Plans shall be to scale and contain the following information:
 - ☐ Scale and Dimensions of Exterior Walls and Interior Rooms
 - ☐ Floor Plan of all living space proposed to be developed
 - ☐ Building Elevations including Front, Sides, and Rear elevations, Building Height (From Finished Grade), Roofing Material, and Roof Pitch
- ☐ **If applicant is not the registered owner,** a written statement (or this application) signed by the registered owner consenting to this application.
- ☐ **Application Fee Payable to the Town of NOBLEFORD.**

TOWN OF NOBLEFORD
RESIDENTIAL DEVELOPMENT PERMIT APPLICATION

SKETCH OF PROPOSED DEVELOPMENT

Where development involves **BUILDING** and not just a change in use, please provide a sketch of the proposed development. Be sure to include any existing structure(s) (indicate using a **solid line**) and the proposed addition(s) or new building(s) (indicated using a **dashed line**). Include the information required for a site plan.



Draft

TOWN OF NOBLEFORD

NON-RESIDENTIAL DEVELOPMENT PERMIT APPLICATION

Date of Application: _____

Development Permit Application No.	
---------------------------------------	--

IMPORTANT NOTICE: This application **does not** permit you to commence construction until such time as a notice of decision has been issued by the Development Authority. If a decision has not been received within 40 days of the date of application and no extension agreement has been entered into, you have the right to deem the application refused and file an appeal to the Subdivision and Development Appeal Board.

**THIS DOES NOT CONSTITUTE A BUILDING PERMIT.
A SEPARATE BUILDING PERMIT MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS.**

APPLICANT INFORMATION

Name of Applicant: _____

Mailing Address: _____

Phone: _____

Phone (alternate): _____

City: _____

Fax: _____

Postal Code: _____

Is the applicant the owner of the property?

☐ Yes

☐ No

↓
IF "NO"

Name of Owner: _____

Mailing Address: _____

Phone: _____

Phone (alternate): _____

City: _____

Fax: _____

Postal Code: _____

Applicant's interest in the property:

☐ Agent

☐ Contractor

☐ Tenant

☐ Other _____

PROPERTY INFORMATION

Municipal Address of
Development: _____

Legal Description: Lot(s) _____ Block _____ Plan _____

Land Use District: _____

What is the existing use? _____

DEVELOPMENT INFORMATION

This application is to: (Check all that apply)

☐ Construct a new building

The building is for:

☐ Commercial Use

☐ Industrial Use

☐ Public/Institutional Use

☐ Alter/renovate the existing building

☐ Construct an accessory building

☐ Demolish existing building (attach completed ***Building Removal Form***)

☐ Change in or intensification of use

Describe the proposed use, any changes from existing use, and any work to be done.

Handwritten text area with horizontal lines for describing the proposed use, changes from existing use, and work to be done. A large, light gray "Draft" watermark is visible across the page.

BUILDING REQUIREMENTS

	Principal Building	Accessory Building	Office Use
Parcel Size	☐ m ² ☐ sq. ft.	☐ m ² ☐ sq. ft.	
Building Size	☐ m ² ☐ sq. ft.	☐ m ² ☐ sq. ft.	
Height of Building	☐ m ☐ ft.	☐ m ☐ ft.	
Proposed Setbacks From Property Lines			
Front	☐ m ☐ ft.	☐ m ☐ ft.	
Rear	☐ m ☐ ft.	☐ m ☐ ft.	
Side	☐ m ☐ ft.	☐ m ☐ ft.	
Side	☐ m ☐ ft.	☐ m ☐ ft.	
Parcel Type:	☐ Interior Lot	☐ Corner Lot	

DECLARATION OF APPLICANT/AGENT

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to the application for a Development Permit. I also consent to an authorized person designated by the municipality to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application.

IMPORTANT: This information may also be shared with appropriate government/other agencies and may also be kept on file by those agencies. The application and related file contents will become available to the public and are subject to the provisions of the Freedom of Information and Protection of Privacy Act (FOIP).

