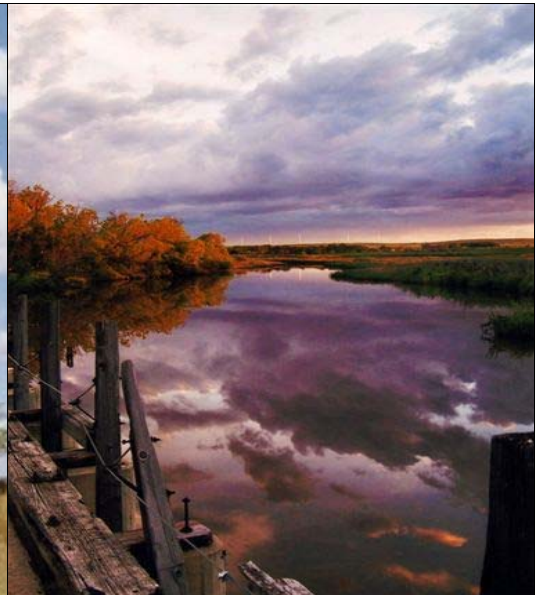
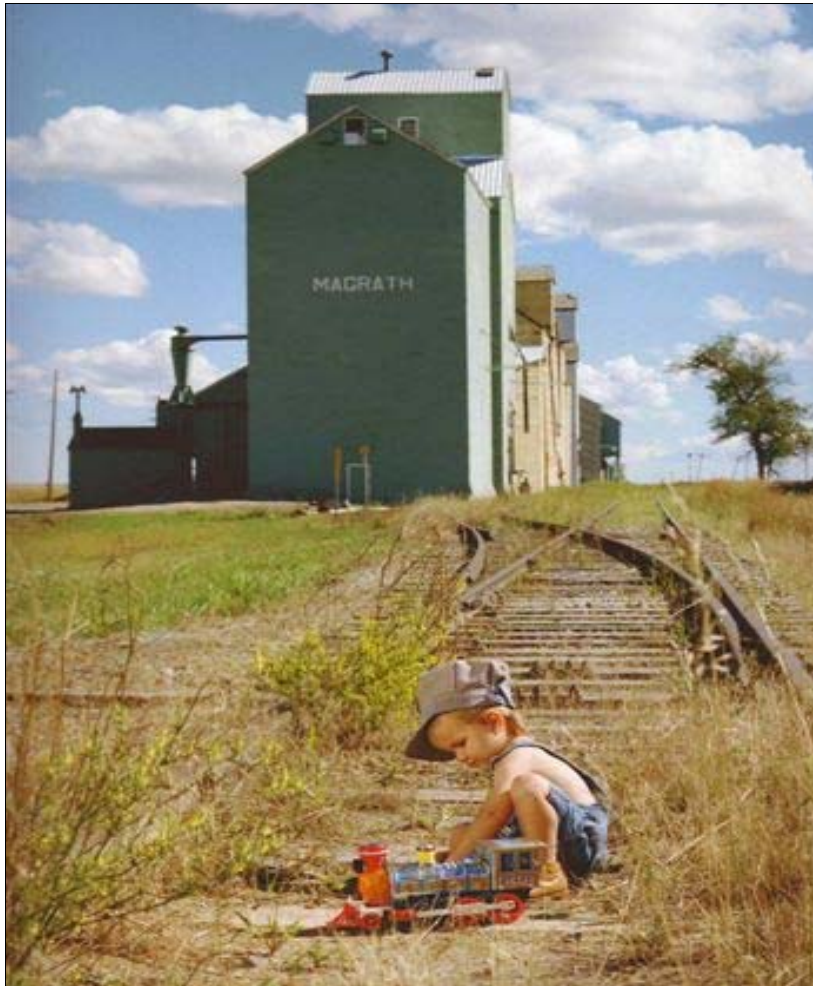


TOWN OF MAGRATH

LAND USE BYLAW NO. 1092

Amended to Bylaw No. 1125, August 2008





Prepared by



OLDMAN RIVER REGIONAL SERVICES COMMISSION

February 2007

Amended to Bylaw No. 1125, August 2008

**TOWN OF MAGRATH
LAND USE BYLAW NO. 1092**

BEING a bylaw of the Town of Magrath in the Province of Alberta, to adopt a new Land Use Bylaw;

WHEREAS the Council of the Town of Magrath wishes to adopt a new Land Use Bylaw to comply with the land use planning provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended;

AND WHEREAS the purpose of the proposed bylaw is:

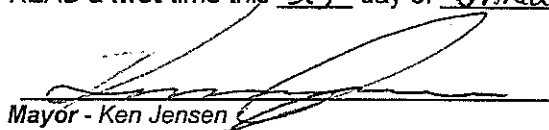
- to incorporate the mandatory changes required for land use bylaws prescribed in the Municipal Government Act,
- to incorporate minor revisions and previous amendments to the present bylaw,
- to amend the existing Land Use District Map to reflect several land use redesignations which have or will be made,
- to incorporate an expanded number of land use definitions and uses,
- to establish development standards for several permitted and discretionary uses;

AND WHEREAS it is deemed expedient and appropriate for the Town of Magrath to consider Bylaw No. 1092 for the above-noted reasons;

NOW THEREFORE, under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council duly assembled does hereby enact the following:

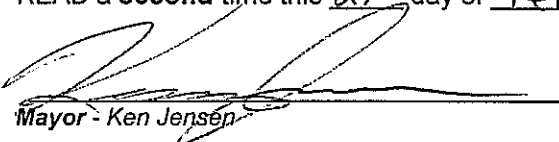
1. Bylaw No. 1053(a), being the former Land Use Bylaw, and any amendments thereto are hereby rescinded.
2. Bylaw No. 1092 shall come into effect upon third and final reading thereof.
3. Bylaw 1092 is hereby adopted.

READ a **first** time this 23rd day of JANUARY, 2007.


Mayor - Ken Jensen

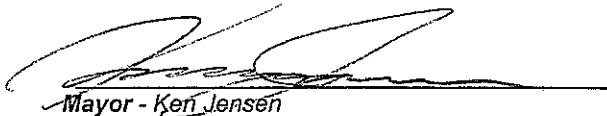

Chief Administrative Officer - Henry Taylor

READ a **second** time this 27 day of February, 2007.


Mayor - Ken Jensen


Chief Administrative Officer - Henry Taylor

READ a **third** time and finally PASSED this 27 day of February, 2007.


Mayor - Ken Jensen



Chief Administrative Officer - Henry Taylor

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**TOWN OF MAGRATH
IN THE PROVINCE OF ALBERTA
LAND USE BYLAW NO. 1092**

The Council of the Town of Magrath in the Province of Alberta enacts as follows:

LAND USE BYLAW NO. 1092

BEING A BYLAW OF THE TOWN OF MAGRATH, IN THE PROVINCE OF ALBERTA, TO REGULATE AND CONTROL LAND USE AND DEVELOPMENT OF LAND AND BUILDINGS IN THE TOWN OF MAGRATH.

THIS BYLAW MAY BE CITED AS THE TOWN OF MAGRATH LAND USE BYLAW.

IN THIS LAND USE BYLAW, WORDS USED IN THE SINGULAR INCLUDE THE PLURAL, AND WORDS USING THE MASCULINE GENDER INCLUDE THE FEMININE GENDER.

DEFINITIONS

1. For definitions, refer to Schedule 15.

DEVELOPMENT OFFICER

2. The office of "Development Officer" is established.
3. The Council shall, by resolution, appoint a person to the office of Development Officer.
4. The Municipal Planning Commission is additionally authorized to act as a Development Officer in accordance with the Act and this Bylaw.
5. The Development Officer is an authorized person in accordance with section 624 of the Act.
6. The Development Officer may exercise only such powers and perform duties as are specified in the Act, this Bylaw or by resolution of Council.
7. The Development Officer is responsible for processing and deciding upon applications for a development permit in accordance with this Bylaw.
8. The Development Officer shall establish and maintain a register in which shall be recorded the applications for a development permit and the decisions made on the applications, and contain such other information as the Municipal Planning Commission considers necessary.
9. The Development Officer shall notify any persons who, in his opinion, are likely to be affected by a proposed development for a discretionary use as specified in sections 25 to 28 of this Bylaw.
10. The Development Officer may, by resolution of Council, be authorized to waive up to 10 percent of any measurable standard prescribed in this Bylaw.

MUNICIPAL PLANNING COMMISSION

11. The Municipal Planning Commission may exercise only such powers and perform duties as are specified:
 - (a) in the Act; or
 - (b) in the Town of Magrath Development Authority Bylaw;
 - (c) in this Bylaw; or
 - (d) by resolution of Council.

LAND USE DISTRICTS

12. The Town of Magrath is divided into those land use districts specified in Schedule 1 and shown on the Land Use District Map.
13. The one or more uses of land or buildings that are:
 - (a) permitted and discretionary uses in each district, with or without conditions; or
 - (b) prohibited uses in each district;are described in Schedule 2.
14. A land use not listed as permitted, discretionary or similar in nature to a use listed in a district may be considered to be a prohibited use.

DEVELOPMENT PERMIT APPLICATIONS

15. Except as provided in Schedule 3, no person shall commence a development unless he has been issued a development permit in respect of the development.
16. An application for a development permit must be made to the Development Officer by sending to him:
 - (a) a completed development permit application;
 - (b) such other information as may be required by the Development Officer; and
 - (c) the fee prescribed in Appendix B.
17. An application for a development permit must be made by the owner of the land on which the development is proposed or, with the written consent of the owner by any other person.

PERMITTED USE APPLICATIONS

18. Upon receipt of a completed application for a development permit for a permitted use, the Development Officer may, if the application conforms with this Bylaw, issue a development permit with or without conditions, including the provision of a development agreement pursuant to the Act.
19. The Development Officer may refer any application for a permitted use to the Municipal Planning Commission for a decision.
20. All development approvals granted by the Development Officer in accordance with section 18 above may be summarized and filed with the Municipal Planning Commission at their next regularly scheduled meeting.

DISCRETIONARY USE APPLICATIONS

21. Upon receipt of a completed application for a development permit for a discretionary use, the Development Officer shall send the application to the Municipal Planning Commission.
22. Upon receipt of an application under section 21, the Municipal Planning Commission or the Development Officer may notify, or cause to be notified:
 - (a) the owners of land likely to be affected by the issue of a development permit in accordance with sections 25 through 27;
 - (b) Cardston County if, in the opinion of the Municipal Planning Commission, the proposed development could have an impact upon land use in the County;
 - (c) any government department or referral agency that is deemed to be affected.
23. Upon receipt of a completed application for a development permit for a development that does not comply with the development standards in this Bylaw, but in respect of which the Municipal Planning Commission is requested by the applicant to exercise discretion under sections 41 and 42, the Development Officer shall send the application to the Municipal Planning Commission.
24. Upon receipt of an application under section 23, and if the Municipal Planning Commission is prepared to exercise its discretion under sections 41 and 42, it may notify, or cause to be notified, the owners of land likely to be affected by the issue of a development permit in accordance with sections 25 to 27.

NOTIFICATION

25. Upon receipt of an application under sections 21 to 24 or 41 to 42, the Development Officer shall notify or cause to be notified any persons likely to be affected by the issue of a discretionary development permit with at least one of the following:
 - (a) a notice in writing may be mailed immediately by the Development Officer to any person who may be affected; or
 - (b) the Development Officer may ensure that a notice is immediately published in a newspaper circulating in the municipality; or
 - (c) the Development Officer may hand deliver a notice of application to any persons affected by the proposal; or
 - (d) any combination of (a), (b) and (c).
26. Any person notified in accordance with section 25 and who wishes to comment on the application must submit comments to the Municipal Planning Commission within five days of the mailing, posting or publication of a notice of application, if said comments are to be considered.
27. Not before five consecutive days after notification of an application and upon considering any response to the notification by persons likely to be affected by the development, the Municipal Planning Commission may refuse the application or may issue a development permit with or without conditions, including the provision of a development agreement pursuant to the Act.
28. Upon the issuance of a development permit for a discretionary use, the Development Officer shall immediately notify by mail, or by publishing in a newspaper circulating in the municipality, or by hand-delivering notices, or any combination of these:

- (a) those persons notified under sections 25 to 27; and
- (b) any other person likely to be affected by the development.

VALIDITY OF A DEVELOPMENT PERMIT

- 29. A development permit remains in effect for 12 months from the date of its approval unless the development permit is suspended or cancelled.
- 30. An application to extend the validity of a development permit may be made at any time prior to the expiration of said permit.
- 31. The validity of a development permit may be extended:
 - (a) by the Development Officer or the Municipal Planning Commission, if the Development Officer issued it; or
 - (b) by the Municipal Planning Commission, if the Municipal Planning Commission issued it;for up to 18 months from the date of its original approval.
- 32. When any use has been discontinued for a period of 24 months or more, it will be deemed to be discontinued by the Town and, any development permit that was 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.

DEVELOPMENT AGREEMENTS

- 33. The Municipal Planning Commission or Development Officer may require with respect to a development that as a condition of issuing a development permit, the applicant enter into an agreement 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;
 - (d) provide security in accordance with the Act to ensure the terms of the agreement are carried out.

As a condition of subdivision approval, all development agreements shall be registered concurrently by caveat onto individual lots being created.

REAPPLICATION

- 34. If an application for a development permit is refused by the Development Officer, the Municipal Planning Commission, or on appeal by the Subdivision and Development Appeal Board, another application for a development on the same lot, and for the same or similar use, may not be considered for at least one year after the date of refusal.

APPEALS

- 35. Any person affected by a decision of the Municipal Planning Commission or the Development Officer has the right pursuant to the Act, to appeal said decision to the Subdivision and Development Appeal Board. The appeal fee is \$500.00 payable to the municipality, of which 50% of the fee will be refunded upon a successful appeal.

36. 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 within 14 days after:
- (a) a person is notified of a order or decision or the issuance of a development permit; or
 - (b) the date on which the notice of the issuance of a development permit was given in accordance with section 28 of this Bylaw; or
 - (c) the expiration of the 40-day period for a decision to be made and any extension of that period, in accordance with section 40 of this Bylaw, has expired.

COMMENCEMENT OF DEVELOPMENT

37. Notwithstanding the issue of a development permit, no development authorized by the issue of a permit shall commence:
- (a) until at least 14 days after the date of notification of the issuance of the permit; or
 - (b) if an appeal is made, until the appeal is decided upon.

TRANSFER OF DEVELOPMENT PERMIT

38. A valid development permit is transferable where the use remains unchanged and the development is affected only by a change in ownership or tenancy.
39. When any use has been discontinued for a period of 24 months or more, it will be deemed to be discontinued by the Town and, 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.

APPLICATION DEEMED REFUSED

40. In accordance with section 684 of the Act, an application for a development permit shall, at the option of the applicant, be deemed to be refused when the decision of the Development Officer or the Municipal Planning Commission, as the case may be, is not made within 40 days of receipt of the completed application by the Development Officer, unless the applicant has entered into an agreement with the Development Officer to extend the 40-day period.

NON-COMPLIANCE WITH LAND USE BYLAW

41. The Municipal Planning Commission is authorized subject to section 42, to decide upon an application for a development permit notwithstanding that the proposed development does not comply with this Bylaw if, in the opinion of the Municipal Planning Commission or the Development Officer:
- (a) the proposed development would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use or enjoyment or value of neighbouring properties; and
 - (b) the proposed development conforms with the use prescribed for the land or building in Schedule 2.
42. The Development Officer may only exercise a discretion under section 41 in respect of the following matters:
- (a) granting of minor setback waivers of up to 10 percent or any other matters as authorized by resolution of Council;

- (b) approval of minor deviations from approved site plans;
- (c) imposing conditions on permitted uses in order to ensure a proposed use will comply with provisions of the Bylaw, the Municipal Development Plan or any other statutory plan.

NON-CONFORMING USE VARIANCES

43. The Municipal Planning Commission is authorized to exercise minor variance powers with respect to non-conforming uses pursuant to section 643(5)(c) of the Act.

SUSPENSION OF A DEVELOPMENT PERMIT

44. If, after a development permit has been issued, the Development Officer or Municipal Planning Commission becomes aware that:

- (a) the application for the development permit contained misrepresentations; or
- (b) facts concerning the application or the development that were not disclosed, and which should have been disclosed at the time of the application was considered, have subsequently become known; or
- (c) a development permit was issued in error;

the Development Officer or the Municipal Planning Commission may suspend or cancel the development permit by notice in writing to the holder of it stating the reasons for any suspension or cancellation.

45. If a development permit is suspended, the Subdivision and Development Appeal Board shall review the application if requested by the applicant and either:

- (a) reinstate the development permit; or
- (b) cancel the development permit if the Development Officer or the Municipal Planning Commission, as the case may be, would not have issued the development permit if the facts subsequently disclosed had been known during consideration of the application.

46. In addition to the conditions that a Development Officer or Municipal Planning Commission may impose on a development permit issued under Schedule 2, the Development Officer or Municipal Planning Commission may impose such other conditions as are considered necessary to ensure that this Bylaw or any statutory plan is complied with.

STOP ORDERS

47. The Development Officer is authorized to issue a stop order pursuant to the Act whenever he considers it necessary to do so.

SIMILAR USES

48. Where a use is applied for which is not specifically considered in a land use district but, in the opinion of the Municipal Planning Commission, is similar in character and purpose to another use that is permitted or discretionary in the land use district in which such use is proposed, the Municipal Planning Commission may:

- (a) rule that the proposed use is either a permitted or discretionary use in the land use district in which it is proposed; and
- (b) direct that a development permit be issued in accordance with sections 25 to 27 of this Bylaw.

TEMPORARY PERMITS

49. When, in the opinion of the Municipal Planning Commission, a proposed use is of a temporary or discretionary nature, it may issue a temporary development permit valid for such a period as it considers appropriate. It shall be a condition of every temporary development permit that the Town of Magrath shall not be liable for any costs involved in the cessation or removal of any development at the expiration of the permitted period. The Municipal Planning Commission may require the applicant to post a guarantee for the cessation or removal of the use and any associated development.

NUMBER OF DWELLING UNITS ON A PARCEL

50. 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 Municipal Planning Commission through the issuance of a development permit.

ADDITIONAL INFORMATION REQUIREMENTS

51. The Development Officer may require proof of ownership or right to land in question and may require a surveyor's certificate as proof of location of development on said land.

DEVELOPMENT IN MUNICIPALITY GENERALLY

52. A person who develops land or a building in the municipality shall:
- (a) comply with the applicable standards and requirements of development specified in all schedules of this Bylaw, in addition to complying with the use or uses prescribed in Schedule 2 and any conditions attached to a development permit if one is required;
 - (b) notify the Development Officer following the preliminary layout of the site, but prior to the commencement of development thereon;
 - (c) comply with any other bylaw enacted.

DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

53. Development that does not require a development permit is specified in Schedule 3.

PENALTIES

54. Every person who contravenes any provision of this Bylaw is guilty of an offence pursuant to section 566 the Act and is liable to a fine of not more than \$10,000 or to imprisonment for not more than one year, or to both fine and imprisonment (see Appendix B).

MEASUREMENTS AND STANDARDS

55. Metric measurements and standards in this Bylaw are applicable. Imperial measurements and standards are provided only for convenience.

SCHEDULES AND APPENDICES

56. Schedules 1 through 15 and attached hereto, form part of this Bylaw.
57. Appendices A through C do not form part of this Bylaw and are for information and guidance purposes only.

AMENDMENT OR REPEAL OF BYLAW

58. The procedure for amendment or repeal of this Bylaw is prescribed under section 692 of the Act, except in the case of technical amendments, errors and/or omissions.

ADOPTION OF BYLAW

59. The Town of Magrath Land Use Bylaw No. 1053 as amended, and any amendments hereto, are hereby repealed.

60. This Bylaw comes into effect upon the final passing thereof.

61. If any court of competent jurisdiction finds any provision of this bylaw invalid, the offending portion shall be severed. Such decision shall not affect the validity of the remaining portions of this bylaw.

Schedule 1

LAND USE DISTRICTS AND MAP

LAND USE DISTRICTS AND MAP

1. The Town of Magrath is divided into those land use districts illustrated on the Land Use District Map (following this page).
2. Each land use district shown on the map referred to in section 1 above shall be known by the following identifying names and symbols:

RESIDENTIAL	– R1
STARTER RESIDENTIAL	– SR1
MOBILE HOME RESIDENTIAL	– R2
LARGE LOT RESIDENTIAL	– R3
MEDIUM DENSITY RESIDENTIAL	– R4
COUNTRY RESIDENTIAL	– CR1
COMMERCIAL	– C1
HIGHWAY COMMERCIAL	– C2
INDUSTRIAL	– I
INSTITUTIONAL / RECREATION	– I/R
DIRECT CONTROL	– DC

Schedule 2

LAND USE DISTRICT REGULATIONS

RESIDENTIAL – R1

1. INTENT

The intent of this land use district is to encourage and ensure that residential and related development in the Town of Magrath occurs in an attractive, orderly, economic and efficient manner, through the regulation of the following permitted and discretionary uses:

PERMITTED USES*

Accessory building
Home occupation Class 1
Modular housing
Single-family dwelling

PROHIBITED USES

Home occupation Class 3
Mobile home

DISCRETIONARY USES

Boarding and rooming house
General warehousing and storage
Home occupation Class 2A
Home occupation Class 2B
Moved-in dwelling/building
Public park, playground and sportsfield
Senior citizen housing
Two-family dwelling
Type A Small Wind Energy System
Utility

2. MINIMUM LOT SIZE

Use	Width		Length		Area	
	m	ft.	m	ft.	m ²	ft ²
Single-family dwelling	19.8	65	36.6	120	724.6	7,800
Modular housing	19.8	65	36.6	120	724.6	7,800
Two-family dwelling, one storey (semi-detached)	27.4	90	36.6	120	1003.3	10,800
All other uses	As required by the Municipal Planning Commission					

3. MINIMUM SETBACK REQUIREMENTS

Use	Front Yard			Side Yard		Rear Yard	
	m	ft.		m	ft.	m	ft.
Single-family dwelling and Modular housing	7.6	25	Corner lots:			7.6	25
			- street side	7.6	25.0		
			- other side	1.5	5.0		
			Interior lots:				
			- both sides	2.3	7.5		
Two-family dwelling (semi-detached or duplex)	7.6	25	Corner lots:			7.6	25
			- street side	7.6	25.0		
			- other side	3.8	12.5		

* See Schedule 3, Development Not Requiring A Development Permit.

4. MAXIMUM SITE COVERAGE

(a) Principal Building

The principal building shall not cover more than 33 percent of the surface area of the lot.

(b) Accessory Building

Accessory structures shall not cover more than 10 percent of the surface area of the lot or 83.6 m² (900 ft²) whichever is the lesser.

(c) Any open or closed porch or veranda shall be considered part of the principal building for the purposes of calculating floor area, site coverage, and setback requirements.

5. MINIMUM FLOOR AREA

One-family dwelling – 74.3 m² (800 ft²)

Modular housing – 74.3 m² (800 ft²)

Two-family dwelling – 130.1 m² (1,400 ft²)

Other uses – As required by the Municipal Planning Commission

6. MAXIMUM HEIGHT OF PRINCIPAL AND ACCESSORY BUILDINGS

No accessory buildings shall exceed 4.9 metres (16 ft.) in height.

No principal buildings shall exceed 10 metres (33 ft.) in height.

7. SIDE YARD REQUIREMENTS

(a) Accessory buildings, not including garages [see (d)], shall be not less than 0.6 metres (2 ft.) from a side lot line or rear lot line, provided that overhanging eaves shall be not less than 0.3 metres (1 ft.) from the side lot line so that no portion of the building (including eavestroughing) lies on or over the adjoining properties. All roof drainage is to be contained within the property that the said building is situated.

(b) A carport is permitted in a side yard but shall not be less than 2.3 metres (7.5 ft.) from a side lot line.

(c) Detached accessory buildings shall not be less than 3.0 metres (10 ft.) from a principal building.

(d) The side yard requirements for a principal building with an attached garage shall be the same as for a principal building. A detached garage may not be less than 2.3 metres (7.5 ft.) from a side lot line.

8. FENCES – See Schedule 4.

9. SERVICES, TRANSPORTATION AND UTILITIES FACILITIES – See Schedule 4.

10. RIVER VALLEYS AND SHORELANDS – See Schedule 4.

11. MODULAR HOME STANDARDS – See Schedule 7.

12. OFF-STREET PARKING REQUIREMENTS – See Schedule 12.

13. ALTERNATIVE ENERGY SYSTEMS – See Schedule 14.

STARTER RESIDENTIAL – SR1

1. 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 Magrath, and that development occurs in an attractive, orderly, economic and efficient manner, through the regulation of the following permitted and discretionary uses:

PERMITTED USES*

- Accessory building
- Attached garage and carport
- Attached, unenclosed improvement
- Home occupation Class 1
- Modular housing
- Patio
- Single-family dwelling

PROHIBITED USES

- Home Occupation Class 3
- Mobile home

DISCRETIONARY USES

- Bed and breakfast
- Boarding house
- Day care facility
- Home occupation Class 2A
- Home occupation Class 2B
- Moved-in dwelling / building
- Public park or recreation use
- Sign
- Similar use
- Type A Small Wind Energy System
- Utility

2. MINIMUM LOT SIZE

Use	Width		Length		Area	
	m	ft.	m	ft.	m ²	ft ²
Single-family dwelling	15.2	50	36.6	110	510.9	5,500
All other uses	As required by the Development Officer or MPC					

3. MINIMUM SETBACK REQUIREMENTS

Use	Front Yard		Side Yard		Rear Yard	
	m	ft.	m	ft.	m	ft
Single-family dwelling	7.6	25	1.5	5	7.6	25
Attached, unenclosed improvement	7.6	25	1.5	5	7.6	25
Corner lot	– One frontage at 7.6 m (25 ft.) – Second frontage may be reduced to 3.0 m (10 ft.)					
Accessory building	– See Schedule 6					
All other uses	– As required by the Development Officer (also see Schedule 6)					

4. MAXIMUM SITE COVERAGE

(a) Principal Building

The principal building shall not cover more than 33 percent of the surface area of the lot.

