

BYLAW NO. 17-389

A Bylaw to adopt the Village of Dewberry Land Use Bylaw

WHEREAS the Municipal Government Act requires a municipality to adopt a Land Use Bylaw to regulate development;

AND notice of intention to pass this bylaw has been given and a public hearing has been held in accordance with the Act;

NOW THEREFORE the Council of the Village of Dewberry in the Province of Alberta duly assembled hereby enacts as follows:

1. **THAT** this Bylaw shall be cited as the "Land Use" Bylaw.
2. **THAT** the attached "Schedule A", forming part of this Bylaw, be adopted as the Village of Dewberry Land Use Bylaw; and
3. **THAT** this Bylaw shall take effect on the date it is passed.

READ a first time this 22 day of August, 2017.


Mayor


Chief Administrative Officer

READ a second time this 22 day of August, 2017.


Mayor


Chief Administrative Officer

PUBLIC HEARING held on the 22 day of August, 2017.

READ a third time and finally passed this 22 day of August, 2017.


Mayor


Chief Administrative Officer

VILLAGE OF DEWBERRY

LAND USE BYLAW 2017

No. 17-389

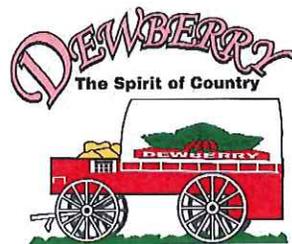


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BYLAW NO. 17-389 LAND USE BYLAW

Pursuant to the Municipal Government Act, as amended, the Council of the Village of Dewberry duly assembled, hereby enacts as follows:

PART ONE - GENERAL

1.1 Title

The title of this Bylaw shall be the Land Use Bylaw of the Village of Dewberry.

1.2 Purpose

The purpose of this Bylaw is to regulate and control the use and development of land and buildings within the municipality to achieve the orderly and economic development of land, and for that purpose, amongst other things:

- (1) to divide the municipality into districts;
- (2) to prescribe and regulate for each district the purposes for which land and buildings may be used;
- (3) to establish a method of making decisions on applications for development permits;
- (4) to provide the manner in which notice of the issuance of a development permit is to be given; and
- (5) to establish the number of dwelling units permitted on a lot.

1.3 Interpretation

In this Bylaw

"Act" means the Municipal Government Act, as amended;

"Accessory Building" means a building separate and subordinate to the principle building, the use of which is incidental to that of the principle building, and which is located on the same parcel of land;

"Accessory Use" means a use customarily incidental and subordinate to the main use or building, which is located in the same parcel of land with such main use or building;

"Agricultural Equipment Sales and Service" means development used for the sale and rental of farm implements and related parts and accessories, with incidental maintenance services.

“Automotive Sales and Service” means a development used for the retail sale or rental of new or used automobiles and motorcycles, including light trucks and recreational vehicles, together with incidental maintenance services and sale of parts.

“Automotive Repair and Service” means land, buildings and structures used for the mechanical repair and servicing of vehicles, motorcycles, and recreation vehicles or craft and may include the accessory sale, installation or servicing of related parts and accessories.

"Building" includes anything constructed or placed on, in, over, or under land but does not include a road or a bridge forming part of a road;

“Cemetery” means the development of a parcel of land primarily as landscaped open space for the entombment of the deceased, and may include accessory developments such as crematories and mausoleums. Typical uses include memorial parks, burial grounds, and gardens of remembrance.

“Community Facility” means an indoor or outdoor recreation facility intended to serve the community at large. Typical Uses include club houses, community centres, gymnasiums, hockey rinks, museums, swimming pools, theatres, or tourist information/interpretive centres.

"Corner Parcel of Land" means a parcel of land with boundary lines on two separate roads or a single road that curves at an angle of sixty (60) degrees or more at the subject parcel of land. For the purposes of this definition, a road shall not include a lane;

"Council" means the Council of the Village of Dewberry;

"Development" means:

- (a) an excavation or stockpile and the creation of either of them, or
- (b) a building or an addition to or replacement or repair of a building and the construction or placing of any of them in, on, over or under land, or
- (c) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building, or
- (d) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building; or
- (e) the demolition or removal of a building; or
- (f) the placement of an already constructed or a partially constructed building on a lot;

"Development Authority" means the Development Authority established by the municipality's Development Authority Bylaw and appointed by Council;

"Development Permit" means a document authorizing a development issued pursuant to this Bylaw;

"Discretionary Use" means the use of land or a building provided for in this Bylaw for which a development permit may be issued upon an application having been made;

"Dwelling" means any building or structure used for residential occupancy and containing one or more dwelling units, on a permanent foundation. This use does not include a recreational vehicle, hospital, hotel or motel.

"Dwelling, Apartment" means a dwelling containing three (3) or more dwelling units, but shall not mean row housing;



Example of Dwelling, Apartment

"Dwelling, Duplex" means a dwelling containing two (2) dwelling units, which share a common wall, and which are located either side by side or one above the other, and which have a separate access to each dwelling unit. This is sometimes referred to as a semi-detached dwelling;



Example of Dwelling, Duplex

"Dwelling, Manufactured Home" (also commonly referred to as a mobile home) means a structure whether ordinarily equipped with wheels or not that is manufactured to be moved from one point to another by being towed or carried and which provides year-round living accommodation for one or more persons and can be connected to utilities;



Example of Dwelling, Manufactured Home

"Dwelling, Modular Unit" means a prefabricated or factory built frame or shell which comprises the wall or siding of a proposed dwelling. More specifically, a modular unit represents only a section of the dwelling and such a unit has neither chassis, running gear, nor its own wheels, but units may be stacked side-by-side or vertically, and completed to form one or more complete dwelling units for year-round occupancy;



Example of Dwelling, Row Housing

"Dwelling, Row Housing" means development consisting of a building containing a row of three or more Dwellings joined in whole or in part at the side only with no Dwelling being placed over another in whole or in part. Individual Dwellings are separated from one another by a Party Wall. Each Dwelling has separate, individual, and direct access to Grade.

"Dwelling, Single Detached" means a residential Building containing one (1) Dwelling Unit and is

intended as a permanent residence. A Single Detached Dwelling may include a building that has been constructed off-site (Modular Home). All Single Detached Dwellings constructed outside the Province of Alberta must meet the standards of the Alberta Safety Codes Act, as amended. Single Detached Dwellings do not include Manufactured Homes.



Example of Dwelling, Single Detached

"Dwelling Unit" means a complete dwelling or self-contained portion of a dwelling, or a set or suite of rooms for the use of one (1) household living as a single housekeeping unit, containing sleeping, cooking and separated or shared toilet facilities, and used or intended to be used as a permanent or semi-permanent residence for a household, and has an independent entrance either directly from the outside of the building or through a common area inside the building.

"Eating and Drinking Establishment" means premises where prepared food and beverages are offered for sale to the public for consumption on the premises and where live entertainment may be offered. This use includes but is not limited to bars, fast food outlets, lounges, and restaurants;

"Entertainment Establishment" means development providing facilities within an enclosed building intended for live performances, dancing, or the showing of motion pictures.

"Family Care Facility" means a facility which provides resident service in a dwelling to six (6) or fewer individuals. These individuals are handicapped, aged, disabled, or in need of adult supervision and are provided service and supervision in accordance with their individual needs. This category includes foster or boarding homes for children, group homes and family homes;

"Farming and Cultivation of Land" means an agricultural activity conducted on a parcel, which due to the nature of the operation, requires a relatively small tract of land. This includes the production of fruit, vegetables, trees, shrubs, and other specialty horticultural crops, and the production of honey. This does not include Confined Feeding Operations, poultry or hog farms, or the raising of furbearing animals, pheasants, or fish.

"Financial Service" means a development used primarily for providing banking, lending and other services relating to the management of finances.

"Floor Area" means the total area of all the floors within the principal building a parcel of land;

"Gas Bar" means a facility used for the retail sale of gasoline, lubricating oils, automotive fluids, and associated convenience store products, but does not provide auto repair or servicing. This does not include Service Stations.

