

**TOWN OF MAYERTHORPE**

***LAND USE BYLAW  
NO. 890***

***JULY 2006***

***Prepared By:***



***Including Updates to August 17, 2009.***

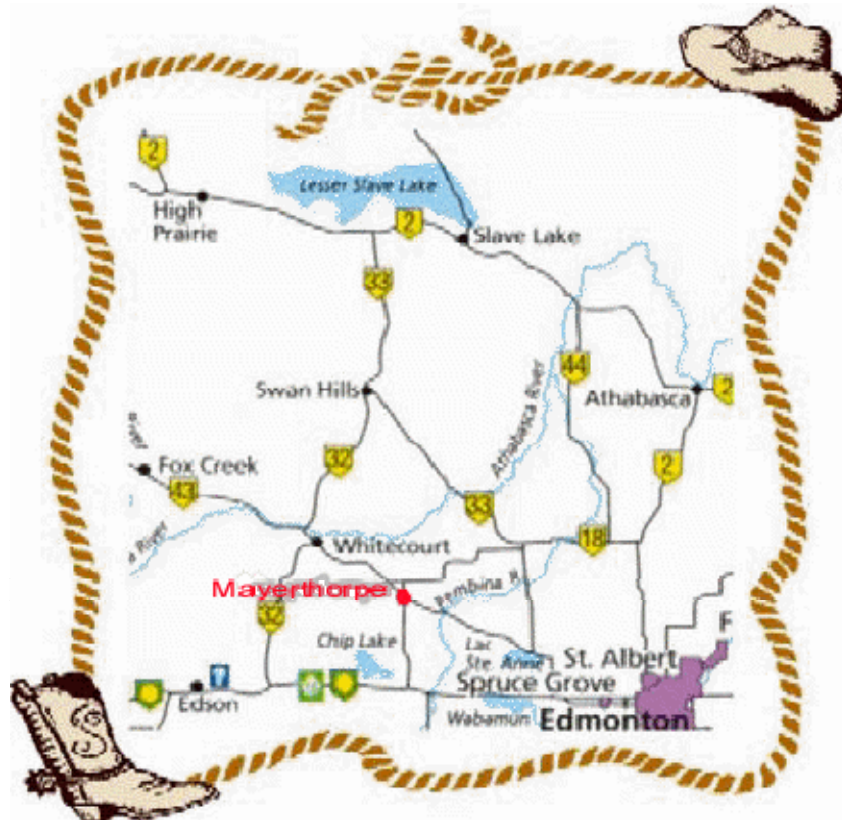
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**FIGURE NO. 1 – LOCATION MAP:**





*The Town of Mayerthorpe Land Use Bylaw is a valuable tool that allows the Town to promote quality development within the community while ensuring that substandard development, or potentially hazardous development is discouraged.*

*The Bylaw attempts to balance the discretion of local design makers with common standards that will be applied fairly to all potential developers in the community.*

*The Bylaw also strives to balance personal freedoms with the greater common good and balance stability with the opportunity for innovation.*

## **PART I - GENERAL**

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### **SECTION 1 TITLE**

This Bylaw may be cited as "The Town of Mayerthorpe Land Use Bylaw."

### **SECTION 2 SCOPE**

No development shall hereafter be carried out within the boundaries of the Town of Mayerthorpe except in conformity with the provisions of this Bylaw.

### **SECTION 3 PURPOSE**

The purpose of this Bylaw is to, amongst other things:

- (1) divide the municipality into districts;
- (2) prescribe and regulate the use(s) for each district;
- (3) establish a Development Authority for the Town and the Office of the Development Officer;
- (4) establish a method of making decisions on applications for development permits including the issuing of development permits;
- (5) provide the manner in which notice of the issuance of a development permit is to be given; and
- (6) implement the statutory plans of the Town of Mayerthorpe.

### **SECTION 4 METRIC AND IMPERIAL MEASUREMENTS**

Whenever dimensions are present or calculations are required, the metric dimensions, values or results shall be used. The imperial equivalents provided in parenthesis after each reference to metric units of measurements are approximate and intended for information only.

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## **SECTION 5 RELATIONSHIP TO THE MUNICIPAL GOVERNMENT ACT**

This Bylaw is enacted under the provisions of the Municipal Government Act, R.S.A., 2000 ("the Act"). This Bylaw is intended to be read in conjunction with the Act and its regulations. References should be made to the Act and its regulations with respect to definitions of terms, administrative matters, and the powers of agencies and officers referred to in this Bylaw, if these matters are not set out in this Bylaw.

The Municipal Government Act references contained in parenthesis in certain sections of the Bylaw are not enacted as part of this Bylaw and may be revised, as required, by the Development Authority without the adoption by Council of an amending Bylaw.

## **SECTION 6 PREVIOUS MUNICIPAL BYLAWS**

No provision of any other land use bylaw with respect to districting, development control, development schemes and land use classifications shall hereafter apply to any part of the Town described in this Bylaw, subject to the transitional provisions of this Bylaw.

## **SECTION 7 EFFECTIVE DATE**

The effective date of this Bylaw shall be the date of the third reading thereof.

## **SECTION 8 OTHER LEGISLATIVE AND BYLAW REQUIREMENTS**

Nothing in this Bylaw affects the duty or obligation of a person to obtain a development permit as required in this Bylaw, or to obtain any other permit, license, or other authorization required by any Bylaw, or Act or any regulation pursuant to those Acts.

## **SECTION 9 DEFINITIONS**

(1) In this Bylaw:

**"ACCESSORY BUILDING"** – means a building, which is separate from the principal building on the parcel where both are located and which the Development Authority decides is incidental to that of the principal building;

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**"ACCESSORY USE"** – means a use of a building or land which the Development Authority decides is incidental and subordinate to the principal use of the parcel on which it is located;

**"ACT"** – means THE MUNICIPAL GOVERNMENT ACT, R.S.A., 2000, as amended, and the regulations pursuant thereto;

**"ACCESSORY SUITE"** – or "granny suite" means a dwelling unit or portion of a dwelling unit that may be used for the housing of a specific person in order to maintain a family relationship.

**"ADJACENT LAND"** – means land that is contiguous to the parcel of land in question and includes:

- (a) land that would be contiguous if not for a highway, road, river or stream, and
- (b) any other land identified in the land use bylaw as adjacent land for the purpose of identification.

**"ADULT ENTERTAINMENT SITE"** – 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 use to some other business activity which is conducted on the premises, and wherein each separate viewing area has a capacity of less than 20 seats.

**"AMENITY AREA"** – means an area which shall be provided subject to the regulations of this Bylaw and which must be developed for the active or passive recreation and enjoyment of the occupants of a residential development. Such area may be for either private or communal use and may be under either individual or common ownership;

**"AMUSEMENT ESTABLISHMENT (INDOOR)"** – means any building or place or part thereof where patrons are normally, but not necessarily participants. Typical uses include, but are not limited to billiard parlours, electronic games, arcades, bowling alleys and theatres;

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**"AMUSEMENT ESTABLISHMENT (OUTDOOR)"** – means a development providing facilities where patrons are normally, but not necessarily participants. Typical uses include, but are not limited to, amusement parks, go-kart tracks, miniature golf establishments and golf courses;

**"ANIMAL CARE FACILITY"** – means the accommodation and care or impoundment of household pets within an enclosed building including, but not limited to, veterinary clinics, small animal shelters, and kennels;

**"APARTMENT"** – means a multiple unit dwelling no higher than three (3) stories above grade consisting of three or more dwelling units with shared entrances and other essential facilities and services provided for dwelling units above the first floor.

**"AREA REDEVELOPMENT PLAN"** – means a plan accepted or adopted by Council as an area redevelopment plan pursuant to the Municipal Government Act;

**"AREA STRUCTURE PLAN"** – means a plan accepted or adopted by Council as an area structure plan pursuant to the Municipal Government Act;

**"AUCTIONEERING ESTABLISHMENT"** – means a development specifically intended for the auctioning of goods and equipment, including the temporary storage of such goods and equipment. Auctioneering establishments do not include flea markets;

**"AUTOMOBILE SERVICE CENTRE"** – means a development or portion of a large retail establishment used exclusively for the repair and maintenance of passenger vehicles and other single-axle vehicles and excludes the sale or other distribution of petroleum products such as gasoline, propane, diesel and other fuels;

**"BOARDING FACILITIES"** – means a use consisting of sleeping facilities which may be in addition to the family accommodation and where cooking and/or sanitary facilities are not developed in addition to those which are in the dwelling unit containing the boarding facilities;

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**"BUILDING"** – includes any structure, erection, stockpile, sign or fixture that may be built or placed on land;

**"BUILDING HEIGHT"** – means the vertical distance between grade and the highest point of a building; excluding an elevator housing, a mechanical housing, a roof stairway entrance, a ventilating fan, a skylight, a steeple, a chimney, a smoke stack, a fire wall, a parapet wall, a flagpole or similar device not structurally essential to the building;

**"CANOPY"** – means a projection extending from the outside wall of a building normally for the purpose of shielding a part of the building from the sun;

**"CARETAKER'S RESIDENCE"** – means a residence that is secondary or ancillary to a principal industrial, commercial, or recreational use on the lot, and is used for the purpose of providing living accommodations for the individual who is primarily responsible for the maintenance and security of the subject property, *excludes mobile home and manufactured home. Bylaw #907.*

**"CARPORT"** – means a roofed structure used for storing or parking of not more than two private vehicles which has not less than 40% of its total perimeter open and unobstructed;

**"CAR WASH"** – means a building used for the purpose of washing motor vehicles;

**"CEMETERY"** – means a use of land or a building for interment of the deceased;

**"CHATTEL"** – means a moveable item of personal property;

**"COMMERCIAL ACCOMMODATION"** – means a hotel, motel, motor lodge or hostel from which rooms are rented on a short-term basis for the accommodation of the public. Commercial accommodation units shall contain at least one bed for each unit and may include a kitchen;

**"CONCESSION STAND"** – means a minor eating and drinking facility which services non-alcoholic beverages, contains no dedicated seating spaces, and includes operations as burger stands, ice cream stands, and other related developments;

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**"CORNER"** – means the intersection of any two property lines of a parcel;

**"COUNCIL"** – means the Council of the Town of Mayerthorpe;

**"CURB CUT"** – means the lowering of a curb, sidewalk or boulevard to provide vehicular access to a parcel;

**"DAY CARE FACILITY"** – means a facility and program for the provision of care, maintenance and supervision for four or more children under the age of fifteen years, by a person other than one related by blood or marriage, for periods of more than three (3) but less than twenty-four (24) consecutive hours, other than institutions operated by or under the authority of the Director of Child Welfare;

**"DENSITY"** – means a quantitative measure of the average number of persons, families or dwelling units per unit of area;

**"DEVELOPER"** – means an owner, agent or any person firm or company required to obtain or having obtained a development permit;

**"DEVELOPMENT"** – means development as defined in the Act, and includes the following:

- i) The carrying out of any construction or excavation, or other operations, in, on, over or under land, or the making of any change in the use or the intensity of use of any land, buildings or premises, and, without restricting the generality of the foregoing, includes the removal of topsoil. For the purposes of this Bylaw, development also means the demolition of a building;
- ii) In a building or on a parcel used for dwelling purposes, any increase in the number of families occupying and living in the building or on the parcel, and any alteration or additions which provide for an increase in the number of dwelling units within the building or on the parcel;
- iii) The placing of refuse or waste material on any land,
- iv) The resumption of the use for which land or buildings had previously been utilized,

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- v) The use of the land for the storage or repair of motor vehicles or other machinery or equipment,
- vi) The continued use of land or of a building for any purpose for which it is being used unlawfully when this Bylaw comes into effect,
- vii) The more frequent or intensive use of land for the parking of trailers, bunkhouses, portable dwellings, skid shacks or any other type of portable building whatsoever whether or not the same has been placed or affixed to the land in any way, and
- viii) Includes the erection of signs;

**"DEVELOPMENT AUTHORITY"** – means a Development Authority established pursuant to Section 624 of the Municipal Government Act and may include one or more of the following: a Development Officer, Municipal Planning Commission, an Intermunicipal Planning Commission, or any other person or organization that has been authorized by bylaw to exercise development powers on behalf of the Municipality;

**"DEVELOPMENT OFFICER"** – means a person(s) appointed by Resolution of Council, or his designate, responsible for receiving, considering and deciding on applications for development, and such other duties as specified under this Land Use Bylaw;

**"DEVELOPMENT PERMIT"** – means a certificate or document permitting a specified development and includes, where applicable, a plan or drawing or a set of plans or drawings, specifications or other documents. This permit is separate and distinct from a building permit;

**"DISCONTINUED"** – means the time at which, in the opinion of the Development Authority, substantial construction activity or a non-conforming use or conforming use has ceased;

**"DISCRETIONARY USE"** – means the use of land or buildings provided for in the District Regulations of this Bylaw, for which a development permit may be issued with or without conditions;

**"DOUBLE FRONTING PARCEL"** – means a corner parcel which is not a flanking parcel, but also includes a parcel which abuts two public streets (except alleys as defined in the Highway

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Traffic Act), which are parallel or nearly parallel where abutting the parcel;

**"DRIVE-IN BUSINESS"** – means an establishment which services customers travelling in motor vehicles driven onto the parcel where such business is carried on, where normally the customer either remains in the vehicle for service, or parks his vehicle for a short period for the purpose of doing business at the premises, and includes service stations;

**"DUPLEX, SIDE-BY-SIDE (ROW HOUSING)"** – means a building containing two dwelling units sharing one common wall regardless of the number of storeys, and in no case being located above or below each other;

**"DWELLING PERMANENT"** – means any dwelling unit or structure used exclusively for human habitation which is supported on a permanent foundation or base extending below ground level, and includes multiple dwellings, apartments, and single detached dwelling units, but does not include mobile/manufactured homes of any kind whether standing on wheels or supported by blocks, jacks, or any other temporary or hard-surfaced foundation;

**"DWELLING UNIT"** – means a complete building or self-contained portion of a building, set or suite of rooms for the use of one or more individuals living as a single housekeeping unit, containing sleeping, cooking and separated or shared toilet facilities intended as a permanent or semi-permanent residence not separated from direct access to the outside by another separate or self-contained set or suite of rooms;

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

**"EATING AND DRINKING ESTABLISHMENT"** – means a development 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 the following and such similar uses as restaurants, lounges, bars, and fast food outlets;

**"EATING AND DRINKING ESTABLISHMENT (NON-ALCOHOLIC)"** – means a development where prepared food and beverages are offered for sale to the public for consumption

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on the premises. The use includes the following and such similar uses as restaurants, burger bars, concessions, ice-cream stands, and fast food outlets;

**"ESTATE RESIDENCE"** – means a large, single detached dwelling, within the town, in a neighbourhood;

**"EXTENDED MEDICAL TREATMENT FACILITY"** – means a development which provides room, board and surgical or other medical treatment for the sick, injured, or infirm, and which may include out-patient services and accessory staff residences. Extended medical treatment facilities include hospitals, sanitariums, nursing and senior's homes, convalescent homes, isolation facilities, psychiatric hospitals, auxiliary hospitals, and detoxification centres;

**"EXTENSIVE AGRICULTURE"** – means the use of land or buildings for the raising or production of crops, and may include the keeping of livestock or poultry, generally for the lot owner's private use and/or enjoyment, but does not include feed lots, dairies, intensive hog operations, bee keeping, intensive poultry or fowl operations, or livestock yards;

**"FARM EQUIPMENT SALES AND SERVICE"** – means a facility providing for the sale, rental, service or repair of farm equipment;

**"FENCE"** – means a vertical physical barrier constructed to prevent visual intrusion, sound abatement or unauthorized access;

**"FLANKING PARCEL"** – means a corner parcel on which a side boundary is abutting onto a street and where all other parcels which are within 9.1 m (30.0 ft) of the parcel have no front boundary on the same street;

**"FLOOR AREA"** – means the greatest horizontal area of a building above grade within the outside surface of exterior walls or within the glassline of exterior walls and the centreline of fire walls but not including the floor areas of basements, attached garages, sheds, open porches or breezeways;

**"FOUNDATION"** – means the lower portion of a building, usually concrete or masonry, and includes the footings, which transfer the weight of, and loads on a building to the ground;

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**"FOURPLEX"** – means four dwelling units contained within one building structure, and so attached, that the units have no more than two service connections from the street, and each unit has its own bathroom and cooking facilities;

**"FRONTAGE"** – means the length of a street boundary measured along the front lot line. On double fronting lots all sides of a parcel adjacent to streets shall be considered frontage;

**"GARAGE"** – means an accessory building or part of the principal building, designed and used primarily for the storage of motor vehicles;

**"GAS BAR"** – means an establishment used for the sale of gasoline, propane or other fuels, the sale of lubricating oils and other automotive fluids or motor vehicle accessories, but does not include service stations or automotive repair establishments;

~~**"GENERAL INDUSTRIAL USES"** – means development used for one or more of the following activities: the manufacturing, processing, assembling, cleaning, repairing, servicing, testing, storage, warehousing distribution or shipment of materials, finished goods, products, or equipment; *Bylaw #907.*~~

**"GENERAL INDUSTRIAL USE"** – means a development where;

- (a) raw materials are processed, and/or
- (b) semi-finished or finished goods, products or equipment are manufactured and/or assembled, and/or
- (c) materials, goods and equipment normally associated with industrial or commercial business are cleaned, serviced, repaired, salvaged, and/or tested, and/or
- (d) materials, goods and equipment are stored and/or transhipped, and/or
- (e) materials, goods and equipment are distributed and/or sold to institutions and/or industrial and commercial businesses for their direct use and/or to general retail establishments and/or other retail establishments for resale to individual customers, and/or
- (f) personnel are trained in industrial operations.