* See Schedule 3, Development Not Requiring a Permit.

(b) **Accessory Building**

Accessory structures shall not cover more than 10 percent of the surface area of the lot or 83.6 m² (900 ft²) whichever is the lesser.

(c) Any open or closed porch or veranda shall be considered part of the principal building for the purposes of calculating floor area, site coverage, and setback requirements.

5. MINIMUM FLOOR AREA

Single-family dwelling – 74.3 m² (800 ft²)

All other uses – As required by the Municipal Planning Commission or Development Officer

6. MAXIMUM HEIGHT OF PRINCIPAL AND ACCESSORY BUILDINGS

No accessory buildings shall exceed 4.9 metres (16 ft.) in height.

No principal buildings shall exceed 10 metres (33 ft.) in height.

7. SIDE YARD REQUIREMENTS

(a) Accessory buildings, not including garages [see (d)], shall be not less than 0.6 metres (2 ft.) from a side lot line or rear lot line, provided that overhanging eaves shall be not less than 0.3 metres (1 ft.) from the side lot line so that no portion of the building (including eavestroughing) lies on or over the adjoining properties. All roof drainage is to be contained within the property that the said building is situated.

(b) A carport is permitted in a side yard but shall not be less than 1.5 metres (5 ft.) from a side lot line.

(c) Detached accessory buildings shall not be less than 3.0 metres (10 ft.) from a principal building.

(d) The side yard requirements for a principal building with an attached garage shall be the same as for a principal building. A detached garage may not be less than 1.5 metres (5 ft.) from a side lot line.

8. DESIGN APPROVAL

Before approving any application for development in this land use district, due consideration shall be given to any design guidelines or policies that may have been adopted by Council attached in Appendix C.

9. FENCES – See Schedule 4.

10. SERVICES, TRANSPORTATION AND UTILITIES FACILITIES – See Schedule 4.

11. MODULAR HOME REQUIREMENTS – See Schedule 7.

12. SIGN REGULATIONS – See Schedule 13.

13. ALTERNATIVE ENERGY SYSTEMS – See Schedule 14.

MOBILE HOME RESIDENTIAL – R2

1. INTENT

The intent of this land use district is to provide an opportunity for mobile home residential development in those areas of the Town of Magrath that are considered suitable for such development, through the regulation of the following permitted and discretionary uses:

PERMITTED USES*

Double-wide mobile home
Home occupation Class 1
Single-wide mobile home

PROHIBITED USES

Home occupation Class 2A
Home occupation Class 2B
Home occupation Class 3

DISCRETIONARY USES

Accessory building
Mobile home addition
Mobile home park
Public parks and playground
Recreational use
Type A Small Wind Energy System
Utility

2. MINIMUM LOT SIZE

Use	Width		Length		Area	
	m	ft.	m	ft.	m ²	ft ²
Single-wide mobile home	15.2	50	36.6	120	557.4	6,000
Double-wide mobile home	15.2	50	36.6	120	557.4	6,000
All other uses	As required by the Municipal Planning Commission					

3. CORNER LOTS

Corner lots shall be used for double-wide mobile homes only.

4. MINIMUM SETBACK REQUIREMENTS

Use	Front Yard			Side Yard		Rear Yard	
	m	ft.		m	ft.	m	ft.
All mobile homes	7.6	25	- main entrance side	4.6	15.0	3.0	10
			- other side	2.3	7.5		
All other uses	As required by the Municipal Planning Commission						

5. MAXIMUM SITE COVERAGE

- (a) Mobile homes inclusive of all additions shall not cover more than 33 percent of the surface area of the lot.
- (b) Any accessory buildings shall not cover more than 10 percent of the surface area of the lot.
- (c) Any other development shall be at the discretion of the Municipal Planning Commission.

* See Schedule 3, Development Not Requiring A Development Permit.

6. MINIMUM FLOOR AREA

- Single-wide mobile homes – 60.4 m² (650 ft²)
- Double-wide mobile homes – 74.3 m² (800 ft²)
- Multi-family dwellings – 65.0 m² (700 ft²) per unit
- Other uses – As required by the Municipal Planning Commission

7. SIDE YARD REQUIREMENTS

- (a) Accessory buildings, not including garages [see (d)], shall be not less than 0.6 metres (2 ft.) from a side lot line or rear lot line, provided that overhanging eaves shall be not less than 0.3 metres (1 ft.) from the side lot line so that no portion of the building (including eavestroughing) lies on or over the adjoining properties. All roof drainage is to be contained within the property that the said building is situated.
- (b) A carport is permitted in a side yard but shall not be less than 1.5 metres (5 ft.) from a side lot line.
- (c) The side yard requirements for a principal building with a garage shall be the same as for a principal building itself, except on an irregular-shaped lot one corner of the garage may be less than 1.5 metres (5 ft.) from a side lot line, provided that the overhanging eave shall not be less than 0.5 metres (1.6 ft.) from the side lot line.

8. SERVICES, TRANSPORTATION AND UTILITIES FACILITIES – See Schedule 4.

9. RIVER VALLEYS AND SHORELANDS – See Schedule 4.

10. MANUFACTURED AND MOBILE HOME REQUIREMENTS – See Schedule 6.

11. ALTERNATIVE ENERGY SYSTEMS – See Schedule 14.

LARGE LOT RESIDENTIAL – R3

1. INTENT

The intent of this land use district is to ensure that quality residential and related development occurs on those larger lots within the Town of Magrath that have been designated as suitable for such development, through the regulation of the following permitted and discretionary uses:

PERMITTED USES*

Garage, residential
Home occupation Class 1
Single-family dwelling

PROHIBITED USES

Mobile home

DISCRETIONARY USES

Accessory building
Home occupation Class 2A
Home occupation Class 2B
Home occupation Class 3
Public park, playground and sportsfield
Type A Small Wind Energy System
Type B Small Wind Energy System
Utility

2. MINIMUM LOT SIZE

Use	Width		Length		Area	
	m	ft.	m	ft.	m ²	ft ²
Single-family dwelling	30.5	100	45.7	150	1393.5	15,000
All other uses	As required by the Development Officer or the Municipal Planning Commission					

3. MINIMUM SETBACK REQUIREMENTS

Use	Front Yard		Side Yard		Rear Yard	
	m	ft.	m	ft.	m	ft.
Single-family dwelling	15.2	50	6.1	20	15.2	50
All other uses	As required by the Development Officer or the Municipal Planning Commission					

Corner lots (those having more than one front yard line) shall provide one-half of the front yard requirements on the side facing the minor street.

4. MAXIMUM SITE COVERAGE

(a) Principal Building

The principal building shall not cover more than 33 percent of the surface area of the lot.

(b) Accessory Building

Accessory structures shall not cover more than 10 percent of the surface area of the lot or 83.6 m² (900 ft²) whichever is the lesser.

(c) Any open or closed porch or veranda shall be considered part of the principal building for the purposes of calculating floor area, site coverage, and setback requirements.

* See Schedule 3, Development Not Requiring A Development Permit.

5. MINIMUM FLOOR AREA

A minimum of habitable floor space for a single-family dwelling in this land use district shall be 139.4 m² (1,500 ft²).

6. MAXIMUM HEIGHT OF PRINCIPAL AND ACCESSORY BUILDINGS

No accessory buildings shall exceed 4.9 metres (16 ft.) in height.

No principal buildings shall exceed 10 metres (33 ft.) in height.

7. DESIGN APPROVAL

Before approving any application for development in this land use district, due consideration shall be given to any design guidelines or policies that may have been adopted by Council attached in Appendix C.

8. SIDE YARD REQUIREMENTS

(a) Accessory buildings, not including garages [see (d)], shall be not less than 0.6 metres (2 ft.) from a side lot line or rear lot line, provided that overhanging eaves shall be not less than 0.3 metres (1 ft.) from the side lot line so that no portion of the building (including eavestroughing) lies on or over the adjoining properties. All roof drainage is to be contained within the property that the said building is situated.

(b) A carport is permitted in a side yard but shall not be less than 2.3 metres (7.5 ft.) from a side lot line.

(c) Detached accessory buildings shall not be less than 3.0 metres (10 ft.) from a principal building.

(d) The side yard requirements for a principal building with an attached garage shall be the same as for a principal building. A detached garage may not be less than 2.3 metres (7.5 ft.) from a side lot line.

9. SERVICES, TRANSPORTATION AND UTILITIES FACILITIES – See Schedule 4.

10. RIVER VALLEYS AND SHORELANDS – See Schedule 4.

11. ALTERNATIVE ENERGY SYSTEMS – See Schedule 14.

MEDIUM DENSITY RESIDENTIAL – R4

1. INTENT

The intent of this land use district is to provide opportunities for multi-family development in those areas of the Town of Magrath considered suitable for such development, through the regulation of the following permitted and discretionary uses:

PERMITTED USES*

2-unit dwelling
 3-unit dwelling
 4-unit dwelling
 Accessory building
 Attached garage and carport
 Attached, unenclosed improvement
 Condominium
 Home occupation Class 1
 Patio
 Rowhouse dwelling (more than 4 units)

DISCRETIONARY USES

Apartment building
 Day care facility
 Modular housing
 Public park or recreation use
 Sign
 Similar use
 Single-family dwelling
 Type A Small Wind Energy System
 Utility

PROHIBITED USES

Home occupation Class 2A
 Home occupation Class 2B
 Home occupation Class 3

2. MINIMUM LOT SIZE

Use	Width		Length		Area	
	m	ft.	m	ft.	m ²	ft ²
2-unit dwelling	27.4	90	36.6	120	1000.3	10,800
3-unit dwelling	33.5	110	36.6	120	1226.3	13,200
4-unit dwelling	42.7	140	36.6	120	1560.7	16,800
Row housing						
– interior unit	7.6	25	36.6	120	278.7	3,000
– end unit	15.2	50	36.6	120	557.4	6,000
All other uses	As required by the Municipal Planning Commission					

3. MINIMUM SETBACK REQUIREMENTS

Use	Front Yard		Side Yard		Rear Yard	
	m	ft.	m	ft.	m	ft.
2-unit dwelling	7.6	25	2.3	7.5	7.6	25
3 - 4-unit dwelling	7.6	25	3.0	10	7.6	25

* See Schedule 3, Development Not Requiring a Permit.

Use	Front Yard		Side Yard		Rear Yard	
	m	ft.	m	ft.	m	ft.
Row housing						
– interior unit	7.6	25	common wall		7.6	25
– end unit	7.6	25	3.0	10	7.6	25
Corner lot	<ul style="list-style-type: none"> – One frontage at 7.6 m (25 ft.) – Second frontage may be reduced to 3.0 m (10 ft.) 					

4. MAXIMUM SITE COVERAGE

(a) **Principal Building**

The principal building shall not cover more than 40 percent of the surface area of the lot.

(b) **Accessory Building**

Any accessory structures shall not cover more than 10 percent of the surface area of the lot.

5. MINIMUM FLOOR AREA

- 2 - 4-unit dwellings – 65.1 m² (700 ft²) per unit
- Row housing – 65.1 m² (700 ft²) per dwelling unit
- Other uses – As required by the Municipal Planning Commission

6. LANDSCAPING AND AMENITY AREA

As required by the Municipal Planning Commission.

7. ADDITIONAL STANDARDS

- (a) Accessory buildings in excess of 2.8 m² (30 ft²) other than rear entry garages, shall not be less than 1.0 metre (3.3 ft.) from a side or rear lot line, and all drainage shall be conducted to the appropriate storm drain via the applicant's own property.
- (b) Accessory buildings in excess of 2.8 m² (30 ft²) shall be at least 3.0 metres (10 ft.) from the principal building.
- (c) An attached carport may be approved in a side yard, but shall not be less than 2.3 metres (7.5 ft.) from a side lot line.
- (d) No accessory structures shall exceed 4.9 metres (16 ft.) in height.
- (e) The side yard requirements for a principal building with an attached garage shall be the same as for a principal building itself except on an irregular-shaped lot in which case one corner of the structure may be less than 1.5 metres (5 ft.) from the side or rear lot line, provided that the overhanging eave shall not be less than 0.5 metres (1.6 ft.) from the side lot line, and provided that two-thirds of the building is not less than 1.5 metres (5 ft.) from the side lot line.
- (f) The side yard provision does not limit the building of a semi-detached two-family dwelling or row dwelling where each dwelling is on a separate lot.
- (g) Rear entry garages shall be a minimum of 1.5 metres (5 ft.) from a lane.

- (h) In laneless subdivisions, or on lots where there is no access to a lane, the Municipal Planning Commission may increase the minimum side yard for any use.
- (i) Any open or closed porch or veranda shall be considered part of the principal building for the purposes of calculating floor area, site coverage, and setback requirements.

8. RIVER VALLEYS AND SHORELANDS – See Schedule 4.

9. SERVICES, TRANSPORTATION AND UTILITIES FACILITIES – See Schedule 4.

10. FENCES – See Schedule 4.

11. OFF-STREET PARKING REQUIREMENTS – See Schedule 12.

12. SIGN REGULATIONS – See Schedule 13.

13. ALTERNATIVE ENERGY SYSTEMS – See Schedule 14.

COUNTRY RESIDENTIAL – CR1

1. INTENT

The intent of the Country Residential land use district is to accommodate country residential development in specific areas of the Town of Magrath on fragmented lands or areas suitable for such development and may not be connected to the conventional municipal sanitary sewer system provided the proposed uses will:

- (a) not conflict with the residential, recreational or other uses on lands adjacent to or in close proximity to the proposal;
- (b) not compromise the safe, efficient operation of the existing road and servicing network or the more dense urban expansion of the municipality;
- (c) comply with the pertinent development standards and requirements outlined in a detailed area structure plan for the area, this land use district or this Land Use Bylaw.

PERMITTED USES*

Garage, residential
Home occupation Class 1
Single-family dwelling

PROHIBITED USES

Livestock confinement operation or facility

DISCRETIONARY USES

Accessory building and use
Bed and breakfast operation
Child care service
Extensive agricultural pursuit
Home occupation Class 2A
Home occupation Class 2B
Home occupation Class 3
Modular home
Moved-in building
Public or private utility
Public park and recreation
Type A Small Wind Energy System
Type B Small Wind Energy System
Sign
Similar use

2. SPECIAL DEVELOPMENT STANDARDS

- (a) Country Residential uses may be exempted from the requirement to connect to the municipal sewage system, if in the opinion of the Municipal Planning Commission it is deemed not to be necessary. All developments must connect to the municipal water supply.
- (b) Percolation tests shall be submitted as part of an application for subdivision or development within this land use district to ensure suitable site is available to install a private sewage treatment system.
- (c) Applications for development that would require the installation of a private sewage treatment system will be required to be circulated to appropriate agencies including the Regional Health Authority, Alberta Labour and Alberta Environment.

* See Schedule 3, Development Not Requiring A Development Permit.

3. MINIMUM LOT SIZE

- (a) The minimum parcel size for any use which is not municipally serviced but requires a means of sewage disposal shall be 0.8 ha (2 acres) in area. At its discretion, the Municipal Planning Commission may establish greater minimums for specific proposals.
- (b) On unserviced or partially-serviced lots the Municipal Planning Commission, in accordance with the Regional Health Authority and Alberta Labour regulations and recommendations, may increase the minimum lot dimensions.

4. MINIMUM SETBACK REQUIREMENTS

Use	Front Yard		Side Yard		Rear Yard	
	m	ft.	m	ft.	m	ft.
All uses	15.2	50	7.6	25	15.2	50

5. MAXIMUM SITE COVERAGE

- (a) **Principal Building**
The principal building shall not cover more than 33 percent of the surface area of the lot.
- (b) **Accessory Building**
Accessory structures shall not cover more than 10 percent of the surface area of the lot or 83.6 m² (900 ft²) whichever is the lesser.
- (c) Any open or closed porch or veranda shall be considered part of the principal building for the purposes of calculating floor area, site coverage, and setback requirements.

6. MINIMUM FLOOR AREA

A minimum of habitable floor space for a single-family dwelling in this land use district shall be 139.4 m² (1,500 ft²).

7. MAXIMUM HEIGHT OF PRINCIPAL AND ACCESSORY BUILDINGS

No accessory buildings shall exceed 4.9 metres (16 ft.) in height.
No principal buildings shall exceed 10 metres (33 ft.) in height.

8. SIDE YARD REQUIREMENTS

- (a) Accessory buildings, not including garages [see (d)], shall be not less than 0.6 metres (2 ft.) from a side lot line or rear lot line, provided that overhanging eaves shall be not less than 0.3 metres (1 ft.) from the side lot line so that no portion of the building (including eavestroughing) lies on or over the adjoining properties. All roof drainage is to be contained within the property that the said building is situated.
- (b) A carport is permitted in a side yard but shall not be less than 2.3 metres (7.5 ft.) from a side lot line.
- (c) Detached accessory buildings shall not be less than 3.0 metres (10 ft.) from a principal building.
- (d) The side yard requirements for a principal building with an attached garage shall be the same as for a principal building. A detached garage may not be less than 2.3 metres (7.5 ft.) from a side lot line.

9. SERVICES, TRANSPORTATION AND UTILITIES FACILITIES – See Schedule 4.

10. RIVER VALLEYS AND SHORELANDS – See Schedule 4.

11. FENCES – See Schedule 4.

12. ALTERNATIVE ENERGY SYSTEMS – See Schedule 14.

COMMERCIAL – C1

1. INTENT

The intent of this land use district is to encourage the development, redevelopment, conservation and rehabilitation of commercial areas, through the regulation of the following permitted and discretionary uses:

PERMITTED USES*

- Medical clinic
- Office
- Personal service
- Public assembly

DISCRETIONARY USES

- Accessory building and use
- General warehousing and storage
- Hotel
- Motel
- Public institutional
- Residential accommodation in conjunction with an approved commercial use
- Restaurant
- Service station
- Similar use
- Theatre
- Utility

2. MINIMUM LOT SIZE

Use	Width		Length		Area	
	m	ft.	m	ft.	m ²	ft ²
All uses	18.2	60	36.6	120	666.1	7,200

3. MINIMUM SETBACK REQUIREMENTS

As required by the Municipal Planning Commission.

4. MAXIMUM SITE COVERAGE

Principal building and accessory buildings – 80 percent.

5. SIGN GUIDELINES

- (a) Freestanding, lawn and fascia signs only shall be allowed within this land use district.
- (b) There shall be a limit of two freestanding signs per property.
- (c) For further details and standards, see Schedule 13.

6. HIGHWAY SETBACK REQUIREMENTS

Notwithstanding other provisions contained within this Bylaw, no permanent development shall be allowed within 7.6 metres (25 ft.) of a highway right-of-way, within this land use district.

* See Schedule 3, Development Not Requiring A Development Permit.

7. **LANDSCAPING REQUIREMENTS** – See Schedule 4.
8. **SERVICES, TRANSPORTATION AND UTILITIES FACILITIES** – See Schedule 4.
9. **RIVER VALLEYS AND SHORELANDS** – See Schedule 4.
10. **OFF-STREET PARKING REQUIREMENTS** – See Schedule 12.
11. **LOADING AREA REQUIREMENTS** – See Schedule 12.

HIGHWAY COMMERCIAL – C2

1. INTENT

The intent of this land use district is to ensure the compatibility of commercial development adjacent to major thoroughfares in the Town of Magrath through the regulation of the following permitted and discretionary uses:

PERMITTED USES*

Automotive sales and service
Motel
Motor hotel
Roadside restaurant and cafe
Service station

PROHIBITED USES

Residential use

DISCRETIONARY USES

Accessory building and use
General warehousing and storage
Hotel
Light industrial/manufacturing (non-polluting)
Public institutional
Restaurant
Similar use
Theatre

2. MINIMUM LOT SIZE

Use	Width		Length		Area	
	m	ft.	m	ft.	m ²	ft ²
All uses	30.5	100	45.7	150	1393.5	15,000

Minimum lot width, length and area may be less in the case of existing registered lots with the approval of the Municipal Planning Commission.

3. MINIMUM SETBACK REQUIREMENTS

Use	Front Yard		Side Yard		Rear Yard	
	m	ft.	m	ft.	m	ft.
All uses	9.1	30	6.1	20	6.1	20

4. MAXIMUM SITE COVERAGE

- (a) Principal building and accessory buildings – 50 percent.
- (b) Street access shall be as required by the Municipal Planning Commission.
- (c) The Municipal Planning Commission shall prescribe or approve screening for uses which involve the outdoor storage of goods, machinery, vehicles, building materials, waste materials and other items.

5. SIGN GUIDELINES

- (a) Freestanding, lawn and fascia signs only shall be allowed within this land use district.
- (b) There shall be a limit of two freestanding signs per property.
- (c) For further details and standards, see Schedule 13.

* See Schedule 3, Development Not Requiring A Development Permit.

6. HIGHWAY SETBACK REQUIREMENTS

Notwithstanding other provisions contained within this Bylaw, no permanent development shall be allowed within 7.6 metres (25 ft.) of a highway right-of-way, within this land use district.

7. LANDSCAPING REQUIREMENTS – See Schedule 4.

8. SERVICES, TRANSPORTATION AND UTILITIES FACILITIES – See Schedule 4.

9. RIVER VALLEYS AND SHORELANDS – See Schedule 4.

INDUSTRIAL – I

1. INTENT

The intent of this land use district is to encourage the efficient and planned development of the industrial area of the Town of Magrath and to ensure that industrial development is compatible with other land uses, through the regulation of the following permitted and discretionary uses:

PERMITTED USES*

Railway facility
Utility and public service use

DISCRETIONARY USES

Agricultural related industry
Building and special trade contractor
Bulk fuel storage and sales
Farm machinery and equipment
General storage and warehousing
Heavy industry (manufacturing or processing)
Light industry (non-polluting)
Lumber and building materials
Machinery and equipment sales and repair
Rental uses ancillary to industrial or warehousing use
Service station
Similar use
Truck transport depot

PROHIBITED USES

Residential use

2. MINIMUM LOT SIZE

Use	Width		Length		Area	
	m	ft.	m	ft.	m ²	ft ²
All uses	30.5	100	30.5	100	929.0	10,000
or as required by the Municipal Planning Commission						

3. MINIMUM SETBACK REQUIREMENTS

Use	Front Yard			Side Yard		Rear Yard	
	m	ft.		m	ft.	m	ft.
All uses	18.3	60	- internal lots	3.0	10	7.6	25
			- corner lots	4.6	15		

4. MAXIMUM SITE COVERAGE

No building shall occupy more than 60 percent of the surface area of a lot within this land use district.

5. OUTDOOR STORAGE

- (a) No outdoor storage shall be permitted in the required front yard setback of 7.6 metres (25 ft.) nor in the required corner lot side yard setback of 4.6 metres (15 ft.).
- (b) Display of vehicles, new machinery and new equipment may be allowed in front of a proposed building provided such display does not encroach on the required front or side yards.

* See Schedule 3, Development Not Requiring A Development Permit.

(c) Other outdoor storage areas shall be effectively screened from view by buildings, solid fences, trees, landscaped features or combinations thereof.

6. **LANDSCAPING REQUIREMENTS** – See Schedule 4.
7. **SERVICES, TRANSPORTATION AND UTILITIES FACILITIES** – See Schedule 4.
8. **RIVER VALLEYS AND SHORELANDS** – See Schedule 4.
9. **OFF-STREET PARKING REQUIREMENTS** – See Schedule 12.
10. **LOADING AREA REQUIREMENTS** – See Schedule 12.
11. **SIGN GUIDELINES** – See Schedule 13.

INSTITUTIONAL / RECREATION – I/R

1. INTENT

The intent of this land use district is to ensure that the development of institutional uses and facilities within the Town of Magrath is compatible with other land uses, through the regulation of the following permitted and discretionary uses:

PERMITTED USES*

- Church
- Civic and governmental office
- Hospital
- Park and playground
- Public recreation
- Recreation and sportsfield
- School

DISCRETIONARY USES

- Accessory building and use
- Civic hall and club
- Golf course
- Medical/health facility
- Moved-in dwelling, building and manufactured home
- Museum
- Nursing home/extended care facility
- Pre-school day care or educational centre
- Private recreation
- Public or private utility
- Public/religious assembly
- Senior citizen housing
- Sign

2. MINIMUM LOT SIZE

As required by the Municipal Planning Commission.

3. MINIMUM SETBACK REQUIREMENTS

Use	Front Yard		Side Yard		Rear Yard	
	m	ft.	m	ft.	m	ft.
All uses	7.6	25	3.0	10	7.6	25
	or as required by the Municipal Planning Commission					

4. MAXIMUM SITE COVERAGE

No building shall occupy more than 50 percent of the surface area of a lot within this land use district.

5. LANDSCAPING REQUIREMENTS – See Schedule 4.

6. SERVICES, TRANSPORTATION AND UTILITIES FACILITIES – See Schedule 4.

7. RIVER VALLEYS AND SHORELANDS – See Schedule 4.

8. OFF-STREET PARKING REQUIREMENTS – See Schedule 12.

* See Schedule 3, Development Not Requiring A Development Permit.

9. LOADING AREA REQUIREMENTS – See Schedule 12.

10. SIGN GUIDELINES – See Schedule 13.

DIRECT CONTROL – DC

1. INTENT

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.

2. USES

Council may by bylaw, specify permitted and/or discretionary uses or any prohibited uses.

3. APPROVAL PROCEDURE

- (a) Before Council considers an application for a use or development in the Direct Control district, it shall:
- (i) cause a Notice to be issued by the Development Officer in accordance with, section 25 of this Bylaw;
 - (ii) hear any person that claims to be affected by the decision on the application.
- (b) Council may then approve the application with or without conditions or refuse the application.