"Group Care Facility" means a facility which provides resident services to seven (7) or more individuals. These individuals are handicapped, aged, or disabled, and undergoing rehabilitation, and are provided services to meet their needs. This category includes supervised uses such as group homes (all ages), halfway houses, resident schools, resident facilities and foster or boarding homes;

“Health Services” means a development used for the provision of physical and mental health services on an out-patient basis. Services may be of a preventative, diagnostic, treatment, therapeutic, rehabilitative, or counseling nature. Typical uses include medical and dental offices, health clinics, and counseling services, but does not include hospitals.

"Home Occupation" means any business, occupation, trade, profession, or craft carried on by an occupant of a dwelling as a use secondary to the residential use of the building, and which does not change the character thereof or have any exterior evidence of such secondary use other than a small sign not exceeding 2 sq. ft. in area. A home occupation does not include any outdoor storage of stock or equipment or any business, occupation, trade, profession, or craft in which more than one (1) employee, other than the occupant of the dwelling and the occupant's family, comes to or works in the dwelling;

“Hospital” means an institutional development used to provide in-patient and out-patient health care to the public. Typical developments may include a community healthcentre, accommodation for the overnight care of patients, eating establishments, offices and any other uses which are accessory to the principal use.

“Hotel” means a development used for the provision of rooms or suites for temporary sleeping accommodation where the rooms have access from a common interior corridor and may be equipped with individual kitchen facilities, and may include accessory restaurants, meeting rooms, personal services and retail stores.

“Industrial, Light” means a development used primarily for one or more of the following: processing of raw materials; manufacturing or assembling semi-finished or finished goods, products or equipment; the storage, cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial, business or household use; terminals for the storage or transshipping of materials, goods and equipment (excluding crude oil). Any indoor display, office, technical, administrative support, or retail sale operation shall be ancillary to the general industrial uses listed above. This use includes only those developments where no significant nuisance factor is created or apparent beyond the boundaries of the site.

“Industrial Vehicle and Equipment Sales and Service” means the sale, repair, rental, or storage of heavy vehicles, machinery, or mechanical equipment typically used in building, roadway, pipeline, oil field and mining, construction, manufacturing, assembling, and processing operations and agricultural production.

“Institutional Use” means uses for the purpose of assembly, education, public administration, or public service, and shall also include uses related to culture or other community, area, or regional activities as determined by the Development Authority.

"Principal Building" means a building in which is conducted the main or principle use of the parcel of land on which it is erected;

"Lot" means:

- (a) a part of a parcel of land described in a certificate of title if the boundaries of the part are separately described in the certificate of title other than by reference to a legal subdivision, or
- (b) a part of a parcel of land described in a certificate of title if the boundaries of the part are described in a certificate of title by reference to a plan of subdivision;

"Municipality" means the Village of Dewberry;

"Non-Conforming Building" 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 the land on which the building is situated becomes effective, and
- (b) that on the date the land use bylaw becomes effective does not, or when constructed will not, comply with the land use bylaw;

"Non-Conforming Use" means a lawful specific use:

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

"Office" means development primarily for the provision of professional, management, administrative, consulting, or financial services in an office setting, including offices of lawyers, accountants, travel agents, real estate and insurance firms, planners, clerical and secretarial agencies. This excludes government services, the servicing and repair of goods, the sale of goods to the customer on the site, and the manufacture or handling of a product;

"Outdoor Storage" means the accessory storage of equipment, goods, and materials in the open air where such storage of goods and materials does not involve the use of permanent structures or the material alteration of the existing state of the land.

"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, the owner of the land according to the

municipality's assessment roll.

"Parcel of Land" means the aggregate of the one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in a land titles office;

"Parking Facility" means a structure or an area providing for the parking of motor vehicles;

"Public Park" means development of land specifically designed or reserved for the general public for passive or active recreational use. It includes all natural and man-made landscaping, facilities, sports fields, trails, buildings and other structures that are consistent with the general purposes of public parkland whether or not such recreational facilities are publicly operated or operated by other organizations pursuant to arrangements with the public authority owning the park;

"Permitted Use" means the use of land or a building provided for in this Bylaw for which a development permit shall be issued upon an application having been made, provided that all of the requirements of this Bylaw are satisfied;

"Personal Service Establishment" means a development used for the provision of services to an individual which are related to the care and appearance of the body, or the cleaning and repair of personal effects. This use includes, but is not limited to barber shops, hairdressers, beauty salons, tailors, dressmakers, shoe repair shops, laundromats and dry cleaners.

"Place of Worship" means means a building or outdoor area where people regularly assemble for worship and related religious, philanthropic or social activities that is maintained and controlled for private or public worship. Typical uses include churches, chapels, mosques, temples, synagogues, convents, monasteries, halls and pavilions. It also includes accessory manses or rectories.

"Principal Building" means a building in which is conducted the main or principle use of the parcel of land on which it is erected;

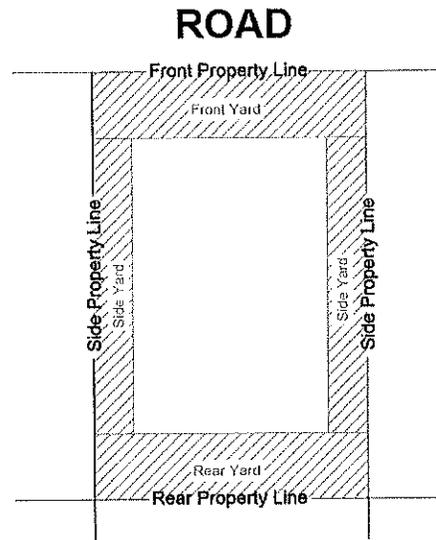
"Private Club or Lodge" means development used for the meeting, social or recreational activities of members of a non-profit philanthropic, social service, athletic, business, or fraternal organization, without on-site residences. These may include rooms for eating, drinking, and assembly.

"Property Line, Front" means the boundary line of a parcel of land lying adjacent to a road. In the case of a corner parcel of land, the shorter of the two boundary lines adjacent to the road shall be considered the front property line;

"Property Line, Rear" means the boundary line of a parcel of land lying opposite to the front line of the parcel of land and/or farthest from a road;

"Property Line, Side" means the boundary line of a parcel of land lying between a front line and a rear line of a parcel of land. In the case of a corner parcel of land, the longer of the two boundary lines adjacent to the road shall be considered a side line;

"Public Utility" means a system or works used to provide one or more of the following for public consumption, benefit, convenience or use: water or steam; sewage disposal; public transportation operated by or on behalf of the municipality; irrigation; drainage; fuel; electric power; heat; waste management; telecommunications; and includes the thing that is provided for public consumption, benefit, convenience or use, as defined in the Act;



"Retail Store" means development used for the on-site sale of consumer goods, including liquor products, and groceries, from within an enclosed building, and may include the minor repair services for small household goods. Minor public services, such as postal services and photo printing services, are permitted within Retail Stores.

"Road" means land:

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

"School" means a place of instruction offering courses of study operated with public or private funds pursuant to the School Act.

"Senior Citizens Home" means a dwelling unit(s) restricted to residents 55 years of age or older and infirm residents of similar age, and having on-site health care facilities and/or health care attendants.

"Service Station" means development used for the servicing, washing or repairing of vehicles, and the sale of gasoline, other petroleum products, and a limited range of vehicle parts and accessories. This use may also include an eating and drinking facility and/or a convenience store.

"Shopping Centre" means a Building or group of Buildings, containing retail commercial and similar uses, with shared off-street parking facilities, and which may be managed as a single unit.

"Subdivision and Development Appeal Board" means the Subdivision and Development Appeal Board established by the Council by the Subdivision and Development Appeal Board Bylaw adopted pursuant to the Act.

“Temporary Use” means a Development for which a Development Permit has been issued by the Development Authority for a limited time only.