*General Industrial Uses may take place outside of a building or without a main building on-site. General Industrial land uses shall have in the opinion of the Development Authority*

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*a reasonable character and appearance as viewed from a public roadway or land within an adjoining land use district.*  
**Bylaw #907.**

**"GUEST HOUSE"** – means a separate and subordinate accessory structure containing bedrooms and washroom facilities, but not containing such facilities as a kitchen or living room with a combined floor space of less than 41.8 sq. metres (450 sq. feet.);

**"GRADE, BUILDING"** – means the ground elevation established for the purpose of regulating the number of storeys and the height of a building. The building grade shall be the level ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level the grade shall be determined by averaging the elevation of the ground for each face of the building;

**"GREENHOUSE"** – means a structure that is designed for the growing of plants such as flowers, vegetables and small shrubs;

**"GROSS LEASABLE AREA"** – means the total floor area of the building contained within the outside surface of the exterior and basement walls, and includes enclosed and heated malls but excludes mechanical and utility rooms, public washrooms, stairwells and elevators;

**"GROUP CARE FACILITY"** – means a facility which provides resident services to seven or more individuals of whom one or more are unrelated. These individuals may be aged, disabled or undergoing rehabilitation, and provided services to meet their needs. This includes the following such similar uses as group homes (all ages), halfway houses, resident schools, and psychiatric care facilities. These facilities are not intended to include major institutional care facilities such as hospitals and young offender's facilities;

**"GROUP HOME"** – means a residence that is licensed or funded under an Act of the Parliament of Canada or the Province of Alberta for the accommodation of six or fewer persons, exclusive of staff, living under minimal supervision in a single housekeeping unit and who, by reason of their emotional, mental, social or physical condition or legal status, require a group living arrangement for their well-being. This use does not

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include such uses as open custody young offender's facilities or psychiatric care facilities;

**"HABITABLE ROOM"** – means a room or enclosed space used or usable for human occupancy, including but not limited to kitchens, bedrooms, living rooms, family rooms and dens, excluding NON-HABITABLE ROOMS which include bathrooms, laundries, pantries, foyers, hallways, entry ways, storage areas and rooms in basements and cellars used only for recreational purposes or any space in a dwelling providing a service function and not intended primarily for human occupancy;

**"HOME BASED BUSINESS"** – ~~means the use of a dwelling unit and/or otherwise approved accessory building to conduct business or commercial enterprise. The business portion shall be incidental or subordinate to the primary residential function and shall be limited to the confines of the residence and/or applicable accessory building.~~ **-Bylaw #933**

*means the use of a dwelling unit and/or otherwise approved accessory building to conduct business or commercial enterprise. The business portion shall be incidental or subordinate to the primary residential function and shall be limited to the confines of the residence and/or applicable accessory building. A Home Occupation will have the same general definition as a Home Based Business under this Bylaw. **Bylaw #933.***

**"HOTEL"** – means a development where members of the traveling public are lodged for brief periods of time, normally not exceeding seven (7) days, in rentable units, where access to the rentable units is from a common entranceway. A hotel may include eating and drinking establishments, meeting rooms, personal service shops, indoor amusement establishments, and general retail stores no larger than 100 sq. m (1076.9 sq. ft.), but shall not include any entertainment establishment or gambling machine establishment unless specifically approved by the Development Authority;

**"KENNEL"** – means a development in which three or more dogs and/or cats over six months in age are maintained, boarded, bred, trained or cared for in return for remuneration or kept for the purposes of sale;

**"LANDSCAPING"** – means to preserve or change the natural features of a parcel by adding lawns, trees, shrubs, ornamental

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plantings, fencing, walks, driveways or other structures and materials as used in modern landscape architecture;

**"LANE"** – means a public thoroughfare for vehicles, the right-of-way of which does not exceed 10.0 m (32.8 ft) and is not less than 6.0 m (19.7 ft) wide, and which provides a secondary means of access to a parcel or parcels, or as defined as an alley in the Highway Traffic Act;

**"LIGHT INDUSTRIAL USE"** - *means a development where;*

- (a) raw materials are processed, and/or*
- (b) semi-finished or finished goods, products or equipment are manufactured and/or assembled, and/or*
- (c) materials, goods and equipment normally associated with industrial or commercial business are cleaned, serviced, repaired, salvaged, and/or tested, and/or*
- (d) materials, goods and equipment are stored and/or transhipped, and/or*
- (e) materials, goods and equipment are distributed and/or sold to institutions and/or industrial and commercial businesses for their direct use and/or to general retail establishments and/or other retail establishments for resale to individual customers, and/or*
- (f) personnel are trained in industrial operations,*

*Light Industrial Uses must take place entirely within an enclosed building. In addition, the light industrial use will be one in which the operations shall take place such that, in the sole opinion of the Development Authority, they are not offensive. Light industrial uses include motor vehicle body and paint shops, but does not include the preparation of food and/or beverages for direct sale to the public.*

*Any indoor display, office, technical or administrative support areas or any retail sale operations shall be accessory and subordinate to the light industrial use activities identified above. The floor area devoted to such accessory activities shall not exceed a total of thirty-three percent (33%) of the total floor area of the building or buildings devoted to the light industrial use. **Bylaw # 907.***

**"LOADING SPACE"** – means an off-street space on the same parcel as a building or group of buildings, for the temporary parking of a commercial vehicle while commodities are being loaded or unloaded;

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**"LOT"** – means 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 and as otherwise defined in Part 17 of the Municipal Government Act;

**"LOT, CORNER"** – means a lot that is bounded on two or more sides by a public road or lane;

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**"MANUFACTURED HOME"** – means a dwelling unit which is constructed with a chassis that allows for the permanent or temporary attachment of a hitch and wheel assembly to enable relocation of the dwelling. A manufactured home may be a single structure (single wide) or two parts which when put together (double wide) comprise a complete dwelling. A manufactured home does not include a mobile home, modular home or single detached dwelling as defined under this Bylaw. Under this Bylaw, a manufactured home features the following design standards:

- i) A minimum roof pitch of 5 cm (2 inches) of vertical rise for every 30.5 cm (12 inches) of horizontal run (2:12 pitch);
- ii) Have a roof surface of wood or asphalt shingles, clay or concrete tile, slate shingles, sheet metal shingles, or hand split shakes;
- iii) Have a minimum roof overhand or eaves of 30.5 cm (1 foot) from the primary surface of each façade;
- iv) Have a minimum length width ratio of 2.5:1;
- v) A minimum floor area of 93 sq. metres (1,000 square feet) not including decks, porches or verandahs.; and
- vi) Constructed after January 1, 1991.

**"MANUFACTURED HOME COURT"** – means a parcel designated for manufactured home under this Bylaw and contains parcels designated for leasehold tenure which have not been subdivided by plan of survey;

**"MINOR"** – means where added as a prefix to a permitted or discretionary use, a use which due to its nature or relatively small size will, at the discretion of the Development Officer, have a limited impact on surrounding uses, or which is intended to serve a small or local rather than a major or municipal area;

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**"MOBILE HOME"** – means a dwelling unit, which is constructed with a chassis that allows for the permanent or temporary attachment of a hitch and wheel assembly to enable relocation of the dwelling. A mobile home may be a single structure (single wide) or two parts which when put together (double wide) comprise a complete dwelling with a minimum of 91 sq. metres (980 sq. feet) in floor area without attached decks, porches or verandahs. A mobile home does not include a manufactured home, modular home or single detached dwelling as defined under this Bylaw;

**"MODULAR HOME"** – means a factory fabricated built dwelling unit, designed to be transported on a truck in sections and assembled on site, but such sections or units have neither chassis, running gear, nor its own wheels, and the sections may be stacked side by side or vertically with a maximum length to width ratio of 2.5:1.. A modular home does not include a single detached dwelling, manufactured home or mobile home and shall have a minimum 93 square metres (1,000 sq. feet) in floor area not including decks, porches or verandahs.;

**"MULTI-UNIT DWELLING"** – means a dwelling containing three or more dwelling units other than apartments as defined under this Bylaw;

**"MUNICIPAL DEVELOPMENT PLAN"** – means the plan adopted by Bylaw as a Municipal Development Plan pursuant to Section 632 of the Municipal Government Act;

**"MUNICIPALITY"** – means the Town of Mayerthorpe, in the Province of Alberta;

**"MOTEL"** – means a development where members of the traveling public are lodged for brief periods of time, normally not exceeding seven (7) days, in rentable units, and where access to each of the rentable units is individually available from grade, either at grade or via stairways. A motel may include eating and drinking establishments, personal services shops, and general retail stores no larger than 100 sq. m (1076.9 sq. ft.), but shall not include any entertainment establishment unless specifically approved by the Development Authority;

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**"NON-CONFORMING BUILDING"** – means a building:

- i) 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
- ii) 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"** – means a lawful specific use:

- i) being made of land or a building or intended to be made of a building lawfully under construction, at the date the Land Use Bylaw or any amendment thereof affecting the land or building becomes effective, and
- ii) 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;

**"OCCUPANCY"** – means the use or intended use of a building or part thereof for the shelter or support of persons or property;

**"OFF-STREET PARKING"** – means an off-street facility for the parking of three or more vehicles;

**"OUTDOOR EATING ESTABLISHMENT"** – means an establishment where food and drink are normally consumed either outside or inside the confines of the establishment;

**"PARAPET WALL"** – means that part of an exterior, party wall or fire wall extending above the roof line or a wall which serves as a guard at the edge of a balcony or roof;

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

**"PARCEL AREA"** – means the total area of a parcel;

**"PARCEL, CORNER"** – means a parcel at the intersection of two abutting streets;

## Town of Mayerthorpe - Land Use Bylaw #890

**"PARCEL COVERAGE"** – means the combined area measured at 1.0 m (3.0 ft) above grade, of all buildings on a parcel excluding all features which would be permitted under this Bylaw as projections into required yards;

**"PARCEL DEPTH"** – means the average distance between the front and rear property lines;

**"PARCEL INTERIOR"** – means a parcel which is bounded by only one street;

**"PARCEL WIDTH"** – means the distance between the side property lines of a parcel at the minimum permissible front yard, measured parallel to the road or to the tangent on a curved road;

**"PARKING FACILITY"** – means the area set aside for the storage and parking of vehicles and includes parking stalls, loading spaces, aisles, entrances and exits to the area, and traffic islands where they are part of the parking facility;

**"PARKING STALL"** – means a space set aside for the parking of one vehicle;

**"PERMITTED USE"** – means the use of land or of a building provided for in this Bylaw for which a development permit shall be issued, with or without conditions, upon an application having been made which conforms to the Land Use Bylaw;

**"PERSONAL SERVICE ESTABLISHMENT"** – means a development used for the provision of personal services to an individual which are related to the cleaning and repair of personal effects or of the care and appearance of the body. Typical uses include but are not limited to the following: hairdressers, shoe repair, dress makers, laundry cleaning facility, and jeweller. This does not include uses which are determined by the Development Authority to be strictly for adult entertainment purposes;

**"PET CARE AND GROOMING FACILITY"** – means a facility intended for the care, grooming and sale of small animals such as dogs, cats, fish, birds and other household pets;

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**"PLACES OF WORSHIP"** – means development owned by a religious organization used for worship and related religious, philanthropic, or social activities including rectories, manses, classrooms, dormitories and accessory buildings. Typical uses include churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries;

**"PRINCIPAL BUILDING"** – means a building which, in the opinion of the Development Authority;

- i) occupies the major or central portion of the parcel,
- ii) is the chief or main building among one or more buildings on the parcel, or
- iii) constitutes by reason of its use the primary purpose for which the parcel is used;

**"PRINCIPAL USE"** – means the primary purpose, in the opinion of the Development Officer, for which a building or parcel is used. There shall be no more than one principal use on each parcel unless specifically permitted otherwise in the Bylaw;

**"PROFESSIONAL, FINANCIAL, OFFICE AND BUSINESS SUPPORT SERVICES"** – means development primarily used for the provision of professional, management, administrative, consulting and financial services. Typical uses include the offices of lawyers, accountants, engineers, planners, doctors, architects, offices for real estate and insurance firms, clerical, secretarial, employment, telephone answering and similar office support services, banks, credit unions, loan offices and similar financial uses, printing establishments, film processing establishments, janitorial firms, and business equipment repair shops;

**"PROFESSIONAL SERVICES"** – means development primarily used for the provision of professional government or professional consulting services. Typical uses include the offices of lawyers, accountants, engineers, planners, doctors and architects;

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**"PROTECTIVE AND EMERGENCY SERVICES"** – means a development where the administration of the protection of persons and property from injury, harm or damage takes place, and where the equipment necessary for such activities is stored, maintained, and supplied. Protective and emergency services include police stations, detention centres, fire stations, ambulance stations, and ancillary training facilities;

**"PUBLIC USE"** – means a development which is publicly owned, supported or subsidized involving public assembly or use. Public uses typically may include the following and similar uses as parks, libraries, arenas, museums, art galleries, hospitals, cemeteries, tennis courts, swimming pools and other indoor and outdoor recreational activities;

**"PUBLIC UTILITY"** – means the right of way for one or more of the following: telecommunications systems, water works systems, irrigation systems, systems for the distribution of gas, whether natural or artificial, systems for the distribution of artificial light or electric power, heating systems, or sewage systems and any buildings incidental to these services, but not including an office as defined under "Public Utility Building";

**"PUBLIC UTILITY BUILDING"** – means a building to house a public utility, offices or service equipment;

**"QUASI-PUBLIC USE"** – means a development which is used for the meeting, social or recreational activities of its members, which may or may not include the general public. Typical quasi-public uses include commercial schools, indoor and outdoor recreational facilities, hospitals, lodges or clubs, cemeteries, galleries, museums, and libraries;

**"RECREATIONAL EQUIPMENT"** – means any permanent building, the intended use of which is for either active or passive recreation. Certain types of sidewalk furniture may be classified as recreational equipment at the discretion of the Development Officer;

**"RECYCLING CENTRE"** – means a development where bottles, cans, newspapers, and similar non-hazardous household goods are bought, sold, and temporarily stored for reuse, and/or dropped off or delivered by the public or by a contractor, and/or collected for recycling, and where all storage is contained within an enclosed building or an enclosed compound;

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**"REPAIR SERVICE ESTABLISHMENT"** – means a development used primarily for the repair, refinishing or reconditioning of consumer goods such as, but not limited to, electronic equipment, office equipment, household appliances, clothing and footwear, bicycles, etc. The repaired, refinished or reconditioned consumer goods, as referred to above, may be sold on the premises but the retail sales component must be clearly secondary to the primary use. Automobiles or any other motorized vehicles such as, but not limited;

**"RETAIL ESTABLISHMENT"** – means a development used for the retail sale of a wide variety of consumer goods including the following and such similar uses as, groceries and beverages, electronic goods, furniture and appliances, hardware and home improvement supplies, household goods, printed matter, confectionery, pharmaceutical and personal care items, office supplies, stationery, etc.;

**"ROW HOUSING"** – means a group of three or more dwelling units having a common wall or structural feature, with each unit having direct access to the outside grade, but shall not mean an apartment;

**"SCHOOL"** – means the use of a building and the area surrounding the building for the purpose of instruction and learning;

**"SEPARATION SPACE"** – means the horizontal open space provided around a dwelling to ensure no conflict of visibility from dwellings and adequate light, air and privacy, for activities undertaken within the dwelling. Unless otherwise specified in this Bylaw, a separation space may be partially or entirely outside the parcel boundaries of a dwelling unit;

**"SERVICE STATION"** – means a parcel or the portion thereof used or intended to be used for any of the following: the servicing or repairing of motor vehicles, the sale of lubricating oils and other automotive fluids, accessories for motor vehicles, and a towing service dispatch point;

**"SETBACK"** – means the minimum horizontal distance between the parcel boundary and the nearest point on the exterior wall or chimney of the building, or another part of the building if specified elsewhere in this Bylaw;

## Town of Mayerthorpe - Land Use Bylaw #890

**"SHOPPING CENTRE"** – means two or more commercial establishments planned, developed and managed as a unit on a parcel or parcels and serviced by off-street parking, and includes the total parcel upon which the buildings are located;

**"SHOW HOME"** – means a permanent dwelling which is constructed for the temporary purpose of illustrating to the public the type or character of a dwelling or dwellings to be constructed in other parts of a subdivision of development area. Show homes may contain offices for the sale of other lots or dwellings in the area;

**"SIGN"** – means an object or device intended for the purpose of advertising or calling attention to any person, matter, thing or event;

**"SINGLE DETACHED DWELLING"** – means a complete building intended to be used as a permanent residence not separated from direct access to the outside by another separate or self contained portion of a building and has a length to width ratio of no more than 2.5:1. Does not include a mobile home, manufactured, home, or modular home as defined under this Bylaw and shall have a minimum floor area of 93 sq. metres (1,000 sq. feet) not including decks, porches or verandahs.;

**"STATUTORY PLAN"** – means a general municipal plan, area structure plan or area redevelopment plan pursuant to the Municipal Government Act;

**"STOREY"** – means the habitable space between the upper face of one floor and the next above it. The upper limit of the top store shall be the ceiling above the topmost floor. A basement or cellar shall be considered a store in calculating the height of a building if the upper face of the floor above it is more than 1.8 m (5.9 ft) above grade;