4. APPEAL PROCEDURE

Pursuant to section 641(4)(a) of the Act, if a decision with respect to a development permit application is made by Council, there is no appeal to the Subdivision and Development Appeal Board.

5. MINIMUM LOT SIZE – As required by Council.

6. MINIMUM SETBACK REQUIREMENTS – As required by Council.

7. MINIMUM LOT COVERAGE – As required by Council.

8. MINIMUM BUILDING HEIGHT – As required by Council.

9. INDUSTRIAL, COMMERCIAL AND WAREHOUSING PERFORMANCE STANDARDS – As required by Council with regard to Schedule 4.

10. LANDSCAPING AND SCREENING – As required by Council with regard to Schedule 4.

11. STANDARDS OF DEVELOPMENT – As required by Council with regard to Schedule 4.

12. MOVED-IN BUILDINGS – As required by Council with regard to Schedule 5.

13. OFF-STREET PARKING AND LOADING – As required by Council with regard to Schedule 12.

14. SIGN REGULATIONS – As required by Council with regard to Schedule 13.

Schedule 3

**DEVELOPMENT NOT REQUIRING
A DEVELOPMENT PERMIT**

DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

1. No development permit is required for any development that is specifically exempt by virtue of its inclusion in an exemption regulation.
2. No development permit is required for the following:
 - (a) concrete or asphalt parking surfaces (excluding carports);
 - (b) patios and related accessories (excluding roofs);
 - (c) rear, ground level deck with a maximum area of 11.15 m² (10 x 12 ft.);
 - (d) sidewalks;
 - (e) fences, with a rear or side yard maximum height of 2.0 metres (6.6 ft.);
 - (f) fences, with a front yard or corner lot maximum height of 0.91 metres (3.0 ft.);
 - (g) one portable storage shed per lot, with a maximum dimension of 3.0 x 3.5 metres (10 x 11.5 ft.);
 - (h) interior building renovations that do not affect the existing use, appearance or exterior dimensions of the dwelling;
 - (i) the maintenance and repair of public works, services and utilities carried out by or on behalf of federal, provincial or public authorities on land which is publicly owned or controlled; and
 - (j) temporary portable swimming pools.
3. If there is a doubt as to whether a development is of a kind listed in section 2 above, the matter shall be referred to the Development Officer whose decision is final as to whether a development permit is required.

Schedule 4

STANDARDS OF DEVELOPMENT

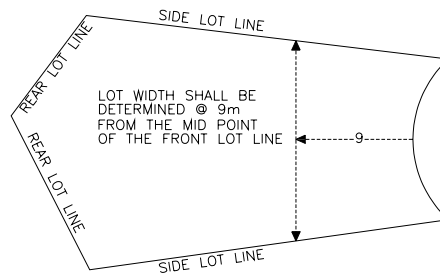
STANDARDS OF DEVELOPMENT

1. QUALITY OF DEVELOPMENT

The Development Officer 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 an adopted statutory plan.

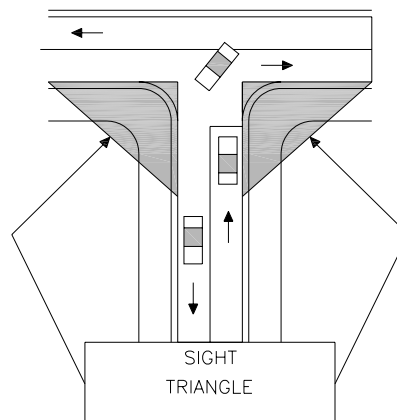
2. REDUCED LOT AREA AND DIMENSION

The Development Officer may approve a development on an existing registered lot the minimum dimensions or area of which are less than those specified in Schedule 2.



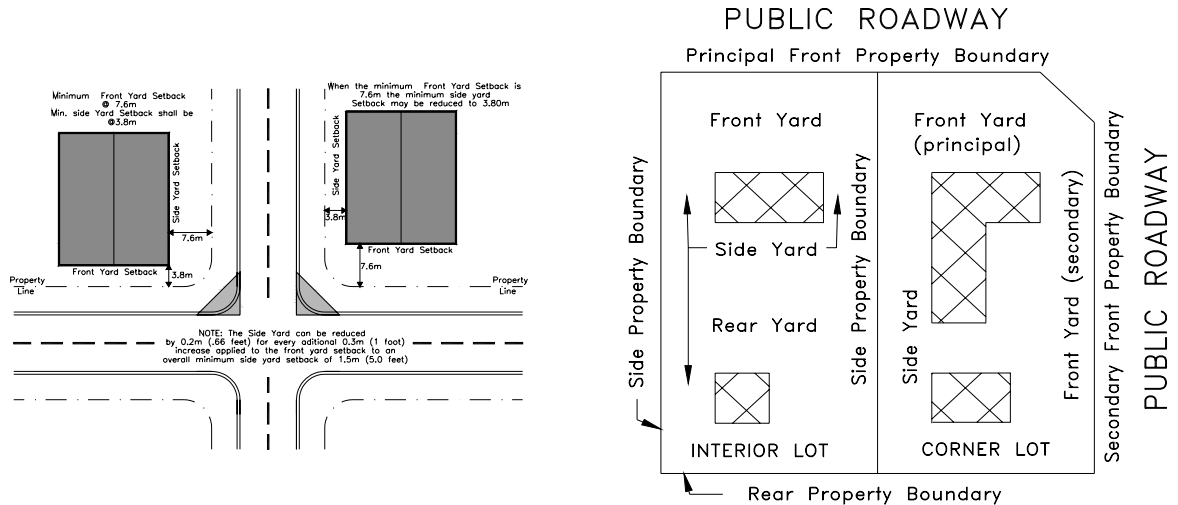
3. CORNER SITE TRIANGLE FOR ALL USES

On a corner lot nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of 0.9 metres (3 ft.) and 3.0 metres (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 lines 7.6 metres (25 ft.) from the point of intersections. This restriction may apply in commercial and industrial districts at the discretion of the Development Officer or Municipal Planning Commission.



4. MULTIPLE FRONT YARD PROVISION (Corner Lots)

Where any lot has more than one front yard line, the front yard requirements shall apply to one yard and at the discretion of the Development Officer or Municipal Planning Commission only one-half the front yard requirement may apply to other front yards.



5. RETAINING WALLS AND GRADING

- (a) In the R1, SR-1, R3, R4, CR1, C1, C2 and I districts, the applicant may be required to provide a grading plan for the development.
- (b) The Development Officer or the Municipal Planning Commission may require the construction of a retaining wall as a condition of a development permit if, in its opinion, significant differences in grade exist or will exist between the parcel being developed and adjacent parcels.
- (c) As a condition of a development permit, the Development Officer or the Municipal Planning Commission may require special grading and/or paving to prevent surface drainage problems with neighbouring lots.

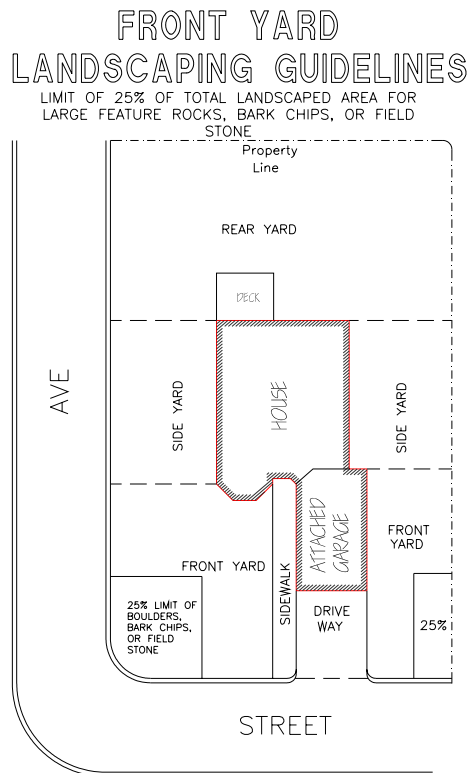
6. REFUSE COLLECTION AND STORAGE

- (a) Refuse and garbage shall be kept in suitable containers or permanent enclosures with a secure lid.
- (b) Refuse and garbage storage areas shall be effectively screened from public view.
- (c) All refuse on any construction site shall be properly screened or placed in an approved enclosure until removed for disposal.

7. LANDSCAPING STANDARDS AND SCREENING

- (a) The Development Officer or the Municipal Planning Commission may impose landscaping or screening requirements as a condition of approval for permitted and discretionary uses if, in their opinion, these would serve to improve the quality or compatibility of any proposed development.

- (b) The front yard requirement shall be comprehensively landscaped, except for those areas occupied by sidewalks or driveways, to the satisfaction of the Development Officer or the Municipal Planning Commission.
- (c) In the case of corner lots, all street frontage shall be landscaped to the satisfaction of the Development Officer or the Municipal Planning Commission.
- (d) Landscaping may consist of any or all of the following:
 - (i) trees, shrubs, lawn, flowers;
 - (ii) large feature rocks, bark chips, field stone (Municipal Planning Commission approval is required if this type of landscaping exceeds 25 percent of the total landscaped);
 - (iii) berming, terracing;
 - (iv) innovative landscaping features.
- (e) For new development, a refundable landscaping fee of \$1,000.00 may be required by the Development Officer or the Municipal Planning Commission to ensure the completion of landscaping for street frontage.

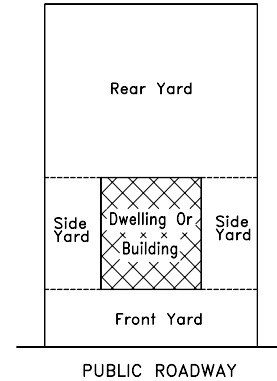


8. GARDEN SHED (Accessory Buildings)

- (a) Garden sheds or accessory buildings are permitted, provided they do not exceed 3 metres x 3.5 metres (10 ft. x 11.5 ft.), are not on a permanent foundation and meet the applicable district's required setback distances.
- (b) Garden sheds or accessory buildings that exceed the above size, or are to be placed on a permanent foundation, or are to be located closer than the stipulated setback distance of the applicable district, are considered discretionary and would require a waiver.

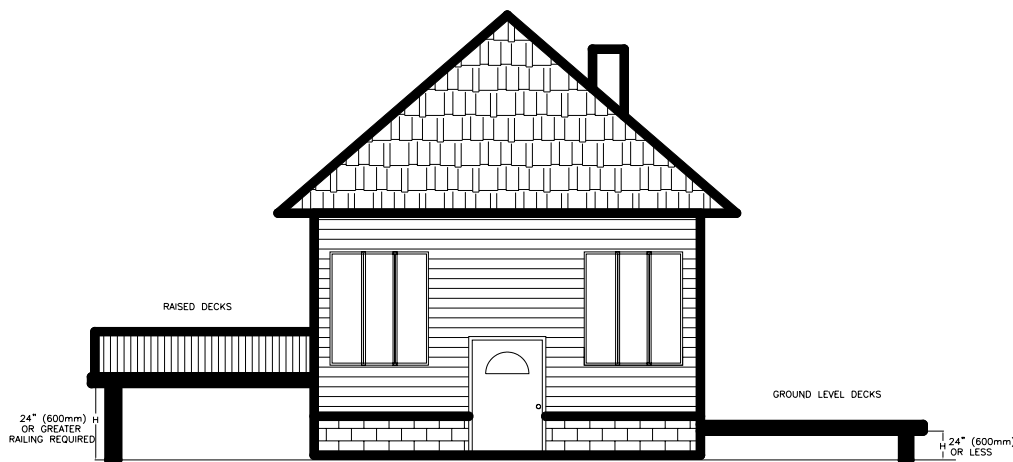
9. FENCES AND HEDGES

- (a) No fence, wall or hedge greater than 0.9 metres (3 ft.) in height, or any combination thereof shall be erected in any front yard area without a permit from the Municipal Planning Commission.
- (b) Fences in the rear and side yard shall be no more than 1.8 metres (6.6 ft.).
- (c) The Development Officer or the Municipal Planning Commission may regulate the types of materials and colours used for a fence.



10. DECKS AND AMENITY SPACES

- (a) 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 metres (2 ft.) above grade.
- (b) Floating decks, or decks not attached to a building; Do Not Require a development permit.
- (c) For the purpose of calculating yard setbacks and site coverage requirements as provided in this Bylaw, where a structure is attached to the principal building by an open or enclosed roofed structure, it shall be deemed to be part of the principal building and must meet the required side and rear yard setbacks.
- (d) Attached and unattached decks must be located in a manner such as to preserve the privacy on adjacent properties.
- (e) A **ground level deck** means an unenclosed (no roof/walls) 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 metres (2 ft.) measured from the finished grade to the underside of the supporting structure.
- (f) A **raised deck** means an unenclosed (no roof/walls) 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 metres (2 ft.) from the finished grade to the underside of the supporting structure.



11. BALCONIES, VERANDAS AND PORCHES

- (a) A balcony shall not project more than 1.8 metres (6 ft.) from a building façade. For semi-detached dwellings, no separation from a party wall property line is required for a balcony where a privacy wall extends the full depth of the balcony.
- (b) Where any building or structure on a lot is attached to a principal building on the lot by a roof, an open or enclosed structure above grade, a floor or a foundation which is above grade, or any structure below grade allowing access between the buildings such as a parking garage or a corridor or passageway connecting the buildings, it is to be considered as part of the principal building.

12. EXTERIOR BUILDING FINISHES

The Development Officer or the Municipal Planning Commission may require that specific finishing materials and colour tones be utilized in order to maintain the compatibility of any:

- (a) renovations or new development with that of surrounding buildings;
- (b) additions or ancillary structures with the existing buildings on the same lot.

13. FREESTANDING SATELLITE DISH ANTENNAS IN RESIDENTIAL AREAS

- (a) A freestanding satellite dish antenna shall only be located in a rear yard or a side yard which does not abut on a street.
- (b) On an interior lot, a freestanding satellite dish antenna shall be situated so that no part of it is less than 0.9 metres (3 ft.) from the side boundaries of the parcel.
- (c) On a corner parcel, a freestanding satellite dish antenna shall be situated so that no part of it is closer to the street than the main building or less than 0.9 metres (3 ft.) from either parcel side boundary.
- (d) Where any part of a freestanding satellite dish antenna is more than 3.0 metres (10 ft.) above grade level, or when it is located other than described in subsection (a) above, it shall be both screened and located to the satisfaction of the Development Officer or the Municipal Planning Commission.
- (e) No advertising shall be allowed on a freestanding satellite dish antenna.
- (f) The illumination of a freestanding satellite dish antenna is prohibited.

14. DRIVEWAYS, SIDEWALKS AND CURBS

- (a) Vehicle access to and from corner lots shall generally be limited to locations along the minor street or cul-de-sac.
- (b) A refundable security fee for sidewalks and curbs in the amount of \$1500.00 shall be required by the Development Officer or the Municipal Planning Commission to ensure that already constructed sidewalks are not destroyed when construction or demolition occurs on a lot.

15. SERVICING REQUIREMENT

- (a) All residential, industrial and commercial buildings shall be required to connect to both the municipal water supply and sewer systems where the municipal services are, in the opinion of the Development Officer or the Municipal Planning Commission, reasonably available.

- (b) All residential, industrial and commercial buildings shall be prohibited from connecting to the sanitary sewer system to dispose of sewage.

16. SWIMMING POOLS AND HOT TUBS

Portable, temporary, or above-ground outdoor hot tubs that are designed to be easily removed do not require a development permit.

17. DEVELOPMENT IN A FRONT YARD

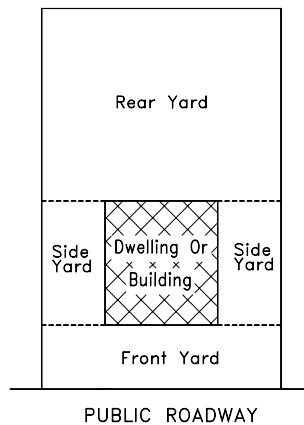
No development, other than the following, shall be allowed in the front yard of any residential Land Use District:

- (a) an unenclosed veranda, porch or balcony that does not project higher than 0.9 metres (3 ft.) above the surface; and
- (b) architectural features such as chimneys, sills, eaves, windows or unenclosed stairs;
- (c) fish ponds, flag poles and other ornaments.

18. DEVELOPMENT IN A SIDE YARD

Provided they are at least 0.6 metres (2 ft.) from the property line, the following may be allowed:

- (a) architectural features such as chimneys, sills, eaves, windows or unenclosed stairs;
- (b) an unenclosed veranda, porch or balcony with railings not higher than the allowable fence height;
- (c) temporary awnings.



19. DEMOLITION

- (a) No person shall commence or cause to be commenced the removal, relocation, or demolition of any permanent building or structure, or portion thereof, unless a removal, relocation, or demolition permit has first been obtained from the authorized jurisdiction.
- (b) The demolition of a building or structure shall be subject to the requirements of the Building Inspector.
- (c) No permit shall be assigned or transferred without the written consent of the authority having jurisdiction.

Schedule 5

MOVED-IN DWELLINGS AND BUILDINGS

MOVED-IN DWELLINGS AND BUILDINGS

Modular homes are exempt from this Schedule and shall comply with Schedule 7, Modular Homes criteria. The following standards shall apply to a moved-in dwelling or building.

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.
2. The building, when completed, shall meet or exceed provincial building requirements.
3. The building should comply with all provincial and municipal health and fire regulations.
4. The quality of the completed building shall be equal to or better than the quality of the other buildings in the area.
5. A current report by the building inspector regarding confirmation that the building meets, or can be made to meet the prior building requirements for each application shall be filed before any such application shall be considered.
6. A limit of the time of completion and full compliance with all stipulated requirements shall be established by the Development Officer or Municipal Planning Commission at the time of the approval of the application.
7. The Development Officer may require recent colour photographs of the interior and exterior of the proposed dwelling/building.
8. The 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.
9. The Municipal Planning Commission may require a bond or irrevocable letter of credit of a value to be at the discretion of the Municipal Planning Commission to ensure the conditions of the development permit for an accessory building are met.
10. Return of the posted bond or irrevocable letter of credit is contingent on the Development Officer verifying the completion of all the conditions of this schedule and the development permit.
11. The Municipal Planning Commission or the Subdivision and Development Appeal Board, on appeal, shall not issue a development permit for any moved-in building in excess of 25 years old. The applicant and/or purchaser of the structure shall be solely responsible to provide proof of the age of any proposed moved-in building prior to filing an application for a development permit.

Schedule 6

MANUFACTURED AND MOBILE HOMES

MANUFACTURED AND MOBILE HOMES

MANUFACTURED HOME means a 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 homes are typically placed on foundation supports and connection to utilities, ready for occupancy. (i.e. a home built to the CSA-Z240 standard). The home shall meet the requirements of a single-detached dwelling as defined in the Land Use Bylaw, but does not include a modular or mobile home.

MOBILE HOME means a dwelling suitable for long-term or permanent occupancy, and designed to be transported on its own wheels or by other means, and which, upon arriving at the site is, apart from incidental operations such as placement on foundation supports and connection to utilities, ready for occupancy. It does not include prefabricated or sectional dwellings. The term mobile home includes “double-wide” and “single-wide” mobile homes, as defined, but the term does not include motor homes, travel trailers, recreation vehicles and any similar vehicles that are neither intended for permanent residential habitation nor subject to the current provincial building requirements.

1. STANDARDS AND REQUIREMENTS APPLICABLE TO MANUFACTURED AND MOBILE HOMES

- (a) Standards of Development – Schedule 4.
- (b) Any special mobile home development standards adopted by Council.
- (c) Except where noted, all standards, requirements and guidelines shall apply to both single-wide and double-wide units located in conventional subdivisions or mobile home parks.

2. ELIGIBLE MANUFACTURED OR MOBILE HOMES

- (a) New factory-built units.
- (b) Used factory-built units up to 10 years old in a good state of repair (to the satisfaction of the Development Officer or Municipal Planning Commission).
- (c) Canadian Standards Association (CSA) certified units or units bearing the Alberta Building Label (CSA A277 or Z240 building labels).

3. ADDITIONS TO MANUFACTURED OR MOBILE HOME UNITS

- (a) Any application for a development permit to locate a used mobile home:
 - (i) shall include recent colour photographs of all elevations including additions; and
 - (ii) may require a personal inspection by the Development Officer to determine the unit's suitability.

4. FOUNDATIONS, BASEMENTS, ROOF LINES AND ADDITIONS

- (a) All double-wide units shall be placed on continuous concrete or concrete block foundations capable of supporting the maximum anticipated load in conformity with the provincial building requirements and Canada Mortgage and Housing regulations.
- (b) All single-wide mobile homes not placed on permanent foundations of continuous concrete or concrete blocks shall be skirted in compatible materials and satisfactorily enclosed to the satisfaction of the Development Officer.

- (c) Any portion of a concrete block foundation above grade shall be parged unless otherwise finished with an approved material.
- (d) The maximum height of the exposed portion of a continuous concrete or concrete block foundation shall be not more than 0.6 metres (2 ft.) above the average finished grade level of the surrounding ground.
- (e) To ensure compatibility of housing types, the variation of roof lines between double-wide mobile homes and conventional homes may be limited. Generally, the double-wide unit should not be more than 0.6 metres (2 ft.) higher or lower than an adjacent home, whether conventional or double-wide. Generally, single-wide units shall not be encouraged to locate adjacent to or among conventional dwellings.
- (f) All mobile home additions shall be of a design and finish which will complement the unit.

5. GENERAL APPEARANCE

- (a) The wheels, hitches and other running gear shall be removed from a mobile home immediately after the placement of the home.
- (b) The yard area of each lot shall be developed and landscaped.

Schedule 7

MODULAR HOMES

MODULAR HOMES

MODULAR HOME means a new residential building of one or more sections constructed within a factory and transported to a site to be permanently installed on a foundation. A modular home shall be considered a detached single-family dwelling providing it meets all the architectural and provincial construction requirements of a single-detached dwelling as outlined in the Land Use Bylaw and Alberta Building Codes, but does not include a manufactured home or mobile home.

1. The approval authority shall issue a development permit for a modular 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 permanent foundation;
 - (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 attached garage shall not be less than 79.89 m² (860 ft²);
 - (e) the dwelling shall be a minimum 7.3 metres (24 ft.) in width;
 - (f) the unit is CSA certified (meet 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 Municipal Planning Commission, the exterior finish, colour and roofing material may be stipulated as a condition of approval;
 - (i) the dwelling shall conform to any architectural controls that may apply.
2. As a condition of approval the Development Officer or 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 his or its opinion, they would serve to improve the quality or compatibility of any proposed development.
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.
4. The building, when completed, shall meet or exceed provincial building requirements.
5. The applicant/developer must submit professional building plans illustrating the exterior design, floor plan, elevations and setbacks.
6. The quality of the completed building shall be at least equal to the quality of the other buildings in the area.

7. If there is any doubt as to the required standards being met, the Development Officer may refer the application to the Municipal Planning Commission for a decision.
8. The 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.

Schedule 8

CRITERIA FOR HOME OCCUPATIONS

CRITERIA FOR HOME OCCUPATIONS

For the purpose of this Bylaw, the following classes shall be used to distinguish various home occupations:

- Class 1** – Home occupations which involve only the establishment of an in-home office and phone.
- Class 2A**– Home occupations which originate from the principal dwelling and include one or more of the following:
- (a) applicant must be a permanent resident of the home,
 - (b) no employees,
 - (c) an in-home retail sales area up to a maximum of 25 percent of the total floor area of the principal dwelling,
 - (d) maximum of 6 customers per day,
 - (e) no outdoor storage,
 - (f) one supplier visit per week, and
 - (g) one off-street parking stall.
- Class 2B**– Home occupations which originate from the principal dwelling and/or an attached or unattached accessory building and include one or more of the following:
- (a) applicant must be a permanent resident of the home,
 - (b) no employees,
 - (c) a retail sales area up to a maximum of 25 percent of the total floor area of the principal dwelling or accessory building,
 - (d) maximum of 6 customers per day,
 - (e) no outdoor storage,
 - (f) one supplier visit per week, and
 - (g) one off-street parking stall.
- Class 3** – Home occupations which originate from the principal dwelling and/or an attached or unattached accessory building and include one or more of the following:
- (a) applicant must be a permanent resident of the home,
 - (b) up to two employees,
 - (c) activities may include manufacturing, assembly, packaging, shipping, vehicle repair and restoration, wholesale distribution and/or retail sales of goods or services which are provided from the residential property,
 - (d) maximum of 10 customers per day,
 - (e) no outdoor storage,
 - (f) one supplier visit per week, and
 - (g) off-street parking as required by the Municipal Planning Commission.

Where any doubt arises in determining the home occupation classification, the matter may be referred to the Municipal Planning Commission for clarification and whose decision shall prevail.

Prior to the Subdivision and Municipal Planning Commission meetings, the applicant for a home occupation shall meet and consult with all adjacent landowners in the vicinity of where the home occupation is proposed.

Home occupations, as defined, may be approved subject to the following conditions:

1. No one employed or engaged in the home occupation who is not a permanent resident of the home shall visit for the purpose of carrying out any aspect of the home occupation.
2. The use shall not involve the display or storage of goods or equipment upon or inside the premises such that these items are exposed to public view from the exterior.
3. No variation in the residential character and appearance of the dwelling, ancillary residential building, or land shall be permitted.
4. Any vehicle used in the home occupation, that may visit or be parked at the parcel, must be either a passenger vehicle or a truck or van with a maximum one tonne capacity and 6.0 m in length.
5. One identification sign may be attached to the building but shall not be greater in size than 45 x 60 cm (18 x 24 in.) in area unless authorized by the Municipal Planning Commission.
6. The use shall not generate more vehicular or pedestrian traffic and vehicular parking than normal within the district.
7. No offensive noise, vibration, electrical interference, smoke, dust, odours, heat or glare shall be produced by the use.
8. 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 exceeds the average for residences in the area.
9. No use requiring electrical or mechanical equipment shall cause a substantial fire rating change in the structure or the district in which the home occupation is located.
10. The approved use shall be valid only for the period of time the property is occupied by the applicant for such approved use.
11. Permits issued for home occupations may be subject to the conditions that the permit is renewed annually and 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 and amenities of the neighbourhood.
12. Home occupations shall not include any use declared by resolution of Council to be undesirable as a home occupation.