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

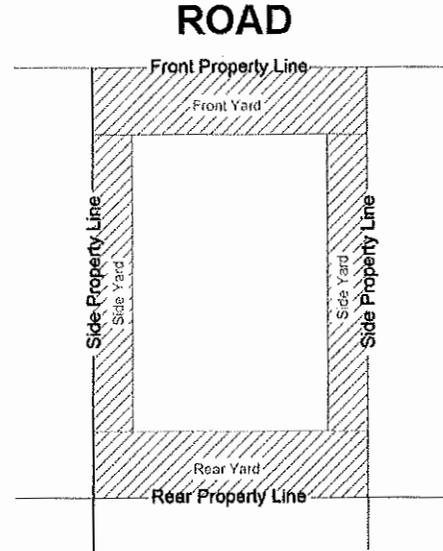
“Warehouse Sales” means Development used for the wholesale or retail sale of a limited range of bulky goods from a Site where the size and nature of the principal goods being sold typically require large floor areas for direct display to the purchaser or consumer. Typical uses include developments where goods being sold are such bulky items as furniture, carpet, major appliances, and building materials. This does not include flea markets or developments used for the retail sale of food or a broad range of goods for personal or household use.

"Yard" means a part of a parcel of land upon or over which no principle building is to be erected;

"Yard, Front" means a yard extending across the full width of a parcel of land from the front line of the parcel of land to the nearest wall of the principle building situated on the parcel of land. In the case of a curved front line, the front yard will also form a curve;

"Yard, Rear" means a yard extending across the full width of a parcel of land from the nearest wall of the principle building situated on the parcel of land to the rear line of the parcel of land;

"Yard, Side" means a yard extending from the nearest wall of the principle building situated on a parcel of land to the side line, and lying between the front and rear yards on the parcel of land;



and all other words and expressions have the meanings respectively assigned to them in the Act or in other Acts of the Legislature or in common law.

1.4 Establishment of Districts

(1) For the purpose of this Bylaw, the Village of Dewberry is divided into the following Districts:

- R - Residential District
- C - Commercial District
- M - Industrial District
- I - Institutional District
- UR - Urban Reserve District
- DC - Direct Control District

- (2) The boundaries of the districts listed in Subsection (1) are as delineated on the Land Use District Map, being Schedule A hereto.
 - (a) Where uncertainty exists as to the boundaries of Districts as shown on the Land Use District Map, the following shall apply: where a boundary is shown as following a road, lane, or water course, it shall be deemed to follow the centre line thereof.
 - (b) where a boundary is shown as approximately following a lot line, it shall be deemed to follow the lot line.
 - (c) in circumstances not covered by (a) or (b), the location of the boundary shall be determined:
 - i. where dimensions are set out on the Land Use District Map, by the dimensions so set, or
 - ii. where no dimensions are set out on the Land Use District Map with respect to such boundary, by measurement of and use of the scale shown on the Land Use District Map.
- (3) Where the application of the above rules does not determine the exact location of the boundary of a District, the Council either on its motion or upon written application being made to it by any person requesting the determination of the exact location of the boundary shall fix the portion of the District boundary in doubt or dispute in a manner consistent with the provisions of this Bylaw and the degree of detail as to measurements and directions as the circumstances may require.
- (4) After the Council has fixed a District boundary pursuant to the provisions of Subsection (4), the portion of the boundary so fixed shall not be thereafter altered except by an amendment of this Bylaw.
- (5) The Development Authority shall maintain a list of Council's decisions with respect to boundaries or portions thereof fixed by Council.

1.5 Establishment of Land Use District Regulations

Land Use District regulations shall be as set forth in Parts Six through Eight of this Bylaw.

PART TWO - AGENCIES

2.1 Development Authority

- (1) For the purposes of this Bylaw, the Development Authority shall be the person or persons appointed to be the Development Authority pursuant to the municipality's Development Authority Bylaw.
- (2) The Development Authority shall perform such duties and responsibilities that are specified in Part Three and in the Schedules of this Bylaw.
- (3) The Development Authority shall keep and maintain for the inspection of the public during all reasonable hours, a copy of this Bylaw and all amendments thereto; and keep a register of all applications for development, including the decisions thereof and the reasons therefore.
- (4) For the purposes of Section 542 of the Act, the Development Authority is hereby declared to be the designated officer.

2.2 Subdivision and Development Appeal Board

The Subdivision and Development Appeal Board established by the municipality's Subdivision and Development Appeal Board Bylaw shall perform such duties as are specified in Part Four of this Bylaw.

PART THREE - DEVELOPMENT PERMITS, RULES AND PROCEDURES

3.1 Control of Development

No development other than that designated in Section 3.2 shall be undertaken within the municipality unless an application for it has been approved and a development permit has been issued.

3.2 Development Not Requiring a Development Permit

The following development shall not require a development permit:

- (1) The carrying out of works of maintenance or repair to any building, provided that such works do not include structural alterations or major works of renovation.
- (2) The completion of a building which was lawfully under construction at the date of the adoption of this Bylaw, provided that the building is completed in accordance with the terms of any permit granted in respect of it and subject to the conditions to which such permit was granted, and provided also that the building, whether or not a permit was granted in respect of it, is completed within a period of twelve (12) months from the said date of adoption.
- (3) The use of any such buildings as referred to in subsection (2) for the purpose for which construction was commenced.
- (4) The erection, construction, or maintenance, improvement or alteration of gates, fences, walls or other means of enclosure, unless the gate, fence, wall, etc. exceeds the regulations indicated in Section 6.5 of Part Six hereof.
- (5) A temporary building, the sole purpose of which is incidental to the erection or alteration of a building, for which a permit has been issued under this Bylaw.
- (6) The maintenance and repair of public works, services and utilities carried out by or on behalf of federal, provincial and municipal public authorities on land which is publicly owned or controlled.
- (7) An accessory building or structure with a gross floor area of under 11.15 sq. m (120 sq. ft.), unless the accessory building or structure does not satisfy the regulations indicated in Section 6.10 of Part Six hereof.
- (8) Landscaping where the proposed grades will not adversely affect the subject or adjacent parcels of land, including the hard-surfacing of part of a lot in the Residential District for the purposes of providing vehicular access from a road to an attached or detached garage or carport.

- (9) The demolition or removal of any building or structure for which erection a development permit would not be required pursuant to Subsections (4) through (7) above, both inclusive.

3.3 Non-Conforming Buildings and Uses

- (1) A non-conforming use of land or a building may be continued, but if that use is discontinued for a period of six (6) consecutive months or more, any future use of the land or building must conform with this Bylaw.
- (2) A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made thereto or therein.
- (3) A non-conforming use of part of a lot may not be extended or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed upon the lot while the non-conforming use continues.
- (4) A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except:
 - (a) to make it a conforming building, or
 - (b) for the routine maintenance of the building, if the Development Authority considers it necessary, or
- (5) If a non-conforming building is damaged or destroyed to the extent of more than 75 percent of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with this Bylaw.
- (6) The use of land or the use of a building is not affected by a change of ownership, tenancy, or occupancy of the land or building.

3.4 Permission for Development

- (1) An application for a development permit shall be made to the Development Authority in writing, in the form required by the Development Authority, and shall be accompanied by:
 - (a) a site plan showing the legal description; the front, rear, and side yards, if any; any provision for off-street loading and vehicle parking; and access and egress points to the site;

- (b) a statement of the proposed uses;
 - (c) a statement of ownership of the land and the interest of the applicant therein;
 - (d) the estimated commencement and completion dates;
 - (e) the estimated cost of the project or contract price; and
 - (f) a recent title search (within the last 30 days) of the land affected or other documents satisfactory to the Development Authority showing the applicant's interest in the said land.
- (2) Each application for a development permit shall be accompanied by a fee as established by resolution of Council.
- (3) The Development Authority may also require additional information in order to assess the conformity of a proposed development with this Bylaw before consideration of the development permit application shall commence. Such information may include floor plans, elevations and sections of any proposed buildings; grading and landscaping plans; and, in the case of the placement of an already constructed or partially constructed building on a lot, information relating to the age and condition of the building and its compatibility with the District in which it is to be located.
- (4) The Development Authority shall receive, review, consider and decide on all applications for a development permit.