**"STOREY HALF"** – means that part of any building wholly or partly within the framing of the roof, where the habitable floor area is not more than 70% of the ground floor;

**"STREET"** – means a right-of-way no less than 10.0 m (32.8 ft) in width for a public thoroughfare and designed for the use of vehicular or pedestrian traffic, but does not include a lane or as defined as a street in the Highway Traffic Act;

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**"STRUCTURE"** – means anything constructed or erected on the ground, or attached to something on the ground, and includes all buildings;

**"TEMPORARY BUILDING"** – means a structure that has been permitted to exist for a limited time only;

**"TRAFFIC ISLAND"** – means an area or space officially set aside within a street lane or parking lot as prohibited for use by motor vehicles and which is marked or indicated by construction as to be plainly visible at all times;

**"USE"** – means a use of land or a building as determined by the Development Officer;

**"UTILITY"** – means the components of a sewage, storm water or solid waste disposal system, or a telecommunication, electrical power, water, gas or oil distribution system;

**"UTILITY BUILDING"** – means a building in which the proprietor of a utility company maintains his office or offices and/or maintains or houses any equipment used in connection with the utility;

**"VETERINARY HOSPITAL"** – means a facility for the medical care and treatment of animals and includes provision for their overnight accommodation and confinement in outdoor pens, runs and enclosures;

**"YARD<sup>1</sup>"** – means a required open space unoccupied and unobstructed by any structure or portion of a structure above the general ground level of the graded lot, unless otherwise permitted in this Bylaw;

**"YARD, FRONT"** – means that portion of the parcel extending across the full width of the parcel from the front property boundary of the parcel to the exterior wall of the building;

**"YARD, REAR"** – means that portion of the parcel extending across the full width of the parcel from the rear property boundary of the parcel to the exterior wall of the building; and

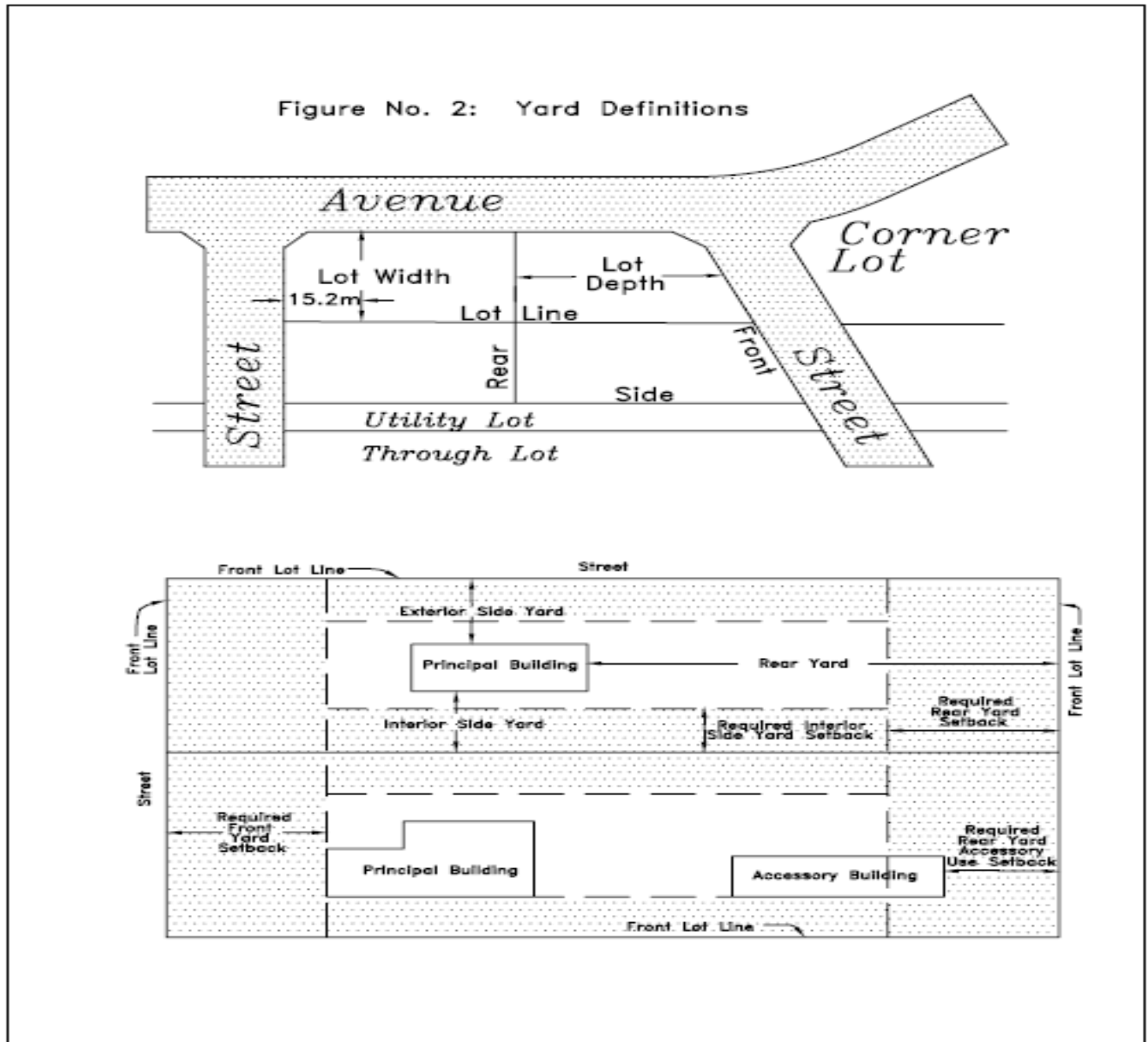
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<sup>1</sup> See Figure No. 2, Yard Definitions

## Town of Mayerthorpe - Land Use Bylaw #890

**"YARD, SIDE"** – means that portion of the parcel extending from the front yard to the rear yard and lying between the side property boundary of the parcel and the nearest portion of the exterior wall of the building. Where the side yard is adjacent to another property it may be referred to as an interior side yard. Where a side yard is adjacent to a public roadway, it may be referred to as an exterior side yard;

- (2) All other words and expressions have the meanings respectively assigned to them in the Act.



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### **SECTION 10 ESTABLISHMENT OF DEVELOPMENT AUTHORITY**

- (1) The Development Authority for the Town of Mayerthorpe is established under this Bylaw pursuant to Section (624) of the Act.
- (2) The Development Authority for the Town of Mayerthorpe is:
  - i) the person(s) appointed by resolution of Council as Development Officer pursuant to this Bylaw, and
  - ii) the Municipal Planning Commission established by Bylaw pursuant to the Municipal Government Act.
  - iii) Council in matters related to Direct Control Districting.
- (3) The Office of the Development Officer is established through this Bylaw and shall be filled by person(s) employed by the Town of Mayerthorpe.
- (4) The Development Authority shall be carried out in accordance to powers and duties described in the Municipal Government Act, regulations established under the Act, and this Bylaw, as amended from time to time.
- (5) For the purpose of the Development Authority, the Development Officer is hereby declared to be an authorized person of the Town of Mayerthorpe.
- (6) The Development Officer shall perform such duties that are specified under this Bylaw.
- (7) The Development Officer shall keep and maintain for the inspection of the public during all reasonable hours, a copy of this Bylaw and all amendments thereto; keep a register or all applications for development, including the decisions thereon and the reasons therefore.
- (8) For the purposes of right of entry, the Development Officer is hereby declared an authorized person of Council.
- (9) For the purposes of Section 542 of the Act, the Development Officer is hereby designated as authorized by the Municipality to discharge the relevant powers and functions.

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## **SECTION 11 MUNICIPAL PLANNING COMMISSION**

The Municipal Planning Commission (MPC) is established by the Town of Mayerthorpe Municipal Planning Commission Bylaw #811, as amended.

The Municipal Planning Commission shall perform such duties as are specified in this Bylaw and as are specified in the Municipal Planning Commission Bylaw.

## **SECTION 12 SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

- (1) The Subdivision and Development Appeal Board for the Town of Mayerthorpe, as established through the Town of Mayerthorpe Subdivision and Development Appeal Board Bylaw, as amended, shall perform the duties and functions as described in the Bylaw and the Act.
- (2) The Subdivision and Development Appeal Board shall review all appeal applications within its jurisdiction for development appeal, stop order appeal, and subdivision application appeal.

## **SECTION 13 AMENDMENT OF THE LAND USE BYLAW**

- (1) The Council on its own initiative may give first reading to a bylaw to amend this Land Use Bylaw.
- (2) A person may make application to the Development Officer for amendment to this Land Use Bylaw. The application shall include:
  - (a) a statement of the specific amendment requested;
  - (b) the purpose and reason for the application;
  - (c) if the application is for a change of district, the legal description of the lands, or a plan showing the location and dimensions of the lands;
  - (d) the applicant's interest in the lands;
  - (e) an applicant fee to be determined by resolution of Council;
  - (f) the cost of advertising for the public hearing; and

## Town of Mayerthorpe - Land Use Bylaw #890

- (g) such other information as the Development Officer or Council deems necessary to assess the motive of the application.
- (3) Upon receipt of a completed application along with all information required to process the application for amendment to this Land Use Bylaw, the Development Officer shall determine when the application will be placed before the Council and shall issue not less than ten (10) days notice to the applicant advising that he may appear before Council at that time, and speak to the application. The Development Officer shall place an application for amendment before the council within sixty (60) days of its receipt.
  - (4) The Council, in considering an application for an amendment to this Land Use Bylaw, may at its sole discretion:
    - (a) refer to the application for further information; or
    - (b) pass first reading to a bylaw to amend this Land Use Bylaw, with or without modifications; or
    - (c) pass first reading of an alternate amendment to this Land Use Bylaw.
  - (5) Following first reading to an amending bylaw, the Council shall:
    - (a) establish the date, time and place for a public hearing on the proposed bylaw;
    - (b) outline the procedure to be followed by anyone wishing to be heard at the public hearing; and
    - (c) outline the procedure by which the public hearing will be conducted.
  - (6) Following passage of the first reading to an amending bylaw, the Development Officer shall issue notice of the public hearing:
    - (a) by publication in two issues of a newspaper circulating in the area, the publication date of the second issue being not less than five (5) days preceding the date of the hearing; and

## Town of Mayerthorpe - Land Use Bylaw #890

- (b) by mailing notice no less than ten (10) days preceding the date of the hearing to:
  - (i) the applicant, and
  - (ii) to the registered owner of the land, if not the applicant, and the owners of adjacent land if the proposed bylaw will result in a change of district designation.
- (7) The notice of the public hearing shall provide the following information:
  - (a) the purpose of the proposed bylaw;
  - (b) the date, time and place of the public hearing;
  - (c) that the proposed Bylaw and any public documents applicable to the proposed bylaw may be inspected at the Town Office at all reasonable times.
  - (d) the procedure for the public hearing.
- (8) Prior to the public hearing, the Development Officer may forward a copy of the proposed bylaw to:
  - (a) any Agency or organization that the Town determines may have an interest in the proposed amendment; and
  - (b) Lac Ste. Anne County if the proposed bylaw:
    - (i) affects land on the boundary with Lac Ste. Anne County, or
    - (ii) may have an effect upon the Lac Ste. Anne County.
- (9) At the public hearing, the Council shall hear:
  - (a) any person or group of persons acting on his or their behalf, who:
    - (i) has complied with the procedures outlined by the Council, and
    - (ii) claims to be affected by the proposed bylaw; and

## Town of Mayerthorpe - Land Use Bylaw #890

- (b) any other person who wishes to make representations and whom the Council agrees to hear.
- (10) The Council after considering:
- (a) any representations made at the public hearing; and
  - (b) the Municipal Development Plan and any other Statutory Plan affected the subject property, the provisions of the Land Use Bylaw;
- may
- (c) make such amendments or changes as it considers necessary to the proposed bylaw, if any, and proceed to pass the proposed bylaw; or
  - (d) defeat the proposed bylaw.
- (11) Prior to third reading of the proposed bylaw, Council may require the applicant to apply for a development permit and negotiate a development agreement in respect of the proposal which initiated the application for amendment.
- (12) After third reading of the proposed bylaw, the Development Officer shall send a copy of it to:
- (a) the applicant;
  - (b) the registered owner of the land if different from applicant;
  - (c) Lac Ste. Anne County, if it received a copy of the proposed bylaw pursuant to subsection (8).

### **SECTION 14 SECTIONS FOUND TO BE INVALID**

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

### **SECTION 15 ESTABLISHMENT OF FORMS**

For the purpose of administering the provisions of this land use bylaw, the Council, shall, by resolution, authorize the preparation and the use of such forms and notices as it may determine necessary.

## **PART II – DEVELOPMENT PERMITS AND CONTRAVENTION**

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### **SECTION 16 PURPOSE OF DEVELOPMENT CONTROL**

Development permits are required to ensure that all development is achieved in an orderly manner and in keeping with the municipality's overall development strategy.

### **SECTION 17 CONTROL OF DEVELOPMENT**

No development other than that designated by the Town of Mayerthorpe in Section 19 of this Bylaw shall be undertaken within the Town unless an application for it has been approved and a development permit has been issued.

### **SECTION 18 PERMIT FEES**

All fees and charges under and pursuant to development permit and subdivision applications, appeals, statutory plans, bylaws, and this bylaw, and any amendments thereto shall be as established by Resolution of Council.

### **SECTION 19 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT**

All development undertaken in the Town of Mayerthorpe requires an approved development permit prior to commencement, except for the following land uses and buildings. Notwithstanding, all development which does not require a permit, must conform to all provisions of this Bylaw. If there is any doubt as to whether or not a proposed development requires a development permit, a development permit shall be required:

- (1) the carrying out of works of improvement, maintenance or renovation to any building provided that such works do not include structural alterations or additions;
- (2) the completion of any development which has lawfully commenced before the passage of this Land Use Bylaw or any amendment thereof, provided that the development is completed in accordance with the terms of any permit granted in respect of it, and provided that the development is completed within the

## Town of Mayerthorpe - Land Use Bylaw #890

- time limit of such a permit or within twelve (12) months of the effective date of the Bylaw, whichever is earlier;
- (3) the use of any such development as is referred to in subsection (2) for the purpose for which development was commenced;
  - (4) the erection or construction of gates decks, fences, walls or other means of enclosure less than 0.61 m (2.0 ft) in height in yards and the maintenance or improvements of any gates, fences or walls or other means of enclosure;
  - (5) the erection or placement of a temporary building, the sole purpose of which is incidental to the erection of a building for which a development permit has been granted, provided the temporary building is removed within thirty (30) days of substantial completion or as determined by the development officer;
  - (6) the completion, alteration, maintenance or repair of a street, lane or utility undertaken upon a public thoroughfare or utility easement, or undertaken to connect the same with any lawful use of buildings or land;
  - (7) any development carried out by or on behalf of the municipality provided that such development complies with all applicable provisions of this Land Use Bylaw;
  - (8) a garden or tool shed in the rear yard of a residential parcel, such building not to exceed 9.3 m<sup>2</sup> (100.10 ft<sup>2</sup>) in floor area and 2.5 m (8.2 ft) in height;
  - (9) signs posted or exhibited in a building;
  - (10) signs posted or exhibited in or on an operating motor vehicle if the vehicle is not temporarily or permanently parked solely for the purpose of displaying the sign;
  - (11) a statutory or official notice of a function of the Town of Mayerthorpe;
  - (12) traffic signs authorized by the Town of Mayerthorpe and/or Alberta provincial authorities;
  - (13) satellite dishes which are affixed to a building and are less than 12 inches (29.6 cm) in diameter;

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- (14) landscaping where it will not adversely affect the subject or adjacent properties but does not include changes in grade, stockpiling or excavation; and
- (15) swimming pools that are located within the rear yard of a residential lot, intended for personal use and are less than 6.11 cubic metres (72 cubic feet) in area.
- (16) *A home office, provided that the following are adhered to:*
- a) no individual other than the permanent resident of the dwelling unit operates the home office;*
  - b) no client or customer is received in the dwelling unit for business purposes;*
  - c) the home office does not generate any pedestrian or vehicular traffic;*
  - d) there are no on-site exterior signs or advertisements of the home office;*
  - e) no materials, goods or finished products for business purposes are stored on-site; and*
  - f) the home office is operated as an accessory use only and must not change the residential character or external appearance of the dwelling unit;*

### **SECTION 20 SAME OR SIMILAR USES**

The uses which are listed in the permitted and discretionary use columns under the land use districts are not intended to be exclusive or restrictive. Where a specific use does not conform to the wording of any definition, the Development Authority may, at his/her discretion, determine that the use conforms to the spirit and intent of the purpose of the land use district and is determined "same" or "similar" to other uses allowed in that land use district. Notwithstanding the above, all uses defined as "same" or "similar" shall be considered discretionary.