13. Only one license shall be issued per dwelling.
14. A new development application must be submitted for consideration by the Municipal Planning Commission in order to:
 - (a) reinstate a permit that has been revoked, or
 - (b) make any substantial changes or additions to an approved use.

Schedule 9

BED AND BREAKFAST STANDARDS

BED AND BREAKFAST STANDARDS

Bed and Breakfast accommodations shall not interfere with the rights of other residents to quiet enjoyment of a residential neighbourhood. Bed and Breakfast accommodation shall be an incidental and subordinate use to the principal use and restricted to the dwelling unit, and:

1. No form of advertising related to the business shall be discernible from the outside of the building.
2. Alterations to the principal building may be permitted but shall not change the principal character or external appearance of the principal building.
3. 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.
4. A development permit does not exempt compliance with health regulations or any other provincial and municipal requirements.
5. Employees working in the business shall be limited to the residents of the dwelling unit.
6. The accommodation shall be limited to a maximum of two guest rooms and a maximum of four guests in addition to the permanent residents with one on-site parking stall per guest room.
7. 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.
8. Accommodation for each group of guests shall be for a maximum of 14 consecutive days.
9. Meals for guests shall be prepared in the common kitchen of the principal residence.

Schedule 10

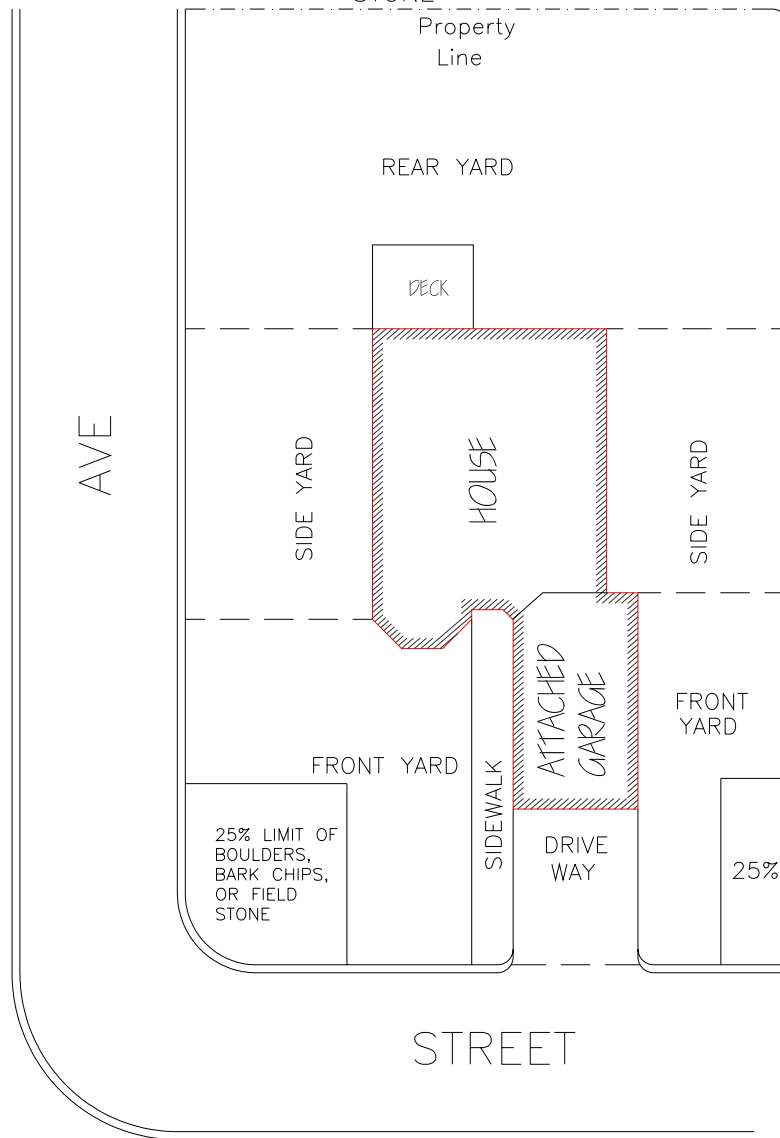
**LANDSCAPING AND AMENITY AREAS
STANDARDS AND GUIDELINES**

LANDSCAPING AND AMENITY AREAS STANDARDS AND GUIDELINES

1. The front yard shall be comprehensively landscaped, except for those areas occupied by sidewalks or driveways, to the satisfaction of the Development Officer or the Municipal Planning Commission.
2. In the case of corner lots, the minor street frontage shall also be landscaped to the satisfaction of the Development Officer or the Municipal Planning Commission.
3. Parking lots shall be landscaped to the satisfaction of the Development Officer or the Municipal Planning Commission.
4. Landscaping shall be completed within 12 months of occupancy, weather permitting unless otherwise specified on a development permit.
5. Landscaping may consist of any or all of the following:
 - (a) trees, shrubs, lawn, flowers;
 - (b) large feature rocks, bark chips, field stone (limit of 25 percent of total landscaped area in the front yard) – **see attached site plan example**;
 - (c) berming, terracing;
 - (d) other innovative landscaping features.
6. Where screen planting is required, evergreen trees and flowering trees should be used (e.g. May Day tree, Russian olive, flowering crab).
7. All deciduous trees should be 50-millimetre (2-in.) calibre.
8. Evergreens should be a minimum of 1.2 metres (4 ft.) in height.
9. Vegetation and other landscaping features should be placed in a manner which will not obstruct access to any fire hydrant. Vegetation, especially trees, hedges, shrubs or cedars, must also be located in a manner such that it will not obstruct or impede vision of traffic on roadways or intersecting streets.
10. To ensure the continued care of lawns and other vegetation, developers may be required to install underground watering systems as a condition of development approval.
11. A refundable fee of \$1,000.00 may be required in new residential areas.

FRONT YARD LANDSCAPING GUIDELINES

LIMIT OF 25% OF TOTAL LANDSCAPED AREA FOR
LARGE FEATURE ROCKS, BARK CHIPS, OR FIELD
STONE



Schedule 11

**INDUSTRIAL, COMMERCIAL, AND WAREHOUSING
PERFORMANCE STANDARDS**

INDUSTRIAL, COMMERCIAL, AND WAREHOUSING PERFORMANCE STANDARDS

1. INDUSTRIAL STANDARDS

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

(a) **Noise**

Emit no noise above levels allowed by provincial government standards or local bylaws, audible beyond the boundary of the lot.

(b) **Smoke**

No process involving the use of solid fuel is permitted, save the use of waste disposal incinerators of a design approved by the Municipal Planning Commission.

(c) **Dust and Ash**

No process involving the emission of dust, fly ash, or other particulate matter is permitted.

(d) **Smell**

The emission of any odorous gas or other odorous matter is prohibited.

(e) **Toxic Gases, etc.**

The emission of toxic gases or other toxic substances is prohibited.

(f) **Glare or Heat**

No operation shall be carried out that would produce glare or heat discernible beyond the property line of the lot concerned.

(g) **External Storage**

External storage of goods or materials is permitted if kept in a neat and orderly manner, or suitably enclosed by a fence or wall, to the satisfaction of the Development Officer.

(h) **Construction**

All buildings shall be constructed to the provincial building requirements.

(i) **Industrial Wastes**

No waste shall be discharged into any sewer which does not conform to the standards established from time to time by bylaw of the Town of Magrath; and the maximum quantity which may be so discharged shall be governed by the Town.

(j) **Storage of Hazardous Materials**

Storage of any hazardous materials must meet provincial regulations and the operator must obtain any necessary provincial permits.

2. WAREHOUSING STANDARDS FOR OUTDOOR STORAGE

Sites for outdoor storage of goods, machinery, vehicles, building materials, scrap metal, junk, other waste materials and other items, at the discretion of the Development Officer or the Municipal Planning Commission may be permitted if kept in a neat and orderly manner and/or suitably enclosed by a fence or wall or screened with landscaping to the satisfaction of the Development Officer or the Municipal Planning Commission.

3. STANDARDS FOR DRIVE-IN (ROADSIDE) RESTAURANTS

- (a) **Drive-in restaurant** means a business with facilities essentially designed to provide goods and services to the motoring public on the basis that consumption will mainly take place in the customer's own vehicle, on or off the site, and may also take place within a building provided for the purpose on the site.
- (b) A minimum of 15 parking stalls are required on any lot so used, or greater if required by the Municipal Planning Commission.
- (c) Areas required for parking or circulation of vehicles shall be hard-surfaced to the satisfaction of the Development Officer or the Municipal Planning Commission.
- (d) The lot shall be drained to the satisfaction of the Development Officer or the Municipal Planning Commission.
- (e) Exits and entrances shall be as approved by the Development Officer, and circulation within the lot shall be directional and adequately signed.
- (f) When drive-up service is provided, a minimum length of parking reservoir or waiting area of 30.5 metres (100 ft.) shall be provided before the service point, and within the lot.
- (g) Front, side and rear yards abutting on parking or circulation areas shall be adequately landscaped to the satisfaction of the Development Officer or the Municipal Planning Commission.

4. STANDARDS FOR SERVICE STATIONS/GAS BARS

- (a) Exits and entrances shall be as approved by the Development Officer or the Municipal Planning Commission.
- (b) Circulation areas shall be surfaced and drained to the satisfaction of the Development Officer or the Municipal Planning Commission.
- (c) The layout shall be so designed that vehicles may be served and bulk fuel may be delivered without any obstruction of the public.

Schedule 12

OFF-STREET PARKING AND LOADING REQUIREMENTS

OFF-STREET PARKING AND LOADING REQUIREMENTS

1. GENERAL REQUIREMENTS

- (a) Parking areas shall be laid out and delineated in a manner that will provide for orderly parking (see attached diagram).
- (b) Parking areas shall be constructed in a manner that will permit adequate drainage, snow removal, and maintenance.
- (c) The Development Officer or the Municipal Planning Commission may require that parking areas or portions thereof be hard-surfaced (e.g. asphalt) when an adjoining street is hard-surfaced.
- (d) All parking space provided shall be on the same lot as the building or use, except where the Municipal Planning Commission may permit parking space to be on a lot within 152.4 metres (500 ft.) of the building or use if, in their opinion, it is impractical to provide parking on the same lot with the building or use. Where such other parking space is provided, a caveat shall be registered against the lot to guarantee the continuous use of the site for parking.
- (e) At the discretion of the Municipal Planning Commission, stacked parking may be considered to fill parking requirements if:
 - (i) in the case of commercial and industrial uses stacked parking would only apply to employee parking;
 - (ii) in the case of residential uses, the proposed arrangement does not affect traffic safety and non-stacked parking cannot be reasonably accommodated on the site;
 - (iii) in no case would stacking of more than two vehicles per stall be permitted;
 - (iv) stacked parking only applies to cars and does not affect storage areas or loading requirements for the development concerned.

2. SPECIFIC REQUIREMENTS

(a) **Parking Space Calculations**

The following shall be used in calculating the number of parking spaces required for the proposed development:

TYPE OF DEVELOPMENT	NUMBER OF SPACES REQUIRED
ALL USES NOT SPECIFIED BELOW	1 space, unless otherwise required by the MPC
EDUCATIONAL INSTITUTIONS	As required by the MPC
HIGHWAY	
Drive-In Establishment	15 spaces minimum, or as required by the MPC
Motel and Motor Hotel	1 space per guest room or unit

TYPE OF DEVELOPMENT	NUMBER OF SPACES REQUIRED
Motel and Motor Hotel, plus Bar, Cocktail Lounge, Beer Parlour, Restaurant space and Convention Rooms or Ballrooms	1 space per guest room or unit, PLUS 1 space per 9.3 m ² (100 ft ²) of such other spaces
Other	As required by the MPC
HOSPITAL	1 space per every 3 hospital beds
MEDICAL CLINIC	1 space per 18.6 m ² (200 ft ²)
NURSING HOME/ EXTENDED CARE FACILITY	1 space per every 5 patient beds PLUS 1 space per every 2 workers
HOTEL AND LICENSED PREMISES	
Hotel	1 space per 1 guest room
Restaurant space, and Convention Rooms or Ballrooms	1 space per 1 guest room PLUS 1 space per 9.3 m ² (100 ft ²) of such other spaces
INDUSTRIAL	1 space per 55.7 m ² (600 ft ²) of gross floor area
OFFICE	
Bank, Trust Company, and Post Office	1 space per 27.9 m ² (300 ft ²) of gross floor area
Other	As required by the MPC
PERSONAL SERVICE	
Barber Shop, Beauty Salon, Laundromat	1 space per 27.9 m ² (300 ft ²) of gross floor area
News Stand, Drycleaner, Shoemaker	1 space per 37.2 m ² (400 ft ²) of gross floor area
PUBLIC ASSEMBLY	
Community Centre	1 space per 27.9 m ² (300 ft ²) of gross floor area
Library, Museum, Public Art Gallery	As required by the MPC
Places of Worship	1 space per each 6 seating spaces
Sunday School (ancillary to place of worship)	As required by the MPC
Social or Recreational Hall	1 space per 27.9 m ² (300 ft ²) of gross floor area
Theatre	1 space per 2 seating places

TYPE OF DEVELOPMENT	NUMBER OF SPACES REQUIRED
RECREATION BUILDING OR AREA	As required by the MPC
RESIDENTIAL	
Single-Family Dwelling	2 spaces per dwelling unit
Two Unit Dwelling	2 spaces per dwelling unit
Multiple Dwelling (more than 2 units)	2 spaces per dwelling unit
Special Residential	As required by the MPC
Mobile Home	2 spaces per mobile home
Lodging or Boarding House	As required by the MPC
Row Dwelling	2 spaces per dwelling unit
Residential combined with a Commercial Use	2 spaces per residential dwelling unit plus the number of spaces required for a commercial use listed in this district
Residential Bed and Breakfast	1 space per room
Senior Citizen Housing	1 space per 2 dwelling units PLUS 1 space per every 2 workers
RETAIL	
Food Take-Out Service (no seating)	As required by the MPC
Restaurant and Cafe (including Lounge) (exclusive of Take-Out Service)	1 space per 9.3 m ² (100 ft ²) of gross floor area
Other	1 space per 55.7 m ² (600 ft ²) of gross ground floor area, AND 1 space per 46.5 m ² (500 ft ²) of gross floor area on all other floors
SERVICE STATION / GAS BAR	
Automotive Dealership	1 space per 46.5 m ² (500 ft ²) of gross floor area
Muffler Shop, Tire Repair Shop, Transmission Repair Shop, etc.	1 space per 37.2 m ² (400 ft ²) of gross floor area
UTILITY	As required by the MPC

TYPE OF DEVELOPMENT	NUMBER OF SPACES REQUIRED
WAREHOUSING STORAGE, BULK STORAGE	2 spaces minimum, or as required by the MPC
OTHER	As required by the MPC

(b) Storage and heating spaces are exempt from the calculations of floor area.

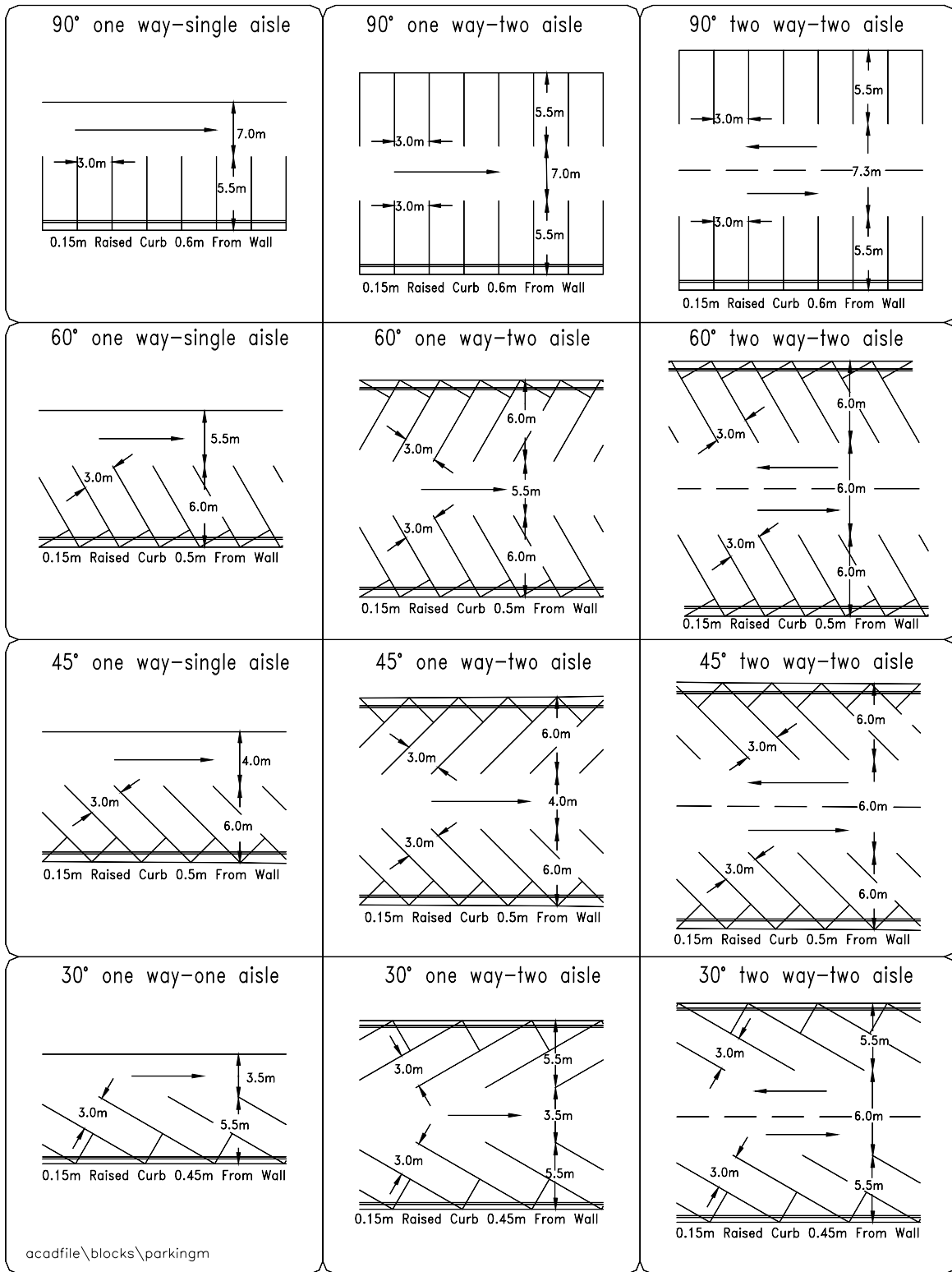
3. PAYMENT-IN-LIEU OF PROVIDING OFF-STREET PARKING

- (a) In lieu of providing off-street parking, an owner of land to be developed may, subject to the approval of Council, pay to the municipality such amount of money on such terms as the Council considers reasonable in return for the equivalent public parking space to be provided by the municipality.
- (b) To be eligible for the payment-in-lieu provision, a minimum of 50 percent of the total parking requirement for the development shall be provided in accordance with section 1(d) of this Schedule.
- (c) The payment-in-lieu of providing off-street parking spaces would only apply to the C1 Land Use District.

4. LOADING AREA REQUIREMENTS

- (a) There shall be a minimum of one off-street loading area per building in the C1, C2 and I Land Use Districts.
- (b) The Development Officer or Municipal Planning Commission may require that off-street loading areas be provided in districts other than C-1, C-2 and I if necessary.
- (c) Each loading area shall provide a doorway, sufficient to meet the needs of the use within the building into the building.
- (d) The Development Officer or Municipal Planning Commission may require additional loading areas or doors if necessary.
- (e) Each loading area shall be a minimum of 27.9 m² (300 ft²).
- (f) 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.

PARKING LAYOUT ALTERNATIVES-METRES



acadfile\blocks\parkingm

Schedule 13

SIGN REGULATIONS

SIGN REGULATIONS

1. DEFINITIONS

For the purpose of the Land Use Bylaw and this Schedule, the following definitions apply:

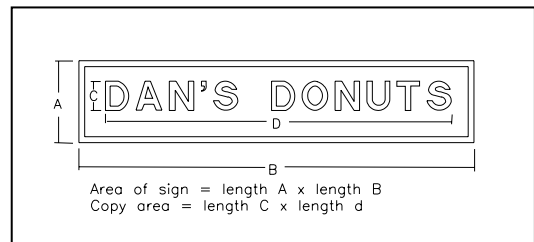
A-BOARD means a self-supporting A-shaped sign or sandwich board, which is set upon the ground and has no external supporting structure.

BENCH SIGN means a sign is painted on or affixed flat to a bench.

BILLBOARD SIGN means a visual devise 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.

CANOPY SIGN means a permanent fixture fitted over windows and doors and used for either shelter advertising or decoration.

COPY AREA means the entire area within a single straight line geometric figure or a combination of squares or rectangles that will enclose the extreme limits of the advertising message or announcement including decorations related to the specific nature of the advertising message or announcement.



DIRECTIONAL AND INFORMATION SIGN means a sign the message of which is limited to providing direction guidance, distance, facility or similar information and which may contain a name or logo.

FASCIA AND WALL SIGN means a sign attached across the face of the building, located approximately parallel thereto, in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign, which does not project more than 0.3 metre (1 ft.) from the building.

FREESTANDING SIGN means any sign or display supported by a freestanding column or structure.

FRONTAGE means the front lot line and the side of a lot abutting a public roadway. Frontage does not include any side of a lot abutting a lane unless the lane is the only means of physical access.

ILLUMINATED SIGN means any sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed towards the sign.

MULTI-TENANT SIGN means any sign advertising or otherwise related to an occupation or use that is not the primary use of the premises.

MURAL SIGN means a painting or other decorative work applied to and made integral with an outside wall surface of a building.

OFF-PREMISES SIGN means any sign, which advertises or otherwise identifies a service, product or activity conducted, sold or offered at a location other than the premises on which the sign is located.

PORTABLE SIGN means a sign that is not permanently affixed to a building, structure or the ground and is supported on a structure allowing it to be readily moved from one location to another.

PRIMARY SIGN means a sign advertising the primary use of the premises.

SECONDARY SIGN means any sign advertising or otherwise related to an occupation or use that is not the primary use of the premises.

SIGN means a development or location of any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colours, illumination or projected images.

TEMPORARY SIGN means any sign permitted, designed or intended to be displayed for a short period of time, not including portable signs, including posters, banners and sandwich boards.

WINDOW SIGN means a sign permanently or temporarily applied directly to the inside surface of a window and intended to be viewed from the outside.

2. GENERAL STANDARDS FOR SIGNS

The following regulations shall be applied to all signs:

- (a) All signs shall, in the opinion of the Development Officer or Municipal Planning Commission, be of quality construction and of a design suitable for public display.
- (b) All signs shall be maintained in good repair and a safe and tidy manner to the satisfaction of the Development Officer and the Municipal Planning Commission.
- (c) No sign shall be placed in a public road or laneway or sited in such a manner that, in the opinion of the Development Officer or Municipal Planning Commission, causes confusion with or obstructs the vision of any information sign or a traffic control sign, signal, light or other traffic device.
- (d) The source of light for any illuminated sign shall be steady and suitably shielded to the satisfaction of the Development Officer and the Municipal Planning Commission.
- (e) No sign shall be located or placed in such a manner that, in the opinion of the Development Officer or Municipal Planning Commission, will create a potential hazard or conflict with rights-of-way, easements or the routing of any public utility, and will not create a traffic hazard or obstruct the public's view of any other signage.
- (f) Signs may locate within the setback requirement of a Land Use District if it does not interfere with visibility at an intersection and complies with other requirements of this sign schedule.
- (g) Unless otherwise specified in this schedule, the maximum number of primary signs permitted on a lot with single frontage is three and with two or more frontages, five. These primary signs may consist of the following types of signage or a combination thereof:
 - (i) freestanding,
 - (ii) existing projecting and overhanging,
 - (iii) fascia and wall,

- (iv) canopy,
- (v) roof,

except as provided under Section 8, Multi-Tenant Signs.

- (h) The maximum sign area of all signs not including portable signs that may be located on a lot with single frontage is 13.9 m² (150 ft²) and with two or more frontages is 18.6 m² (200 ft²) except as provided under Section 8, Multi-Tenant Signs.
- (i) Unless otherwise specified, a development permit application is required for all signs.
- (j) Except for fascia or canopy signs as provided for in this Bylaw, no signs projecting or overhanging public property shall be permitted.
- (k) All signage wording shall be submitted and approved by the Development Officer or Municipal Planning Commission and a design suitable for public display.
- (l) The Development Officer is satisfied that any political posters, real estate signs, third-party signs or other signage located on a boulevard have not been objected to by any residents or landowners adjacent to said boulevard.