Complete Applications

- (5) The Development Authority must, within 20 days after the receipt of an application for a development permit, determine whether the application is complete. This time period may be extended by an agreement in writing between the applicant and the Development Authority.
- (6) If the Development Authority does not make a determination referred to in subsection (5), within the timeframe required under subsection (5), the application is deemed to be complete.
- (7) An application is complete if, in the opinion of the Development Authority, the application contains the documents and other information necessary to review the application.
- (8) If a Development Authority determines that the application is complete, the Development Authority must issue to the applicant a written acknowledgement that application is complete.

- (9) If the Development Authority determines that the application is incomplete, the Development Authority must issue to the applicant a written notice that the application is incomplete and that any outstanding documents and information referred to in the notice must be submitted by a date set out in the notice or a later date agreed on between the applicant and the Development Authority in order for the application to be considered complete.
- (10) If the Development Authority determines that the information and documents submitted under section (9) are complete, the Development Authority must issue to the applicant an acknowledgement in writing that the application is complete.
- (11) If the applicant fails to submit all the outstanding information and documents on or before the date referred to in subsection (10), the application is deemed to be refused.
- (12) If an application is deemed to be refused under subsection (11) the Development Authority must issue to the applicant a written notice that the application has been refused and the reason for the refusal.
- (13) Despite the issuance of a written notice that the application is deemed complete under subsections (8) and (10), in the course of reviewing the application, the Development Authority may request additional information or documentation from the applicant that the Development Authority considers necessary to review the application.

Decisions

- (14) The Development Authority must make a decision on the application for a development permit within 40 days after the receipt by the applicant of an acknowledgement under subsections (8) and (10). However, this time period may be extended by an agreement in writing between the applicant and the Development Authority.
- (15) If the Development Authority does not make a decision referred to in subsection (14) within the time required under subsection (14), the application is, at the option of the applicant, deemed to be refused.
- (16) A decision of a Development Authority must state:
 - (a) Whether an appeal lies to a subdivision and development appeal board or to the Municipal Government Board, and
 - (b) If an application for a development permit is refused, the reason for the refusal.
- (17) In making a decision, the Development Authority may approve the application unconditionally, approve the application subject to those conditions considered appropriate, approve the application permanently or for a limited period of time, or refuse the application.

- (18) The Development Authority may require that as a condition of issuing a development permit, the applicant enter into an agreement to construct or pay for the construction of roads, pedestrian walkways or parking areas which serve the development or which connect the walkway with another walkway system that serves or is proposed to serve an adjacent development, to install or pay for the installation of public utilities other than telecommunications systems or works, to pay an off-site levy imposed by bylaw, and/or to give security to ensure that the terms of the agreement noted herein are carried out.
- (19) In the case where an application for a development permit has been refused pursuant to this Part or ultimately after appeal pursuant to Part Four of this Bylaw, the Development Authority may or may not, at their sole discretion, accept the submission of another application for a permit on the same parcel of land and for the same or similar use by the same or any other applicant for six (6) months after the date of the refusal.
- (20) In the case where a proposed specific use of land or a building is not provided for in any District in the Bylaw, the Development Authority may determine that such use is similar in character and purpose to a permitted or discretionary use prescribed for a particular District in Part Eight.

3.5 Development Permits and Notices

- (1) A development permit for a permitted use where the provisions of this bylaw were neither relaxed nor varied in the decision of the Development Authority comes into effect immediately after its issuance.
- (2) All other development permits granted pursuant to this Part do not come into effect until fifteen (15) days after the date a decision on a development permit is publicized as described in Subsection (4). Any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant.
- (3) Where an appeal is made pursuant to Part Four of this Bylaw, a development permit which has been granted shall not come into effect until the appeal has been determined and the permit has been confirmed, modified or nullified thereby.
- (4) When a permit has been issued, the Development Authority shall immediately:
 - (a) post a notice of the decision conspicuously on the property for which the application has been made; and/or
 - (b) mail a notice in writing to all adjacent land owners who, in the sole opinion of the Development Authority, may be affected; and/or
 - (c) publish a notice of the decision in a newspaper circulating in the municipality stating the location of the property for which the application has been made and the use approved.

- (5) Notwithstanding Subsection (4) above, no notice shall be given in respect of the issuance of a development permit for a permitted use unless the provisions of this Bylaw were relaxed or varied in the decision of the Development Authority.
- (6) If the development authorized by a permit is not commenced within twelve (12) months from the date of the issue of the development permit, and carried out with reasonable diligence, the permit is deemed to be void, unless an extension to this period is granted by the Development Authority.
- (7) A decision of the Development Authority on an application for a development permit shall be given in writing and a copy of it sent to the applicant.

3.6 Discretionary Use Assessment Criteria

- (1) The Development Authority may approve a discretionary use application if the proposed development is in compliance with:
 - (a) The Municipal Development Plan;
 - (b) The general intent of the land use district;
 - (c) Any additional Village policies and standards.
- (2) When assessing an application for a discretionary use, the Development Authority shall consider:
 - (a) Compatibility of the proposed use with surrounding properties, with attention paid to form, function and scale;
 - (b) Site suitability, with consideration given to soil stability and natural hazard areas;
 - (c) Traffic generation and parking/loading impacts on road network capacities and surrounding properties;
 - (d) Location and capacity of existing and proposed public utilities and servicing infrastructure to accommodate the development.

3.7 Direct Control Districts

- (1) Where Council wishes to exercise particular control over the development of a parcel, they may designate that area as a Direct Control District under this Bylaw.
- (2) Uses and development regulations of the Direct Control District will be as determined by Council.

- (3) When evaluating a proposed subdivision or development application in a Direct Control District, Council shall have regard for, but not limited to:
 - (a) The existing land use;
 - (b) Surrounding land uses;
 - (c) The general regulations as contained within this Bylaw;
 - (d) The impact of the proposed use or activities on surrounding properties and amenities, with respect to noise, noxious emissions and general nuisances.
- (4) Applications submitted under a Direct Control District will be received, considered and decided upon by council, or council may delegate the decision to a development authority, with directions that it considers appropriate.
- (5) At some point, as determined by Council, prior to deciding upon the subdivision or development permit application before it, Council shall provide public notice, through means and to whom it considers necessary, that a decision on a subdivision or development permit pursuant to a Direct Control District is to be made and that Council shall afford an opportunity to any interested person to make representation on the application and shall take into account any such representations made when giving final consideration to the said application.

3.8 Variance Provisions

- (1) The Development Authority may, in deciding upon an application for a permitted use, allow a variance of the stated setback or other quantitative development regulation provided that:
 - (a) in the opinion of the Development Authority, such variance does not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of land;
 - (b) The variance does not adversely impact the enjoyment of adjoining residents through increased shadows, or invasion of privacy;
 - (c) the proposed development is consistent with the general intent of the district and overall character of the surrounding area.

PART FOUR - APPEALS

4.1 Appeal Procedure

- (1) An appeal may be made to the Subdivision and Development Appeal Board (the Board) where a Development Authority
 - (a) refuses or fails to issue a development permit to a person within forty (40) days of receipt of the application, or
 - (b) issues a development permit subject to conditions, or
 - (c) issues an order under Section 5.1 of this Bylaw.
- (2) Notwithstanding Subsection (1) above, no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of this Bylaw were relaxed, varied or misinterpreted or the application was deemed to be refused.
- (3) The person applying for the permit or affected by the order, or any other person affected by an order, decision or development permit of the Development Authority may appeal to the Board.
- (4) An appeal shall be made by serving a written notice of appeal, together with reasons, to the Secretary of the Board within fourteen (14) days after
 - (a) the date on which the person is notified of the order, decision or permit issued in accordance with Section 3.5(4); or
 - (b) the forty (40) day period referred to in Subsection 3.4.14 has expired.
 - i. For the purpose of subsection 4(a), the date of notification of an order or decision or the issuance of a development permit is deemed to be 7 days from the date the order or decision or notice of issuance of the development permit is mailed.
- (5) With respect to applications made under a direct control district pursuant to section 3.7 of this Bylaw:
 - (a) Where a decision is made by council, there is no appeal to the subdivision and development appeal board, or
 - (b) Where a decision is made by a development authority, the appeal is limited to whether the development authority followed the directions of council, and if the subdivision and development authority did not follow the directions it may, in accordance with the directions, substitute its decisions for the development authority's decision.