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### **SECTION 21 APPLICATION FOR A DEVELOPMENT PERMIT**

- (1) An application for a development permit shall be made to the Development Authority in writing:
  - (a) on the form prescribed by Council and may be accompanied by:
    - (i) a scaled parcel plan in duplicate showing the legal description, the front, rear, and side yards and provision for off-street loading and vehicle parking,
    - (ii) scaled floor plans, elevations and sections in duplicate,
    - (iii) a statement of existing and proposed uses,
    - (iv) a statement of registered ownership of land and interest of the applicant therein together with a copy of the Certificate of Title indicating ownership and encumbrances,
    - (v) the estimated commencement and completion dates,
    - (vi) the estimated cost of the project or contract price, and
    - (vii) such other plans and information as the Development Authority may consider necessary to properly evaluate the proposed development;
  - (b) the Development Authority may refuse to accept an application for a development permit where the information required by Section 21 (1) (a) has not been supplied or where, in the opinion of the Development Authority, the quality of the material supplied is inadequate to properly evaluate the application; and
  - (c) the Development Authority may review an application and make a decision without all of the information required by Section 21(1) (a), if it is the opinion of the Development Authority that a decision on the application can be properly made without such information.
- (2) A non-refundable processing fee, the amount of which being determined by Council from time to time, shall accompany each

## Town of Mayerthorpe - Land Use Bylaw #890

application for a development permit. Where the development has initiated prior to the Development Permit being issued, the fee for the said permit is double the normal rate.

- (3) The municipality may register a caveat pursuant to the provisions of the Land Titles Act and the Municipal Government Act in respect of the development agreement against the Certificate of Title for the land that is the subject of the development, with the said caveat being discharged when the agreement has been complied with.
- (4) In the case where an application for a development has been refused by the Development Authority or ultimately after appeal pursuant to Part III of this Bylaw, the submission of another application for development by the same applicant or any other applicant,
  - (a) on the same parcel, and
  - (b) for the same or similar use;

may not be made for at least six (6) months after the date of refusal.

### **SECTION 22 DEVELOPMENT PERMITS AND NOTICES**

- (1) A permit issued pursuant to this part shall come into effect:
  - (a) after the twenty-first (21) day of the date of the issue of the Notice of Decision by the Development Officer on the application for development permit (14 day appeal period & 7 days for mailing in province); or
  - (b) if an appeal is made, on the date that the appeal is finally determined and the permit may be modified or nullified thereby.

Any development proceeded with by the applicant prior to the expiry of the above is done solely at the risk of the applicant.

- (2) On the same date a development permit is issued, the Development Officer shall publicize a notice of the issuance of the permit in any or all of the forms described as follows:

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- (a) mail a notice of the decision to all persons whose use, enjoyment or value of property may, in the opinion of the Development Officer, be affected; and/or
  - (b) post a notice of the decision conspicuously on the property for which the application has been made; and/or
  - (c) publish in a newspaper circulating in the municipality a notice of the decision.
- (3) If the development authorized by a permit is not commenced within twelve (12) months from the date of its issue, of the date of decision of the Subdivision and Development Appeal Board, nor carried out with reasonable diligence as determined by the Development Officer, the permit ceases to be effective, unless an extension to this period, being no longer than an additional twelve (12) months, has previously been granted by the Development Officer.
- (4) The decision of the Development Officer on an application for a development permit shall be given to the applicant in writing.
- (5) If the Development Officer refuses an application for a development permit, the notice of decision shall contain the reasons for the refusal.
- (6) Notwithstanding other provisions of Section 21 of this Bylaw, in accordance with Section 685(3) of the Act, a development permit for a permitted use without variance does not require notification other than to the landowner and applicant.

### **SECTION 23 DECISION ON DEVELOPMENT PERMIT APPLICATIONS**

- (1) Permitted and Discretionary Use Applications (Non-Direct Control Districts)
- (a) The Development Authority shall be the approving authority for all proposed development, which is listed as either a permitted or discretionary use under a land use district under this Bylaw.
  - (b) Upon receipt a completed application for a development permit for a permitted use, the Development Officer shall approve the application with or without conditions, where

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the proposed use conforms to this Bylaw. Generally, the Development Officer is authorized to approve all permitted use development permit applications.

- (c) Subject to Section 23 (2)(c), the Development Officer is authorized to decide all discretionary use development permit applications which are related to an approved use on the subject property.
  - (d) All development permit applications which are discretionary and not related to an approved use on the subject property and/or which require a variance to any quantitative regulation (i.e., side yard setback) contained in this Bylaw shall be referred to the Municipal Planning Commission for decision.
  - (e) The Municipal Planning Commission is authorized to decide all development permit applications that are referred to it by the Development Officer.
  - (f) When approving a discretionary use application, the Development Authority may attach conditions to the approval to ensure that the proposal conforms to this Bylaw.
- (2) Variance Provisions:
- (a) The Development Authority may conditionally approve a proposed use that does not comply with this Bylaw, if, in its opinion,
    - i) the proposed development would not,
      - A. unduly interfere with the amenities of the neighbourhood, or
      - B. materially interfere with or affect the use, enjoyment, or value of neighbouring properties, and
    - ii) the proposed development conforms to the range of uses prescribed for that land or building in this Bylaw.
  - (b) Notwithstanding the above, a variance shall be considered only in cases of unnecessary hardship or practical

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difficulties to the use, character, or situation of land or building which are not generally common to other land in the same district.

- (c) When considering a variance to quantitative criteria such as floor area or a site setback, the Development Officer may approve in accordance with this Bylaw a variance up to a maximum of 10% of the stated regulation. Any variance requests in excess of 10% shall be referred to the Municipal Planning Commission.

### (3) Development Permit Refusals:

- (a) When refusing an application for a development permit, the Development Authority shall clearly describe the reasons for the said refusal on the notice of decision.

### (4) Temporary Permits:

- (a) Where a development permit is not required on a permanent basis, the Development Authority may approve the development permit for a specified period of time. The expiry date of all temporary development permits shall be clearly indicated on the notice of decision.

## **SECTION 24 DEEMED REFUSALS ON DEVELOPMENT PERMIT APPLICATIONS**

In accordance with the Act (Section 684), an application for a development permit shall at the option of the applicant, be deemed to be refused when the decision of the Development Authority, is not made within forty (40) days of the completed application being received by the Development Authority unless the applicant and the Development Authority have mutually entered into an agreement to extend the forty (40) day period.

## **SECTION 25 SUSPENSION OR CANCELLATION OF DEVELOPMENT PERMITS**

- (1) If, after a development permit has been issued, the Development Authority becomes aware that:
  - (a) the application for the development contains a misrepresentation;

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- (b) facts concerning the application or the development were not disclosed at the time the application was considered;
- (c) the development permit was issued in error; or
- (d) the conditions of Development Permit Approval are not being complied with in to the satisfaction of the Development Authority.

the Development Authority may suspend or cancel the notice of decision or the development permit by notice, in writing to the holder of it.

- (2) A person whose development permit is suspended or cancelled under this section may appeal to the Subdivision and Development Appeal Board.

### **SECTION 26 CONTRAVENTION**

- (1) Where the Development Authority finds that a development or use of land or buildings is not in accordance with:
  - (a) the Municipal Government Act or the regulations; or
  - (b) a development permit or subdivision approval; or
  - (c) the Land Use Bylaw;

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

- (a) stop the development or use of the land or buildings in whole or in part as directed by the notice; or
  - (b) demolish, remove or replace the development; or
  - (c) 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 Municipal Government Act, the regulations, 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

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Development Appeal Board under Section 645 of the Municipal Government Act within the time specified, the Council or a person appointed by it may, in accordance with the Municipal Government Act, enter upon the land or building and take such action as is necessary to carry out the order. Where the Council or a person appointed by it carries out an order, the Council shall cause the costs and expenses incurred in carrying out the order to be registered as a caveat under the Land Titles Act against the Certificate of Title for the land that is subject of the order pursuant to Section 646 of the Municipal Government Act.

- (3) Where a notice is issued under Subsection (1), the notice shall state the following and any other information considered necessary by the Development Authority:
  - (a) An explanation of the contravention, and a statement indicating under which provisions of this Bylaw or the Act the order is being carried out; and
  - (b) The alternatives and processes which the person responsible for the contravention may pursue in order to correct the contravention; and
  - (c) A time frame in which the contravention must be corrected prior to the Town pursuing action; and
  - (d) Advise the person of his right to appeal the notice to the Subdivision and Development Appeal Board.

### **SECTION 27 BYLAW ENFORCEMENT, PENALTIES AND FINES**

This Bylaw may be enforced, and the contravention of any provisions contained herein restrained, by the Court of Queen's Bench of Alberta upon action brought by Council, whether or not any penalty has been imposed for the contravention.

- (1) A person who:
  - (a) contravenes any provision of the Act or the regulations under the Act,
  - (b) contravenes this Bylaw,
  - (c) contravenes an order under Section 26 of this Bylaw and/or Section (645) of the Act,

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- (d) contravenes a development permit or subdivision approval or condition attached thereto, and/or
- (e) obstructs or hinders any person in the exercise or performance of his powers or duties under this Act, the regulations under the Act or this Bylaw,

is guilty of an offense and is liable to a fine prescribed in Section (566) of the Municipal Government Act.

- (2) If a person is found guilty of an offense under this Section or Section (557) of the Municipal Government Act, the court may, in addition to any other penalty imposed, order the person to comply with:
  - (a) the Act and the regulations under the Act,
  - (b) this Bylaw,
  - (c) an order under this Section and/or Section (645) of the Act, and/or
  - (d) a development permit or subdivision approval or a condition attached to a development permit or subdivision approval.
- (3) Any written notice, or order, or decision that is required under any provision of this Bylaw to be provided to any person shall be deemed to have been so provided if it is:
  - (a) delivered personally to the person or their agent it is directed to; or
  - (b) mailed by certified mail to the last known address of the person it is directed to.
- (4) If a person is found guilty of an offense under Subsections (1) or (2), the Court may, in addition to any other penalty imposed, order the person to comply with the Act, the Town of Mayerthorpe Land Use Bylaw, or a development permit, as the case may be.
- (5) Where a person is guilty of an offence under Subsection (1) or (2), the person is liable upon conviction to a fine of not less than \$2,500.00 and of not less than \$500.00 for every day that the offence continues.

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## **PART III – SUPPLEMENTARY REGULATIONS**

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### **SECTION 28 BUILDING REGULATIONS**

#### (1) Garages and Accessory Buildings

- (a) In residential districts detached garages and accessory buildings shall be located according to the following:
  - (i) no closer to the front street than the closest portion of the principal building,
  - (ii) a minimum of 2.0 m (6.56 ft) from the principal building,
  - (iii) an accessory building shall be situated so that the exterior wall is at least 1.0 m (3.28 ft) from the side and rear boundaries of the parcel,
  - (iv) an accessory building shall not be more than 4.5 m (14.76 ft) in height, and shall not exceed the height of the main building,
  - (v) Vehicle doors shall be a minimum of 6.0 metres (20 feet) from the facing property line.
  - (vi) no roof overhang shall be within 0.3 m (1.0 ft) of the side and rear property boundary, and
  - (vii) an accessory building shall be situated in such a manner that it does not encroach upon easements and rights-of-way.
- (b) An accessory building shall not be used as a dwelling;
- (c) Notwithstanding any other provision of this Bylaw, a maximum of one garage per lot may be considered a "*permitted use*".

#### (2) Building Attached to Principal Building

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

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### (3) Building Orientation and Design

The design, character and appearance of any building, or series of buildings, structure or sign proposed to be erected or located in any district must be acceptable to the Development Authority having due regard to:

- (i) amenities such as daylight, sunlight and privacy,
- (ii) the character of existing development in the district, and
- (iii) its effect on adjacent parcels.

### (4) Dwelling Units on a Parcel

- (a) Subject to Section 33, no more than one dwelling (non multi-unit structure) shall be placed upon a single parcel in a residential district within the corporate boundaries of the Town of Mayerthorpe,
- (b) For the purposes of this Section, each lease area in a mobile home/manufactured home court shall be regarded as a single parcel.

### (5) Building Demolition

An application to demolish a building shall not be approved without a statement or plan, which indicates:

- (a) how the operation will be carried out so as to create a minimum of dust or other nuisance, and
- (b) the final reclamation of the parcel,

which is satisfactory to the Development Authority.

## **SECTION 29 CORNER AND DOUBLE FRONTING PARCELS**

- (1) In all land use districts, a parcel abutting onto two streets or more shall have a front yard setback on each street in accordance with the front yard requirements of this Bylaw. For the purposes of determining the setback requirements, the long front yard shall be referred to as the flanking front yard.

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### (2) Corner Sites (Sight Triangles)

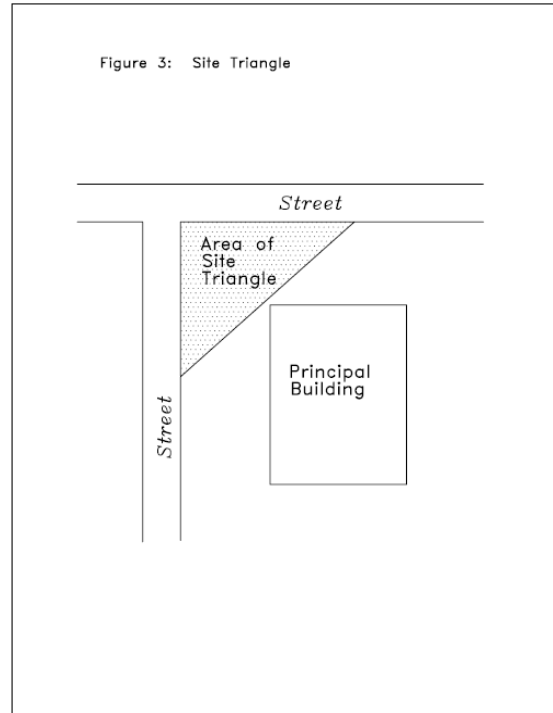
(a) A sight triangle means that triangle formed by a straight line drawn between two points on the exterior boundaries of the said site 20 ft (6.1 m) from the point where they intersect.

(b) On laneways, the sight triangle shall be formed by a straight line drawn between two points on the exterior boundaries of the said site 10 feet (3.05 metres) from the point where they intersect.

(c) On any corner site, no person shall erect, place or maintain within the sight triangle a wall, fence, shrub, trees, hedge, or any object over 3.0 ft (0.9 m) in height above the lowest street grade adjacent to the intersection.

(d) On any corner sight, no finished grade shall exceed the general elevation of the street line by more than 2 ft (0.6m) within the area defined as the sight triangle.

(e) When a lot has more than one front yard line (corner lot), the front yard requirement shall apply to all front yards, but, at the discretion of the Development Authority, one front yard may be considered a side yard.



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## **SECTION 30 AUTOMOBILE REGULATIONS**

### (1) Off-Street Automobile Parking

- (a) An off-street parking area:
  - (i) shall not be located within 1.0 m (3.28 ft) of a lot line common to the lot and to a street unless the parking area is shared between the adjoining lots;
  - (ii) shall be constructed so that adequate access to, and exit from each stall is to be provided at all times by means of maneuvering aisles designed to the satisfaction of the Development Authority;
  - (iii) shall have necessary curb cuts located to the satisfaction of the Development Authority; and
  - (iv) shall be hard-surfaced to the satisfaction of the Development Authority or of a gravel mixture approved by the Development Authority.
- (b) All parking areas shall conform to the minimum parking standards set out on the following page.

### (2) Required Number of Off-Street Parking Spaces

- (a) The minimum number of off-street parking spaces required for each building class shall be as in the following table. In the case of a use not specifically mentioned, the required number of off-street parking spaces shall be the same as for a similar use as determined by the Development Authority. Where a development falls within more than one class, the required number of spaces shall be the sum of the requirements for each of the development classes.

<b><u>RESIDENTIAL</u></b>	
One and two unit dwellings	2 per dwelling unit
Multiple unit dwellings of one bedroom or less per dwelling unit	1.5 per dwelling unit
Multiple unit dwellings of two or more bedrooms per dwelling unit	2 per dwelling unit
Senior citizen self contained dwelling units	1 per dwelling unit

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<b><u>COMMERCIAL</u></b>	
Business, public administration and offices other than doctor and dentist	1 per 40.0 m <sup>2</sup> (430.0 ft <sup>2</sup> ) of gross leasable area
Medical and dental offices or clinics	1 space for each 30.0 m <sup>2</sup> (323.0 ft <sup>2</sup> ) of gross leasable area or 3 spaces for each full to part-time professional, whichever is greater
Retail, personal service, equipment and repair shops with a gross leasable floor area of 1000.0 m <sup>2</sup> (10,764.0 ft <sup>2</sup> ) or less	1 per 30.0 m <sup>2</sup> (323.0 ft <sup>2</sup> ) of gross leasable floor area
Retail and personal service shops and shopping centre buildings with a gross leasable area of between 1000.0 m <sup>2</sup> and 4000.0 m <sup>2</sup> (10,764.0 ft <sup>2</sup> and 43,057.0 ft <sup>2</sup> )	1 per 20.0 m <sup>2</sup> (215.0 ft <sup>2</sup> ) of gross leasable floor area
Retail and personal service shops and shopping centre buildings with a gross leasable area of more than 4000.0 m <sup>2</sup> (43,057.0 ft <sup>2</sup> ) on one parcel	1 per 17.0 m <sup>2</sup> (183.0 ft <sup>2</sup> ) of gross leasable area
Restaurants, beer parlours and cocktail bars	1 for each 6.0 m <sup>2</sup> (65.0 ft <sup>2</sup> ) of gross floor area or 1 per five seating spaces and 1 per three employees at maximum shift, whichever is greater
Drive-in businesses and car washing establishments	8 except where more are required under other requirements of this section
Restaurants (food exclusively taken off-parcel)	1 for each 13.0 m <sup>2</sup> (140.0 ft <sup>2</sup> ) of gross floor area plus 1 for each three employees on maximum shift
Hotels, motor hotels, motels and apartment hotels	1 per sleeping unit and 1 space per three employees on maximum shift

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<b><u>PLACES OF PUBLIC ASSEMBLY</u></b>	
Theatres, auditoriums, halls, churches and other amusement or recreational facilities	1 per 7.5 seating spaces or 1 per 7.0 m <sup>2</sup> (75.0 ft <sup>2</sup> ) used by the patrons, whichever is greater

<b><u>SCHOOLS</u></b>	
Elementary schools and junior high schools	1 per school hour employee, and plus 5
Senior high schools which do not include an auditorium, gymnasium or swimming pool	1 per school hour employee plus 1 for every twenty students

<b><u>INDUSTRIAL</u></b>	
Manufacturing and industrial plants, wholesale, warehousing and storage buildings and yards, servicing and repair establishments, research laboratories and public utility buildings	1 per employee on maximum shift. This standard may be varied by the Development Officer to no fewer than 1 per three employees on maximum shift where it can be shown by the applicant that fewer stalls are required

<b><u>HOSPITALS AND SIMILAR USES</u></b>	
Hospitals, sanatoriums, group care facilities, nursing homes, convalescent homes and senior citizens lodges	1 per 100.0 m <sup>2</sup> (1,076.0 ft <sup>2</sup> ) of floor area or 1 per four beds and 1 for every two employees on maximum shift, whichever is greater

- (b) At the option of the Development Authority and in lieu of providing off-street parking, an owner of land proposed for development shall pay the municipality to assist in providing the equivalent parking area. Council will determine the amount of money required. Money so received by the municipality will be used only for the development of municipal off-street parking facilities.
- (c) Where a development on a parcel contains more than one use of a building or development, the required number of spaces shall be the sum of the requirements for each of the uses.