APPLICANT

Registered Owner (if not the same as applicant)

Draft

TOWN OF NOBLEFORD

NON-RESIDENTIAL DEVELOPMENT PERMIT APPLICATION

DEVELOPMENT APPLICATION SUBMISSION REQUIREMENTS

The following items shall be attached to all Development Permit Applications for new buildings or exterior changes to existing buildings. This is not an exhaustive list and the Designated Officer may request additional information that is required to assess the application.

- ☐ **Copy of Site Plan.** Site plan shall provide the following information:
(May be provided on a survey plan or a sketch on the following page)
 - ☐ Legal Description and Municipal Address of Subject Property
 - ☐ Scale, North Arrow & Land Use District
 - ☐ Adjacent roadways & lanes
 - ☐ Lot Dimensions, Lot Area, and Percentage of Lot Coverage for all structures
 - ☐ Any buildings with dimensions of foundation and projections
 - ☐ The proposed distance from the front, side, and rear property lines
 - ☐ Location of Lot Access, Existing Sidewalk(s) and Curbs
 - ☐ Location of Fire Hydrant, Street Light, Power/Telephone/Cable Pedestal(s) (if located within property frontage)
 - ☐ Location of any Registered Utility Right of Ways and easements
 - ☐ Landscaping plan
 - ☐ Lighting plan
 - ☐ Number and location of parking spaces, both on and off-street
- ☐ **Copy of Building Plans.** Plans shall be to scale and contain the following information:
 - ☐ Scale and Dimensions of Exterior Walls and Interior Rooms
 - ☐ Floor Plan of the space proposed to be developed
 - ☐ Building Elevations including Front, Sides, and Rear elevations, Building Height (From Finished Grade), Roofing Material, and Roof Pitch
- ☐ **If applicant is not the registered owner,** a written statement (or this application) signed by the registered owner consenting to this application.
- ☐ **Application Fee Payable to the Town of NOBLEFORD.**

TOWN OF NOBLEFORD
NON-RESIDENTIAL DEVELOPMENT PERMIT APPLICATION

SKETCH OF PROPOSED DEVELOPMENT

Where development involves **BUILDING** and not just a change in use, please provide a sketch of the proposed development. Be sure to include any existing structure(s) (indicate using a **solid line**) and the proposed addition(s) or new building(s) (indicated using a **dashed line**). Include the information required for a site plan.



Draft

TOWN OF NOBLEFORD

HOME OCCUPATION DEVELOPMENT PERMIT APPLICATION

Date of Application: _____

Home Occupation Permit Application No.	_____
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IMPORTANT NOTICE: This application **does not** permit you to operate the business until such time as a notice of decision has been issued by the Development Authority. If a decision has not been received within 40 days of the date of application and no extension agreement has been entered into, you have the right to deem the application refused and file an appeal to the Subdivision and Development Appeal Board.

APPLICANT INFORMATION

Name of Applicant: _____

Mailing Address: _____

City: _____

Postal Code: _____

Phone: _____

Phone (alternate): _____

Fax: _____

Is the applicant the owner of the property?

☐ Yes

☐ No



IF "NO"

Name of Owner: _____

Mailing Address: _____

City: _____

Postal Code: _____

Phone: _____

Phone (alternate): _____

Fax: _____

Applicant's interest in the property:

☐ Agent

☐ Contractor

☐ Tenant

☐ Other _____

PROPERTY INFORMATION

Municipal Address of
Home Occupation: _____

Legal Description: Lot(s) _____ Block _____ Plan _____

BUSINESS DESCRIPTION

- (1) Describe the primary function of your business. What goods and/or services are provided? Attach an additional sheet describing the business.
- (2) Is there another home occupation already operating out of the residence? ☐ Yes ☐ No
- (3) Where will the business operate from? ☐ In-home ☐ Accessory building
- (4) How will you interact or do business with your clients or customers?
- ☐ **In person.** Clients/customers will come to the residence. On average, how many clients will come to the residence?
- ☐ Less than 1 per day ☐ 1-5 per day ☐ More than 5 per day
- ☐ **Remotely.** Clients/customers will not be coming to the residence but will only be in contact by:
- ☐ Phone ☐ Fax ☐ Mail ☐ Courier ☐ Internet/Email
- (5) How many parking spaces for any client visits, deliveries, etc. will be available? _____
- (6) What will the days of operation be? ☐ Mon-Fri ☐ Weekends ☐ 7 days/wk ☐ Part-time
- (7) Will there be any employees that are not residents of the dwelling? ☐ Yes ☐ No
- If YES:
- How many employees will come to the residence? _____
- Will more than 1 employee come to the residence at a time? ☐ Yes ☐ No
- (8) Will there be any equipment or materials stored outside the dwelling that will be used in conjunction with the business?
- ☐ Yes (list materials & quantities) _____
- ☐ No
- (9) Will any vehicles/machinery/tools be used to operate the business? Please list.
- _____
- (10) Will there be any flammable or hazardous materials on the premises as a result of the business?
- ☐ Yes (list materials & quantities) _____
- ☐ No
- (11) Will any goods be displayed at the residence? ☐ Yes ☐ No
- (12) Will there be a sign for the business? ☐ Yes ☐ No

DECLARATION OF APPLICANT/AGENT

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to the application for a Home Occupation. I also consent to an authorized person designated by the municipality to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application.

IMPORTANT: This information may also be shared with appropriate government/other agencies and may also be kept on file by those agencies. The application and related file contents will become available to the public and are subject to the provisions of the Freedom of Information and Protection of Privacy Act (FOIP).

APPLICANT

Registered Owner (if not the same as applicant)

TOWN OF NOBLEFORD

HOME OCCUPATION DEVELOPMENT PERMIT APPLICATION

GENERAL STANDARDS

The following general standards apply for home occupations. This is not necessarily an exhaustive list and the Development Authority may impose additional conditions if it deems them necessary.

☐ **General Standards:**

- ☐ The business operator must be a full-time resident of the home.
- ☐ Only one home occupation shall be permitted per dwelling.
- ☐ The use shall not generate more traffic (pedestrian or vehicular) or vehicular parking than normal within the district.
- ☐ No commercial vehicle (greater than 681 kg/ ¾ ton) shall be parked or maintained on a public road right-of-way or lane.
- ☐ No offensive noise, vibration, electrical interference, smoke, dust, odours, heat or glare shall be produced by the use.
- ☐ The use cannot cause an increased demand on any one or more utilities such that the combined total consumption exceeds normal demand for residents in the area.
- ☐ A sign (maximum 0.4 m²/4 sq.ft) may be located in the structure window advertising the home occupation for Home Occupation A.
 - ☐ Home Occupation B may propose a sign. If Home Occupation B, please attach any plans for signs other than a window sign as applicable for Home Occupation A (above).

TOWN OF NOBLEFORD DEVELOPMENT PERMIT – SIGN APPLICATION

Date of Application: _____

Sign Permit Application No.	
--------------------------------	--

IMPORTANT NOTICE: This application **does not** permit you to install the sign until such time as a notice of decision has been issued by the Development Authority. If a decision has not been received within 40 days of the date of application and no extension agreement has been entered into, you have the right to deem the application refused and file an appeal to the Subdivision and Development Appeal Board.

APPLICANT INFORMATION

Name of Applicant: _____

Mailing Address: _____

Phone: _____

Phone (alternate): _____

City: _____

Fax: _____

Postal Code: _____

Is the applicant the owner of the property?

☐ Yes

☐ No

↓
IF "NO"

Name of Owner: _____

Mailing Address: _____

Phone: _____

Phone (alternate): _____

City: _____

Fax: _____

Postal Code: _____

Applicant's interest in the property:

☐ Owner of Business

☐ Owner of Land Where Sign is Proposed

☐ Designated Agent

SIGN INFORMATION

TYPE OF WORK: ☐ New Permanent Sign ☐ Changes to Existing Sign ☐ Temporary Sign

Sign Location (Civic Address): _____

Are there any other signs at this location?