4.2 Public Hearing

- (1) Within thirty (30) days of receipt of a notice of appeal, the Board shall hold a public hearing respecting the appeal.
- (2) The Board shall give at least five (5) days notice in writing of the public hearing to:
 - (a) the appellant;
 - (b) the Development Authority from whose order, decision or development permit the appeal is made;
 - (c) those adjacent land owners who were notified under Section 3.5(4)(b) and any other person who, in the opinion of the Board, are affected by the order, decision or permit; and
 - (d) such other persons as the Board specifies.
- (3) The Board shall make available for public inspection before the commencement of the public hearing all relevant documents and materials respecting the appeal including:
 - (a) the application for the development permit, its refusal and the appeal therefrom; or
 - (b) the order of the Development Authority under Section 5.1, as the case may be.
- (4) At the public hearing referred to in Subsection (1), the Board shall hear:
 - (a) the appellant or any other person acting on behalf of the appellant;
 - (b) the Development Authority from whose order, decision or development permit the appeal is made, or if a person is designated to act on behalf of the Development Authority, that person;
 - (c) any other person who was served with notice of the hearing and who wishes to be heard or a person acting on behalf of any such person; and
 - (d) any other person who claims to be affected by the order, decision or permit and that the Board agrees to hear or a person acting on behalf of any such person.

4.3 Decision

- (1) The Board shall give its decision in writing together with reasons for the decision within fifteen (15) days of the conclusion of the hearing.
- (2) A decision made under this part of the Bylaw is final and binding on all parties and all persons

subject only to an appeal upon a question of jurisdiction or law pursuant to the Act. An application for leave to the Court of Appeal shall be made:

- (a) to a judge of the Court of Appeal; and
- (b) within thirty (30) days after the issuance of the order, decision, permit or approval sought to be appealed.

PART FIVE - ENFORCEMENT AND ADMINISTRATION

5.1 Contravention

- (1) Where a Development Authority finds that a development or use of land or buildings is not in accordance with:
 - (a) the Act or the regulations made thereunder, or
 - (b) a development permit or subdivision approval, or
 - (c) this Bylaw,

the Development Authority may, by notice in writing, order the owner, the person in possession of the land or buildings, or the person responsible for the contravention, or all or any of them to:

- (i) stop the development or use of the land or buildings in whole or in part as directed by the notice, and/or
- (ii) demolish, remove or replace the development, and/or
- (iii) take such other measures as are specified in the notice so that the development or use of the land or buildings is in accordance with the Act, the regulations made thereunder, a development permit, subdivision approval or this Bylaw,

as the case may be.

- (2) Where a person fails or refuses to comply with an order directed to him under Subsection (1) or an order of the Subdivision and Development Appeal Board within the time specified, the Development Authority may, in accordance with Section 542 of the Act, enter upon the land or building and take such action as is necessary to carry out the order.
- (3) A person found guilty of an offence is liable to a fine of not more than \$ 10,000.00 or to imprisonment for not more than one year, or to both fine and imprisonment, pursuant to Section 566 of the Act.
- (4) Where the Development Authority carries out an order, the Council shall cause the costs and expenses incurred in carrying out the order to be placed on the tax roll as an additional tax against the property concerned, and that amount shall be collected in the same manner as taxes on land.

5.2 Application to Amend Bylaw

- (1) A person may apply to have this Bylaw amended, by applying in writing, identifying reasons in support of the application and paying the fee therefore required under Section 5.3.
- (2) Council may at any time initiate an amendment to this Bylaw by directing the Development Authority to initiate an application therefore.

5.3 Form of Application

- (1) All applications for amendment to this Bylaw shall be made to the Council on the form provided by the municipality and shall be accompanied by:
 - (a) an application fee as established by resolution of Council; and
 - (b) a recent title search (within the last 30 days) of the land affected or other documents satisfactory to the Development Authority showing the applicant's interest in the said land, and
 - (c) drawings showing the subject site, the proposed District and the proposed use and development to be proposed on the site, if applicable.

5.4 Amending Bylaws

All amendments to this Bylaw shall be made by Council by bylaw and in conformity with the Act.

5.5 Schedules

Schedule B is part of this Bylaw.

5.6 Repealing Existing Controls

Bylaw No. 295, as amended, is hereby repealed.

5.7 Date of Commencement

This Bylaw comes into effect upon the date of it finally being passed by Council.

PART SIX - GENERAL PROVISIONS

6.1 Subdivision of Land

Where the development of land involves a subdivision of land, no development permit shall be issued until the subdivision has been registered at the Land Titles Office.

6.2 Dwelling Units on a Parcel of Land

In any district permitting a single detached dwelling, no permit shall be granted for the erection of more than one (1) single detached dwelling unit on a single parcel of land.

6.3 Minimum Parcel of Land Area

With the approval of the Development Authority the minimum area of a parcel of land may be less in the case of existing substandard lots.

6.4 TopSoil Excavation

No person shall commence or continue the removal of topsoil without first obtaining a development permit. There shall be provided upon the occupancy of a development, a minimum topsoil coverage of 6 inches (15cm) and the affected area shall be landscaped to the satisfaction of the Development Authority. Grading shall be designed so that drainage does not enter an adjoining property.

6.5 Fences and Walls

- (1) Notwithstanding any regulation respecting required yard to the contrary in this Bylaw, a fence or hedge may be constructed along a boundary line of a lot.
- (2) No fence, wall or hedge in any Residential District shall be:
 - (a) higher than 1.8m (6 ft.) in side yards and rear yards, such height to be measured as the average elevation from the ground at the fence or wall unless otherwise provided in this Bylaw; or
 - (b) higher than 0.9m (3 ft.) in front yards, except in the case of a corner parcel of land, the side yard adjacent to the road shall be deemed to be a front yard for the purpose of this Subsection; or
 - (c) higher than 0.9m (3 ft.) within 6.1m (20 ft.) of the intersection of lanes, roads, or any combination of them.

6.6 Landscaping

As a condition of the approval of a development permit, all required landscaping and planting must be carried out, to the satisfaction of the Development Authority, within a reasonable time (weather permitting) of the occupancy or the commencement of operation of the proposed development.

6.7 Objects Prohibited or Restricted in Yards

- (1) No person shall keep or allow in any part of any yard in any Residential District:
 - (a) any dismantled or wrecked vehicle for more than fourteen (14) successive days;
 - (b) any object or chattel which, in the opinion of the Development Authority, is unsightly or tends to adversely affect the amenities of the district in which it is located;
 - (c) any excavation, storage or piling up of materials required during construction unless all necessary safety measures are taken, and the owner of such materials or excavations assumes full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work; or
 - (d) a commercial vehicle loaded or unloaded of a maximum weight in excess of 4082 kg (9000 lbs.)
- (2) No person shall keep or allow in any part of any front yard in any Residential District:
 - (a) a commercial vehicle or a recreational vehicle, or
 - (b) an accessory building, use or parking space, without the specific approval of the Development Authority.

6.8 Projection into Yards

If fireplaces or balconies are developed, yard requirements shall be measured from the leading edge of the fireplace or balcony.

6.9 Site Development

The design, siting, external finish, architectural appearance and landscaping generally of all buildings, including any accessory buildings or structures and signs, and any reconstruction, shall be to the satisfaction of the Development Authority in order that there shall be general conformity in such matters with adjacent buildings.

6.10 Accessory Buildings

- (1) An accessory building shall not be used as a dwelling.
- (2) The siting of an accessory building on an irregularly-shaped parcel of land shall be as required by the Development Authority.
- (3) No accessory buildings, other than fences that otherwise comply with this Bylaw, shall be located in the front yard.
- (4) No accessory building, other than a fence, deck or patio, shall be located closer than 2.1m (7 ft.) to a principal building.
- (5) The height of an accessory building shall not exceed 4.6m (15 ft.) nor one (1) storey.
- (6) Where a structure is attached to the principal building on a lot by a roof, an open or enclosed structure, a floor or a foundation, it is to be considered a part of the principal building and is not an accessory building.

6.11 Historical and Archaeological Sites

Historical sites or archaeological sites identified pursuant to the Alberta Historical Resources Act shall be protected in accordance with guidelines established under that Act.