3. SIGNS NOT REQUIRING A PERMIT

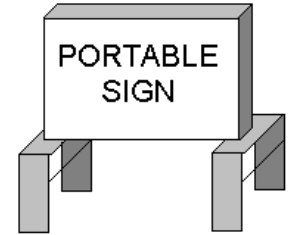
No development permit is required for the following types of signs:

- (a) construction company signs, provided such signs are removed within 14 days of the completion of construction; and
- (b) signs of public buildings; and
- (c) political posters, provided all such signage is removed within 14 days after the completion of the relevant election or plebiscite; and
- (d) real estate signs, provided all such signage is removed within 30 days after the sale or lease of the premises upon which the sign is located; and
- (e) residency identification signs, provided the sign is no greater than 0.2 m² (2 ft²) in area; and
- (f) garage sale signs, provided the owner of the property upon which the sign is located has approved its placement and that the sign is removed immediately upon the conclusion of the sale; and
- (g) on-premises directional and informational signage and incidental signs, 0.2 m² (2 ft²) or less in area; and
- (h) any traffic or directional and informational signage erected by the Town of Magrath or the Alberta Government or the Federal Government; and
- (i) any community service bulletin board erected by the Town of Magrath and any notices posted on the bulletin board; and
- (j) any window sign posted on the interior of the premises; and
- (k) any sign appearing on street furniture, such as benches or garbage containers, that are located on private property; and
- (l) any sign appearing on street furniture, such as benches or garbage containers, that are located on public land if an agreement to locate the street furniture has been reached with Council;

provided all such signage is suitably maintained to the satisfaction of the Development Officer and the Municipal Planning Commission.

4. PORTABLE SIGNS

- (a) The copy area of a portable sign shall not exceed 3.7 m² (40 ft²).
- (b) No more than one portable sign per frontage or where there are two or more frontages, a total of two portable signs may be located on a single lot or premises, except in a designated tourism signage area where more than two portable signs may be located at the discretion of the Development Officer or the Municipal Planning Commission.
- (c) No portable sign shall extend or project into any public place or beyond the boundaries of the lot or premises upon which it is sited without the approval of the Development Officer or the Municipal Planning Commission.
- (d) A development permit for a portable sign will be valid for a period of no longer than 120 days.
- (e) Portable signs may be off-premises signs under Section 5, Off-Premises Signs.
- (f) The Development Officer or Municipal Planning Commission must approve the location of the portable sign on the premises having regard for location of power supply, parking pattern on the site or other site constraints.



5. OFF-PREMISES SIGNS

- (a) The sign area of any third party and off-premises signage visible from a roadway shall not exceed:
 - (i) 2.3 m² (25 ft²) where the speed limit is no greater than 50 km per hour; and
 - (ii) 4.6 m² (50 ft²) where the speed limit is greater than 50 km per hour but not greater than 70 km per hour.
- (b) Off-premises signs shall only identify businesses or services licensed to operate in the Town of Magrath, charitable organizations or service clubs.
- (c) All third-party and off-premises signage shall comply with all other provisions of this Bylaw unless specifically exempted.
- (d) A separation distance of 46.5 metres (500 ft.) shall be maintained between off-premises freestanding signs of any type.

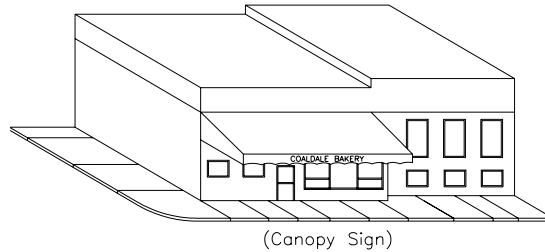
6. TEMPORARY SIGNS

- (a) A development permit for a temporary sign will be valid for a period of no longer than 60 days.
- (b) No temporary signs shall be suspended on or between support columns of any freestanding sign.
- (c) No posters or signs shall be placed on any public utility such as a power pole.
- (d) No posters or signs shall be placed on town street name signs.

7. CANOPY SIGNS

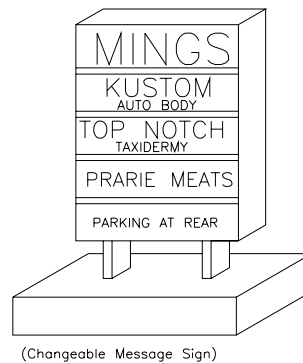
- (a) The copy area of a canopy sign shall not exceed 9.3 m² (100 ft²).
- (b) No more than one canopy sign per frontage or, where there are two or more frontages, a total of two such signs may be located on a single lot or premises, where more than one tenant occupies the premises (see Section 8, Multi-Tenant Signs).

- (c) Approval of any canopy signage overhanging public land under the sign schedule is conditional upon the owners and/or occupiers of the premises upon which said sign is located providing to the Town of Magrath a written waiver of liability as authorized by Council or an indemnification agreement for any injury or damage resulting from said sign.
- (d) No part of a canopy sign, exclusive of any supports, shall be less than 2.4 metres (9 ft.) above ground or sidewalk grade.
- (e) No part of a canopy sign shall project more than 1.5 metres (5 ft.) over any public place or extend within 0.9 metre (3 ft.) of the edge of a curb or a roadway.



8. MULTI-TENANT SIGNS

- (a) A maximum of one secondary sign per business or service is permitted.
- (b) The sign area of all secondary signs shall not exceed 20 percent of the maximum allowable sign area for the principal signage.
- (c) For the purpose of calculations contained in Section 2, General Standards for Signs, secondary signs shall not be included.



9. DIRECTIONAL AND INFORMATIONAL SIGNS

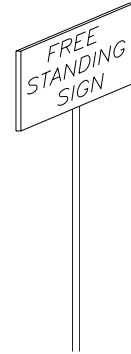
Directional and informational signage up to a maximum of 0.2 m² (2 ft²) is not included in the calculations contained in Section 2, General Standards for Signs (see Section 3, Signs Not Requiring a Permit).

10. WINDOW SIGNS

Window signs are not included in the calculations contained in Section 2, General Standards for Signs (see Section 3, Signs Not Requiring a Permit).

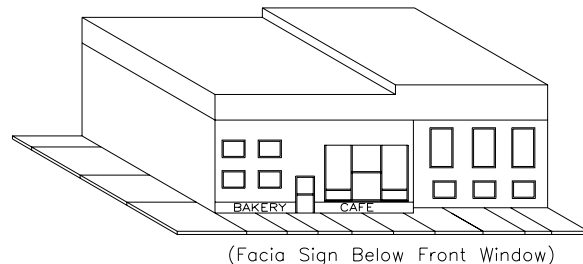
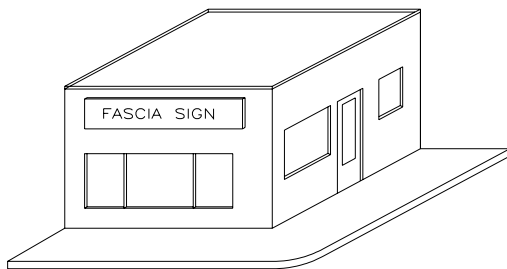
11. FREESTANDING SIGNS

- (a) No more than one freestanding sign per frontage or a total of two freestanding signs shall be located on a single lot or premises with two or more frontages.
- (b) No freestanding sign shall exceed 7.6 metres (25 ft.) in height.
- (c) All freestanding signs shall be completely located on the same lot as the use being advertised, with the exception of off-premises signage approved in accordance with the provisions of this sign schedule.
- (d) With the exception of directional and informational signage, any part of a freestanding sign that extends beyond the support column or between two support columns shall be 2.7 metres (9 ft.) above ground or sidewalk grade.
- (e) No temporary signs shall be suspended on or between support columns of any freestanding sign.



12. FASCIA AND WALL SIGNS

- (a) No more than one fascia or wall sign per frontage or where there are two or more frontages, a total of two such signs may be permitted.
- (b) The sign area of a fascia or wall sign for a commercial or industrial use shall not exceed 9.3 m² (100 ft²).
- (c) Whenever there is a band of several fascia or wall signs, they should be of a consistent size and located near the same level as other similar signage on the premises and adjacent buildings.



13. BILLBOARD SIGNS

The Municipal Planning Commission may approve the erection of a billboard sign subject to the following:

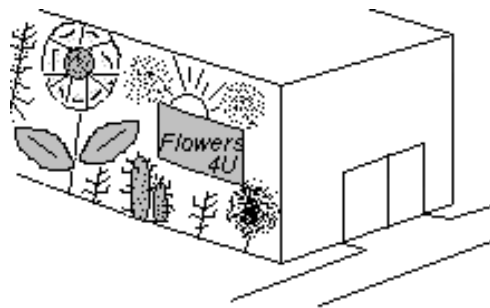
- (a) Such signs shall be limited to the Highway 5 corridor within Town limits.
- (b) Only one such sign shall be permitted per 300 metres (984 ft.) along either side of Highway 5.
- (c) Where signs are adjacent to the provincial highway where speeds are 100 km/h, the minimum distance between billboards on the same side of the roadway shall be 1,000 metres (3,280 ft.), unless otherwise authorized by Alberta Infrastructure and Transportation.
- (d) The permitted maximum area of a sign face shall be restricted to 18.6 m² (200 ft²).
- (e) Signs shall be located so as to not become a visual obstruction or other traffic hazard.

- (f) No sign shall be illuminated unless the source of light is steady and suitably shielded.
- (g) Any electrical power supply to billboards shall be located underground.
- (h) Billboards shall not have variable messages or any moving or rotating parts.
- (i) A billboard shall not conflict with the development and land use guidelines of the surrounding streetscape or the architecture of any nearby buildings and adjacent land uses.
- (j) Billboards shall be constructed of high-quality construction materials and be maintained in a satisfactory state of repair.
- (k) The Development Officer shall refer any such sign applications to Alberta Infrastructure and Transportation for comment. The applicant shall be responsible for obtaining a permit from Alberta Infrastructure and Transportation.

14. MURAL SIGNS

- (a) Murals signs should only be allowed in Commercial and Industrial designated areas within the Town of Magrath.
- (b) No more than one mural sign shall be allowed per commercial building unless specifically authorized by the Municipal Planning Commission.
- (c) The location, theme, construction materials and size associated with the mural shall be to the satisfaction of the Municipal Planning Commission.
- (d) The mural must be a painting or other decorative work (artistic rendering/scene) and no mural shall be created to solely display a commercial message or depiction.
- (e) Display of text, including a business name or commercial message, within a mural shall not exceed 10 percent coverage of the wall surface area, up to a maximum coverage size of 9.3 m² (100 ft²).
- (f) All mural signs are a discretionary use and shall require a development permit.

Mural Sign



Schedule 14

ALTERNATIVE ENERGY SYSTEMS

ALTERNATIVE ENERGY SYSTEMS

A. SMALL WIND ENERGY SYSTEMS*

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

1. DEFINITIONS

The following definitions apply to this schedule:

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

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

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

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

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

Tower means the structure which supports the rotor above grade.

2. PERMIT REQUIREMENTS

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

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

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

* See Section 6 of this schedule.

3. INFORMATION REQUIREMENTS

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

- (a) all proposed Small Wind Energy Systems shall be commercially manufactured and applications shall include the manufacturers make and model number;
- (b) the manufacturer's specifications indicating:
 - (i) the SWES rated output in kilowatts;
 - (ii) safety features and sound characteristics;
 - (iii) type of material used in tower, blade, and/or rotor construction;
- (c) potential for electromagnetic interference;
- (d) nature and function of over speed controls which are provided;
- (e) specifications on the foundations and/or anchor design, including location and anchoring of any guy wires;
- (f) information demonstrating that the system will be used primarily to reduce on-site consumption of electricity;
- (g) location of existing buildings or improvements.

4. REFERRALS

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

- (a) Alberta Energy and Utilities Board,
- (b) Transport Canada,
- (c) Navigation Canada.

5. SETBACKS

- (a) A Small Wind Energy System shall comply with all the setbacks that govern the principal use in the district in which it is located.
- (b) No part of the wind system structure, including guy wire anchors, may extend closer than 3.0 metres (10 ft.) to the property boundaries of the installation site.

6. DEVELOPMENT STANDARDS

Small Wind Energy Systems shall comply with the following standards:

- (a) There shall be a limit of one Small Wind Energy System per parcel.
- (b) The system's tower shall be set back a minimum distance equal to the height of the tower from all parcel lines, and a minimum distance of 3.0 metres (10 ft.) from any other structure on the parcel on which the system is located. On parcels 4.0 ha (10 acres) or more, the parcel line setback may be reduced if the applicant demonstrates that:
 - (i) because of topography, strict adherence to the setback requirement would result in greater visibility of the system's tower than a reduced setback; and
 - (ii) the system's tower is set back a minimum distance equal to the height of the tower from any structure on adjoining parcels.

- (c) The system's tower shall not exceed a maximum height of 12.2 metres (40 ft.) on a parcel of less than 0.4 ha (1 acre), a maximum of 19.8 metres (65 ft.) on a parcel of 0.4 ha (1 acre) to less than 2.0 ha (5 acres), and maximum height of 24.4 metres (80 ft.) on a parcel 2.0 ha (5 acres) or more.
- (d) The system's tower shall be located and screened by landforms, natural vegetation or other means to minimize visual impacts on neighbouring residences and public roads, public trails and other public areas.
- (e) The system's tower and supporting structures shall be painted a single, neutral, non-reflective, non-glossy (for example, earth-tones, grey, black) that, to the extent possible, visually blends the system with the surrounding natural and built environments.
- (f) The system shall be equipped with manual and automatic over speed controls. The conformance of rotor and over speed control design and fabrication to good engineering practices shall be certified by a licensed mechanical, structural or civil engineer.
- (g) The system's tower-climbing apparatus and blade tips shall be no closer than 4.6 metres (15 ft.) from ground level unless the system is enclosed by a 1.8-metre (6-ft.) high fence.
- (h) The system's utility lines shall be underground where economically practical.
- (i) The system shall be operated such that no electro-magnetic interference is caused.
- (j) The system's maximum power shall not exceed 3 kW.
- (k) The system shall be located in the rear yard.
- (l) Small wind turbines shall not exceed 60 dB(A), or in excess of 5 dB(A) above the background noise, whichever is greater. The level, however, may be exceeded during short-term events including utility outages and severe windstorms.
- (m) Brand names or advertising associated with the system or the system's installation shall not be visible from any public place.
- (n) Upon abandonment or termination of the system's use, the entire facility, including the system's tower, turbine, supporting structures and all equipment, shall be removed and the site shall be restored to its pre-construction condition.

7. REVIEW OF PERMITS

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

B. ALTERNATIVE ENERGY SOURCES

The Municipal Planning Commission 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.

Schedule 15
DEFINITIONS

DEFINITIONS

INDEX

A

Abattoir
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Accessory development
Accessory structure
Accessory use
Act
Addition
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Agriculture, extensive
Agriculture, intensive
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Amenity area
Amusement parlour
Ancillary building
Ancillary use
Animal care service, large
Animal care service, small
Apartment dwelling
Applicant
approved use
Apron
Arcades
Area redevelopment plan
Area structure plan
Art and craft studio
*As required by the Subdivision and
 Development Authority*
Athletic and recreational facilities
Attached, unenclosed improvements
Auction mart
Auditorium
Auto body and paint shop
Auto sales and service

B

Bakery
Bank
Basement
Batch plants
Bed and breakfast

Berm
Boarding house
Bowling alley
Buffer
Buildable area
Building
Building height
Building inspector
Building permit
Building supply centre
Bulk fuel station
Bus depot
Business support service

C

Cabaret
Campground, institutional
Campground, tourist
Car wash
Carport
Cemetery
Cenotaph
Certificate of Compliance
Child care service
Church
Clear vision triangle
Clearance
Club and fraternal organization
Cluster housing
Coffee shop
Commercial vehicle "A"
Commercial vehicle "B"
Commercial/private campground
Commercial/private recreation
Common wall
Community facilities
Comprehensive development
Condominium
Construction camp
Construction trade shop
Contractor

Convenience store
Convention facility
Copy area
Council
Country lodge
Cultural establishment

D

Dairies
Day care facility
Density
Designated officer
Developer
Development
Development area
Development agreement
Development Authority
Development permit
Discretionary use
District
Dog kennel
Double-wide mobile home
Drive-in business
Drive-in food service
Drive-in restaurant
Driving range
Dry cleaners
Dwellings:
 2 unit dwelling
 3 unit dwelling
 4 unit dwelling
Dwelling unit

E

Eating establishment
Easement
Eaveline
Employee housing
Entertainment establishment
Entertainment establishment, adult
Environmental education
Environmental reserve
Equipment sales, rental and service
Essential public service
Extended care facility
Extensive agricultural pursuit
Extensive agriculture
Existing lot

F

Factory-built housing
Family
Farm buildings
Farmer's market
Farm/industrial machinery sales, rental and service
Farm supplies and service
Fence
Fill
Financial institutions
Fire halls
Fitness centre
Fleet and transportation service
Flood elevation, 1:100 year
Floodrisk area
Floor area
Flower
Foundation
Freight terminal
Frontage
Front property boundary, principal
Front property boundary, secondary
Funeral home

G

Gaming or gambling establishment
Garage (residential)
Garage suite
Garden centre
Garden shed
Garden suite
Gas bar
General warehousing and storage
Golf course
Golf driving range
Government buildings
Government services
Grade
Grade point
Grain elevator
Greenhouse
Gross floor area
Group home
Grouped country residential
Guest
Guest ranches

H

Habitat enhancement
Health care services
Height of sign
Helipad
Highway
Highway commercial
Historical site
Holiday trailer or travel trailer
Holiday trailer park
Home improvement centre
Home care service
Home occupation
Hospital
Hostel
Hotel
Household repair service

I

Illumination
Improvement
Industrial equipment sale and rental
Industrial operation
Institutional
Intensive agricultural pursuit
Intensive horticultural operations or facilities
Isolated country residential

K

Kennel
Kiosk

L

Laboratory
Landscaped area
Landscaping
Lane
Laundromat
Laundry
Light industrial/manufacturing
Liquor store
Livestock auctioneering establishment
Loading space
Lodge
Lodging house
Loft
Lot
Lot area

Lot, corner
Lot, double fronting
Lot, interior
Lot length
Lot width
Lumber and building supply/materials
Lumber yard

M

Machinery and equipment sales and repair
Manufactured home
Manufactured home park
Market garden
May
Meat packing plant
Medical and dental office
Minimum building setback
Mobile home
Mobile home park
Mobile home sales and service
Mobile home subdivision
Modular construction
Motel
Moved-in building
Multi-family dwelling
Municipal Government Act
Municipal development plan
Municipal reserve
Municipality
Municipal/school reserve
Museum

N

Natural resource extractive uses
Non-conforming building
Non-conforming use
Noxious or hazardous industries
Nuisance

O

Office
Off-street parking space
Orientation
Outdoor athletic and recreational facility
Outdoor vehicle storage
Outside storage
Owner

P

Parcel
Parking facility:
 Parking area
 Parking space
 Parking structure
Patio
Permanent foundation
Permitted use
Personal service use
Place of worship
Plan of subdivision
Planning advisor
Playground
Portable storage structure
Post office
Primary access
Principal building
Principal use
Printing establishment, commercial
Printing establishment, industrial
Private
Private campground
Private club
Property line
Provincial Land Use Policies
Public
Public and institutional use
Public open space
Public park or recreation use
Public or quasi-public building or use
Public roadway
Public thoroughfare
Public utility
Publishing, broadcasting or recording establishment

R

Railway
Real property report (RPR)
Rear lane
Recreational vehicle sale and rental
Recreational vehicle sanitary pump out site
Recycling facility
Registered owner
Religious assembly
Religious institution
Reserve land
Residential streets
Resort

Resort accommodation
Resource development activity
Resource processing activity
Restaurant
Retail
Retail store
Riding stable
Rifle range
Rodeo grounds
Rowhouse dwelling or townhouse
RTM (ready to move) home
Rural industry

S

Salvage or waste disposal facility
Satellite dish
Satellite dish antenna
School
School, commercial
School, post-secondary
School, private
School, public or separate
Scrap yard
Screening
Senior citizen housing
Service club
Service station
Setback
Shall
Shipping container
Shopping malls
Should
Shrub
Sign
Similar use
Single family dwelling
Single-wide mobile home
Site
Slope adaptive housing
Sod farm
Souvenir shop
Specialty manufacturing/cottage industry
Stake out of the site
Statutory plan
Stop order
Storey
Street
Structural alteration
Subdivision
Subdivision and Development Appeal Board
Subdivision and Development Regulation

Subdivision approval
Subdivision Authority
Suite
Surveillance suite

T

Take-out service
Taxi service
Taxidermist
Temporary storage yard
Temporary structure
Theatre
Tourist home
Townhouse
Townhouse, stacked
Travel agency
Truck and manufactured home sale and rental
Truck repair and servicing
Truck stop
Truck transport depot
Truck wash
Trucking establishment

U

Utilities

V

Vegetation management
Vehicle sales and rental use
Veterinary clinic
Visitor accommodation
Visitor accommodation unit

W

Waiver
Warehouse
Warehouse store
Warehousing
Welding shop
Wholesale
Wildlife corridor
Wind energy conversion system (WECS)
Workshop

Y

Yard
Yard, front
Yard, rear
Yard, side

**In this bylaw, words used in the singular include the plural,
and words using the masculine gender include the feminine gender.**

A

Abattoir means premises where livestock is slaughtered and the meat is cut, cured, smoked, aged, wrapped or frozen for distribution.

Accessory building means any building which is attached or unattached to the principal building on the lot on which both are located and the use of which the designated officer decides is normally subordinate and incidental to that of the principal building.

Accessory development means a building or use which is subordinate, incidental and directly related to the principal use of the premises, building, or site and which does not substantially add to the patronage, volume of traffic, or intensity of the use of the premises, building or site. An accessory building or use must be located on the same site as the principal use and shall not precede the development of the principal building or use.

Accessory structure means a building or structure detached from a principal building, normally ancillary, incidental, subordinate to the principal building or use. Typical accessory structures include flagpoles, swimming pools, propane tanks, satellite dishes, garages, and garden sheds. When a building is attached to the principal building by a roof, a floor or foundation above or below grade, it is part of the principal building.

Accessory use means a use or development customarily incidental and subordinate to the principal use or building and is located on the same parcel as such principal use or building.

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

Addition means adding onto an existing building, provided that there are no structural changes to the existing building, no removal of the roof structure, and no removal of the exterior walls, other than that required to provide an opening for access from, and integration of, the existing building to the portion added thereto and there is a common structural connection from the existing building to the addition that includes a foundation, constructed to the minimum standards outlined in the Alberta Building Code, and a roof.

Adjacent means land that abuts a site and land that would abut if not for a road, lane, walkway, watercourse, utility lot, pipeline right-of-way, power line, railway, or similar feature.

Agriculture, extensive means the production of crops and/or livestock by the expansive cultivation or open grazing of existing titles or proposed parcels usually greater than 160 acres on dryland or 80 acres on irrigated land.

Agriculture, intensive means the concentrated cultivation, operation of cultivation facilities or operation of confinement structures on a parcel of land usually less than 80 acres, for the commercial production of specialty crops, produce and/or livestock via special agricultural practices.

Alter or **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 or areas within the boundaries of a project intended for recreational purposes. These may include landscaped areas, patios, balconies, swimming pools and similar uses.

Amusement parlour means a store or shop, room, building or place, which is a separate and distinct room from any other part of the business and has games of chance, video game machines or other mechanical amusement devices, pool tables, foosball, etc.

Ancillary building means a building which is separate from the main building on the parcel of land where both are located, and which is normally subordinate to, and the use of which is incidental to that of, the main building.

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

Animal care service, large means development used for the care, treatment, boarding, breeding or training of animals and livestock within or outside buildings and includes the supplementary sale of associated products. This use includes veterinary offices or hospitals, animal shelters, boarding and breeding kennels, facilities for impounding and quarantining animals and related research facilities.

Animal care service, small means development for the on-site treatment or grooming of small animals such as household pets, where on-site accommodation is not normally provided and where all care and confinement facilities are enclosed within a building. This use includes off-site treatment of animals or livestock of any size and the supplementary sale of associated products. Examples include pet grooming salons, pet clinics and veterinary offices.

Apartment dwelling 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. This use also includes eightplexes or any building containing more than six dwelling units, where each unit is provided with its own primary access to the outside.

Applicant means the registered owner of the land or his or 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 Subdivision and Development Authority.

Apron means a flat-surfaced area that surrounds and lies adjacent to a mobile home pad.

Arcades – see “Amusement parlour”.

Area redevelopment plan means a statutory plan in accordance with the Act and the municipal development plan for the purpose of all or any of the following:

- (a) preserving or improving land and buildings in the area;
- (b) rehabilitating buildings in the area;
- (c) removing buildings from the area;
- (d) constructing or replacing buildings in the area;
- (e) establishing, improving or relocating public roadways, public utilities or other services in the area;
- (f) any other development in the area.

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

Art and craft studio means development used for the purpose of small scale, on-site production of goods by hand manufacturing primarily involving the use of hand tools. Typical uses include pottery, ceramic, jewelry, toy manufacturing, and sculpture and artist studios.

As required by the Subdivision and Development Authority means that a standard or requirement of the land use bylaw may be varied but not completely waived.

Athletic and recreational facilities means a facility for the purpose of active recreation or athletic activities where patrons are predominantly participants and any spectators are incidental. This includes skating and hockey rinks, swimming pools, rifle, archery and pistol ranges, bowling alleys and racquet courts.

Attached, unenclosed improvements means any accessory structure attached to a principal building that may or may not have a roof but are not enclosed on all sides of the structure. Such improvements may include but are not limited to decks, sun decks, verandahs, porches, carports, balconies and breezeways. Any enclosed improvement shall be considered to be an accessory building and shall be subject to the prescribed setback requirements in the respective land use district.

Auction mart means a use of land or buildings for the auctioning and related temporary storage of household effects, goods and equipment, except livestock.

Auditorium means a room, hall or entire building specially designed for stage and film presentations, concerts, recitals, lectures and audio-visual features and activities.

Auto body and paint shop means a premise where the bodies, but not other parts of motor vehicles, are repaired, and where motor vehicle bodies and other metal machines, components or articles may be painted.

Auto sales and service means an enclosed building within which motor vehicles and parts are displayed for sale, and may include a new or used automobile sales lot, and may also include auto repairs, except for body work and painting.