☐ Yes

☐ No

SIGN TYPE:

- ☐ Wall (fascia)
- ☐ Freestanding
- ☐ Canopy
- ☐ Sandwich Board
- ☐ Banding sign

SIGN CHARACTERISTICS:

- ☐ Electrified
- ☐ Non-electrified
- ☐ Indirect Illumination
- ☐ Internal Illumination
- ☐ Direct Illumination
- ☐ Flashing
- ☐ Animated
- ☐ Rotating
- ☐ Awning
- ☐ Portable
- ☐ Electronic Variable Messages
- ☐ Lettering

			Office Use
Length of Sign:	☐ m ²	☐ sq. ft.	
Height of Sign:	☐ m ²	☐ sq. ft.	
Sign Face Area (length x height):	☐ m	☐ ft.	
Top of Sign Height:			
from Grade:	☐ m	☐ ft.	
from Roof:	☐ m	☐ ft.	

If the sign is only for **temporary** use:

For how many days is the sign proposed to be displayed? _____ days

SITE PLAN

****Please attach a plan drawn to a suitable scale and photographs, if available, illustrating:**

- ☐ Location of all existing and proposed sign(s)
- ☐ Size, height, and other dimensions of the proposed sign(s), including any supporting structures
- ☐ Location of the property boundaries of the parcel upon which the proposed sign(s) are to be located
- ☐ Setbacks from property lines of proposed sign(s) and existing building(s)

DECLARATION OF APPLICANT/AGENT

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to the application for a Sign.

IMPORTANT: This information may also be shared with appropriate government/other agencies and may also be kept on file by those agencies. The application and related file contents will become available to the public and are subject to the provisions of the Freedom of Information and Protection of Privacy Act (FOIP).

APPLICANT

Registered Owner (if not the same as applicant)

**TOWN OF NOBLEFORD
DEVELOPMENT PERMIT - SIGN APPLICATION**

SKETCH OF PROPOSED SIGN(S)

Please provide a sketch of the proposed signs. Be sure to include the location of the sign compared to the building, the location of any existing sign(s), the location of the sign and buildings on the subject property with distances from property lines, and the dimensions of the sign, including support structures.



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TOWN OF NOBLEFORD BUILDING REMOVAL FORM

DEMOLITION/REMOVAL INFORMATION

A development permit is required to demolish or remove a building or structure from a site. The demolition/removal permit process ensures that buildings are dismantled and removed in a safe manner and that the land will be left in a suitable state after removal. The following is not an exhaustive list and the Designated Officer may request additional information that is required to assess the application.

STRUCTURES TO BE REMOVED

Description of Building/Structure(s) _____

Type of Work ☐ Removal to another site (no demolition) ☐ Demolition of building/structure
Building Size _____ ☐ m² ☐ sq. ft
Height of Building _____ ☐ m ☐ ft # of storeys _____

DEMOLITION PLAN

Timeframe Expected start date: _____ Expected completion date: _____
Method of Demolition ☐ Manual (no heavy equipment) ☐ Using heavy equipment ☐ Other – please explain _____
Dump Site Location _____
Note: Construction debris should be dumped in an approved certified site whenever possible. If that is not possible, approval must be obtained from Alberta Environment.
Name of Contractor responsible for removal/demolition _____

APPLICANT IS RESPONSIBLE FOR:

☐ **Disconnection of all services** including (if applicable): Signature from agency verifying services disconnected (or attach letter):
☐ Electrical power _____
☐ Natural gas _____
☐ Oil lines _____
☐ Telephone cables _____
☐ Communications cables (includes cable TV) _____
☐ Water lines _____
☐ Storm & sanitary sewer _____
☐ Septic _____

- ☐ **On-site consultation with Public Works Director.** The applicant shall schedule a consultation with the Public Works Director a minimum of 48 hours prior to demolition or removal commencing to determine the state of affected public property.
- ☐ **Final plan for property after building removed or demolished and reclamation complete.** As applicable:
 - ☐ **Copy of grading plans** if property will be vacant after removal or demolition
 - ☐ **Complete development application for new development** where building is being replaced
- ☐ **A completed Development Application.** This form shall accompany a complete development application with the consent of the registered owner and any other required documentation.
- ☐ **Application Fee and any applicable deposit or security required payable to the Town of NOBLEFORD.**

****NOTE:** A building permit is also required before proceeding with demolition.

**TOWN OF NOBLEFORD
NOTICE OF DECISION**

*Development Permit
Application No.*

APPLICANT INFORMATION

Name of Applicant: _____

Mailing Address: _____

City: _____

Postal Code: _____

PROPERTY INFORMATION

Municipal Address: _____

Legal Description: Lot(s) _____ Block _____ Plan _____

DECISION

The development as specified in Application No. _____ has been reviewed by the Municipal Planning Commission and was:

☐ APPROVED

☐ APPROVED subject to the following conditions:

☐ REFUSED for the following reasons:

Development Permit issued on the _____ day of _____ A.D. _____.