6.12 Parking Requirements

- (1) On-site parking shall be provided in accordance with the following table:

Type of Development	Parking Requirement
Residential	Minimum 1 space per dwelling unit
Commercial	Minimum 1 space per 46.5m ² (500 sq. ft.) of gross floor area
Industrial	Minimum 1 space per 93m ² (1000 sq. ft.) or 1 per 3 employees, whichever is greater
Service Stations	Minimum 1 per employee and 2 per service bay
Hotels	1 per room
Community Facilities	Minimum 1 space per 18.6m ² (200 sq. ft.) of gross floor area.

- (2) Where the calculation of parking spaces results in a fractional number, the next highest whole number shall be used.
- (3) Parking space dimensions shall be:
 - (a) 6.0m (19.7 ft.) x 2.8m (9.2 ft.) for stalls perpendicular to the driving aisle.
 - (b) 7.0m (23.0 ft.) x 2.8m (9.2 ft.) for stalls parallel to the driving aisle.

PART SEVEN - SPECIAL PROVISIONS

7.1 Above Ground Fuel Tank Storage

The purpose of this this section is to clarify Municipal regulations in regards to above ground fuel placement within the Village limits of the Village of Dewberry. An above ground fuel tank or above ground storage tank is considered a "bulk storage container" which holds 55 gallons or 205.2 litres or greater and stored above ground.

Protection from Exposure Hazards

- (1) Fuel storage tanks and flammable liquids storage tanks shall be located in accordance with regulations under The Alberta Fire Code Act and other appropriate Provincial regulations.
- (2) Fuel storage tanks and flammable liquids storage tanks are to have received a permit from Petroleum Tank Management Association of Alberta.
- (3) All storage tanks, components and accessories for which there is either a ULC Standard or Other Recognized Document (ORD) shall be certified by ULC.
- (4) Storage tanks shall be designed and built to control emissions of volatile organic compounds in conformance With CCME - EPC - 87E. "Guideline for Controlling Emissions of Volatile Organic Compounds from Above Ground Storage Tanks.
- (5) All above ground storage tanks shall have secondary containment system.
- (6) A secondary containment system shall be:
 - (a) A single wall and single bottom storage tank placed entirely within a diked area, with an impermeable barrier in the floor of the containment area and in the dike walls; or
 - (b) A single - wall, double-bottom storage tank placed entirely within a diked area, with an impermeable barrier in the floor of the containment area around the storage tank and in the dike walls, but not underneath the storage tank; or
 - (c) An environmentally approved double line containment storage tank where a diked area would not be required.
- (7) No above ground fuel storage tanks may be placed on property located in the residentially zoned areas of the Village of Dewberry without an approval issued by Council of the Village of Dewberry in the form of a Development permit.

Installation and Placement

- (8) Above ground storage tank systems shall be installed by a company or individual that is authorized by the Province.
- (9) Installers of all above ground storage tanks shall ensure that the storage tank systems are

installed in conformance with all requirements.

- (10) Placement of any above ground storage tank system shall be in accordance with Alberta Fire Safety Code as well as any Provincial legislation that pertains.
- (11) Any above ground storage tank system must comply with all requirements for Fire Department Access, spill control and distance requirements from property lines and buildings.

Spilling or Leakage

- (12) The owner of the storage tank system where a leak or spill is known or suspected, in conjunction with the authority having jurisdiction, shall:
 - (a) take such as the authority having jurisdiction requires to verify, stop, clean up and mitigate the impact of the leak or spill;
 - (b) arrange for immediate removal of the petroleum product from the isolated leaking component of the storage tank system;
 - (c) inspect the storage tank, conduct a leak test, or remove the storage tank;
 - (d) take all reasonable steps to establish the extent of the contamination (including vapors) contain the leaked petroleum product and prevents its further migration;
 - (e) and take all reasonable steps to recover or remove escaped petroleum product.
- (13) Spills, overfills and storm runoff water from the product transfer areas shall be contained, treated and disposed of in conformance with the applicable Provincial and Territorial regulations, guidelines and policies.
- (14) No tanks for the storage of anhydrous ammonia shall be allowed within the Municipality.
- (15) Setbacks from pipelines and utility corridors shall be at the discretion of the Development Authority and Be in accordance with the appropriate Provincial legislation or regulations.

Sour Gas Facilities

- (16) No development shall be permitted within 100 m of a Level 1 sour gas facility (consisting of a well) as determined by the Alberta Energy and Utilities Board
- (17) No development shall be permitted within 500 m of a Level 2 sour gas facility as determined by the Alberta Energy and Utilities Board.
- (18) No development shall be permitted within 1500 m of a Level 3 or Level 4 sour gas facility as determined by Alberta Energy and Utilities Board.

7.2 Home Occupations

- (1) All development permits issued for home occupations shall be revocable at any time by the Development Authority, if, in his/her opinion, the use is or has become in violation of the conditions of the development permit.
- (2) A home occupation shall comply with the following regulations:
 - (a) A home occupation shall not change the principal character or external appearance of the dwelling involved, nor use more than 20% or 27.9m (300 sq. ft.), whichever is less, of the dwelling unit for business usage. There shall be no exterior display, but there may be a limited volume of on-premises sales.
 - (b) The home occupation shall not, in the opinion of the Development Authority, generate pedestrian or vehicular traffic or parking, in excess of that which is characteristic of the District in which it is located.
 - (c) The number of non-resident employees or business partners working on-site shall not exceed one (1) at any time.
 - (d) There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business allowed on the site. Storage related to the business activity shall be allowed in either the dwelling or accessory buildings.
 - (e) The home occupation shall not create any nuisance by way of noise, dust, odour, or smoke, or anything of an offensive or objectionable nature.
 - (f) There shall be no mechanical or electrical equipment used which creates external noise, or visible or audible interference with home electronics or computer equipment in adjacent dwellings.
 - (g) Notwithstanding any other provisions of this Bylaw to the contrary, a dwelling in which a home occupation is located may have one fascia sign placed on the dwelling, providing that the sign does not exceed 0.19m² (2 sq. ft.) in area.
 - (h) Home occupations shall not involve activities that use or store hazardous material in quantities exceeding those found in a normal household.

7.3 Industrial Development

- (1) An application for the establishment of an industrial use shall be considered by the Development Authority after requesting advisory comment by those Provincial agencies or authorities whose interest or jurisdiction may be affected. The Development Authority shall request that such comments be made in writing.

- (2) Each application for an industrial use shall be accompanied by the following information related to the application, in addition to the information required pursuant to Section 3.4(1), (2), and (3) of this Bylaw:

- i. Type of industry
- ii. Size of buildings
- iii. Number of employees
- iv. Estimated water demand and anticipated source
- v. Type of effluent and method of treatment
- vi. Transportation routes to be used (rail and road)
- vii. Reason for specific location
- viii. Any accessory works required (pipeline, railway spurs, etc.)

and/or any such other information as may be reasonably required by the Development Authority.

7.4 Manufactured Homes

- (1) Manufactured homes shall have Canadian Standards Association Certification.
- (2) All accessory structures, such as patios, porches, additions and skirtings, shall be
 - (a) factory-prefabricated units or the equivalent thereof, and so designed and erected as to harmonize with the manufactured homes;
 - (b) considered as part of the principal building; and
 - (c) erected only after obtaining a Development Permit
- (3) A manufactured home shall be skirted from the floor level to the ground level. The skirting shall match the external finish of the manufactured home.
- (4) The floor area of porches and additions shall be proportional to the floor area of the manufactured home, and this relationship shall be determined by the Development Authority.
- (5) No accessory building or use, other than parking spaces, shall be located in the front yard of a manufactured home.
- (6) The storage of any furniture, domestic equipment, or seasonally used equipment shall be adequately covered or screened, either individually on the manufactured home parcel of land or communally, and said storage shall conform to the Building, Fire, Electrical and Plumbing Codes.
- (7) The hitch and wheels are to be removed from the manufactured home.