B

Bakery means a facility where baked products (i.e. bread, buns, cookies, pastries) are prepared, sold and/or distributed.

Bank means a financial institution for the deposit, custody, loan, exchange or issuance of money.

Basement means any storey of a building of which the ceiling level is less than 6 feet (1.8 m) above the average finished surface level of the surrounding ground.

Batch plants – see “Natural resource extractive uses”.

Bed and breakfast means a home occupation which provides short-term accommodation, generally not exceeding one week, to the travelling public, tourists or members of the general public.

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

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

Bowling alley means an indoor facility to accommodate several games which balls are rolled down an alley toward a stationary group of objects (i.e. pins).

Buffer means a row of trees, hedges, shrubs or berm planted or constructed to provide visual screening and separation between uses, buildings, sites or districts.

Buildable area means that portion of a lot or parcel which remains after all setbacks, minimum yard dimensions and separation distances have been deducted.

Building has the same meaning as it has in the Act.

Building height means the vertical distance between grade and the highest point of a building excluding an elevator housing, a roof stairway entrance, a ventilating fan, a skylight, a steeple, a chimney, a smoke stack, a fire wall or a parapet wall and a flagpole or similar device not structurally essential to the building.

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

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

Building supply centre means a commercial retail store where building materials, household accessories and other related goods are stored, offered, or kept for sale and may include outside storage.

Bulk fuel station means a facility for the purpose of storing fuel for distribution to customers and does not include a service station.

Bus depot means a building designed to accommodate the scheduled arrival and departure of bus passengers or cargo.

Business support service means a development which provides support services to businesses. This use includes duplicating, photocopying and blueprinting services, building security services, cleaning or maintenance services, engineering, architectural, drafting, project design or management services, sign making, farm consultant services and the preparation and delivery of food by a mobile catering service, and such other uses which are similar to any of these uses.

C

Cabaret means a restaurant or facility which serves liquor and provides entertainment, usually singing and dancing.

Campground, institutional means a group camp having such joint use facilities such as dormitories and kitchens and operated by not-for-profit organizations.

Campground, tourist means development of land for the paid use of holiday trailers, motor homes, tents, campers, and similar vehicles, recreation, and is not normally used as year-round storage, or accommodation for residential uses.

Car wash means a building designed for the cleansing and vacuum of motor or recreational vehicles.

Carport means a partially enclosed structure intended for the shelter of one or more motor vehicles.

Cemetery means a landscaped open space for the entombment of the deceased, and may include crematoria, cineraria, columbaria, and mausolea.

Cenotaph means a structure or monument erected at an area designed for public assembly and reflection to honour individuals who lost their lives in wartime periods and whose bodies are buried elsewhere.

Certificate of Compliance means a document signed by the Subdivision and Development Authority or designated officer certifying that a development complies with this bylaw with respect to yard requirements and insofar as represented on an Alberta Land Surveyor's Real Property Report.

Child care service means a development providing provincially-approved care or education, without overnight accommodation for more than six children at one time. This term refers to uses such as day care centres, nursery schools, kindergartens and playschools.

Church means a facility for the purpose of assembly and worship and may include as accessory uses social, recreational and community activities such as group meetings, cultural events, banquets, and child care services.

Clear vision triangle means a triangular area formed on the corner site by the two street property lines and a straight line, which intersects them 40 feet (12.2 m) from the corner where the property lines meet.

Clearance means the shortest vertical distance between the underside of a sign and grade.

Club and fraternal organization means development for the assembly of members of non-profit clubs or organizations, including charitable, social service, ethnic, 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.

Cluster housing means a building or a portion of a building that contains between three and six dwelling units, where each unit is provided with its own separate primary access to the outside. Cluster housing such as triplexes, fourplexes, fiveplexes and sixplexes typically have two or three abutting walls which provide fire separation from adjacent dwelling units and typically orient some of the dwelling units away from the property frontage.

Coffee shop means a small restaurant which is independent or attached to a hotel where light refreshments or regular meals are served.

Commercial vehicle "A" means a vehicle not exceeding a rated load capacity of 907 kilograms (one ton), that is used for commercial or industrial purposes.

Commercial vehicle "B" means a vehicle exceeding a rated load capacity of 907 kilograms (one ton), that is used for commercial or industrial purposes.

Commercial/private campground means:

- (a) a use of land or buildings for financial gain where the public is admitted only on payment of a fee, or where admission may include members of a club, organization or association; and

- (b) a use of land or buildings intended for seasonal occupancy by holiday or tent trailers, recreation vehicles, tents and similar equipment. This use may include supplementary bathroom and recreational facilities, eating shelters, convenience retail, laundry facilities and dwelling accommodation for the owner/operator as part of the use or, as accessory uses.

Commercial/private recreation means the recreational use of land or a building for financial gain where the public is admitted only on the payment of a fee or where admission is limited to members or a club, organization or association. Examples include go-cart tracks, riding stables or academies, golf driving ranges and such other facilities as the Subdivision and Development Authority considers similar in character and nature to any one or all of these uses. Commercial/private recreation uses may include dining or eating facilities, retail commercial uses and dwelling or sleeping units, provided that such facilities are accessory uses and clearly incidental to the principal recreational use of land and buildings.

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 facilities means community halls, public libraries, parks, playgrounds, schools, hospitals, shopping, medical and dental clinics and other similar facilities.

Comprehensive development means planned residential development having a high standard of design, a variety of accommodation, and adequate amenity provisions.

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.

Construction camp means a temporary development or use of land consisting of buildings, works, plants or machinery that are needed to construct a development where:

- (a) the camp contains one or more dwelling or sleeping units for the accommodation of the residents of the camp; or
- (b) the camp is of sufficient size and scale, in the opinion of the designated officer or the Subdivision and Development Authority, to warrant review and consideration by either of them.

Construction trade shop means a facility for the provision of electrical, plumbing, heating, painting and similar contractor services primarily to individual households and the accessory sale of goods normally associated with such contractor services where all materials are kept within an enclosed building, and where there are no associated manufacturing activities.

Contractor means an individual or company who contracts on predetermined terms to provide labour and materials and to be responsible for the performance of a construction job in accordance with established specifications or plans.

Convenience store means a retail outlet selling goods and foodstuffs to area residents on a day-to-day basis from business premises which do not exceed 200 m² (2,153 sq. ft.) in gross floor area.

Convention facility means a permanent facility for meetings, seminars and conventions. Eating establishments and drinking establishments may be incorporated into the facility as accessory uses.

Copy area means the entire area within a single square or rectangle or combination of squares or rectangles which encloses the limits of the advertising message or announcement, and which

- (a) shall include, but not be limited to, decorations related to the specific nature of the advertising message or announcement;
- (b) the area of individual figures or letters shall be calculated on the basis of the smallest squares or rectangles that will enclose the individual letters or figures; and
- (c) in the case of a double or multi-face sign, the average of the total area of all sign faces will be counted in copy area calculations.

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

Country lodge – see “Lodge”.

Cultural establishment means a development that is available to the public for the purpose of assembly, instruction, cultural or community activity and includes such uses as a church, a library, a museum and an art gallery.

D

Dairies – see “Intensive agricultural pursuit”.

Day care facility means a facility for the provision of care, supervision or rehabilitation of children or adults for periods not exceeding 24 consecutive hours.

Density means the number of dwelling or accommodation units on a site expressed in units per acre or hectare, or alternatively as the site area required per dwelling unit.

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 development authority bylaw.

Developer means a person or an owner of land in accordance with the Statutes of the Province of Alberta who wishes to alter the title to the property and change the use of the property from its existing use.

Development has the same meaning as it has in the Act.

Development area means the area to be occupied by a building plus the reasonable area required for excavation and construction.

Development agreement means a contractual agreement completed between the municipality and an applicant for a development permit which specifies the public roadways, utilities and other services to be provided by the permit holder as a condition of development approval or subdivision approval, provided the agreement is in accordance with sections 648, 650, 654 and 655 of the Act, as amended.

Development Authority means the Subdivision and Development Authority, except in such instances whereby the designated officer may be the Development Authority, in accordance with this bylaw.

Development permit means a document issued pursuant to this bylaw authorizing a development.

Discretionary use means the one or more uses of land or buildings that are described in Schedule 2 as discretionary uses.

District means a district established under Schedule 1 of this bylaw.

Dog kennel – see “Kennel”.

Double-wide mobile home means a mobile home (as defined) that is permanently fixed to two chassis, or is permanently fixed to one chassis and has a section which can be expanded or telescoped from the mobile home for additional floor area. Double-wide mobile homes are typically not less than 6 metres (20 ft.) in width.

Drive-in business means an establishment with facilities for on-site service to customers who remain in their motor vehicles.

Drive-in food service means a facility for eating and drinking which offers a limited menu produced in a manner that allows rapid customer service and includes one or more of the following features: car attendant services; drive-through food pickup services; or parking primarily intended for the on-site consumption of food within a motor vehicle.

Drive-in restaurant means a restaurant which offers car attendant service or drive-through pick-up service.

Driving range means a designated practice area designed for the purpose of hitting and/or putting golf balls.

Dry cleaners means an establishment which specializes in the cleansing of clothes or fabrics with substantially non-aqueous organic solvents to which special detergents or soaps are often added.

Dwellings:

2 unit dwelling means a residential building containing only two dwelling units located side by side with separate access to each dwelling unit. Each dwelling unit in a 2 unit dwelling is joined to the other unit by at least one common wall which extends from the foundation to at least the top of the first storey of both dwelling units.

3 unit dwelling means a single building comprised of three dwelling units, each unit having a separate, direct entrance from grade or a landscaped area.

4 unit dwelling means a single building comprised of four dwelling units, each unit having a separate, direct entrance from grade or a landscaped area.

Dwelling unit means a room or a suite of rooms operated as a residence for family, containing cooking, sleeping and sanitary facilities.

E

Eating establishment means a facility where food is prepared and served on the premises for sale to the public and includes restaurants, delicatessens, and cafeterias but excludes drive-in food services.

Easement means a right held by one party in land owned by another, typically for access or to accommodate a public utility.

Eaveline means the overhanging portion of a roof beyond the exterior walls of a building.

Employee housing means one or more dwelling units used exclusively for the residence of employees and members of their family.

Entertainment establishment means a facility where entertainment is provided to the public, either exclusively or in combination with other activities and may, without restricting the generality of the foregoing, include a live theatre or cinema, but does not include a restaurant, gaming establishment or adult mini-theatre.

Entertainment establishment, adult means any premises or part thereof wherein live performances, motion pictures, video tapes, video discs, slides or similar electronic or photographic reproductions, the main feature of which is the nudity or partial nudity of any person, are performed or shown as a principal use or an accessory to some other business activity which is conducted on the premises.

Environmental education means field trips related to publicly or privately sponsored educational and interpretive programs.

Environmental reserve means any parcel of land specified as environmental reserve by a subdivision approving authority pursuant to section 664 of the Act, as amended.

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.

Essential public service means a fire station, police station, or similar service.

Extended care facility means a public or private health facility for the care, supervision or rehabilitation of individuals, and containing overnight accommodation.

Extensive agricultural pursuit means systems of tillage and animal husbandry on large areas of land for the raising of crops or the rearing of livestock either separately or in conjunction with another in unified operations and includes buildings and other structures incidental to the operation.

Extensive agriculture means the production of crops or livestock or both by the expansive cultivation or open grazing of normally more than one parcel or lot containing 64.8 hectares (160 acres) more or less.

Existing lot means a lot that existed at the time this bylaw was adopted.

F

Factory-built housing means homes intended for residential occupancy that are constructed in a factory setting. Includes manufactured, modular, panelized and pre-engineered homes.

Family means one or more persons occupying a dwelling unit as a single housekeeping unit.

Farm buildings means buildings or development commonly or normally contained in a farmstead that is associated with a farming operation or an extensive agriculture use. Examples include barns, granaries, implement machinery and equipment sheds, dugouts, corrals, fences and haystacks but this use does not include intensive horticultural facility, intensive livestock operation or any dwelling unit including conventional single-detached residences and mobile homes.

Farmer's market means a use of land or buildings where fresh farm or garden produce is sold retail or wholesale and where goods are typically displayed in bulk bins or stalls for customer selection. This use includes but is not limited to vendors of fruit, vegetables, meat products, baked goods, dry goods and spices and non-food products such as handicrafts, provided that the sale of fresh food products remains the primary function of the farmer's market.

Farm/industrial machinery sales, rental and service means the use of land or buildings for the sale, service and/or rental of agricultural implements, vehicles over 13,000 lbs. (5,900 kg) 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.

Farm supplies and service means the use of land or buildings for the sale, storage and distribution of grain (including grain elevators), livestock feed, fertilizer and chemicals used in agriculture.

Fence means a roofless structure, wall or hedge used as an enclosure or screening on any part of a lot.

Fill means the import and placement of natural uncontaminated earth or aggregate materials (e.g. clay, silt, sand, gravel) on a parcel for the purposes of altering/modifying grades, drainage, or building up a site for a proposed building or development, but does not include the import and placement of dry-waste or land fill waste materials.

Financial institutions – see "Banks".

Fire halls – see "Public and institutional use".

Fitness centre means the use of premises for the development of physical health or fitness, including, but not limited to, health centres, gymnasiums, racquet and ball courts, spas and reducing salons.

Fleet and transportation service means the use of land or buildings, involving a fleet of vehicles for:

- (a) the transportation of people, mail negotiable currency and documents;
- (b) the delivery of packages and small articles by courier service; or
- (c) the delivery of food by mobile catering service.

Flood elevation, 1:100 year means the water level reached during a 1:100 year flood as determined in accordance with the technical criteria established by Alberta Environment.

Floodrisk area means the area of land bordering a water course or waterbody that would be inundated by a 1:100 year flood (i.e. a flood that has a 1 percent chance of occurring every year) as determined by Alberta Environment in consultation with the municipality and may include both flood fringe and floodway.

Floor area means the sum of the gross horizontal area of the several floors and passageways of a building, but not including basements, attached garages, and open porches. All dimensions shall be external dimensions.

Flower means an annual, perennial, flowering shrub/tree, etc.

Foundation means the supporting base structure of a building.

Freight terminal means a facility accommodating the storage and distribution of freight shipped by rail, or highway transportation.

Frontage means the linear distance measured along the front legal lot line.

Front property boundary, principal means the front property boundary as shown in Figure 1.

Front property boundary, secondary means the front property boundary as shown in Figure 1.

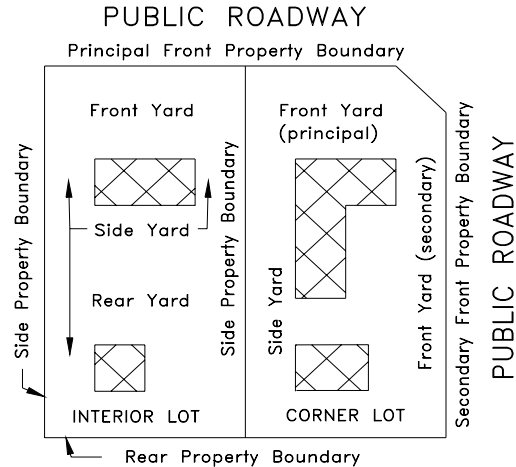


FIGURE 1

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

Gaming or gambling establishment means a building or structure, or any portion thereof, which is used or intended for use for the purpose of dealing, operating, maintaining or conducting any game played with cards, dice, or any mechanical device or machine for money, property or any item of value.

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

Garage suite means a dwelling unit located above a rear detached garage, which is accessory to a principal dwelling unit.

Garden centre means the use of land or buildings for the sale, display, growing and storage of garden, household, and ornamental plants and trees provided that the retail sale and display of plants and trees remains the principal use. This use includes the supplementary retail sale of fertilizers, garden chemicals and implements as well as associated products.

Garden shed means a small outdoor storage compound constructed for the housing of garden tools, lawn equipment or other small items.

Garden suite means a separate detached dwelling unit.

Gas bar means a facility for the sale of gasoline and associated automotive fluids but is not a service station.

General warehousing and storage means the open storage of goods, merchandise or equipment outside of a building as well as the use of a building for the storage of material, products, goods and merchandise, and this may include commercial mini-storage facilities.

Golf course means an outdoor establishment/development of varying sized designated primarily for the game of golf. 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.

Golf driving range means an area of land whose primary purpose is to accommodate the practicing of golf shots and may include the land encompassed by netting or screening and may also include buildings, such as a club house or maintenance building as part of the use.

Government buildings – see “Public and institutional use”.

Government services 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.

Grade point means the point(s) on a site which are used to measure the maximum permitted height of a building from grade. Where grade points have not been established as part of an approved comprehensive grading plan, the location of grade points shall be determined by the Development Authority.

Grain elevator means a facility for the collection, grading, sorting, storage, and transshipment of grains. This definition also includes inland grain terminals.

Greenhouse means a building specially designed and used for the growing of vegetables, flowers or other plants for transplanting or sale.

Gross floor area means the sum of the areas of all floors of a building measured to the outside surface of the exterior walls or, where buildings are separated by firewalls, to the centre line of the common firewalls and includes all floors totally or partially above the finished ground surface excluding an artificial embankment but including all mechanical equipment areas.

Group home means development using a dwelling unit for a provincially-approved residential social care facility providing rehabilitative and supportive care for four or more persons. A group home may incorporate accommodation for resident staff as an accessory use.

Grouped country residential means two or more contiguous country residential parcels or acreages.

Guest means an individual who occupies a dwelling unit other than as their residence.

Guest ranches means a ranch or resort in an agricultural setting designed for vacationers offering primarily lodging, horseback riding and other activities typical of western ranches.

H

Habitat enhancement means the manipulation of plant, animal and microbe habitat for the purpose of improving the capacity of the habitat as a source of food, shelter, or cover for an identified species or suite of species.

Health care services means development used for the provision of physical and mental health services on an outpatient basis, of a preventative, diagnostic treatment, therapeutic nature. Typical uses or facilities would include medical and dental offices, health clinics, and chiropractor offices.

Height of sign means the vertical distance measured from the highest points of the sign or sign structure to grade.

Helipad means a designated area, usually with a prepared surface, used for the takeoff, landing, or parking of helicopters.

Heliport means a facility for the use of helicopters landing or taking off on a frequent basis and includes development of passenger terminals, service, repair and storage facilities and other necessarily ancillary developments required for the purpose of operating a heliport in accordance with all applicable statutes and regulations.

Highway means:

- (a) a highway or proposed highway that is designated as a primary highway; or
- (b) a road, street or highway formerly designated as a secondary road and numbered between 500 and 999.

Highway commercial is a general term used to describe development, typically along a major roadway or highway that provides goods and services to the travelling public. Typical highway commercial uses include service stations, truck stops, motels, motor-hotels, drive-in and fast-food restaurants.

Historical site means a site or a building or both designated to be of historical significance by the Government of Canada, the Government of Alberta or the Town of Cardston.

Holiday trailer or **travel trailer** means an accommodation unit designed to be transported on its own wheels or by other means (including units permanently mounted or otherwise on trucks) designed or constructed in such manner as will permit its use for temporary dwelling accommodation for travel and recreation purposes only, but does not include a mobile home.

Holiday trailer park means a parcel of land on which two or more holiday trailers are harboured.

Home improvement centre means a facility where building materials, tools, domestic garden supplies, household accessories required for interior or exterior building renovations, and similar goods are stored, offered or kept for sale but does not include any outside storage yards.

Home care service means the provision of food, lodging and care for up to three individuals conducted in a conventional single-family dwelling which has common cooking and washroom facilities.

Home occupation means an occupation, trade, profession or craft carried on by an occupant of a dwelling unit as a use secondary to the residential use of the lot, and which does not change the character thereof or have any exterior evidence of such secondary use.

Hospital means a facility providing room, board, and surgical or other medical treatment for the sick, injured or infirm including outpatient services and accessory staff residences. Typical uses include hospitals, sanatoria, nursing homes, convalescent homes, isolation facilities, psychiatric hospitals, auxiliary hospitals, and detoxification centres.

Hostel means a facility operated to provide temporary (not exceeding 30 days) accommodation to transients for remuneration within dormitory-style visitor accommodation with communal kitchen and sanitary facilities and may include recreational facilities or services but not additional services such as room service.

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

Household repair service means a facility for the provision of repair services to goods, equipment and appliances normally found within the home. This includes radio, television and appliance repair shops, and furniture refinishing and upholstery shops.

I

Illumination means the lighting of any sign by artificial means and may further be described as:

- internal illumination which means the lighting of any sign face from a light source located within the sign or behind the copy;
- directed illumination which means the lighting of any sign face from a light source located on or near the exterior of the sign;
- indirect illumination which means the lighting of any sign face by reflected light from a source that is distinct from, but intentionally directed toward the sign.

Improvement means any installation or physical change made to a property with a view to increasing its value, utility or beauty.

Industrial equipment sale and rental means a facility for the sale or rental of equipment typically used in building, roadway, pipeline, oilfield and mining construction or agricultural production. This does not include truck and mobile home sales and rentals.

Industrial operation means a business engaged in secondary manufacturing, processing, assembling, disassembling, packaging, printing, cleaning, servicing, testing, storing and distribution of materials, goods, products or equipment.

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 senior citizen housing, nursing homes, day care centres, places of worship, museums, libraries, schools, service and fraternal organizations, and government buildings.

Intensive agricultural pursuit means any concentrated method used to raise crops or to rear or keep livestock, animals, poultry or their products for market, including such operations as horse riding stables, poultry farms, pastures, rabbitries, fur farms, greenhouses, tree farms, sod farms, dairies, nurseries and similar specialty uses conducted as the principal use of a building or site.

Intensive horticultural operations or facilities means a use of land or buildings for the high yield production and/or sale of specialty crops. This use includes greenhouses, nurseries, hydroponic or market gardens, tree, mushroom and sod farms and such other uses that the Subdivision and Development Authority considers similar in nature and character to any one or all of these uses.

Isolated country residential means a small single-lot parcel of land or acreage created by subdivision for the purpose of accommodating a single family dwelling.

K

Kennel means a facility where dogs or cats or other domestic pets are maintained, boarded, bred, trained or cared for or kept for the purposes of sale but excludes a veterinary clinic.

Kiosk means a location or structure housing a seasonal/temporary business.

L

Laboratory means a facility for the purpose of scientific or technical research, investigations or experimentation.

Landscaped area means that portion of a site which is to be landscaped pursuant to a development permit, and excludes areas used for parking and driveways.

Landscaping means the modification and enhancement of a site or development through the use of the following elements:

- natural landscaping consisting of vegetation such as trees, shrubs, hedges, grass and other ground cover;
- hard landscaping consisting of non-vegetative materials such as brick, stone, concrete, tile and wood, excluding monolithic concrete and asphalt; and
- excludes all areas utilized for driveways and parking.

Lane means a public thoroughfare which provides a secondary means of access to a lot or lots.

Laundromat means a facility for the cleaning of clothing or other fabric goods on a self-serve basis.

Laundry means a facility for the cleaning and pressing of clothing or other fabric goods.

Light industrial/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.

Liquor store means a retail establishment licensed under provincial authority for the sale of any or all of beer, wine, or spirits for consumption off-premises. Full walls must physically separate the premises from any other business.

Livestock auctioneering establishment means a use of land or buildings where livestock may be confined in an enclosed area for short periods of time and where such livestock are auctioned and transferred to other locations.

Loading space means a portion of a lot or parcel that is designated or used by a vehicle while loading or unloading goods or materials to a building or use on that parcel or lot.

Lodge means a facility for tourists that complies with the definition of visitor accommodation except that a lodge has a minimum of five (5) accommodation rooms and cooking facilities which are not located in the accommodation rooms and where there are no areas for public retail, public entertainment functions, meeting rooms and public convention rooms. Accessory uses may include rental cabins, accommodation for permanent staff and one or more beverage rooms, dining rooms, athletic and recreation facilities (indoor and outdoor) for use by the guests and other similar uses.

Lodging house means the use of a dwelling unit for residential purposes by more than three (3) persons who do not constitute a “family” within the meaning of the Land Use Bylaw.

Loft means the floor space above the eaveline and within the pitch of the roof of a building.

Lot, in accordance with the Act, means:

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

Lot area means the area contained within the lot lines of a lot as shown on a plan of subdivision or described in a certificate of title.

Lot, corner means a lot located at the intersection of two or more streets.

Lot, double fronting means a lot with two front property boundaries, where the front property boundaries are situated at opposite or approximately opposite sides of the lot, as shown in Figure 2.

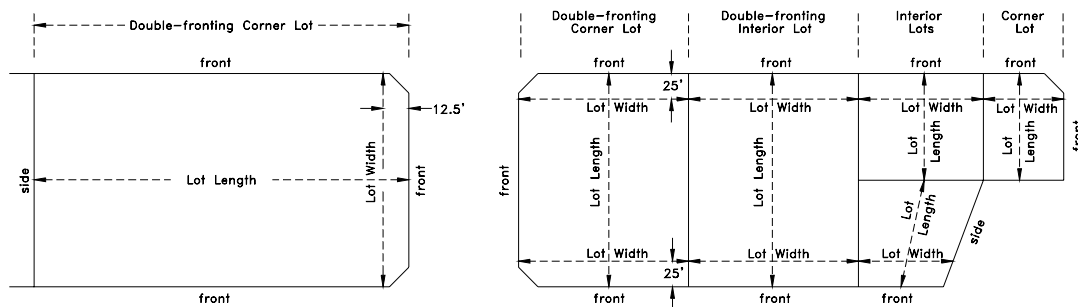


FIGURE 2

Lot, interior means a lot other than a corner lot as shown in Figure 2.

Lot length means the horizontal distance between the shortest or principal front property boundary and the opposite property boundary, measured along the median between the side property boundaries as shown in Figure 2.