DATE:

DESIGNATED OFFICER OR
MUNICIPAL PLANNING COMMISSION

IMPORTANT NOTES:

1. A development permit issued does not take effect until at least 14 days after the date of issue in accordance with section 686(1) of the Act. If an appeal is lodged pursuant to section 684 of the Act, then a permit will not become effective until the Subdivision and Development Appeal Board had determined the appeal.
2. Notice of approval in no way removes the need to obtain any permit or approval required by any federal, provincial or municipal legislation order and/or regulation pertaining to the development approved.

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TOWN OF NOBLEFORD DEVELOPMENT PERMIT

Development Permit Application No.	
Development Permit No.	

APPLICANT INFORMATION

Name of Applicant: _____
Mailing Address: _____ City: _____
Postal Code: _____

PROPERTY INFORMATION

Municipal Address: _____
Legal Description: Lot(s) _____ Block _____ Plan _____

PERMIT

This permit refers only to works outlined in Development Application No. _____ and is subject to the condition contained in the notice of decision dated: _____

This development permit does not take effect until at least 14 days after the date of issue in accordance with section 686(1) of the Act.

DATE: _____

DESIGNATED OFFICER OR
MUNICIPAL PLANNING COMMISSION

THIS IS NOT A BUILDING PERMIT

IMPORTANT NOTES:

The development outlined above is subject to the following conditions:

1. This permit indicates that only the development to which it relates is authorized in accordance with the provisions of the land use bylaw and in no way relieves or excuses the applicant from complying with the land use bylaw, laws orders and/or regulations affecting such development.
2. This permit, issued in accordance with the Notice of Decision, is valid for a period of 12 months from the date of issue. If, at the expiry of this period, the development has not been commenced or carried out with reasonable diligence, this permit shall be null and void, unless extended by the Municipal Planning Commission.
3. If this development permit is issued for construction of a building, the exterior of the building, including painting, shall be completed within 12 months from the date of this development permit.
4. The designated officer may, in accordance with section 645 of the Act, take such action as is necessary to ensure that the provisions of this bylaw are complied with.

Draft

**TOWN OF NOBLEFORD
NOTICE OF APPEAL**

<i>Development Permit Application No.</i>	
<i>Subdivision and Development Appeal Board No.</i>	

This is to declare that an appeal is hereby lodged with the Subdivision and Development Appeal Board with respect to Development Application No. _____ which involves development described as follows:

DECISION

The application was:

- ☐ APPROVED
- ☐ APPROVED subject to the following conditions:
- ☐ REFUSED for the following reasons:

The reasons for the appeal are as follows:

DATE:

SIGNED:

- ☐ APPLICANT
- ☐ APPROVED WITH CONDITIONS
- ☐ REFUSED

Draft

**TOWN OF NOBLEFORD
NOTICE OF DEVELOPMENT HEARING**

<i>Development Permit Application No.</i>	
---	--

**NOTICE IS HEREBY GIVEN THAT AN APPLICATION IS BEING MADE FOR A
DEVELOPMENT PERMIT WITH REGARD TO THE FOLLOWING:**

HEARING INFORMATION

Place of hearing: _____ Time of hearing: _____ Date of hearing: _____

PROPERTY INFORMATION

Municipal Address: _____

Legal Description: Lot(s) _____ Block _____ Plan _____

Land Use District: _____

What is the existing use? _____

TYPE OF DEVELOPMENT

This application is to: (Check all that apply)

☐ Construct a new dwelling

The dwelling is a:

☐ One unit

☐ Two unit

☐ Multi-unit

☐ Other _____

☐ Alter/renovate the existing building

The renovation is a(n):

☐ Addition

☐ Deck(s)

☐ Other _____

☐ Construct an accessory building

The accessory building is a:

☐ Garage (detached)

☐ Shed/workshop

☐ Other _____

☐ Move in building

☐ Demolish existing building

☐ Other _____

Describe the proposed use, any changes from existing use, and any work to be done.