- (8) All manufactured homes shall be placed on a foundation or base. The manufactured home is to be attached by means of bolting or otherwise to the foundation or base.
- (9) The parcel of land is to be fully landscaped in accordance with an approved landscape plan within one (1) year from the date of issuance of the development permit.
- (10) The minimum parcel size may be less in the case of existing registered substandard lots, with the approval of the Development Authority.

7.5 Signs

- (1) No signs or advertising structures of a commercial, directional or informative nature shall be erected on land or affixed to any exterior surface of any building or structure unless an application for this purpose has been approved and a development permit has been issued.
- (2) No signs or advertising structures shall be erected on or affixed to private property without the prior consent of the property owner or tenant.
- (3) No signs, billboards, advertising structures or signboards shall be erected on or affixed to public property without the prior consent of the appropriate public body.
- (4) Notwithstanding the generality of Subsection (1) above, nor the provisions of Subsections (2) and (3) above, the following signs may be erected on land or affixed to the exterior surface of a building or structure without application for a development permit, provided that no such signs shall be illuminated:
 - (a) Signs for the purpose of identification, direction and warning or relating to a person, partnership or company carrying on a profession, business or trade, or relating to an institution of a religious, educational, cultural, recreational or similar character or to a hotel, an apartment, a club, or a similar institution, not exceeding 1.1m² (12 sq. ft.) and limited to one (1) sign per parcel of land.
 - (b) Temporary advertisements relating to the sale or letting of land, the sale of goods or livestock, the carrying out of building or similar work, announcements of any local event of a religious, educational, cultural, political or similar character not exceeding 1.86m² (20 sq. ft.), provided that all such temporary advertisements shall be removed by the advertiser within fifteen (15) days of the completion of the event or works to which such advertisements relate.
 - (c) Advertisements or signs in relation to the function of local authorities, utility boards, or other public or quasi-public bodies.
- (5) No sign or advertisement shall resemble or conflict with a traffic sign, nor shall it be a traffic hazard.

- (6) All signs used for advertising shall be kept in a safe, clean and tidy condition and may, by resolution of Council, be required to be renovated or removed.
- (7) No signs or advertising structures other than those specified under Subsection (4) above shall be permitted in the Residential District.

PART EIGHT - DISTRICT REGULATIONS

8.1 RESIDENTIAL DISTRICT - R

Purpose and Intent

The General Purpose of this District is to allow for the development of a variety of low, medium, and high density residential development together with other uses which are considered to be compatible within this zone.

1. Permitted Uses

- (a) Dwelling, Single Detached
- (b) Buildings and Uses Accessory to permitted uses
- (c) Public Utility
- (d) Public Park

2. Discretionary Uses

- (a) Dwelling, Apartment
- (b) Place of Worship
- (c) Dwelling, Duplex
- (d) Family care facility
- (e) Group care facilities
- (f) Home occupation
- (g) Institutional Use
- (h) Dwelling, Manufactured home
- (h) Dwelling, Modular unit
- (i) Row housing
- (j) Buildings and Uses accessory to discretionary uses

3. Regulations

- (a) Minimum parcel of land area - 371.6m² (4000 sq. ft.)
- (b) Minimum front yard - 7.6m (25 ft.)
- (c) Minimum rear yard - 6.1m (20 ft.)
- (d) Minimum side yard - 0.91m (3 ft.), except, on a Corner Lot, 3.0 m² (10 ft.) on the side yard abutting the road.
- (e) Minimum floor area - 78m² (840 sq. ft.)

- (f) Maximum building height: 3 storeys or 12 m (39 ft.)

4. Special Provisions

- (1) In addition to the regulations for Manufactured (Mobile) Homes outlined in section 7.4, the following regulations shall apply within the Mobile Home Subdivision located at the northwest Corner of the Village of Dewberry, as per bylaw 360-13:
 - (a) There are to be no restrictions in regards to number of mobile home lots sold;
 - (b) Each mobile home is to be placed in a north-south direction with a 1.5m (5ft.) side yard setback;
 - (c) The roof of mobile homes may be either flat or peaked;
 - (d) The base may be either piling or cement pad;

8.2 COMMERCIAL DISTRICT- C

Purpose and Intent

The General Purpose of this District is to permit commercial development in the Central Business District and other appropriate locations within the municipality. The District allows for the development of retail, retail service, financial and personal service businesses as permitted uses, and discretionary uses at approved locations.

1. Permitted Uses

- (a) Financial Service
- (b) Office
- (c) Personal Service Establishment
- (d) Public Utility
- (e) Eating and Drinking Establishment
- (f) Retail store
- (g) Shopping Centre
- (h) Buildings and Uses accessory to permitted uses

2. Discretionary Uses

- (a) Agricultural equipment sales and service
- (b) Automotive Sales and Service
- (c) Automotive Repair and Service
- (d) Entertainment Establishment
- (e) Gas Bar
- (f) Health Services
- (g) Hotel
- (h) Industrial Vehicle and Equipment Sales and Service
- (i) Parking Facility
- (j) Public Park,
- (k) Private Club or Lodge
- (l) Public or quasi-public buildings and uses
- (m) Service station
- (n) Warehouse Sales
- (o) Dwelling units in a building used for any of the above mentioned permitted or discretionary uses
- (p) Buildings and Uses Accessory to discretionary uses

3. Regulations

- (a) Minimum parcel size – 300m² (3229sq. ft.)

- (b) Minimum parcel width – 6.0m (19.6ft.)
- (c) Minimum front yard – 3.0m (9.8ft.)
- (d) Minimum rear and side yard: 3.0m (9.8ft.).
- (e) Notwithstanding (c), where adjacent to a residential use or district, a transitional landscaped buffer may be required.
- (f) Maximum height – 12.0m (39.3ft.)
- (g) All parking shall be required on site.

8.3 INDUSTRIAL DISTRICT - M

Purpose and Intent

The General Purpose of this District is to provide opportunities for light industrial manufacturing, and secondary commercial uses. Uses and operations within this District shall not cause or permit any external nuisance from being emitted beyond any building containing the processes. Nuisance and dangerous conditions may include but not be limited to: noise, vibration, smoke, dust and other kinds of particulate matter, odour, toxic and noxious matter, radiation hazards, fire and explosive hazards, heat, humidity and glare.

1. Permitted Uses

- (a) Automotive Repair and Service
- (b) Automotive Sales and Service
- (c) Gas Bar
- (d) Industrial, Light
- (e) Service Station
- (f) Warehousing
- (g) Warehouse Sales
- (h) Buildings and uses accessory to permitted uses

2. Discretionary Uses

- (a) Industrial uses that may be obnoxious by reason of emission of odours, dust, smoke, gas noise or vibration.
- (b) Agricultural, municipal, and recreational uses that are not restrictive and are compatible with an industrial area.
- (c) Buildings and uses accessory to discretionary uses.

3. Regulations

- (a) Minimum front yard: 7.6m (25.0ft.)
- (b) Minimum rear and side yard setbacks: 6.0m (19.7ft.).
- (c) Notwithstanding (b), where the property line is adjacent to a residential or institutional district or use, these setbacks may be increased, at the discretion of the development authority.
- (d) Minimum site width: 30.0m (98.4ft.)
- (e) Maximum building height: 15.0m (49.2ft.)

- (f) Where the property line is adjacent to a residential district or use, a vegetated screen or fence with a minimum height of 1.82m (6.0ft.) shall be required.
- (g) No outdoor storage shall be permitted within the front yard.
- (h) In reviewing applications for both permitted and discretionary uses, the Development Authority shall consider any impacts of the proposed development that would adversely impact the use and enjoyment of adjacent land uses and districts, such as traffic, noise, dust or odours, and consider measures related to site design, and screening to mitigate these impacts.

8.4 INSTITUTIONAL DISTRICT - I

Purpose and Intent

The General Purpose of this District is to permit development of uses of either a public or private nature which provide services to the community.