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### (3) Communal and Off-Parcel Parking

- (a) Parking may be supplied on a parcel other than the parcel of the principal use provided that it is in accordance with the following regulations:
- (i) Except in the case of highway commercial land use districts as well as parcels in parks/recreation or urban services land use districts adjacent to residential parcels, and subject to the approval of the Municipal Planning Commission, an owner of land or a group of such owners may pool his or their required off-street parking stalls within one or more communal parking facilities and may thereby collectively fulfill the requirements of Section 30(2);
  - (ii) Where a group of uses is served by a communal parking facility, the requirement for such facility shall be the sum of the off-street parking requirements for each of the uses served by the parking facility;
  - (iii) Where a group of uses or businesses pool their parking requirements onto one parcel, such a communal parcel shall be located no more than 400 ft (121.92 m) from any one of the owners who have pooled their off-street parking requirements;
  - (iv) The owners who have pooled their parking requirements shall enter into an agreement with the Town of Mayerthorpe and the owners shall consent to such an agreement being registered as an encumbrance against the titles of land involved; and
  - (v) The owners involved in a communal parking arrangement shall pay the full costs of preparation and registration of the agreement referred to in Subsection (a)(iv).
- (b) At the option of the Municipal Planning Commission, and in lieu of providing off-street parking, an owner/developer of land proposed for development shall pay the Town of Mayerthorpe to provide the equivalent parking area. The amount of money required will be determined by a resolution of Council and shall be based on the amount needed to purchase the land required and construct the

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parking facility and required number of parking stalls. Money so received by the Town of Mayerthorpe will be used only for the development or improvement of municipal, off-street parking facilities.

### (4) Off-Street Loading Spaces

- (a) Off-street loading spaces shall be required for all non-residential development and apartments.
- (b) Loading spaces shall be designed and located so that all vehicles using those spaces can be parked and maneuvered entirely within the bounds of the parcel before moving onto a public roadway.
- (c) An off-street loading space shall be at least 4.0 m (13.12 ft) in width, 8.0 m (26.24 ft) in length, with height of 4.0 m (13.12 ft).
- (d) Hard surfacing shall be required where an off-street parking facility is required to be hard-surfaced.
- (e) Number of off-street loading spaces:
  - (i) in a retail, industrial, warehouse or similar development of less than 465.0 m<sup>2</sup> (5,000.0 ft<sup>2</sup>) of gross floor area, one space;
  - (ii) two spaces for between 465.0 m<sup>2</sup> (5000.0 ft<sup>2</sup>) and 2,323.0 m<sup>2</sup> (25,000 ft<sup>2</sup>) of gross floor area, and one additional space for each additional 2,323 m<sup>2</sup> (25,000 ft<sup>2</sup>) or fraction thereof;
  - (iii) office buildings, places of public assembly, institution, club or lodge, school, or any other use one space up to 2,787.0 m<sup>2</sup> (30,000 ft<sup>2</sup>) of gross floor area and for each additional 2,787 m<sup>2</sup> (30,000 ft<sup>2</sup>) or fraction thereof, one additional space; and
  - (iv) neighbourhood commercial stores, one loading space.

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### **SECTION 31 PRIVATE SWIMMING POOLS AND HOT TUBS**

Swimming pools located on a residential lots shall:

- (1) Be enclosed with a fence or similar structure or have a cover that is locked to prevent unauthorized access.
- (2) Have a method to dispose of waste-water through the municipal sanitary service.

### **SECTION 32 PROJECTIONS OVER YARDS**

- (1) Projections on foundation walls and footings or on piles are deemed to be part of the building and shall not be considered as a projection over a yard.
- (2) Projections over yards for accessory buildings and garages shall be in accordance with Section 28 of this Bylaw.
- (3) Dwelling Unit eaves shall be considered part of the dwelling and may project over a yard provided the projection is no closer than 1.2 meters (3.9 feet) to a property adjoining a privately owned lot.

### **SECTION 33 ACCESSORY SUITES**

- (1) A dwelling unit or portion of a dwelling unit may be used for an accessory suite to provide housing to provide housing solely for the members of the immediate or extended family of the owners of the principal residence.
- (2) An accessory suite attached to an existing dwelling shall not exceed 41.8 square metres (450 square feet) in area.
- (3) An accessory suite as a detached dwelling unit shall have a floor area as approved by the Municipal Planning Commission.
- (4) A detached dwelling unit used as an accessory suite shall be located in the rear yard of a residential lot and shall be removed once no longer necessary for the occupant.
- (5) A Development Permit for an accessory suite shall be for the person(s) named on the said permit as an occupant.

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- (6) A Development Permit for an accessory suite shall expire upon cessation of the named occupant as a resident.

### **SECTION 34 PRINCIPAL BUILDING OR USE**

A maximum of one (1) principal building or principal use shall be considered a permitted use within any land use district. All other principal buildings or principal uses shall be considered discretionary.

### **SECTION 35 MIXED COMMERCIAL AND RESIDENTIAL USES**

- (1) The following shall apply to commercial developments containing residential dwelling units:
  - (a) Both the residential and commercial portions of the development will have separate and direct access to the outside street level.
  - (b) The residential dwelling must be on the upper floor or rear of the buildings. The commercial operation shall be on the ground floor and front portion of the building.
  - (c) The minimum floor area for a dwelling unit shall be 500 ft<sup>2</sup> (46.45 m<sup>2</sup>) for a bachelor unit and an additional 100 ft<sup>2</sup> (9.29 m<sup>2</sup>) for each bedroom in the dwelling unit included thereafter.
  - (d) The relationship of the residential dwelling units to each other, to the commercial portion of the development, to the parcel as a whole and to the adjacent parcel with respect to adequate light, ventilation and privacy or visibility of principal living room windows and habitable room windows shall be fully shown on the parcel plans for the whole development and shall be to the satisfaction of the Development Authority.
  - (e) Parking for residential uses in commercial areas shall be off-street.

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### **SECTION 36 FENCES AND SCREENING**

#### (1) Residential Districts

(a) In any residential district, except as herein provided:

(i) No fence shall be constructed that is:

1. higher than 6.0 ft (1.83 m) for that portion of the fence that does not extend forward beyond the foremost portion of the principal building on the parcel; and
2. higher than 3.0 ft (0.91 m) for that portion of the fence that extends into the front yard beyond the foremost portion of the principal building on the parcel.

(2) Subject to Section 19 of this Bylaw, all fence construction shall require an approved Development Permit.

(3) Where parcels have both their front and rear yards facing onto a street, special approval of the Development Authority must be obtained prior to the erection of any fences on such parcel. Size and specifications for fences in these areas must conform to the overall standard set for the area by the Town of Mayerthorpe.

### **SECTION 37 HOME OCCUPATIONS (HOME BASED BUSINESSES)**

(1) Home occupations (Home Based Businesses) shall comply with the following provisions:

(a) Home occupations shall not be allowed on a site unless a dwelling is located on the site on which the home occupation is to be located.

(b) All development permits issued for home occupations shall be revocable at any time by the Development Authority, if, in its opinion, the home occupation is or has become detrimental to amenities of the neighborhood in which it is located or if there is any change or intensification of the home occupation as originally approved.

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- (c) The Development Authority may, in its sole discretion, place time limits on the period for which a development permit for a home occupation is valid.
- (d) No home occupation shall substantially change the principal character of external appearance of the dwelling involved or of any accessory buildings.
- (e) Home occupations shall be incidental and subordinate to the principal use of the dwelling and/or garage and shall not be conducted within any other structures on the property.
- (f) There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the home occupation allowed on the site.
- (g) The home occupation shall not create any nuisance by way of noise, dust, odour, or smoke, or anything of an offensive or objectionable nature.
- (h) 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.
- (i) When a development permit is issued for a home occupation, such permit shall be terminated should the applicant vacate the property for which the permit has been issued.
- (j) Pedestrian or vehicular traffic or parking, shall not, in the opinion of the Development Authority, be generated in excess of that which is characteristic of the district in which the home occupation is located.
- (k) Only one (1) commercial vehicle, of a haul capacity not exceeding 5.5 metric tonnes (5500 kgs.), shall be used in conjunction with the home occupation, or parked or maintained on the site or on the road in proximity to the site. Truck trailers or vehicle accessories or equipment shall not be kept on site unless they are located within an accessory building.

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- (l) Home occupations shall not involve:
- (i) Activities that use or store hazardous material in quantities exceeding those found in a normal household; or
  - (ii) Any use that would in the opinion of the Development Authority, materially interfere with or affect the used, enjoyment, or value of neighboring properties.
- (m) The number of non-resident employees or business partners working on site shall not exceed one (1) at any time. No more than two people shall be working at the home occupation site at any time.
- (n) Storage related to the business activity and the business activity itself may be allowed in either the dwelling or garage.
- (o) The home occupation shall not be allowed if, in the opinion of the Development Authority, such use would be more appropriately located in the Commercial or an Industrial District, having regard for the overall compatibility of the use with the residential character of the area.
- (p) The dwelling or garage in which a home occupation is located may have one fascia sign placed on the structure, providing that the sign does not exceed 0.4 sq. m (4 sq. ft) in area. No other signage will be permitted.
- ~~(q) A development permit application for home occupations shall be made annually and reviewed by the Development Authority. Home occupation permits shall be mailed out by the Development Officer in November of each year. Following a review and recommendation by the Development Officer, the Municipal Planning Commission, at a duly convened meeting in January, shall approve (with or without conditions) or refuse these development permit applications. Home occupation permits shall be effective for the calendar year in which they are issued. **Bylaw #933**~~
- (q) *Home based business permits shall remain in affect for a period of one year from the date of issuance. The said permit will be automatically renewed on an annual basis from the start of the calendar year subject to conformance with this Bylaw and the approved development permit for the said home based business. **Bylaw #933.***

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### **SECTION 38 BED AND BREAKFAST OPERATIONS**

In addition to all other provisions and requirements of this Section of the Bylaw, the following additional requirements shall apply to home based business in the form of bed and breakfast operations, as defined in PART XI of this Bylaw:

- (1) Persons wishing to operate a bed and breakfast operation shall be required to apply for a development permit from the Town of Mayerthorpe.
- (2) A bed and breakfast operation shall be limited to residential land use districts and shall be contained entirely within the principal building.
- (3) A bed and breakfast operation shall be limited to one meal provided on a daily basis to registered guests only with such meal being prepared in one common kitchen and served in one common room.
- (4) In addition to the off-street parking requirements for the dwelling unit itself, as stipulated in Section 30(2) of this Bylaw, 1 (one) off-street parking space per rented guest room shall be required for a bed and breakfast operation.

### **SECTION 39 MULTIPLE UNIT DWELLING DEVELOPMENTS**

- (1) General Provisions:
  - (a) At the discretion of the Development Authority, the applicant for a multiple unit dwelling building or development shall provide with the application for development parcel plans, design plans and working drawings including elevations which have been endorsed by a registered architect or professional engineer registered in the Province of Alberta.
  
  - (b) The parcel plans shall indicate:

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- (i) the location and position of all buildings and structures on the parcel;
- (ii) the location and design of signage on the parcel, including any "for rent" signs;
- (iii) the location and number of parking spaces access and egress onto the parcel from public thoroughfares;
- (iv) the location of refuse storage areas as well as access to/egress from refuse storage areas;
- (v) the location of exterior lighting including that in the parking lot and landscaped areas;
- (vi) the location and design of fencing on the parcel; and
- (vii) detailed landscaping plans for the parcel.

### **SECTION 40 BOARDERS AND LODGERS**

In any residential land use district or any land use district which provides for residential uses, there shall not be more than two (2) boarders or lodgers in any residential development other than in a boarding or lodging home.

### **SECTION 41 HOUSE NUMBER**

- (1) Every residence and business shall have its municipal address clearly displayed near the front door entrance in a manner that is recognizable from the fronting street or sidewalk.
- (2) Street numbers shall be a minimum of 4 in (10.16 cm) in height.

### **SECTION 42 OUTSIDE STORAGE AND DISPLAY**

- (1) The following shall apply in the C1 Commercial, C2 Commercial and C3 Commercial Districts:
  - (a) There shall be no outside storage of goods, products, materials or equipment permitted within the front yard setback except where approved by the Development Authority and subject to compliance with the Town of Mayerthorpe Nuisance Bylaw.

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- (b) Outside storage of goods, products, materials or equipment shall be kept in a clean and orderly condition at all times and shall be screened by means of a solid wall, fence, or vegetative buffer from public thoroughfares and adjacent residential uses to the satisfaction of the Development Authority.
  - (c) When part of the parcel is to be used for the temporary outdoor display of goods or products for sale, lease or hire, such display shall be arranged and maintained in a neat and tidy manner and shall not, in the opinion of the Development Authority:
    - (i) unduly interfere with the amenities of the district, or
    - (ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcel.
- (2) *Section 42(1) may be applied towards commercial and industrial development within a non-commercial land use district at the discretion of the Development Authority. **Bylaw #907.***

## **PART VI - SPECIAL DEVELOPMENT PROVISIONS FOR ALL USES**

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### **SECTION 43 DEVELOPMENT ON OR NEAR SLOPES**

- (1) For the purposes of this Section, "top of the bank" is as determined by the Development Authority in consultation with Alberta Environmental Protection.
- (2) Notwithstanding the yard requirements prescribed in the land use districts, no permanent buildings shall be permitted within 98 ft (30 m) of the top of the bank of any waterbody and no development shall be permitted within 98 ft (30 m) of the top or bottom of an escarpment bank or slope where the grade exceeds 15% (fifteen percent).
- (3) The Development Authority may require a greater setback than is prescribed in Subsection (2).
- (4) Notwithstanding that a proposed development conforms in all respects with this Bylaw, including Subsections (2) and (3), where the application is for development on lands that are or may be subject to subsidence, the Development Authority shall not issue a development permit unless the applicant can demonstrate, by means of an engineering report bearing the seal and signature of a professional engineer registered in the Province of Alberta, that preventive engineering and construction measures can be instituted to make the parcel suitable for the proposed development.
- (5) Further to Subsection (4), the Development Authority may, at their discretion, require that the development site and buildings be designed by a professional engineer registered in the Province of Alberta.
- (6) Subject to Subsections (4) and (5), the Development Authority may, at their discretion, reduce the setback requirements established pursuant to Subsections (2) and (3) if the applicant provides satisfactory proof of bank stability.

#### **SECTION 44 EMERGENCY ACCESS TO BUILDINGS**

The Development Authority or Council, as the case may be, shall ensure that parcels are designed such that safe, unrestricted access for fire fighting vehicles and equipment is afforded to all buildings and parcels in accordance with municipal and provincial fire authorities having jurisdiction.

#### **SECTION 45 CURB CUTS**

In determining curb cuts, the Development Authority shall ensure that the amount of curb space lost for use as on-street parking is kept to an absolute minimum and that curb cuts are located such that they provide for the safe and efficient movement of vehicles and pedestrians.

#### **SECTION 46 POLLUTION CONTROL**

(1) In any land use district, no use of land or a development may be undertaken in a manner that would, in the opinion of the Development Authority:

- (a) unduly interfere with the amenities of the district, or
- (b) materially interfere with or affect the use, enjoyment or value of neighbouring parcel,

by reason of potential for contamination of the water supply for the Town of Mayerthorpe, excessive noise, smoke, steam, odour, glare, dust, vibration, refuse matter or other noxious emissions or containment of hazardous materials.

#### **SECTION 47 EXCAVATION, STRIPPING AND GRADING**

(1) For the purpose of this Section, excavation shall mean excavation other than for construction or building purposes including, but not limited to, sand and gravel mining, topsoil stripping, removing trees and construction of artificial bodies of water.