Any person affected by the said proposal has the right to present a written brief prior to the hearing and to be present / heard at the hearing.

**Persons requesting to be heard at the hearing shall submit a written request to the designated officer
not later than ____ (a.m./p.m.) on ____.**

DATE: _____

DESIGNATED OFFICER OR
MUNICIPAL PLANNING COMMISSION

Draft

TOWN OF NOBLEFORD

APPLICATION FOR A LAND USE BYLAW AMENDMENT

Date of Application: _____

Bylaw No. _____

IMPORTANT NOTE: Although the Designated Officer is in a position to advise on the principle or details of any proposals, such advice must not be taken in any way as official consent.

A refusal is **not** appealable and a subsequent application for amendment involving the same lot and/or the same or similar use may not be made for at least 6 months after the date of refusal.

APPLICANT INFORMATION

Name of Applicant: _____

Mailing Address: _____

Phone: _____

Phone (alternate): _____

City: _____

Fax: _____

Postal Code: _____

Is the applicant the owner of the property?

☐ Yes

☐ No



IF "NO"

Name of Owner: _____

Mailing Address: _____

Phone: _____

Phone (alternate): _____

City: _____

Fax: _____

Postal Code: _____

Applicant's interest in the property:

☐ Agent

☐ Contractor

☐ Tenant

☐ Other _____

PROPERTY INFORMATION

Municipal Address: _____

Legal Description: Lot(s) _____ Block _____ Plan _____

OR Quarter _____ Section _____ Township _____ Range _____

AMENDMENT INFORMATION

What is the proposed amendment?

☐ Text Amendment

☐ Land Use Redesignation

IF TEXT AMENDMENT:

For text amendments to the *Land Use Bylaw*, attach a description including:

- The section to be amended;
- The change(s) to the text; and
- Reasons for the change(s).

IF LAND USE REDESIGNATION:

Current Land Use Designation: _____

Proposed Land Use Designation
(if applicable): _____

Section 38 of the *Land Use Bylaw* regulates the information required to accompany an application for redesignation. Please attach a descriptive narrative detailing:

- The proposed designation and future land use(s);
- If and how the proposed redesignation is consistent with applicable statutory plans;
- The compatibility of the proposal with surrounding uses and zoning;
- The development suitability or potential of the site, including identification of any constraints and/or hazard areas (e.g. easements, soil conditions, topography, drainage, etc.);
- Availability of facilities and services (sewage disposal, domestic water, gas, electricity, fire and police protection, schools, etc.) to serve the subject property while maintaining adequate levels of service to existing development; and
- Any potential impacts on public roads.

In addition to the descriptive narrative, an Area Structure Plan or Conceptual Design Scheme may be required in conjunction with this application where:

- redesignating land from Urban Reserve to another district;
- multiple parcels of land are involved;
- more than four lots could be created;
- several pieces of fragmented land are adjacent to the proposal;
- internal public roads would be required;
- municipal services would need to be extended; or
- required by Council or the Subdivision and Development Authority.

The Designated Officer or the Subdivision and Development Authority may also require a:

- geotechnical report; and/or
- evaluation of surface drainage and any other information

if deemed necessary by the Designated Officer or the Municipal Planning Commission.

SITE PLAN

Plans and drawings, in sufficient detail to enable adequate consideration of the application, must be submitted in **duplicate** with this application, together with a plan sufficient to identify the land. It is desirable that the plans and drawings should be on a scale appropriate to the development. However, unless otherwise stipulated, it is not necessary for plans and drawings to be professionally prepared. Council may request additional information.

DECLARATION OF APPLICANT/AGENT

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to the application. I also consent to an authorized person designated by the municipality to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application.

IMPORTANT: This information may also be shared with appropriate government/other agencies and may also be kept on file by those agencies. The application and related file contents will become available to the public and are subject to the provisions of the Freedom of Information and Protection of Privacy Act (FOIP).

APPLICANT

Registered Owner (if not the same as applicant)