1. Permitted Uses

- (a) Community Facility
- (b) Hospitals and Nursing Homes
- (c) Institutional Use
- (d) Place of Worship
- (e) Public Park
- (f) Public Utilities
- (g) Schools
- (h) Senior citizens home
- (i) Buildings and uses accessory to permitted uses

2. Discretionary Uses

- (a) Cemetery
- (b) Private Club or Lodge
- (c) Buildings and uses accessory to discretionary uses

3. Regulations

- (a) Minimum Front, Rear and Side Yard setbacks: 6.0m (19.7ft.).
- (b) In reviewing applications for both permitted and discretionary uses, the Development Authority shall consider any impacts of the proposed development that would adversely impact the use and enjoyment of adjacent land uses and districts, such as traffic, noise, dust or odours, and consider measures related to site design, and screening to mitigate these impacts.

8.5 FUTURE URBAN DEVELOPMENT (FUD)

Purpose and Intent

The General Purpose of this District is to identify and designate those lands on the periphery of the municipality which, by their relationship to existing land uses, the main road system, and the established utility systems, will in time become suitable for general urban uses.

1. Permitted Uses

- (a) Dwelling, Single Detached
- (b) Farming and cultivation of land
- (c) Buildings and uses accessory to permitted uses

2. Discretionary Uses

- (a) Temporary use or building
- (b) Dwelling, Manufactured homes on existing parcels only
- (c) Public or quasi-public buildings and uses
- (d) Public utilities
- (e) Buildings and uses accessory to discretionary uses

3. Regulations

- (a) All the land contained in the existing Certificate of Title.
- (b) No Subdivision or Development other than for the above Uses shall take place until an overall plan for the area has been approved by Council. This plan shall comply with the provisions of the Municipal Development Plan, as amended, and should establish a satisfactory road network, all proposed land uses, the location of public reserve dedications, utilities policies.
- (c) Any Temporary Use or Building will be allowed for a period of no more than six (6) consecutive months.

8.7 DIRECT CONTROL DISTRICT (DC)

Purpose and Intent

The general purpose of this district is to provide Council with decision making powers for the development and subdivision of lands which are inappropriate for control by the other land use districts contained within this Bylaw.

1. Application

Council may consider the application and designation of Direct Control Districts to those specific sites or areas where:

- (a) a proposed development is of a unique form or nature not contemplated; or
- (b) a proposed development is not reasonably regulated by another land use district provided for in this Bylaw.

2. Permitted and Discretionary Uses

- (a) As determined by Council.

3. Regulations

- (a) As determined by Council.

8.8 DIRECT CONTROL DISTRICT 1 (DC1)

Purpose and Intent

The general intent of this district is to facilitate the controlled development of Lot 5, Block 8, Plan 802-1008, to allow for a combination of residential and light industrial uses that are compatible with surrounding lots. All development permit applications under this district shall be decided by resolution of Council.

1. Permitted Uses

- (a) Dwelling, Single Detached
- (b) Buildings and Uses Accessory to permitted uses
- (c) Public Utilities
- (d) Public Park

2. Discretionary Uses

- (a) Light Industrial Garage Facility
- (b) Light Industrial Workshop
- (c) Outdoor Storage
- (d) Warehousing

3. Regulations

- (a) Site dimensions shall be at the discretion of Council.
- (b) In reviewing applications for discretionary uses, the Development Authority shall consider any impacts of the proposed development that would affect the use and enjoyment of adjacent land uses and districts, such as traffic, noise, dust or odours, and consider measures related to site design, and screening to mitigate these impacts.

Should any provision of this Bylaw be determined to be invalid, then such provision shall be severed and the remaining bylaw shall be maintained.

This bylaw comes into force and effect on the final date of passing thereof and having been signed by the Mayor and Chief Administrative Officer.

READ a first time this _____ day of _____, 2017.

ADVERTISED on the

_____ day of _____, 2017 and a second time on the _____ day of _____, 2017.

PUBLIC HEARING held on the _____ day of _____, 2017.

READ a second time this _____ day of _____, 2017.

READ a third and final time this _____ day of _____, 2017.

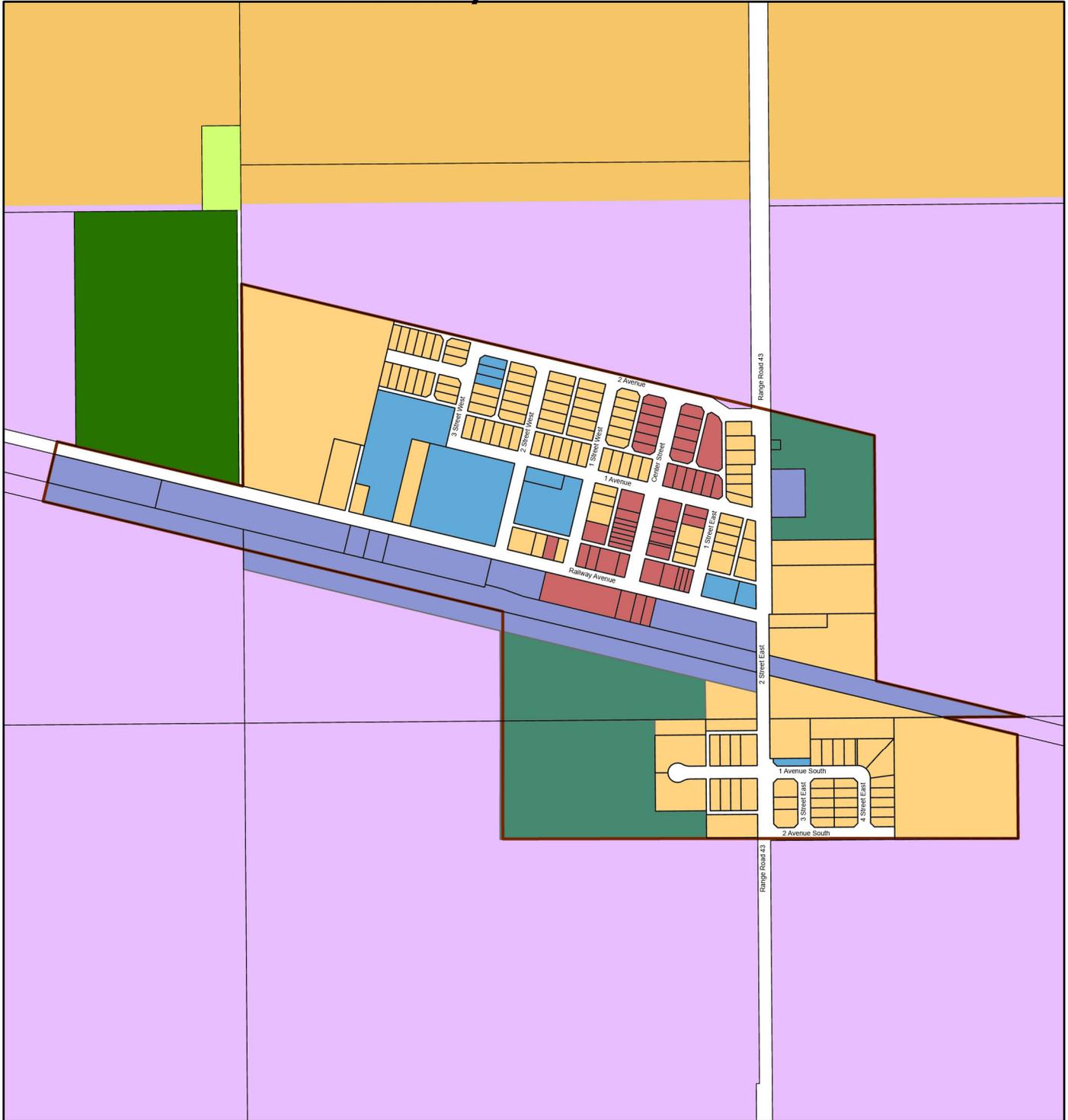
Signed this _____ day of _____, 2017.

MAYOR

CHIEF ADMINISTRATIVE OFFICER

Land Use Bylaw

Hamlet Area Structure Plan
Dewberry



Non-Residential Districts

-  Agricultural
-  Parks and Recreation
-  Highway Development
-  Urban Growth

Residential Districts

-  County Residential - Single-Lot
-  Hamlet Boundary

Other

Dewberry

-  Dewberry-Residential
-  Commercial
-  Dewberry-Industrial
-  Dewberry-Insitutional District
-  Future Urban Development