(2) An application for a development permit for the excavation, stripping or grading of land, which is proposed without any other development on the same land, shall include with his or her application all of the following information:

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- (a) Location of the parcel, including the municipal address, if any, and legal description.
  - (b) The area of the parcel on which the excavation, stripping or grading is proposed.
  - (c) The type and purpose of the excavation, stripping or grading proposed, showing the dimensions of the operation and/or the area of the land and depth to which the topsoil is to be removed.
  - (d) Location on the parcel where the excavation, stripping or grading is to take place.
  - (e) The condition in which the excavation, stripping or grading is to be left when the operation is complete and the use of the area from which the topsoil is removed.
- (3) Where, in the process of development, areas require leveling, filling, or grading, the topsoil shall be removed before work commences, stockpiled, and then replaced following the completion of the work. The affected area shall be graded and landscaped to the satisfaction of the Development Authority.
  - (4) Where significant excavation and fill is proposed, the Development Authority may require that same be conducted in accordance with engineered plans bearing the seal and signature of an professional engineer registered in the Province of Alberta.
  - (5) As a condition of a development permit, the Development Authority may require that the developer provide financial guarantees, in a form acceptable to the Town of Mayerthorpe, up to the value of the estimated cost of all or any proposed work/activities, including final grading and landscaping referred to under Section 51, to ensure that same is carried out with reasonable diligence.

### **SECTION 48 ON-PARCEL AND OFF-PARCEL SERVICES AND IMPROVEMENTS**

- (1) For the purposes of consistency with the Municipal Government Act, the word "parcel" in this Section of the Bylaw has the same meaning as the word "site" in the Municipal Government Act as it pertains to "off-site levy".

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- (2) Where on-parcel services or improvements, including but not limited to water/sewer lines, power and other utility services, or any off-parcel local improvements, relating to but not limited to infrastructure such as roads, lanes, trunk water and sewer lines, are required to service a proposed development, a person shall not begin the excavation for the foundation nor commence the development until the Development Authority is satisfied that such services will be provided or the improvements will be undertaken using, as required, the means of securing performance available in this Bylaw.
- (3) If a development is to be serviced by private sewer and water systems, approval from the appropriate municipal and provincial authorities having jurisdiction with respect to the private sewer and water systems shall be a condition of the development permit issued for said development.

### **SECTION 49 PUBLIC UTILITY BUILDINGS AND EASEMENTS**

- (1) Notwithstanding other regulations in this Bylaw, a person erecting a public utility facility or placing utility equipment on a parcel shall cause it to be placed in a location and with yard setbacks, which are satisfactory to the Town of Mayerthorpe.
- (2) Utility parcels, utility buildings and publicly owned buildings may be permitted in any district except as specifically regulated elsewhere in this Bylaw.
- (3) Subject to the conditions of a utility easement, no permanent structure other than a fence shall be constructed or placed on that utility easement unless:
  - (a) in the opinion of the Town of Mayerthorpe, the said structure is of a temporary nature and does not restrict access to the utility easement for the purpose of installation and maintenance of the utility; and
  - (b) written consent has been obtained from the person for whose use the easement has been granted.

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### **SECTION 50 RELOCATION OF BUILDINGS**

- (1) No person shall:
  - (a) place on a parcel a building which has previously been erected or placed on a different parcel, or
  - (b) alter the location on a parcel of a building which has already been constructed on that parcel,unless the Development Authority approves the placement or alteration.
  - (c) Notwithstanding any other provision of this Bylaw, no mobile homes may be moved into the corporate boundaries of the Town of Mayerthorpe after July 1, 2006.
- (2) An application to "relocate" a building may require:
  - (a) a colour photograph of the building,
  - (b) a statement of the present location of the building,
  - (c) a notification of the relocation route, date, and time that the relocation is to take place, and
  - (d) a complete site plan showing all buildings located or to be located on the lot.
- (3) The Development Authority may require, when a development permit is issued for a relocated building, a performance bond or a letter of credit related to the proposed development.
- (4) The Development Authority may require, when a development permit application is received to relocate a building, that a notice in writing be forwarded to all adjacent landowners in the receiving neighbourhood.
- (5) Any renovations and any conditions imposed by the Development Authority to a relocated building shall be completed within one year of the issuance of the development permit. Non-compliance shall result in the forfeiture of the performance bond or letter of credit.
- (6) When reviewing development permit applications for moved-in buildings, the Development Authority shall consider the impact

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- of the proposed moved-in building on the aesthetics and value of the adjoining properties.
- (7) In the case of a building to be relocated, it shall, in the opinion of the Development Authority, be compatible, with respect to age and appearance, with the buildings in the receiving neighbourhood once all required renovations and improvements have been completed.
  - (8) An approval shall not be granted under Subsection (1) unless the Development Authority is satisfied that:
    - (a) the placement or location of the building would meet the requirements of this Bylaw; and
    - (b) the building and the parcel meet the requirements of this Bylaw and the land use district in which the building is proposed to be located as well as all applicable building standards of the Alberta Government.

### **SECTION 51 LANDSCAPING**

- (1) In all land use districts, no person shall commence or continue the removal of topsoil, without first obtaining an approved development permit.
- (2) Pursuant to Subsection (1) and in addition to the requirements of Section 21 of this Bylaw, development permit applications for landscaping shall be accompanied by a general parcel grading plan, drainage plan and indicate any existing or proposed retaining wall construction.
- (3) There shall be provided upon occupancy of the development, a minimum topsoil coverage of 3.0 inches (7.6 cm) and the affected area shall be landscaped to the satisfaction of the Development Authority.
- (4) In any commercial or industrial land use district, all areas of a parcel not covered by buildings, parking or vehicular maneuvering areas shall be landscaped to the satisfaction of the Development Authority.
- (5) In any commercial land use district, off-street parking lots shall be landscaped by the planting of trees and/or shrubs in the amount of at least one tree and/or shrub for every 2,000 ft<sup>2</sup>

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(185.8 m<sup>2</sup>) of parking lot area. The trees and/or shrubbery shall be of a type and size approved by the Development Authority. Trees/shrubbery required shall be located within the parking area in locations where visibility for the safe movement of persons and traffic is not impaired.

- (6) As a condition of the development permit, all required landscaping and planting must be carried out to the satisfaction of the Development Authority and within one (1) year (weather permitting) of occupancy or commencement of operation of the proposed development.
- (7) As a condition of a development permit, the Development Authority may require that the developer provide a financial guarantee, in a form acceptable to the Town of Mayerthorpe, up to the value of the estimated cost of the proposed landscaping/planting to ensure that such landscaping/planting is carried out with reasonable diligence.

### **SECTION 52 HAZARDOUS MATERIAL STORAGE**

- (1) Parcel Location:

Notwithstanding the regulations prescribed in the land use districts, industrial and commercial uses which involve storing, handling, distributing or disposing of chemical materials or products shall not be located on parcels which, in the opinion of the Municipal Planning Commission, would be considered unsafe or may have potential for contaminating the Town of Mayerthorpe's water supply, unduly interfere with, or affect the use, enjoyment or value of neighbouring parcels by reason of the storage or containment of the product or the potential release of the product.

- (2) Parcel and Building Requirements:

At the discretion of the Municipal Planning Commission, the applicant applying for a use pursuant to this Section shall provide an approved parcel plan from the appropriate provincial agencies prior to a development permit being issued by the Development Authority.

- (3) Pressure vessel storage facilities (AAG and LPG) for materials such as anhydrous ammonia, propane, oxygen, etc. with a water

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- capacity exceeding 1,000 gallons (4,546 litres) shall not be allowed within the corporate limits of the Town of Mayerthorpe.
- (4) Commercial pressure vessel storage facilities (AAG and LPG) for the above storage materials with a water capacity less than 4546 litres (1,000 gallons) the Development Authority shall consider:
- (a) the material to be stored in the pressure vessel;
  - (b) the orientation of the pressure vessel to buildings in the surrounding neighbourhood, especially those which are used for residential use or public assembly;
  - (c) the ability of the local fire department to respond to an accident involving the proposed development; and
  - (d) the truck route through the community which will be used to service the proposed development.
- (5) All pressure vessel containers shall be constructed, located, and inspected in accordance with the provisions of the Alberta Safety Codes Act, and its regulations.

### **SECTION 52A SETBACKS FROM LANDFILLS AND LAGOONS**

- 1) *All non-operating landfills within or adjacent to the Town of Mayerthorpe shall have a restricted development buffer of 300 metres (984.3 feet) in accordance with the provisions of Section 13 of the Subdivision and Development Regulation, as amended.*
- 2) *Consideration of approval for any subdivision or development application within the restricted development buffer shall be subject to a written consent to a variance granted by the Deputy Minister of Environment. As required by the Subdivision and Development Regulation, where a consent to variance is not granted by the Deputy Minister of Environment, the application for subdivision or development approval shall be refused. **Bylaw # 933***

## **PART VII - SPECIAL USE PROVISIONS**

### **SECTION 53 DAY CARE FACILITIES AND HOME DAY CARE**

- (1) In considering a day care facility or a home day care operation, the Development Authority shall, among other factors, consider if the development would be suitable for the parcel taking into account the size of the parcel required given the intended use, appropriate yard setbacks in relation to adjacent land uses, potential traffic generation, proximity to park, open space or recreation areas, isolation of the proposed parcel from residential uses, buffering or other techniques designed to limit any interference with other uses or the peaceful enjoyment of neighbouring parcel, and consistency with other development in the surrounding area/land use districts in terms of nature and intensity of use.
- (2) In the case of a day care facility, the Municipal Planning Commission may establish the maximum number of children for whom care may be provided, having regard for Provincial regulations, the nature of the facility, the density of the district in which it is located, and potential impacts on the uses in the vicinity of the development.

### **SECTION 54 FAMILY CARE AND GROUP CARE FACILITIES**

- (1) General Provisions:

In reviewing an application for a family care or group care facility, the Municipal Planning Commission shall, among other factors, consider if the development would be suitable for the parcel taking into account the size of the parcel required given the intended use, appropriate yard setbacks in relation to adjacent land uses, potential traffic generation, isolation of the proposed parcel from residential uses, buffering or other techniques designed to limit any interference with other uses or the peaceful enjoyment of neighbouring parcel, and consistency with other development in the surrounding area/land use districts in terms of nature and intensity of use.

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(2) Group Care Facilities:

The Municipal Planning Commission may establish the maximum number of persons for which care may be provided having regard for Provincial regulations, the nature of the facility, the density of the land use district in which it is located, and potential impacts such as traffic and interference with or affect on other adjacent land uses.

### **SECTION 55 PLACES OF WORSHIP**

(1) Parcel Width and Area:

The parcel width and area requirements for a place of worship shall be at the discretion of the Development Authority, as the case may be, who shall consider the uses to which the place of worship/parcel will be put in addition to the worship-related uses proposed, and, as an absolute minimum, that the parcel upon which the place of worship is to be located should have a frontage of not less than 100 ft (30.48 m) and an area of not less than 10,000 ft<sup>2</sup> (929 m<sup>2</sup>) except where a building for a clergyman's residence is to be erected on the same parcel. The combined area of the parcel in this latter case should not be less than 15,000 ft<sup>2</sup> (1393.5 m<sup>2</sup>).

(2) Additional Parcel/Building Requirements:

Parking areas, where adjacent to residential districts must be screened by a wall, fence, earth berm or hedge constructed or maintained at not less than 4.0 ft (1.22 m) in height.

(3) Additional Provisions for Places of Worship:

- (a) A site to be used for a church, assembly hall, or place of worship where permitted under this By-law, shall comply with the following special provisions:
  - (i) the site shall be located on a corner lot or lots or in such a way that it will not adversely affect the adjacent development. In no instances shall the church or assembly hall site be approved in the interior of the block unless at least one of the adjacent developments is other than residential;

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- (ii) the site shall be of such a size that would allow adequate parking and landscaping;
  - (iii) in the case of a manse, rectory, parsonage, or other building used for a residence related to the church, the site should be comprised of two residential single detached lots or the equivalent in width and area;
  - (iv) the front, side, and rear building lines shall be those permitted within the district in which the site is located, provided the structure is less than 25 ft (7.62 m) in height. Any structure above 25 ft (7.62 m) in height (excluding steeple) shall have side yards in excess of 10% of the width of the lot and of such a width as will protect the privacy and the sunlight to the adjacent developments to the satisfaction of the Development Authority; and
  - (v) each church building and/or assembly hall shall be of such appearance with respect to its design, proportion, and exterior treatment as, in the opinion of the Development Authority, will not detract or clash with the general appearance of the adjacent residential area and a minimum of 20% of the total site area shall be landscaped;
- (b) Off-street parking facilities shall be provided in accordance with those requirements set out in Section 30(2) of this Bylaw.
- (c) In the instances where the churches or assembly halls are of a very different and outstanding design and where the aesthetic or functional qualities of the proposal could be adversely affected by strict application of the above requirements, the Council may vary the requirements providing that such exceptions will not adversely affect the adjacent developments or the general appearance and function of the district in which such churches and/or assembly halls are proposed.

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### **SECTION 56 CARETAKER'S RESIDENCE**

- (1) The issuance of a development permit for a caretaker's residence, as defined in this Bylaw, shall be in accordance with the following criteria and regulations:
  - (a) A development permit for a caretaker's residence will only be issued if the residence is clearly compatible with and subordinate to the principal use of the subject parcel. Moreover, in the opinion of the Development Authority, the placement of a caretaker's residence shall be compatible with all existing, principal development/land uses on adjacent properties and shall not interfere with future principal development/land uses of adjacent properties.
  - (b) Where a caretaker's residence is allowed in accordance with this Bylaw, the Development Authority, as the case may be, may issue a development permit for one caretaker's residence per associated development or parcel.
  - (c) Where a caretaker's residence is attached to the principal building on a site by a roof, an open or enclosed structure, a floor or a foundation, it is to be considered a part of the principal building.
  - (d) Detached caretaker's residence shall be sited in accordance with siting regulations specified in the land use district within which the subject parcel is located or in accordance with the following requirements, whichever are more stringent:
    - (i) a minimum of 6.0 ft (1.83 m) from any buildings; and
    - (ii) a minimum of 6.0 ft (1.83 m) from the rear and side property lines; and
    - (iii) no closer than the front line of the principal building.

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- (e) Where a caretaker's residence is a mobile (manufactured) home unit, the following shall apply:
  - (i) the unit shall have C.S.A. certification or equivalent. Proof of this shall accompany the development permit application; and
  - (ii) the unit shall be secured and properly skirted to the satisfaction of the Development Authority, as the case may be.
- (f) The minimum and maximum floor area of any non-basement surveillance suite, as defined in this Bylaw, shall be 500 ft<sup>2</sup> (46.45 m<sup>2</sup>) and 1000 ft<sup>2</sup> (92.9 m<sup>2</sup>) respectively.
- (g) The quality of exterior treatment and design of any caretaker's residence shall be to the satisfaction of the Development Authority, as the case may be, who shall ensure that the design, character and appearance of any caretaker's residence is compatible with the development(s)/use(s) with which the suite is associated as well as all development(s)/use(s) on adjacent properties.

### **SECTION 57 DRIVE-THROUGH BUSINESSES**

(1) Parcel Location and Coverage:

Notwithstanding the land use district regulations, drive-through businesses shall not be located on parcels which, in the opinion of the Development Authority, would be considered unsafe in terms of vehicle circulation or access and egress from the parcel. To this end, the Development Authority must consider, but not be limited to considering, the nature of the proposed use and uses on adjacent parcels, anticipated volumes of traffic and types of vehicles during peak and off-peak business periods, off-street parking and loading as well as landscaping requirements.

(2) Parcel Area:

The minimum parcel area for a drive-through business shall be 16,000 ft<sup>2</sup> (1,486.4 m<sup>2</sup>), unless the Development Authority specify that a greater or lessor amount is required given their considerations and determinations pursuant to Subsection (1).

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(3) Setback of Buildings:

Unless the land use district in which the drive-through business is located stipulates greater setbacks, the minimum front yard setback shall be no less than 10 ft (3.05 m) and the side and rear yard setbacks shall be at the discretion of the Development Authority, as the case may be, who shall make provision for queuing spaces, on-parcel traffic circulation, turning and maneuvering.

(4) Additional Parcel/Building Regulations:

- (a) The on-parcel layout of vehicle circulation patterns shall be to the satisfaction of the Development Authority who shall ensure that all queuing spaces lanes provide sufficient space for turning and maneuvering. [All queuing spaces should be a minimum of 21 ft (6.4 m) long and 10 ft (3.05 m) wide.
- (b) Where a drive-through business is located adjacent to a residential land use district, screening shall be provided to the satisfaction of the Development Authority any lighting proposed to illuminate the parcel shall be located and arranged so that all direct rays of light are directed upon the parcel only and not on any residential parcel.

### **SECTION 58 GAS BARS, SERVICE STATIONS AND BULK OIL STATIONS**

(1) Parcel Location:

Notwithstanding the regulations prescribed in the land use districts, a use pursuant to this Section shall not be located on parcels which, in the opinion of the Development Authority, would be considered unsafe in terms of internal vehicle circulation or access to and egress from the parcel. To this end, the Development Authority must consider, but not be limited to considering, the nature of the proposed use and uses on adjacent parcels, anticipated volumes of traffic and types of vehicles during peak and off-peak business periods, off-street parking and loading as well as landscaping requirements.