Lot width means the horizontal distance between opposite side property boundaries measured at a point 25 feet (7.6 m) from the shorter or principal front property boundary as shown in Figure 2.

Lumber and building supply/materials means a commercial retail store where building materials, household accessories and other related goods are stored, offered, or kept for sale and may include outside storage.

Lumber yard means a facility where bulk supplies of lumber and other building materials are stored, offered or kept for retail sale and includes storage on or about the premises of such material but does not include retail sales of furniture, appliances or other goods not ordinarily used in building construction.

M

Machinery and equipment sales and repair means the use of land or buildings for the display, sale, service and/or rental of machinery.

Manufactured home means a dwelling unit or series of dwelling units built in an enclosed off-site factory environment in one or more sections and intended to be delivered and assembled at a residential site. New manufactured homes shall be constructed to either the CSA Z241 or CSA A277 standards and installed to CSA Z240.10.1 standards or on a permanent foundation.

Manufactured home park means a site which provides rentable space for long-term parking and occupancy of manufactured homes as defined under “manufactured homes”.

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.

May means, within the context of a policy, that a discretionary action is permitted.

Meat packing plant means a facility where poultry or livestock is received, housed, slaughtered, processed, packaged and shipped to respective markets for consumption. Such uses include but are not limited to containment corrals, refrigeration units, parking and loading facilities, waste water lagoons, abattoirs, hide processing facilities, feed storage containers, retail sales outlets, warehousing or any other use that may be incidental to such an operation.

Medical and dental office means development providing medical and health care on an outpatient basis. Examples of this use include medical and dental offices, clinics, occupational health and safety offices, counselling services, chiropractic and naturopathic services and such other uses as the Subdivision and Development Authority considers similar in character and nature to any of these uses, but this excludes dispensaries (which sell pharmaceutical and related medical supplies) as an accessory use.

Minimum building setback means the shortest distance between the wall of a building and a designated lot line.

Mobile home means a prefabricated dwelling unit that:

- (a) is designed to be transported, and when placed on a foundation and connected to utilities is ready for occupancy; and
- (b) is subject to the current provincial building requirements.

The term mobile home includes “double-wide” and single-wide” mobile homes, as defined, but the term does not include motor homes, travel trailers, recreation vehicles and any similar vehicles that are neither intended for permanent residential habitation nor subject to the current provincial building requirements.

Mobile home park means a lot occupied by or intended for two or more single-wide and/or double-wide mobile homes, where each mobile home site is not subdivided into a separately titled lot.

Mobile home sales and service means development for the sale, rental or storage of new and used mobile homes, and includes supplementary maintenance services and the sale of parts and accessories.

Mobile home subdivision means lands divided into lots intended to be occupied by their owners for private residential purposes, and on which are erected permanent foundations for mobile or modular homes.

Modular construction means the construction of a building in prefabricated units at a factory or place other than that of its final assembly which:

- (a) are assembled at the location where the building is to be permanently used;
- (b) are transported from one point to another by being carried on a motor vehicle;
- (c) are not constructed on a frame capable of being equipped with wheels and thus towed from one point to another; and
- (d) are equipped at the factory with interior electrical and plumbing utilities and interior walls (if these elements are required in the modular building).

Motel means development primarily providing temporary sleeping accommodation in rooms or suites, where each room or suite may contain kitchen facilities. Each room or suite in a motel usually has its own private exterior access and is typically provided with an adjoining or conveniently-located parking stall. A motel may include eating and drinking facilities, entertainment, convention, sports, recreation, personal service and retail facilities as accessory uses.

Moved-in building means a conventional, preconstructed, previously occupied building which is physically removed from one site, transported and re-established on another site and does not include mobile homes.

Multi-family dwelling means a building (other than a rowhouse dwelling) containing three or more separate dwelling units.

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

Municipal development plan means a statutory plan, formerly known as a general municipal plan, adopted by bylaw in accordance with section 632 of the Act.

Municipal reserve means the land specified to be municipal reserve by a subdivision approving authority pursuant to section 666 of the Act.

Municipality means the geographic area of the Town of Cardston in the Province of Alberta.

Municipal/school reserve means the land specified to be municipal and school reserve by a subdivision approving authority pursuant to section 666 of the Act.

Museum means a building or site used for the preservation, collection, restoration, display and/or demonstration of articles of historical significance and may include archival records of a geographic area or of a time period.

N

Natural resource extractive uses means those uses of land or buildings which are governed by the location of a natural resource and which involve the extraction or on-site processing and/or storage of a natural resource, except those industries which are noxious or hazardous industries. Natural resource extractive uses include the following:

- (a) cement and concrete batching plants;
- (b) sand and gravel operations;
- (c) logging and forestry operations, including sawmills; and
- (d) such other uses as established by Council or the Subdivision and Development Authority to be similar to any one or all of the above uses.

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

- (a) that is lawfully constructed or lawfully under construction at the date 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 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, 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 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.

Noxious or hazardous industries means development used for manufacturing, fabricating, processing, assembly, storage, production or packaging of goods or products where the industry or use may be detrimental to public health, safety or welfare beyond the boundaries of the site, parcel or lot on which it is situated; and/or the industry or use may be incompatible with residential or other development because of toxic gases, noxious smells, wastes, noise, dust or smoke emissions which are not confined to the site, parcel or lot on which it is situated. Administrative offices, warehousing, storage and wholesale distribution facilities shall be treated as part of the use. For the purposes of this bylaw the following shall be regarded as "Noxious or hazardous industries":

- (a) abattoirs, slaughterhouses and rendering plants;
- (b) alfalfa processing plants;
- (c) anhydrous ammonia storage facilities;
- (d) explosives storage or manufacturing facilities;
- (e) fertilizer manufacturing plants;
- (f) gas processing plants;
- (g) petrochemical industries or refineries;

- (h) metals industries which are involved in the refining, smelting, re-refining or resmelting of ores or metals;
- (i) such other uses as established by council or the Subdivision and Development Authority to be similar to any one or all of the above uses.

Nuisance means any use, prevailing condition or activity which has a detrimental effect on living or working conditions.

O

Office means development to accommodate:

- (a) professional, managerial and consulting services;
- (b) the administrative centres of businesses, trades, contractors and other organizations; and
- (c) service-related businesses such as travel agents, insurance brokers, real estate agents.

Off-street parking space means a lot or parcel or portion thereof, excluding a public roadway, which is used or intended to be used as a parking area for motor vehicles.

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

Outdoor athletic and recreational facility means a facility available to the public for sports and active recreation conducted outdoors. Typical uses include golf courses, driving ranges, ski hills, ski jumps, sports fields, outdoor tennis courts, unenclosed ice surfaces or rinks, athletic fields, boating facilities, outdoor swimming pools, bowling greens, riding stables and fitness trails.

Outdoor vehicle storage means the outdoor storage of vehicles including automobiles, recreation vehicles and boats.

Outside storage means the open storage of goods, merchandise or equipment outside a building.

Owner means the person or persons shown as the owner(s) of land on the assessment roll of a municipality.

P

Parcel, in accordance with the Act, means the aggregate of the one or more areas of land described in a certificate of title by reference to a plan filed or registered in a land titles office.

Parking facility includes parking areas, parking spaces and parking structures which are defined as follows:

- (a) **Parking area** means a portion of land or a building or a combination of both, set aside for and capable of providing space for the parking of a number of motor vehicles.
- (b) **Parking space** means a space set aside for and capable of being used for the parking of one motor vehicle.
- (c) **Parking structure** means a building or other structure designed for parking automobiles in tiers on a number of levels above each other whether above or below the ground.

Patio means an outdoor area of a lot developed and used for leisure and/or recreation purposes.

Permanent foundation means a foundation installed to provide structural support for a building or structure, for a period of at least 20 years including: concrete slab on grade, concrete strip footings, wood or concrete full basement and pile or pier footings.

Permitted use means:

- (a) the one or more uses of land or buildings that are stated in Schedule 2 as permitted uses; and
- (b) uses which, in accordance with and subject to the Act, shall be issued a development permit with or without conditions (unless the use is exempted from requiring a development permit) if the proposed development conforms with this bylaw.

Personal service use means a development providing services for personal care and appearance; services for cleaning, servicing, altering and maintenance of personal effects and accessories. Personal service includes barber shops, beauty salons, tailors, diet centres, shoe repair shops, dry cleaners, upholstery and rug cleaners, laundromats, funeral homes and such other uses that the Subdivision and Development Authority considers similar to any one or all of these uses.

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, or mosques and may include such accessory uses as offices for administration of the place of worship, parsonages, and parish houses.

Plan of subdivision means a plan of survey prepared in accordance with the relevant provisions of the Land Titles Act for the purpose of effecting subdivision.

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

Playground – see “Public park or recreation use”.

Portable storage structure means a framework structure made of steel or aluminium and covered by a fabric used to provide outdoor storage for vehicles and/or equipment.

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

Primary access means the location and manner of the principal means of vehicular access and egress from a site or building.

Principal building means a building which:

- (a) is the main building on a lot; or
- (b) by reason of its use, is the primary purpose for which the lot is used.

Principal use means the main purpose for which a lot, parcel, or building is used or intended to be used.

Printing establishment, commercial means a retail business providing photocopying and/or commercial offset printing and retail services.

Printing establishment, industrial means a facility providing non-retail commercial, industrial printing and publishing services normally using automated, web-type presses or full colour process printing.

Private means the use of land or buildings intended for or restricted to the use of a particular person or group or class of persons which is not freely available to the general public.

Private campground – see “Campground, tourist”.

Private club means a facility, not open to the general public, for the meeting, social or recreational activities of members of philanthropic, social services, athletic, business or service organizations, without on-site residences. Private clubs may include rooms for eating, drinking and assembly.

Property line means any legal surveyed boundary of a parcel.

Provincial Land Use Policies means policies established by order of the Lieutenant Governor pursuant to section 622 of the Act.

Public means the use of land or a building which is accessible or visible to all members of the community.

Public and institutional use means a use of land or buildings for any of the following public or semi-public developments:

- (a) a school or educational facility whether public or private;
- (b) churches or places of worship;
- (c) medical facilities which provide both in-patient and out-patient services including hospitals, nursing homes and sanatoriums;
- (d) government and municipal offices, libraries, museums and similar developments;
- (e) protective services, including fire halls, police stations and ambulance services;
- (f) cemeteries; and
- (g) such other uses as the Subdivision and Development Authority considers similar in nature and character to any one of these.

Public open space means land which is not in private ownership and is open to use by the public.

Public park or recreation use means a public park, playground, recreation area, indoor or outdoor rink, gymnasium, sportsfield, campground, historic or archaeological site or any similar facility or use of land or buildings provided that the park, playground, recreation area or similar facility is owned and/or administered by any level of government.

Public or quasi-public building or use means a facility owned or operated by or for the municipality, the provincial government, the federal government, or a corporation which is an agent of the Crown under federal or provincial statute for the purpose of furnishing services or commodities to or for the use of the inhabitants of the municipality.

Public roadway means, in a city, town, new town, village or summer village, the right-of-way of all or any of the following:

- (a) a local road,
- (b) a service road,
- (c) a street,
- (d) an avenue, or
- (e) a lane.

Public thoroughfare means any pathway, sidewalk, bridge, lane, service road, local street, collector street, arterial street, or highway.

Public utility means the right-of-way for one or more of the following:

- (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.

Publishing, broadcasting or recording establishment means development for the preparation and/or transmission of printed material and/or audio or visual programming.

R

Railway means any use connected with the direct operation of a railway system.

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.

Rear lane means service access, generally for vehicular traffic at the rear of properties.

Recreational vehicle sale and rental means a facility for the retail sale or rental of new or used motorcycles, snowmobiles, tent trailers, boats, travel trailers or similar recreational vehicles, bicycles, and skis and may include incidental maintenance services and sale of parts.

Recreational vehicle sanitary pump out site means a facility for the disposal of wastes from recreational vehicles.

Recycling facility means the use of land or buildings for the purchasing, receiving and/or temporary storage of discarded articles, provided that the use does not generate a detrimental effect or nuisance beyond the boundaries of the lot or site on which it is situated. A recycling facility may involve supplementary production of by-products or materials and includes bottle, can and paper recycling depots.

Registered owner means:

- (a) in the case of land owned by the Crown in right of Alberta or the Crown in right of Canada, the Minister of the Crown having the administration of the land; or
- (b) in the case of any other land:
 - (i) the purchaser of the fee simple estate in the land under an agreement for sale that is the subject of a caveat registered against the certificate of title in the land, and any assignee of the purchaser's interest that is the subject of a caveat registered against the certificate of title; or
 - (ii) in the absence of a person described in paragraph (i), the person registered under the Land Titles Act as the owner of the fee simple estate in the land.

Religious assembly means development owned by a religious organization used for worship and related religious, philanthropic or social activities and includes accessory rectories, manses, meeting rooms, classrooms, dormitories and other buildings. Typical facilities would include churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries.

Religious institution – see “Churches” or “Place of worship”.

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

Residential streets means streets whose primary function is to allow access to residential lots. A collector street may be classified as a residential street, providing the volume of traffic is not detrimental to living conditions.

Resort means a comprehensively planned and operated development offering recreational, educational, cultural, convention and conference facilities, together with visitor accommodation, in a location chosen for the unique qualities and attributes of its natural physical setting. Appropriate uses within a resort could include, but are not limited to: visitor accommodation, private residences, convention and conference facilities, indoor and outdoor recreation facilities (e.g. golf courses, ski hills, riding stables, tennis courts, health spas), retail and personal service facilities and other uses suitable to the location and compatible with adjacent land uses.

Resort accommodation means a facility for visitors to a resort, which may be in the form of visitor accommodation, apartment hotels, lodges, campground or other forms of tourist accommodation.

Resource development activity means the removal of natural resources including oil, gas, minerals or timber on a commercial basis.

Resource processing activity means the extraction, refining or other processing of natural resources including oil, gas, minerals or timber on a commercial basis.

Restaurant means an establishment where food is prepared and served on the premises for sale to the public, and may include entertainment which is ancillary to the preparation and service of food.

Retail means premises where goods, merchandise, other materials, and personal services are offered for sale at retail to the general public and includes limited on-site storage or limited seasonal outdoor sales to support that store's operations. Typical uses include but are not limited to grocery, hardware, pharmaceutical, appliance and sporting goods stores. This use excludes warehouse sales and the sale of gasoline, heavy agricultural and industrial equipment, alcoholic beverages, pawnshops, or second-hand goods, or retail stores requiring outdoor storage. Minor government services, such as postal services, are permitted within general retail stores.

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.

Riding stable means a compound designed with stalls for the housing, bedding or confinement of four-legged animals used for riding purposes.

Rifle range means a designated practice area designed for the purpose of controlled discharge of firearms or archery equipment.

Rodeo grounds consists of an agricultural-recreation oriented facility where exhibiting horses and cattle and giving exhibitions of the speed, breeding and management of livestock and husbandry is a few of its functions and purposes, and which may also include facilities (arena, chutes, grandstand, corrals, stables, concession booths, etc.) to carry out such purpose, and may be managed by civic, private or non-profit organizations.

Rowhouse dwelling or townhouse means a residential building containing more than four dwelling units, where each dwelling unit is joined in whole or in part at the side only and where no dwelling unit is located in whole or in part above another dwelling unit. Each dwelling unit in a rowhouse is separated from the abutting dwelling unit by a wall, generally extending from the foundation to the roof, and each dwelling unit is provided with its own direct access from grade.

RTM (ready to move) home means a house that would normally be built on your construction site, but for various reasons, such as cost and location, the RTM gets built on the plant site. It is then loaded and transported as one (1) unit onto the proper moving equipment and delivered to the client's location.

Rural industry means an agriculturally-related industry which supports agriculture directly in rural areas and non-labour intensive industries which require relatively large areas of land, but require minimal on-site improvements, services and public amenities. Examples include, but are not necessarily limited to: apiaries, grain elevators, water treatment plants and reservoirs, gravel/sand pits or stone quarries and other uses determined by the designated officer or Subdivision and Development Authority to be similar in nature.

S

Salvage or waste disposal facility means development for purchasing, receiving or transporting of spent materials or substances which may generate a detrimental impact or nuisance beyond the boundaries of the lot or parcel on which it is situated. This term includes uses such as autowreckers, salvage and scrap yards, garbage container services, effluence tanker services and such other uses as the Subdivision and Development Authority considers similar in character and nature to any one or all of these uses.

Satellite dish means an anchored structure designed to capture or receive broadcast signals beamed by satellites for audio-visual purposes.

Satellite dish antenna means a parabolic antenna including foundation used for the reception of satellite transmitted television or radio waves.

School means a place of instruction offering courses of study. Included in the category are public, private, and separate schools.

School, commercial means a place in instruction operated for profit but does not include a private school.

School, post-secondary means a public or private educational establishment providing academic, professional, trade, craft or other educational curriculum to post-secondary students.

School , private means a school, other than a school operated by a School Board under the School Act, that provides grade and secondary school instruction to pupils through courses prescribed or approved by the Minister of Education.

School, public or separate means a place of instruction operated with public funds pursuant to The School Act.

Scrap yard means a facility where materials are stored temporarily on the site for reprocessing into scrap materials for sale or where useable parts for used goods, equipment or vehicles are sold.

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.

Senior citizen housing means development, including lodges, which is used as a residence for elderly individuals not requiring constant or intensive medical care.

Service club – see “Private club”.

Service station means premises or the portion thereof used or intended to be used for the servicing and minor repairing of motor vehicles and for the sale of gasoline, lubricating oils and minor accessories for motor vehicles.

Setback means the distance required between a building, development or use from a property line facing a street or other property line.

Shall means that the action is mandatory.

Shipping container means an container that was used for transport of goods by means of rail, truck or sea. These containers are rectangular in shape and are generally made of metal.

Shopping malls means a unified concentration of retail stores and service establishments in a suburban area with generous parking space, usually planned to serve a community or neighbourhood.

Should means that the action is recommended.

Shrub means a single or multi-stemmed woody plant under five (5) metres at maturity.

Sign has the same meaning as it has in the sign standards in Schedule 5 of this bylaw.

Similar use means a use which is not specifically considered in a land use district but, in the opinion of the Subdivision and Development Authority, is similar in character and purpose to another use that is permitted or discretionary in the land use district in which such use is proposed, the Subdivision and Development Authority may:

- (a) rule that the proposed use is either a permitted or discretionary use in the land use district in which it is proposed; and
- (b) direct that a development permit be issued in accordance with this bylaw.

Single family dwelling means a freestanding residential dwelling, other than a mobile home, not forming part of and not physically attached to any other dwelling or structure.

Single-wide mobile home means a mobile home which is:

- (a) typically not greater than 16 feet (4.9 m) in width; and
- (b) permanently fixed to a single chassis; and
- (c) not intended to be expanded, telescoped or twinned for additional floorspace.

Double-wide mobile home is a separate use.

Site means that part of a parcel or a group of parcels on which a development exists or for which an application for a development permit is being made.

Slope adaptive housing means housing which incorporates specific building and site design methods that minimize the impact of site development on the natural environment, ensures slope stability, and responds positively to the aesthetic opportunities presented by construction on sloping lands. Techniques to achieve this normally include: design of rooflines and building massing designs to echo the angles and shapes of the surrounding landscape; breaking up of the building mass to conform to the slope; and the use of indigenous materials and compatible colours.

Sod farm means the commercial growing of sod through seeding and stripping of topsoil to sell the final product.

Souvenir shop means a retail store which sells various souvenirs and mementos and generally caters to the shopping needs of visitors.

Specialty manufacturing/cottage industry means development used for small-scale on-site production of goods in a building not exceeding a gross floor area of 5,490 sq. ft. (510 m²), including areas devoted to retail sales, display and storage. This use includes bakeries and specialty food production facilities, pottery and sculpture studios, taxidermists, specialty furniture makers and such other uses as the Subdivision and Development Authority considers similar in character and nature to any one or all of these uses.

Stake out of the site means the process of measuring the site and designating the areas on the site where construction will occur.

Statutory plan means a municipal development plan, area structure plan or area redevelopment plan adopted under the Municipal Government 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 situated between the top of any floor and the top of the next floor above it or, if there is no floor above it, the ceiling above it. When the top of a floor directly above a basement is over 6 feet (1.8 m) above grade, that basement shall be considered a storey.

Street means a public thoroughfare affording the principal means of access to abutting parcels, and includes the sidewalks and the land on each side of and contiguous with the prepared surface of the thoroughfare and owned by the municipality.

Structural alteration means a repair or alteration to the supporting members or fabric of a building which tends to either substantially prolong its use or alter its character.

Subdivision means the division of a parcel by an instrument, and “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 approval means the approval of a subdivision by a subdivision approving authority.

Subdivision Authority means the person or body empowered to approve a subdivision.

Suite means a self-contained dwelling unit that is accessory to, and contained within, the principal dwelling on the site. Further, the dwelling unit must have a separate entrance from the principal dwelling through either a common landing, or directly from the exterior of the primary dwelling.

Surveillance suite means a dwelling unit or sleeping unit that is developed in conjunction with a principal use so that the dwelling is a supplementary use to that principal use, and which is used solely to accommodate a person or persons, whose function is to provide surveillance, maintenance and/or security for a development provided for in the land use district.

T

Take-out service means the sale of food or beverages in a form ready for consumption from a restaurant or other premises where a significant portion of the consumption will take place off the premises.

Taxi service means a business established to provide chauffer-driven automobile transportation available on call to carry a passenger between two points for a fare determined by a taximeter or flat rate.

Taxidermist means an individual engaged in the art of preparing life-like representations of animals by stuffing the skin or usually fashioning a wooden or plaster model on which the skin of the specimen is mounted or moulded.

Temporary storage yard means development used exclusively for temporary outside storage of goods and materials where such storage of goods and materials does not involve the erection of permanent structures or the material alteration of the existing state of the land. Typical uses include storage yards for construction vehicles, equipment and materials or recreation vehicles.

Temporary structure means a structure without any foundation or footings and which is removed when the designated time period, activity or use for which the temporary structure was erected and ceased.

Theatre means a building or structure designed for the showing of motion pictures or to accommodate a company of performers for the showing of plays or dances.

Tourist home means a dwelling unit operated as an accommodation unit, occupied by a guest or guests for a period of less than 28 days.

Townhouse means a single building comprised of three or more dwelling units separated from each other by walls extending from foundation to roof, with each dwelling unit having a separate, direct, at grade entrance. This includes all row, linked, patio, garden court or other housing which meet these criteria. A townhouse development may consist of a group of buildings each of which contains three or more dwelling units.

Townhouse, stacked means a multiple dwelling comprised of three or more dwelling units and constructed such that one or more dwelling units are located totally or partially above another dwelling unit, and each having a separate, direct entrance from grade or a landscaped area. A stacked townhouse development may consist of a group of buildings each of which contains three or more dwelling units.

Travel agency means an office or enterprise engaged in the selling, arranging or furnishing of information regarding personal transportation or travel.

Truck and manufactured home sale and rental means development used for the sale or rental of new or used trucks, motor homes, manufactured homes, and automobiles together with incidental maintenance services and the sale of parts and accessories. Typical uses include truck dealerships, recreation vehicle sales and manufactured home dealerships.

Truck repair and servicing means a facility for the servicing and repair primarily of licensed motor vehicles with a gross vehicle weight in excess of 4000 kg (8818 lbs.).

Truck stop means a service station which caters to large commercial vehicles such as semi-trailer trucks as well as intermediate-sized vehicles and passenger vehicles. The use "Truck stop" includes an accompanying restaurant or cafe as well as a card lock or key lock motor vehicle fuel dispensing facility. The use may also include general retail sales, vehicle towing services, limited vehicle sales or rentals and similar uses provided that any such uses are clearly accessory uses and incidental to the operation of the truck stop in the opinion of the Subdivision and Development Authority.

Truck transport depot means a centralized area for the parking, loading, unloading, storage or servicing of large commercial trucks engaged in the business of transporting goods and materials to specified destinations.

Truck wash – see "car wash".

Trucking establishment means a facility for the purpose of storing and dispatching trucks and tractor trailers for transporting goods.

U

Utilities means any one or more of the following:

- (a) systems for the distribution of gas, whether artificial or natural;
- (b) facilities for the storage, transmission, treatment, distribution or supply of water or electricity;
- (c) facilities for the collection, treatment, movement or disposal of sanitary sewage;
- (d) storm sewage drainage facilities;
- (e) any other things prescribed by the Lieutenant Governor in Council by regulation;

but does not include those systems or facilities referred to in subclauses (a) to (d) that are exempted by the Lieutenant Governor in Council by regulation.

V

Vegetation management means the manipulation of plant material for purposes such as the spread of wildfires, or the control of plants or diseases.

Vehicle sales and rental use means a use of land or buildings for the sale of automobiles, vans, motorcycles, snowmobiles, tent and holiday trailers, boats and other recreational vehicles and craft and trucks with a tare weight not exceeding 5,900 kg (13,000 lbs.). This use includes supplementary vehicle maintenance and cleaning, sale of parts and accessories and dispensing of motor fuel.

Veterinary clinic means a facility for the care of animals but does not include outdoor pens, runs or enclosures.

Visitor accommodation means a building or group of buildings not intended for residential use where sleeping facilities are provided for persons for periods of up to 30 days and which may also contain recreational facilities, commercial uses and additional facilities including but not limited to eating establishments, drinking establishments, room service, meeting rooms, public convention rooms, and laundry service. Where the majority of visitor accommodation units within the visitor accommodation contain suites of more than one room, two or more of the following services shall be provided: eating establishment, room service, public convention room, or laundry service. This definition does not include lodges.

Visitor accommodation unit means a room or suite of rooms located within visitor accommodation which has a door leading directly to a public hallway or other public access area.

W

Waiver means the relaxation or variance of a development standard established in the land use bylaw. For the purpose of this bylaw, the designated officer, the Subdivision and Development Authority or, on appeal, the Subdivision and Development Appeal Board can waive provisions of the land use bylaw.