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### (2) Parcel Area:

- (a) The minimum parcel area for a gas bar shall be 13,000 ft<sup>2</sup> (1,207.7 m<sup>2</sup>).
- (b) The minimum parcel area for a service station shall be 16,000 ft<sup>2</sup> (1,486.4 m<sup>2</sup>).
- (c) Where a service station or gas bar is combined with a convenience store, the minimum parcel area for the total parcel shall in no case be less than 21,000 ft<sup>2</sup> (1,950 m<sup>2</sup>).
- (d) The minimum parcel area for bulk petroleum facilities, gas bars, service stations, car washes and related uses shall be 29,000 ft<sup>2</sup> (2,693.1 m<sup>2</sup>).

### (3) Parcel Coverage:

The maximum building coverage for a use under this Section shall be 25% of the parcel area.

### (4) Parcel and Building/Structure Requirements:

- (a) Unless the land use district in which the gas bar, service station and/or bulk oil station is located or the Alberta Safety Codes stipulates greater setbacks, the front yard setback shall be a minimum of 36 ft (10.97 m), with no pump being located closer than 20 ft (6.1 m) from the front parcel line, and the side yard and rear yard setbacks shall be no less than 20 ft (6.1 m).
- (b) In addition to siting requirements of Subsection (4)(a) and of the land use district in which the gas bar, service station and/or bulk oil station is located, the siting of all buildings and structures, including all fuel and other flammable liquid storage tanks, shall be in accordance with the requirements of the Alberta Gas Protection Act and its regulations, the requirements of the Alberta Boiler Inspection Branch and the regulations under the Fire Prevention Act.
- (c) No development permits will be issued for the installation of fuel or any other flammable liquid storage tanks prior to the Town of Mayerthorpe receiving certified copies of the required permits from the Alberta Government.

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- (d) Where adjoining residential land use districts, any lighting proposed to illuminate the parcel shall be located and arranged so that all direct rays of light are directed upon the parcel only and not on any residential parcel.

### **SECTION 59 CAR WASHING ESTABLISHMENTS**

(1) Parcel Location:

Notwithstanding the regulations prescribed in the land use districts, a use pursuant to this Section shall not be located on parcels which, in the opinion of the Development Authority, would be considered unsafe in terms of internal vehicle circulation or access to and egress from the parcel. To this end, the Development Authority must consider, but not be limited to considering, the nature of the proposed use and uses on adjacent parcels, anticipated volumes of traffic and types of vehicles during peak and off-peak business periods, off-street parking and loading as well as landscaping requirements.

(2) Parcel Area:

The minimum parcel area shall be 13,000 ft<sup>2</sup> (1,207.7 m<sup>2</sup>) and the parcel shall contain storage space for a minimum of four vehicles per car wash bay, whichever is greater, prior to their entry into any part of the cleaning process for which they are bound. In the case of service stations and gas bars including car washes, the minimum parcel area shall be 29,000 ft<sup>2</sup> (2,694.1 m<sup>2</sup>).

(3) Parcel and Building Requirements:

All parcel, building and setback requirements pertaining to drive-through businesses shall also apply to car washing establishments.

(4) Buffers And Screening:

All car wash establishments shall be screened from adjacent residential neighbourhoods by a sound barrier, visual buffer and/or other form of mitigation to the satisfaction of the Development Officer.

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### **SECTION 60 NON-CONFORMING BUILDINGS, USES AND YARD ALLOWANCES<sup>2</sup>**

- (1) Pursuant to the Act, when:
  - (a) on or before the day on which this Bylaw or any bylaw for the amendment thereof comes into force, a development permit has been issued;
  - (b) the enactment of the Bylaw would render the development in respect of which the permit was issued a non-conforming use or non-conforming building; and

the development permit continues in effect, notwithstanding the enactment of the Bylaw referred to Subsection (b) above.
- (2) A non-conforming use of land or a non-conforming use of 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 shall conform with the regulations of the Land Use Bylaw then in effect.
- (3) The 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, shall not be enlarged or added to and no structural alterations shall be made thereto or therein.
- (4) A non-conforming use of part of a lot shall not be extended or transferred in whole or in part to any other part of the lot and no additional buildings shall be erected upon the lot while the non-conforming use continues.
- (5) A non-conforming building may continue to be used but the building shall not be enlarged, added to, rebuilt or structurally altered except:
  - (a) as may be necessary to make it a conforming building; or
  - (b) as the Development Authority considers necessary for the routine maintenance of the building.

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<sup>2</sup> With the exception of subsection 5(c), this section is a verbatim copy of Section 643 of the Municipal Government Act.

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- (c) as specifically authorized by the Development Authority pursuant to Section 643(5)(c) of the Municipal Government Act and in accordance with the variance provisions set forth below:
  - (i) The addition of structures such as decks, carports, new roofs, siding, or new foundations to dwelling units.
  - (ii) New attached garages, enclosed decks and other structures are not applicable under this provision.
  - (iii) All such additions must conform with setback requirements to the extent that a variance or encroachment into a property line setback area is not increased.
- (6) If a non-conforming building is damaged or destroyed to the extent of more than 75% of the value of the building above its foundation, the building shall not be repaired or rebuilt except in accordance with the Land Use Bylaw.
- (7) The use of land or the use of a building is not affected by reason only of a change of ownership, tenancy or occupancy of the land or building.

### **SECTION 61 TRANSFERS**

- (1) Unless clearly described otherwise, all development permits "run with the land" once issued by the Development Authority.
- (2) Where an approved Development Permit does not "run with the land", the said permit is not transferable without the prior consent of:
  - (a) the Development Authority, if the permit was issued by either one, as the case may be; or
  - (b) the Subdivision and Development Appeal Board, if the permit was issued by the Subdivision and Development Appeal Board.

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### **SECTION 62 DEVELOPER'S RESPONSIBILITY**

- (1) A person to whom a development permit has been issued shall obtain from the appropriate authority where applicable, permits relating to building, grades, sewers, water mains, electricity and highways, and all other permits required in connection with the proposed development.
- (2) The person to whom a development permit has been issued shall notify the Development Officer:
  - (a) following the preliminary layout of the site, but prior to the commencement of actual development thereon; and
  - (b) upon completion of the development for which approval has been given and which has been authorized by the issuance of the development permit.
- (3) The Development Officer may require that further to Subsection (2) (a), the applicant arrange with the Development Officer for an on-site inspection before commencing construction.
- (4) The applicant shall be financially responsible during construction for any damage, or as a result of the negligence causing damage by the applicant's servants, suppliers, agents or contractors to any public or private property.
- (5) The applicant shall prevent excess soil or debris from being spilled on public streets, lanes and sidewalks, and shall not place soil or any other materials on adjacent properties without permission in writing from adjacent property owners.
- (6) Subsection (4) and (5) may be enforced pursuant to PART X of this Bylaw.
- (7) No building or use shall be used or occupied and no change in the existing occupancy classification of a building shall be made until substantial completion as determined by the Development Officer has been undertaken in accordance with the development permit that was issued.
- (8) A person to whom a development permit is issued shall, during development, keep:

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- (a) posted in a conspicuous place on the site for which the permit was issued, a copy of the development permit or placard in lieu thereof; and
- (b) at all times of development activity, a copy of the approved drawings and specifications to which the permit pertains.

**PART VIII – LAND USE DISTRICTS AND REGULATIONS**

**SECTION 63 ESTABLISHMENT OF DISTRICTS AND LAND USE DISTRICT MAP**

- (1) For the purpose of this Bylaw the Town of Mayerthorpe is divided into the following districts:

<b><u>Short Form District</u></b>	<b><u>Designation</u></b>
R1	Residential – Single Detached
R2	Residential – Mixed Housing
R3	Residential – Medium Density
R4	Residential – High Density
RMHS	Residential – Manufactured Home Subdivision
RMHC	Residential – Manufactured Home Court
DC	Direct Control
C1	Commercial – Office, Retail and Service
C2	Commercial - Secondary
C3	Commercial – Vehicle Oriented
M	Industrial – General Industrial
US	Urban Services
P	Parks and Recreation
UR	Urban Reserve

- (1) The boundaries of the districts listed in subsection (1) are as delineated on the Land Use District Map.

- (2) Where uncertainty exists as to the boundaries of districts as shown on the Land Use District Map, the following rules shall apply:

Rule 1 Where a boundary is shown as following a street, lane, stream or canal, it shall be deemed to follow the centre line thereof.

Rule 2 Where a boundary is shown as approximately following a lot line, it shall be deemed to follow the lot line.

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- Rule 3        In circumstances not covered by Rules 1 and 2 the location of the district boundary shall be determined by:
- (a)        where dimensions are set out on the Land Use District Map, by the dimensions so set; or
  - (b)        where dimensions are set out on the Land Use District 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 Council shall maintain a list of its decisions with respect to boundaries or portions thereof fixed by it.

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## **SECTION 64 R1 – RESIDENTIAL – SINGLE DETACHED**

(1) General Purpose of District:

This district is generally intended to accommodate single detached dwellings and modular homes.

(2) **Permitted Uses: Discretionary** \_\_\_\_\_ **Uses**

- |                                    |                                 |
|------------------------------------|---------------------------------|
| • <b>A</b> ccessory buildings      | • <b>A</b> ccessory Use         |
| • <b>G</b> arage                   | • <b>D</b> ay care facility     |
| • <b>M</b> odular Home             | • <b>F</b> amily care facility  |
| • <b>S</b> ingle detached dwelling | • <b>G</b> roup Home            |
|                                    | • <b>H</b> ome occupations      |
|                                    | • <b>P</b> arks and playgrounds |
|                                    | • <b>P</b> ublic uses           |
|                                    | • <b>S</b> how home             |

(3) Parcel Coverage:

Coverage of all buildings shall not exceed 40% of the total parcel area.

(4) Minimum Floor Area: (not including attached garage)

- (a) Shall be no less than 79.0 m<sup>2</sup> (850.0 ft<sup>2</sup>).
- (b) Notwithstanding (a), Four Mills Acres (Plan 802-1844) shall have a minimum floor area of no less than 111.5 m<sup>2</sup> (1200 ft<sup>2</sup>)

(5) Maximum Height:

The height of all structures shall not exceed 9.0 m (29.5 ft) and is subject to the provisions of this Bylaw.

(6) Minimum Parcel Depth:

Shall be no less than 34.0 m (111.5 ft).

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(7) Minimum Parcel Width:

No new parcel for a dwelling shall be created which has a width less than:

(a) in the case of roadway and lane systems

15.0 m (49.2 ft) for internal parcels,

17.0 m (55.8 ft) for corner parcels; and

(b) in the case of laneless systems

18.0 m (59.0 ft) for internal parcels,

20.0 m (65.6 ft) for corner parcels.

(8) Minimum Parcel Area:

A product of the minimum parcel depth and the minimum parcel width.

(9) Minimum Front Yard Setback:

Shall be at the discretion of the Development Authority who shall have concern for development or potential development on adjacent parcels, but in no case shall a front yard setback be less than 7.0 m (22.9 ft).

(10) Minimum Side Yard Setback:

(a) Side yards shall total at least 20% of the parcel width with each side yard being at least 1.5 m (4.9 ft) and 2.3 m (7.5 ft) for buildings 7.6 m (24.9 ft) or more in height.

(b) Notwithstanding the above, where a parcel has vehicular access from the front only, one side yard setback must be a minimum of at least 3.2 m (10.5 ft) except where an attached garage or carport is provided.

(11) Minimum Rear Yard Setback:

A rear yard setback shall be provided of not less than 8.0 m (26.2 ft).

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## SECTION 65 R2 – RESIDENTIAL – MIXED HOUSING

(1) General Purpose of District:

This district is generally intended to accommodate single detached dwellings, modular homes, manufactured homes and duplex dwellings

(2) **Permitted Uses: Discretionary** \_\_\_\_\_ **Uses:**

- **A**ccessory buildings
- **G**arage
- **M**anufactured Home
- **M**odular Home
- **S**ingle detached dwelling
- **A**ccessory Use
- **D**ay care facility
- **D**uplex Dwelling (internal parcel)
- **G**roup Home
- **H**ome occupations
- **P**arks and playground
- **P**ublic uses
- **S**how home

(3) Parcel Coverage:

Coverage of all buildings shall not exceed 40% of the total parcel area.

(4) Minimum Floor Area: (not including attached garage)

Shall be no less than 79.0 m<sup>2</sup> (850.0 ft<sup>2</sup>).

(5) Maximum Height:

The height of all structures shall not exceed 9.0 m (29.5 ft) and is subject to the provisions of this Bylaw.

(6) Minimum Parcel Depth:

Shall be no less than 34.0 m (111.5 ft).

(7) Minimum Parcel Width:

No new parcel for a dwelling shall be created which has a width less than:

- (a) in the case of roadway and lane systems

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15.0 m (49.2 ft) for internal parcels,

17.0 m (55.8 ft) for corner parcels; and

(b) in the case of laneless systems

18.0 m (59.0 ft) for internal parcels,

20.0 m (65.6 ft) for corner parcels.

(8) Minimum Parcel Area:

A product of the minimum parcel depth and the minimum parcel width.

(9) Minimum Front Yard Setback:

Shall be at the discretion of the Development Authority who shall have concern for development or potential development on adjacent parcels, but in no case shall a front yard setback be less than 7.0 m (22.9 ft).

(10) Minimum Side Yard Setback:

(a) Side yards shall total at least 20% of the parcel width with each side yard being at least 1.5 m (4.9 ft) and 2.3 m (7.5 ft) for buildings 7.6 m (24.9 ft) or more in height.

(b) Notwithstanding the above, where a parcel has vehicular access from the front only, one side yard setback must be a minimum of at least 3.2 m (10.5 ft) except where an attached garage or carport is provided.

(11) Minimum Rear Yard Setback:

A rear yard setback shall be provided of not less than 8.0 m (26.2 ft).

(12) *Setback from Landfill. Some of the lands within this district are within 300 m of a non-operating landfill. Unless written consent to a variance is granted by the Deputy Minister of Environment, the requirements of the Subdivision and Development Regulation s. 13 will continue to apply to all development and subdivision within this 300 m area. Bylaw #907.*

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## **SECTION 66      R3 – RESIDENTIAL – MEDIUM DENSITY**

(1) General Purpose of District:

This district is generally intended to provide an area for higher density single detached, modular homes and duplex housing.

(2) **Permitted Uses: Discretionary**      **Uses:**

- **A**ccessory buildings
- **D**uplex dwelling
- **F**ourplex
- **G**arage
- **M**ulti Unit Dwelling
- **R**ow housing
- **A**ccessory Use
- **D**ay care facility
- **G**roup care facility
- **G**roup Home
- **H**ome occupations
- **P**arks and playgrounds
- **P**laces of worship
- **P**ublic uses
- **S**ingle Detached Housing
- **S**how Home

(3) Parcel Coverage:

Coverage of all buildings shall not exceed 40% of the total parcel area.

(4) Minimum Floor Area: (not including attached garage)

- (a) One storey or bi-level single dwelling unit – 75.0 m<sup>2</sup> (807.3 ft<sup>2</sup>).
- (b) One and one-half storey or split level single dwelling unit – 93.0 m<sup>2</sup> (1,001.0 ft<sup>2</sup>).
- (c) Two storey single dwelling unit – 112.0 m<sup>2</sup> (1,205.6 ft<sup>2</sup>).
- (d) Duplex dwellings – 56.0 m<sup>2</sup> (602.7 ft<sup>2</sup>) per unit.

(5) Maximum Height:

The height of all structures shall not exceed 11.0 m (36.1 ft) and is subject to the provisions of this Bylaw.

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(6) Minimum Parcel Depth:

Shall be no less than 34.0 m (111.5 ft).

(7) Minimum Parcel Width:

(a) No new parcel for a single detached dwelling or modular home shall be created which has a width less than:

(i) in the case of roadway and lane systems

15.0 m (49.2 ft) for internal parcels,

17.0 m (55.8 ft) for corner parcels; and

(ii) in the case of laneless systems

18.0 m (59.0 ft) for internal parcels,

20.0 m (65.6 ft) for corner parcels.

(b) No parcel for a side-by-side duplex dwelling shall be created with a width less than:

(i) 11.0 m (36.1 ft) per unit for internal parcels (where permitted); and

(ii) 13.0 m (42.6 ft) per unit for corner lots.

(c) No parcel for a vertical duplex dwelling shall be created by subdivision with a width less than:

(i) 9.0 m (29.5 ft) per unit for internal lots (where permitted); and

(ii) 11.0 m (36.1 ft) per unit for corner lots.

(8) Yard Requirements:

As in the R1 District.

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## **SECTION 67 R4 – RESIDENTIAL – HIGH DENSITY**

(1) General Purpose of District:

This district is generally intended to provide for medium to high-density housing.

(2) **Permitted Uses: Discretionary** \_\_\_\_\_ **Uses:**

- Accessory buildings
- Apartment
- Accessory Use
- Day care facility
- Garage
- Group Care Facility
- Home occupations
- Modular home
- Parks and playgrounds
- Places of worship
- Public uses
- Row housing
- Show home

(3) Parcel Coverage:

Coverage of all buildings (excluding parking) shall not exceed 30% of the parcel area. Covered parking shall not exceed 30% of the parcel area.

(4) Minimum Parcel Depth:

Shall be no less than 38.0 m (124.6 ft).

(5) Minimum Parcel Width:

- (a) 22.0 m (72.2 ft) for internal parcels.
- (b) 27.0 m (88.6 ft) for corner parcels.

(6) Minimum Parcel Area:

- (a) 836.0 m<sup>2</sup> (8,998.9 ft<sup>2</sup>) for internal parcels.
- (b) 1026.0 m<sup>2</sup> (11,044.2 ft<sup>2</sup>) for corner parcels.

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(7) Dwelling Unit Density:

- (a) One-bedroom units – 32 units per parcel acre.
- (b) Two or three bedroom units – 25 units per parcel acre.

(8) Minimum Front Yard Setback:

Shall be at the discretion of the Development Authority who shall have concern for development or potential development on adjacent parcels and for the amenities of the area, but in no case shall be permitted a setback of less than 7.6 m (24.9 ft).

(9) Minimum Side Yard Setback:

- (a) Shall be one-half the height of the building or 15% of the width of the parcel whichever is the greater.
- (b) Corner or double fronting parcels shall be as established under Section 29 of this Bylaw.

(10) Minimum Rear Yard Setback:

A rear yard setback to the principal building shall be provided of not less than 7.6 m (24.9 ft) or one-half the height of the building whichever is the greater.

(11) Landscaping and Amenity Area:

- (a) The minimum landscaped area shall be 35% of the parcel.
- (b) In multi-unit developments, a minimum of 40.0 m<sup>2</sup> (430.6 ft<sup>2</sup>) of common amenity area must be provided for each dwelling unit up to ten units, with an additional 3.0 m<sup>2</sup> (32.0 ft<sup>2</sup>) for each unit above ten units.
- (c) In row housing developments, a fenced private outdoor amenity area of at least 21.0 m<sup>2</sup> (226.0 ft<sup>2</sup>) must be provided for each dwelling unit.
- (d) A screen fence shall be required along the side property line between any multi-family development and an abutting single family dwelling or district. The height of the screen fence shall be at the discretion of the Development Authority in keeping with the requirements of this Bylaw.

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### **SECTION 68 RMHS – RESIDENTIAL MANUFACTURED HOUSING SUBDIVISION BYLAW #933**

(1) General Purpose of District:

This District is generally intended to provide for single manufactured ~~and mobile home~~ development on individual subdivided parcels. **Bylaw #933.**

(2) **Permitted Uses: Discretionary** \_\_\_\_\_ **Uses:**

- **A**ccessory buildings
- **M**anufactured home
- **A**ccessory Use
- **D**ay care facility
- **G**arage
- **H**ome occupations
- **P**arks and playgrounds
- **P**laces of worship
- **P**ublic uses
- **S**how homes or temporary sales offices

(3) Minimum Lot Area:

Minimum Lot Area shall be 370.0 m<sup>2</sup> (3,982.8 ft<sup>2</sup>).

(4) Parcel and Yard Regulations:

a) Minimum Front Yard:

Shall be 7.0 m (22.9 ft).

b) Minimum Side Yard:

Shall be 1.5 metre (4.9 ft) on one side and 3.0 metres (9.8.0 feet) on another side.

c) Minimum Rear Yard:

Shall be 6.0 m (19.7 ft).

d) Minimum Lot Depth:

Shall be 46.2 metres (140 feet).

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## **SECTION 69 RMHC – RESIDENT IAL – MANUFACTURED HOME COURT**

(1) General Purpose of District:

This district is generally intended to provide for the placement of more than one manufactured home on a single parcel.

(2) **Permitted Uses: Discretionary** \_\_\_\_\_ **Uses:**

- **A**ccessory buildings
- **M**anufactured home court
- **M**anufactured homes
- **M**anufactured home court office
- **A**ccessory Use
- **D**ay care facility
- **G**arage
- **P**arks and playgrounds

(3) Parcel Coverage:

Dwellings – 28%.

Accessory buildings – 12%.

(4) Maximum Height:

The height of structures shall not exceed 6.0 m (19.7 ft) and is subject to the provisions of this Bylaw.

(5) Parcel Area:

Minimum court area shall be 2.0 hectares (4.9 acres).

(6) Unit Area & Depth:

The minimum area assigned for the exclusive or private use of each dwelling unit shall be 370.0 m<sup>2</sup> (3,982.8 ft<sup>2</sup>). All lots shall have a minimum depth of 46.2 metres (140 feet).

(7) Minimum Front Yard:

Shall be 7.5 m (24.9 ft).

(8) Minimum Side Yard:

Shall be 1.5 metre (4.9 ft) on one side and 3.0 metres (9.8.0 feet) on another side.

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(9) Minimum Rear Yard:

Shall be 6.0 m (19.7 ft).

(10) Development Requirements:

- (a) All roads in a manufactured home court should be graveled or hard-surfaced to the satisfaction of the Development Authority and shall have a width of at least 7.5 m (24.9 ft) including a hard-surfaced sidewalk of at least 1.0 m (3.3 ft) in width.
- (b) All on-site municipal utilities shall be provided underground.
- (c) Principal buildings must be separated from each other by at least 6.0 m (19.7 ft).
- (d) On-site traffic circulation patterns and lighting are to be to the satisfaction of the Development Authority.

(11) Landscaping and Amenity Area:

- (a) All areas of a manufactured home court not occupied by private dwelling unit area, roads or other development, shall be landscaped to the satisfaction of the Development Authority.
- (b) In manufactured home developments, a minimum of 40.0 m<sup>2</sup> (430.5 ft<sup>2</sup>) of common amenity area must be provided for each dwelling unit up to ten units, with an additional 3.0 m<sup>2</sup> (32.3 ft<sup>2</sup>) for each unit above ten units.
- (c) A screen fence shall be required along the side property line between any manufactured home development and abutting a single detached dwelling or district. The height of the screen fence shall be at the discretion of the Development Authority, but shall not be less than 1.0 m (3.3 ft), nor exceed 2.0 m (6.5 ft).

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### **SECTION 70 C1 – COMMERCIAL – OFFICE, RETAIL AND SERVICE**

(1) General Purpose of District:

This district is generally intended to provide for office, retail and personal service outlets.

(2) **Permitted Uses: Discretionary** \_\_\_\_\_ **Uses:**

- **E**ating and Drinking Establishment (non-alcoholic)
- **P**ersonal Service Establishment
- **P**rofessional, Financial, Office & Business Support Services
- **P**rofessional Services
- **R**etail Establishment
- **A**ccessory building & Use
- **A**musement Establishment (indoor)
- **B**oarding Facility
- **D**ay care facility
- **D**welling unit – attached to a commercial use
- **E**ating and Drinking Establishment
- **L**ibrary
- **P**et care and grooming centre
- **P**arks and playgrounds
- **P**ublic use
- **R**epair Service Establishment
- **S**chool

(3) Parcel Coverage:

Coverage of all buildings may be 90%, provided that adequate provision is made for parking, loading and garbage facilities and activities.

(4) Minimum Parcel Area:

No new parcel shall be created by subdivision with an area of less than 185.0 m<sup>2</sup> (1,991.4 ft<sup>2</sup>), or a width of less than 6.0 m (19.7 ft), or a depth of less than 30.0 m (98.4 ft).

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(5) Minimum Rear Yard:

None required provided that adequate provision is made for parking, loading and garbage facilities, and activities.

(6) Minimum Side Yard:

None required unless abutting a residential district. The side yard required where the parcel abuts a residential district shall be 1.5 m (4.9 ft) or 40% of the height of the building, whichever is greater. Where one is provided, no side yard shall be less than 1.5 m (4.9 ft).

(7) Maximum Height:

Shall not exceed 12.0 m (39.4 ft).

(8) Access:

No parcel shall be created which does not have access to an alley at one side or the rear.

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## SECTION 71 C2 – COMMERCIAL - SECONDARY

### (1) General Purpose of District:

This district is generally intended to provide for developments containing both retail and service functions and/or which require large storage/display areas.

### 2) **Permitted Uses: Discretionary** \_\_\_\_\_ **Uses:**

- **A**uctioneering Establishment (excluding livestock)
- **A**utomobile Service Centre
- **E**ating and Drinking Establishment (non-alcoholic)
- **P**ersonal Service Establishment
- **P**rofessional, Financial, Office & Business Support Services
- **P**rofessional Services
- **R**etail Establishment
- **S**ervice Station
- **A**ccessory building & Use
- **A**musement Establishment (indoor)
- **D**ay care facility
- **C**aretaker's Residence
- **L**ibrary
- **P**arks and playgrounds
- **P**ublic use
- **R**epair Service Establishment
- **R**ecycling Centre
- **S**chool

### (3) General Regulations:

- (a) The regulations of the C1 District, except for maximum height, shall apply.
- (b) Maximum height shall not exceed 11.0 m (36.1 ft) and is subject to the provisions of this Bylaw.
- (c) The siting and architectural appearance of all buildings and improvements, and the landscaping of the parcel shall be to the satisfaction of the Development Authority in order that there will be general conformity in the district and that there will be no adverse effect on adjacent developments or districts.

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### SECTION 72 C3 – COMMERCIAL – VEHICLE ORIENTED

(1) General Purpose of District:

This district is generally intended for developments which will serve vehicular traffic or which would benefit from exposure to traffic.

2) **Permitted Uses: Discretionary** \_\_\_\_\_ **Uses:**

- **A**utomobile Service Centre
- **F**arm Equipment Sales and Service
- **H**otel
- **M**obile/Manufactured home, Recreational Vehicle Sales
- **M**otel
- **S**ervice Station
- **V**eterinary Hospital
- **A**ccommodation for mobile workforce
- **A**musement (indoor/Outdoor)
- **A**ccessory Building & Use
- **B**usiness support and training services
- **C**ampground
- **C**aretaker's Residence
- **G**reenhouse
- **P**arks and Playgrounds
- **P**ublic Use
- **R**etail Establishment

(3) Parcel Coverage:

The parcel coverage of all buildings shall not exceed 50% of the total parcel area.

(4) Maximum Height:

The height of structures shall not exceed 11.0 m (36.1 ft) and is subject to the provisions of this Bylaw.

(5) Minimum Front Yard:

The minimum front yard shall be 6.0 m (19.7 ft).

(6) Minimum Rear Yard: None required except that where a parcel abuts a residential district the rear yard shall be a minimum of 6.0 m (19.7 ft).

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## SECTION 73 M – INDUSTRIAL – GENERAL INDUSTRIAL

(1) General Purpose of District:

This district is generally intended to establish an area of industrial uses. This district will accommodate uses which do not cause any external, objectionable or dangerous conditions beyond any building on the parcel.

2) **Permitted Uses: Discretionary** \_\_\_\_\_ **Uses:**

- **A**nimal Grooming
- **G**eneral industrial use
- **K**ennel
- **L**ight industrial use
- **M**anufacturing Plant
- **S**ervice station
- **A**ccessory Building & Use
- **A**musement establishment (Indoor/Outdoor)
- **A**uctioneering establishment
- **Caretaker's Residence Bylaw #907**
- **E**ating and Drinking Establishment (non-alcoholic)
- **P**arks and playgrounds
- **P**rofessional Services
- **P**ublic uses
- **R**ecreational establishment
- **R**etail Establishment
- **V**eterinary Hospital

(3) Parcel Coverage:

The maximum area of each parcel which may be built upon shall be 60% of the parcel area.

(4) Minimum Front Yard:

The minimum front yard shall be 6.0 m (19.7 ft) except where a greater distance is deemed necessary by the Development Authority. No area for parking, loading, storage or any like purpose shall be permitted within the required front yard..

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(5) Minimum Side Yard:

The minimum side yard shall be not less than 6.0 m (19.7 ft) on one side of the building and not less than 1.5 m (4.9 ft) on the other side. The larger yard must be on the flanking side of corner parcels..

(6) Minimum Rear Yard:

The minimum rear yard shall be 5.0 m (16.4 ft)..

(7) Maximum Height:

The height of structures shall not exceed 12.2 m (40.0 ft)..

(8) Appearance:

A minimum of 10% of the parcel shall be landscaped with trees, shrubs and planted ground cover in accordance with plans approved by the Development Officer.

(9) Issuance of a Development Permit:

Prior to issuing a development permit for a proposed development on a parcel, Council may hold a public hearing or hearings as determined necessary.

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## SECTION 74 US – URBAN SERVICES

(1) General Purpose of District:

This district is generally intended to establish an area for the development of institutions or community services.

2) **Permitted Uses: Discretionary** \_\_\_\_\_ **Uses:**

- **D**ay care facility
- **L**ibrary
- **S**chool
- **A**ccessory Building & Use
- **C**emetery
- **E**xtended Medical Treatment Facility
- **P**rotective & Emergency Services
- **P**arks and playgrounds
- **P**laces of public assembly
- **P**ublic uses

(3) Development Regulations for Permitted and Discretionary Uses:

All parcel regulations shall be at the discretion of the Development Authority. The design, siting, landscaping, screening and buffering shall minimize and compensate for any objectionable aspects or potential incompatibility with development in abutting districts.

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## SECTION 75 P – PARKS AND RECREATION

(1) General Purpose of District:

This district is generally intended to establish an area for recreational and leisure activities.

(2) **Permitted Uses: Discretionary** \_\_\_\_\_ **Uses:**

- **P**arks and playgrounds
- **P**ublicly owned minor recreation and cultural facilities
- **A**ccessory Building & Use
- **C**ommercial recreation facility
- **M**ajor recreation and cultural facility
- **S**chools

(3) Development Regulations:

All parcel regulations shall be at the discretion of the Development Authority. The design, siting, landscaping, screening and buffering shall minimize and compensate for any objectionable aspects or potential incompatibility with development in abutting districts.

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## **SECTION 76 UR – URBAN RESERVE**

(1) General Purpose of District:

This district is generally intended to reserve, for urban development, those areas of the municipality which are rural in character.

(2) **Permitted Uses: Discretionary** \_\_\_\_\_ **Uses:**

- **E**xtensive agriculture
- **P**arks
- **S**ingle detached dwelling, modular home, or manufactured home on existing parcels only.
- **A**ny use or building which, in the opinion of the Development Officer, will not prejudice the possibility of conveniently and economically subdividing the area for urban development.

(3) Development Regulations for Permitted and Discretionary Uses

- (a) No subdivision shall be permitted except as required in the Act, or for municipal purposes.
- (b) All development regulations shall be at the discretion of the Development Authority.
- (c) No subdivisions or development other than for the above uses shall take place until an overall plan for the area has been resolved. This plan should establish an outline plan of subdivision, the proposed land use classification, public reserve dedications and utilities policies.

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## **SECTION 77 DC – DIRECT CONTROL**

(1) General Purpose of District:

To enable land use and development to occur in areas of unique character or circumstance. Interim uses and development may be allowed if they do not preclude or significantly increase cost for development, conversion, or redevelopment in terms of the existing and future urban infrastructure. Proposed developments are subject to the regulations presented below and such rules with respect to land generally or specifically as the Council may make from time to time, and as described within policies of the Municipal Development Plan. All proposals will be reviewed and decided upon by Council.

(2) **Permitted Uses: Discretionary \_\_\_\_\_ Uses:**

- **As allowed by Council**
- **As allowed by Council**

(3) Development Regulations:

- (a) All parcel regulations shall be at the discretion of Council. The design, siting, landscaping, scenery and buffering shall minimize and compensate for any objectionable aspects or potential incompatibility with development in the district or abutting districts.
- (b) In evaluating a proposed land use or a development, Council shall have regard for, but not be limited to:
- (i) existing use of the land;
  - (ii) uses, regulations and development criteria specified in the land use district superseded by this district;
  - (iii) the General Provision and Special Land Use Regulations as contained in this Bylaw;
  - (iv) the Land Use Regulations of abutting Land Use Districts; and
  - (v) shall conform to the Act, Subdivision Regulations and any Statutory Plan in effect.

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### (4) Development Permit Information Requirements:

Pertaining to information required for processing and review of a proposal pursuant to this Bylaw, Council will consider and require the applicant to submit any or all of the following for the purpose of relating any proposal to the growth of the entire Town:

- (a) An explanation of the intent of the project;
- (b) The features of the project which make it desirable to the general public and the Town. This is to include an evaluation of how the project will relate to the present and projected needs of the Town as a whole;
- (c) An economic analysis of the proposal's anticipated impact on the local community and the Town; and
- (d) A detailed development scheme containing the following information:
  - (i) Location of all proposed buildings,
  - (ii) Elevation and architectural treatment of all buildings and associated structures,
  - (iii) Proposed servicing scheme and its relationship to the Town's existing and/or proposed servicing explains,
  - (iv) All yard setbacks, parcel coverage, parcel areas, floor areas, sizes of lots, number of parking stalls,
  - (v) Anticipated scheduling and sequence of development,
  - (vi) Mechanisms by which conformance to the plan are submitted will be ensured, such as normally achieved through a combination of caveats, easements, service agreements and performance bonds,
  - (vii) Such additional requirements as are deemed necessary having regard to the nature of the proposed development and the surrounding use which may be affected, and
  - (viii) Council may request an applicant to prepare a detailed submission, as outlined above.

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(5) Land Use Agreement:

- (a) An applicant may be required to enter into a legal Land Use Agreement with the Municipality to ensure that the use and development of land and buildings on a parcel complies with the approved comprehensive plan of development as a condition of approval of a development permit issued pursuant to the Direct Control District.
- (b) The Land Use Agreement shall run as a restrictive covenant against the title of the parcel created and serve to restrict the development of land in accordance with the approved comprehensive plan of development.

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# **SCHEDULE "A"**

# **FORMS**

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**SCHEDULE "B"**  
**LAND USE DISTRICT MAP**



**SCHEDULE "C"**  
**DEVELOPMENT PERMIT**  
**CONDITIONS OF APPROVAL**