Warehouse means a building used or intended to be used predominantly for the indoor storage of goods and merchandise.

Warehouse store means a facility for the wholesale or retail sale of a limited range of bulky goods from within an enclosed building where the warehouse or storage component occupies at least 50 percent of the gross floor area and retail uses occupy 50 percent or less of the gross floor area. Typical uses include furniture, carpet and appliance warehouses.

Warehousing means the use of a building for the storage of materials, products, goods and merchandise.

Welding shop means a business engaged in the fabrication, assembly or repair of machinery or equipment by heating materials to a fluid state and uniting or consolidating them at a common point known as a weld.

Wholesale means the provision or sale of goods or services to certain businesses or individuals who are members or affiliated with the wholesaler at a discounted price to which the general public is not entitled to obtain.

Wildlife corridor means an area which provides or is designed to provide connectivity between patches of wildlife habitat. Wildlife corridors generally do not fulfill the requirements of wildlife habitat patches except for the physical security provided by vegetative cover or other buffers from development.

Wind energy conversion system (WECS) means a system consisting of subcomponents which convert wind energy to electrical energy and having major components being generator rotors, tower and a storage system.

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

Y

Yard means the minimum required open space, on a site, that lies between the principal and accessory building or structure and the nearest lot line.

Yard, front means a yard extending across the full width of the site and measured, as to depth, at the least horizontal distance between the front street line and the nearest projection of the principal building as shown in Figure 3.

Yard, rear means a yard which extends the full width of a site and measured, as to depth, at the least horizontal distance between the rear property line and the nearest projection of any building as shown in Figure 3.

Yard, side means a yard extending from the front yard to the rear yard, and measured as to width at the least horizontal distance between the side property line or side street line and the nearest projection of any building as shown in Figure 3.

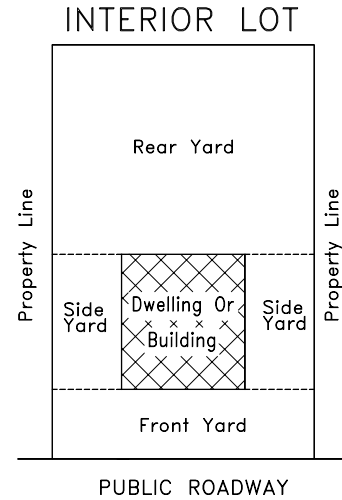


FIGURE 3

All other words and expressions not otherwise defined in this Land Use Bylaw have the meaning assigned to them in the Act.

Appendix A
FORMS

TOWN OF MAGRATH
APPLICATION FOR A DEVELOPMENT PERMIT

FORM A

APPLICATION NO. _____

DATE RECEIVED _____

TAX ROLL NUMBER _____

APPLICANT: _____

MAILING ADDRESS: _____ **TELEPHONE:** _____

REGISTERED OWNER: _____

MAILING ADDRESS: _____ **TELEPHONE:** _____

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

Civic/Street Address: _____

Proposed Development: Residential _____ Commercial _____ New _____

Addition _____ Remodelling _____ Other _____
(Specify)

PARTICULARS OF PROPOSED DEVELOPMENT:

Type of Foundation _____ Construction of Basement _____

Type of Chimney _____ Roof Covering _____

Type of Heating _____ Exterior Wall Finish _____

Estimated Cost _____

Building Grades _____

Lot Dimensions: Width _____ Length _____ Area _____

Building Dimensions: Width _____ Length _____ Area _____

Setbacks: Front Yard _____ Side Yards _____ Rear Yard _____

OTHER DETAILS: (use reverse side if necessary)

I have submitted plans showing the front, side and rear views, and all other particulars concerning the completion of the proposed development and agree to comply in all respects with any conditions that may be attached to any development permit that is issued and with any other bylaws that are applicable. I am aware that I will be required to pay for all local improvement costs, which include drainage, sidewalks, road base preparation, street lighting, water and sewer main extensions, utility connection fees and installation costs at the present established rate.

I have read and understand the terms noted on the reverse side of this form and hereby apply for permission to carry out the development described above and/or on the attached plans and specifications. I further certify that the registered owner of the land described above is aware of this application.

Fee: \$ _____ (non refundable)

Date of Application: _____ **Signature of Applicant:** _____

IMPORTANT: See Over

IMPORTANT:

1. Subject to the provisions of the Land Use Bylaw of the Town of Magrath, the term "development" includes the making of any change in the use of buildings or land.
2. Although the Development 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, and is without prejudice to the decision in connection with the formal application. It must be clearly understood that any action taken by the applicant within 14 days after receipt of a development permit, is at his own risk.
3. Plans and drawings in duplicate should be submitted with this application in sufficient detail to enable adequate consideration of the 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, that is:
 - Block plans or site plans – 1:1000 or 1:1500
 - Other drawings – 1:100 or 1:200

However, unless otherwise stipulated, it is not necessary for plans and drawings to be professionally prepared.

4. If a decision is not made within 40 days from the date of the receipt of the application in its complete and final form, the applicant may exercise his right of appeal as though he had been mailed a refusal at the end of the 40-day period.

**TOWN OF MAGRATH
NOTICE OF DECISION**

FORM B

APPLICATION NO. _____

NAME: _____

ADDRESS: _____

In the matter of development of property located at _____

The development as specified in Application No. _____ has been:

APPROVED

APPROVED subject to the following conditions:

REFUSED for the following reasons:

DATE OF DECISION: _____

Development Permit issued on the _____ day of _____, _____

A development permit will be issued in accordance with this notice but not be valid until 14 days after the date that this decision has been mailed to adjacent assessed land owners, or posted on the site, or published in a newspaper, unless an appeal is lodged pursuant to section 686(1) of the Act. If an appeal is lodged, then a permit will not be issued until the Subdivision and Development Appeal Board has determined that appeal and this notice of decision may be modified, confirmed, or nullified thereby.

DATE: _____

SIGNED: _____

Development Officer

IMPORTANT: Notice of approval in no way removes the need to obtain any permit or approval required by any federal, provincial, or municipal legislation, and/or regulations pertaining to the development approved.

* Intention to appeal must be received within 14 days of notification of decision.

**TOWN OF MAGRATH
DEVELOPMENT PERMIT**

FORM C

APPLICATION NO. _____
DEVELOPMENT PERMIT NO. _____

This development permit is hereby issued to:

NAME: _____

ADDRESS: _____

In respect of works consisting of _____

On land located at _____

and as described on Development Application No. _____ and plans submitted
by the applicant.

This permit refers only to works outlined in Development Application No. _____

and is subject to the conditions contained in the notice of decision dated _____ .

DATE: _____

SIGNED: _____

Development Officer

IMPORTANT - See over

IMPORTANT:

The development outlined on the reverse 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 of the Town of Magrath and in no way relieves or excuses the applicant from complying with the Land Use Bylaw or any other bylaws, 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.
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 issue of this development permit.
4. The Development 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.

**TOWN OF MAGRATH
NOTICE OF SPECIAL
MUNICIPAL PLANNING COMMISSION MEETING**

FORM D

APPLICATION NO. _____

Notice is hereby given that an application is being made for a development permit with regard to the following:

NAME OF APPLICANT:

TYPE OF DEVELOPMENT:

LEGAL DESCRIPTION OF SITE:

PLACE OF MEETING: _____

TIME OF MEETING: _____

DATE OF MEETING: _____

FEE FOR MEETING: _____

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

Persons requesting to be heard at the meeting shall submit a written request to be heard to the Town of Magrath not later than:

_____ (a.m./p.m.) on _____

DATE: _____

SIGNED: _____

Development Officer

**TOWN OF MAGRATH
NOTICE OF SUBDIVISION AND DEVELOPMENT
APPEAL BOARD HEARING**

FORM E

APPLICATION NO. _____

NAME: _____

ADDRESS: _____ **TELEPHONE:** _____

A Public Hearing in the matter of the appeal of _____
of _____ to the decision of the Development Officer/Municipal
Planning Commission on Development Application No. _____, being the application for a
development permit for _____

_____ at _____ by _____

shall be heard on the ____ day of _____, _____ at _____ o'clock (a.m./p.m.)

The hearing will be held in the Town of Magrath Council chambers.

DATE: _____

SIGNED: _____

*Secretary of the
Subdivision and Development Appeal Board*

**TOWN OF MAGRATH
NOTICE OF DECISION OF THE
SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

FORM F

APPLICATION NO. _____

NAME: _____

ADDRESS: _____ TELEPHONE: _____

In the matter of the appeal of _____ of _____
to the decision of the Development Officer / Municipal Planning Commission on Development Application
No. _____ being the application for a development permit for _____
_____ at _____ by _____
the Subdivision and Development Appeal Board, duly convened on the ____ day of _____,
_____ decided to:

For the following reasons:

DATE: _____

SIGNED: _____

*Secretary of the
Subdivision and Development Appeal Board*

IMPORTANT: This decision of the Subdivision and Development Appeal Board is final and binding on all parties and all persons, subject only to appeal to the provincial Court of Appeal.

**TOWN OF MAGRATH
AGREEMENT FOR TIME EXTENSION**

FORM G

APPLICATION NO. _____

FEE \$ _____

I/we _____ being the registered owner
or person authorized to act on behalf of the registered owner with respect to:

Application No. _____

For: _____

Located on (legal description): _____

Do hereby agree to a time extension of: _____ days, until

on the understanding that if a decision has not been made by this time, I may deem the application
refused and appeal to the Subdivision and Development Appeal Board in accordance with the provisions
of the Municipal Government Act.

DATE: _____

Signature of Registered Owner/Person Acting on behalf of:

Signature of Witness

DATE: _____

Signature of Development Officer – Town of Magrath

Signature of Witness

**TOWN OF MAGRATH
STOP ORDER**

FORM H

APPLICATION NO. _____

TO THE REGISTERED OWNER: _____

ADDRESS: _____

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

Quarter _____ Section _____ Township _____ Range _____ W _____ M

PLEASE TAKE NOTICE that in accordance with the Municipal Government Act, section 645, you are HEREBY ORDERED TO:

BE ADVISED that pursuant to section 566 of the Municipal Government Act, a person who contravenes an order under section 645, is guilty of an offense and is liable to a fine of not more than \$10,000 or to imprisonment for not more than one year, or to both fine and imprisonment; and be FURTHER ADVISED that pursuant to section 684 and section 686(1) of the Municipal Government Act, you may appeal this order by serving a written notice of the appeal on the Subdivision and Development Appeal Board within 14 days after receiving this order, in care of the Secretary, Subdivision and Development Appeal Board, Town of Magrath, Box 520, Magrath, Alberta, T0K 1J0.

DATE: _____

SIGNED: _____

Development Officer

**TOWN OF MAGRATH
APPLICATION FOR A LAND USE BYLAW AMENDMENT**

FORM I

APPLICATION NO. _____

APPLICANT: _____

ADDRESS: _____ **TELEPHONE:** _____

REGISTERED OWNER: _____

ADDRESS: _____ **TELEPHONE:** _____

Legal Description: Lot(s) _____ Block _____ Plan _____
Quarter _____ Section _____ Township _____ Range _____ W _____ M

PROPOSED AMENDMENT:

From: _____

To: _____

APPLICANT'S SUBMISSION:

Please state your reasons for applying for this amendment. Attach a separate sheet if necessary.

REGISTERED OWNER OR PERSON ACTING ON BEHALF OF:

I certify that I am the registered owner or that the registered owner(s) of the land described above is aware of this application.

Fees Submitted \$ _____

Receipt No. _____

DATE: _____

SIGNED: _____

Applicant

**TOWN OF MAGRATH
APPLICATION FOR A HOME OCCUPATION**

FORM J

APPLICATION NO. _____

APPLICANT: _____

ADDRESS AND POSTAL CODE: _____

REGISTERED OWNER: _____

ADDRESS AND POSTAL CODE: _____

LEGAL DESCRIPTION: Lot(s) _____ Block _____ Plan _____

Quarter _____ Section _____ Township _____ Range _____

EXISTING USE: _____

PROPOSED USE BEING APPLIED FOR: _____

NAME OF BUSINESS: _____

HAS A BUSINESS LICENSE BEEN APPLIED FOR? Yes No

PROPOSED HOURS OF OPERATION: _____ to _____

PROPOSED DAYS OF WEEK OF OPERATION (i.e. Mon-Fri, Sat, Sun): _____

NOISE GENERATED: Yes No

STORAGE OF GOODS ON PROPERTY: Yes No

OFF-STREET PARKING AVAILABLE: Yes No
(If yes, site plan required and number of spaces)

ADDITIONAL VEHICLES REQUIRED: Yes No

ANTICIPATED INCREASE IN VEHICULAR TRAFFIC: Yes No

ODOURS OR NOXIOUS EFFLUENTS: Yes No

REGISTERED OWNER OR PERSON ACTING ON BEHALF OF:

I certify that I am the registered owner or that the registered owner(s) of the land described above is aware of this application.

DATE: _____ **SIGNED:** _____

REGISTERED OWNER

Appendix B
FEES

FEES

DEVELOPMENT PERMIT FEES

RESIDENTIAL	Fees
Single-Family and Two-Family Dwellings	\$100.00
Multi-Family Dwellings including Institutional Housing (for the purpose of this section, the total number of dwelling units in the complex will be used to determine the fee):	
3 - 20 units	\$100.00
21 - 50 units	\$130.00
Addition of or Renovation to: A Covered or Uncovered Deck, Attached or Detached Carport, Attached or Detached Garage, Porch, Breezeway, Accessory Building greater than 9.3 m ² (100 ft ²)	\$25.00
Addition to an Existing Single-Family, Two-Family or Multi-Family Dwelling that would increase the interior square footage of the residence	\$50.00
COMMERCIAL	Fees
Change of Occupancy	\$50.00
Car Lots, Trailer Sales, Parking Garages, etc.	\$100.00
Commercial Buildings:	
0 - 464.5 m ² (5,000 ft ²)	\$130.00
464.6 - 1,858 m ² (5,001 - 20,000 ft ²)	\$140.00
1,858.1 - 4,645 m ² (20,001 - 50,000 ft ²)	\$200.00
All shopping Centres, High-rise Buildings or other Major Commercial Applications greater than 4,645 m ² (50,000 ft ²)	\$400.00
INDUSTRIAL	Fees
Change of Occupancy	\$50.00
Industrial and Warehouse Buildings:	
0 - 464.5 m ² (5,000 ft ²)	\$130.00
464.6 - 1,858 m ² (5,001 - 20,000 ft ²)	\$140.00
Multi-Tenancy Industrial Buildings or Companies greater than 1,858 m ² (20,000 ft ²)	\$200.00
Multi-Tenancy Industrial Buildings or Companies greater than 4,645 m ² (50,000 ft ²)	\$400.00
MISCELLANEOUS	Fees
Public Service Buildings such as: Churches, Schools, Auditoriums, Community Halls, Fire Halls, Police Stations, etc.:	
0 - 929 m ² (10,000 ft ²)	\$130.00
greater than 929 m ² (10,000 ft ²)	\$140.00
Government Office Buildings (shall be regarded as commercial buildings for the purpose of determining fees)	<i>see Commercial</i>
Accessory Buildings less than 9.3 m ² (100 ft ²) for Residential Lots	\$0.00

MISCELLANEOUS (continued)	Fees
Over Height Fences	\$100.00
Waiver Exceeding 10 percent of measurable requirement, and Discretionary Use	\$140.00
SPECIAL NOTIFICATION FEE	\$140.00
EXISTING USE WAIVER APPLICATION FEE	\$30.00
SPECIAL MEETING FEE	\$300.00

HOME OCCUPATIONS	Fees
Home Occupation Class 1	\$50.00
Home Occupation Class 2	\$100.00
Home Occupation Class 3	\$150.00

SIGNS	Fees
Applied for in conjunction with a new development	\$0.00
Portable	\$25.00
Temporary	\$25.00
All Other Signs not applied for as part of the initial development application for the Commercial, Industrial or Institutional/Recreational Land Use Districts (including third party signs)	\$100.00

LAND USE BYLAW AMENDMENT FEE	Fees
Amendment Fee	\$200.00
Advertising Fee	\$300.00
TOTAL APPLICABLE FEE	\$500.00

REFUNDABLE AND OTHER FEES	Fees
Refundable Landscaping Deposit	\$1,000.00
Refundable Garbage Box Enclosure Deposit	\$500.00
Refundable Sidewalk Security Deposit	\$500.00
Compliance Certificates	\$50.00
Demolition Notification Permit	\$25.00

PENALTIES	Fees
Section 54 – First Offense	\$1,000.00
Section 54 – Second Offense	\$2,500.00

* If two or more developments are applied for on one application permit, the fees shall apply to the principal development or developments only.

** If construction is commenced before a development permit is issued, the fee shall be doubled.

Appendix C

ADDITIONAL DESIGN GUIDELINES

**TOWN OF MAGRATH
in the Province of Alberta
BYLAW NO. 1124**

BEING a bylaw of the Town of Magrath in the Province of Alberta, .

WHEREAS the municipal council wishes, by way of this bylaw, to amend the existing direct control district on the certain lands identified on the map in Schedule 'A' attached hereto and legally described as:

LOT 1, BLOCK 54, PLAN 931 2490


AND WHEREAS THE PURPOSE of proposed Bylaw No. 1124 is to establish the uses and rules for the Direct Control District pertaining to the above described land and said uses and rules are as described in Schedule 'B' attached hereto;

AND WHEREAS the municipality must prepare an amending bylaw and provide for its consideration at a public hearing.

NOW THEREFORE, under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council of the Town of Magrath in the Province of Alberta duly assembled does hereby enact the following:

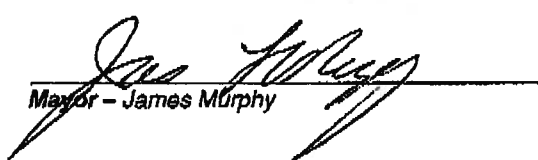
1. The uses and rules for the Direct Control District shall be as described in Schedule 'B' attached hereto and be applied to the lands described above and identified on the map in Schedule 'A';
2. Bylaw No. 1092 is hereby amended.
3. This bylaw shall come into effect upon third and final reading hereof.

READ a first time this 24 day of June, 2008.


Mayor - James Murphy

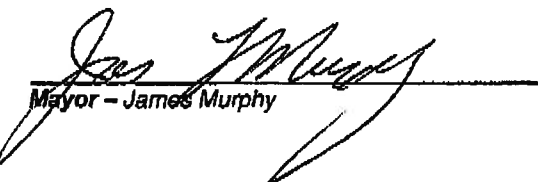

Chief Administrative Officer - Wade Alston

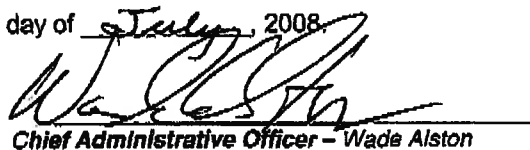
READ a second time this 08 day of July, 2008.


Mayor - James Murphy

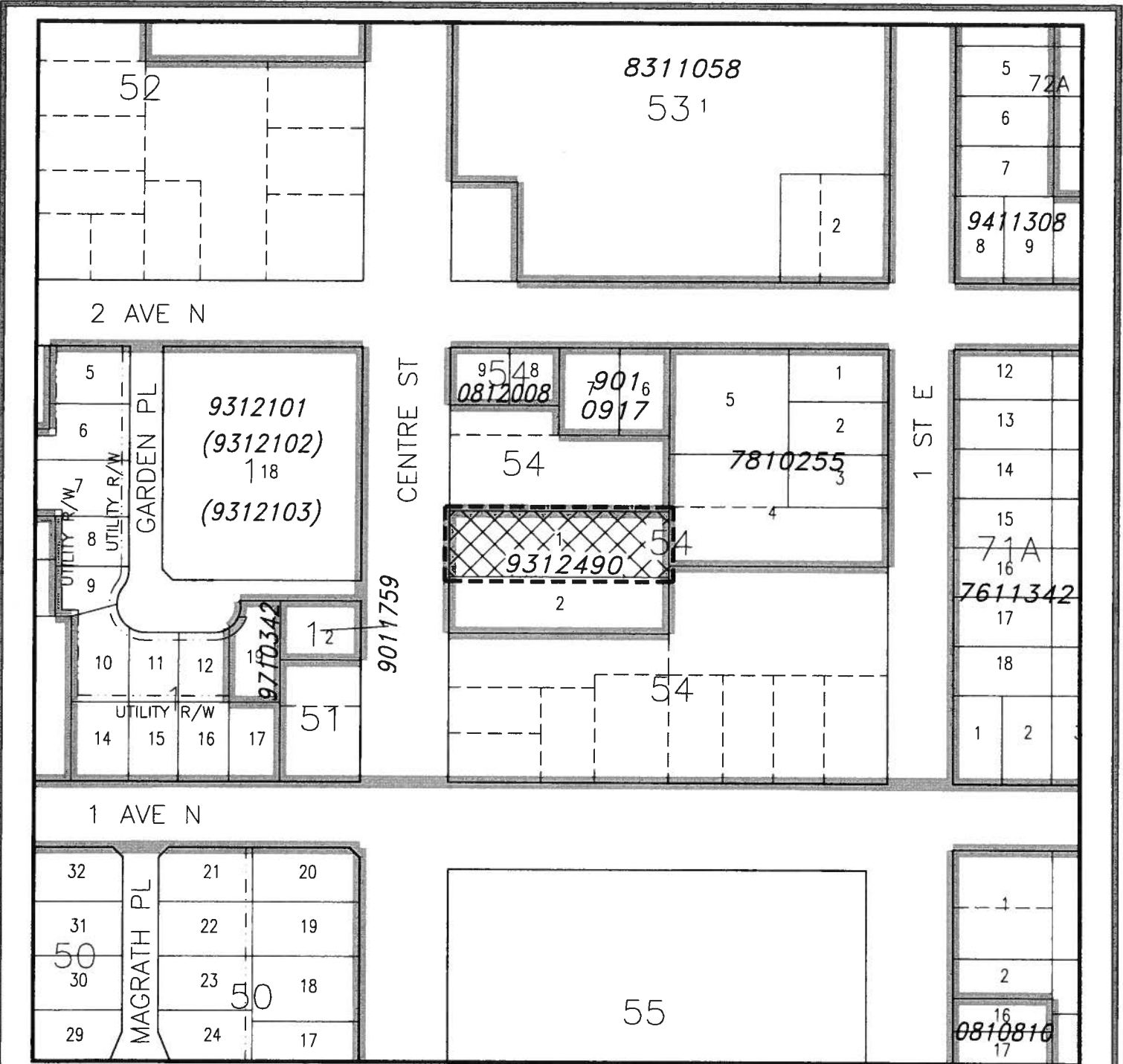

Chief Administrative Officer - Wade Alston

READ a third time and finally passed this 08 day of July, 2008.


Mayor - James Murphy


Chief Administrative Officer - Wade Alston

RECEIVED
SEP - 3 2008
DH/CK/SE/RD/BJ



**LAND USE DISTRICT REDESIGNATION
SCHEDULE 'A'**



**FROM: RESIDENTIAL - R1
TO: DIRECT CONTROL - DC**

**LOT 1, BLOCK 54, PLAN 9312490 IN
N 1/2 SEC 26, TWP 5, RGE 22, W 4 M
MUNICIPALITY; TOWN OF MAGRATH
DATE; JUNE 23, 2008**

Bylaw #; _____
Date; _____



OLDMAN RIVER REGIONAL SERVICES COMMISSION

0 Metres 50 100 150 200



MAP PREPARED BY:
OLDMAN RIVER REGIONAL SERVICES COMMISSION
3105 16th AVENUE NORTH, LETHBRIDGE, ALBERTA
TEL. 329-1344 T1H 5E8
"NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"

Schedule 'B'

DIRECT CONTROL BYLAW NO. 1124

PURPOSE

To provide a means whereby Council may regulate and control the use, development or subdivision of the following lands:

LOT 1, BLOCK 54, PLAN 931 2490

1.

PERMITTED USES	DISCRETIONARY USES
Single-family dwelling Home Occupation 3	Accessory buildings

2. **MINIMUM LOT SIZE**
As established in the Land Use Bylaw 1092, Residential – R1 Land Use District.

3. **MINIMUM YARD DIMENSIONS**
As established in the Land Use Bylaw 1092, Residential – R1 Land Use District.

4. **SUBDIVISION**
Further subdivision shall not be permitted.

5. **GENERAL STANDARDS OF DEVELOPMENT**
At the discretion of Council or the Development Authority having regard to Schedule 4.

6. **OTHER STANDARDS FOR THE HOME OCCUPATION**
 - (a) The home occupation is limited to the internet sales and warehousing of retail goods.
 - (b) On site employees are limited to four non family members.
 - (c) There are no customers allowed is visit the site.

7. **DELEGATION OF AUTHORITY**
Council shall be the authority to approve permitted and discretionary uses or application for waivers of development standards.

8. **APPROVAL PROCEDURE**
 - (a) Before consideration of an application for a use or development on the subject property, Council or the Development Authority shall:
 - (i) cause a notice to be issued by the designated officer in accordance with section 24 of this bylaw;
 - (ii) hear any persons that claim to be affected by the decision on the application;
 - (iii) the notice should contain the date and time that council will hear the application.

- (b) Council or the Development Authority may then approve the application with or without conditions or refuse the application with reasons.
- (c) When applicable, council should seek comments from other agencies such as the planning advisor, regional health authority or any applicable provincial government department.

9. APPEAL PROCEDURE

- (a) Pursuant to section 641(4)(a) of the Act, if a decision with respect to a development permit application is made by council, there is no appeal to the Subdivision and Development Appeal Board.
- (b) If the Development authority makes the decisions on a development application, then it may be appealed to the Subdivision and Development Appeal Board. It shall be limited to determining whether the Development Authority followed the directions of Council.