

VILLAGE OF PARADISE VALLEY

BY-LAW NO. 308 - 2020

A By-Law of the Village of Paradise Valley in the Province of Alberta for the purpose of repealing By-Law No. 249 - 1998 and adopting a Land Use By-Law for the Village of Paradise Valley.

WHEREAS a Land Use By-Law has been prepared for the Village of Paradise Valley based on public input and studies of land use, development, and other relevant information; and

WHEREAS the foresaid Land Use By-Law describes the way in which the future development of the Village of Paradise Valley may be carried out in an orderly and economic manner;

NOW THEREFORE the Council of the Village of Paradise Valley, duly assembled, and pursuant to the authority conferred upon it by the Municipal Government Act R.S.A. 2000, c. M-26 as amended enacts as follows:

1. This new By-Law may be cited as the "Village of Paradise Valley Land Use By-Law".
2. The Land Use By-Law of the Village of Paradise Valley attached hereto as Schedule "A" to this By-Law is hereby adopted.
3. By-Law No. 249-1998 as amended, being the previous Land Use By-Law of the Village of Paradise Valley, is hereby repealed.
4. This By-Law may be amended by By-Law in accordance with the *Municipal Government Act* R.S.A. 2000, c. M-26, as amended.

This By-Law comes into effect upon the date of the final reading thereof.

VILLAGE OF PARADISE VALLEY

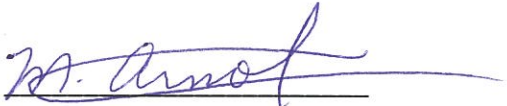
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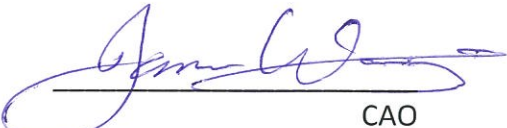
READ A FIRST TIME this 12th day of March, A.D. 2020

READ A SECOND TIME this __15th__ day of __July__ A.D. 2021
AS AMENDED

READ A THIRD TIME this __15th__ day of __July__ A.D. 2021
AS AMENDED



Mayor



CAO





The Village of

Paradise Valley

LAND USE BYLAW

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GUIDE TO USING THE LAND USE BYLAW

The Village of Paradise Valley Land Use Bylaw establishes the regulations on how land can be developed (that is, how land can be used and buildings can be either constructed or moved in) in the municipality. Regulations vary depending on the location and types of development. Other bylaws or policies of the Village (as well as provincial and federal regulations) must also be followed.

There are several parts of the Land Use Bylaw that need to be examined to understand how it works:

1

The Land Use District Map divides the Village of Paradise Valley into seven distinct land use districts.

2

The text of the Land Use Bylaw details the uses that are allowed in each land use district.

3

Additional general and special regulations are provided that apply to all (or particular) land use activities in the Village.

The following steps may assist the user:

LOCATE

The Land Use Districts Map divides the Village into seven land use districts. Take note of which land use district your subject property is located in. Please note that land use districts are sometimes commonly referred to as “zones.” In order to conform to the language of the *Municipal Government Act*, this document uses the terms “district” and “districting.”

CHECK

Check the Table of Contents and locate the land use district you are interested in. In each land use district you will find a list of permitted and discretionary uses, subdivision regulations, development regulations, and other miscellaneous regulations. This determines how and what can be developed in any given land use district. There are definitions in Section 1.3 – Interpretation that should also be consulted to ensure that words and terms used in the Land Use Bylaw are understood.

REVIEW

Review the Table of Contents to see if there are any General or Special Regulations that apply to the development or land use in question. If you are interested in submitting a development permit or subdivision application, you should review the submission requirements identified in Sections 4 and 5.

DISCUSS

Discuss your proposal or concern with Village Administration. Village Administration is able to assist you with your development, subdivision, or general inquiry issues and to explain procedures. They can also assist with other situations such as enforcement or a Land Use Bylaw amendment.

1 INTRODUCTION

1.1 TITLE

1. The title of this bylaw is the Village of Paradise Valley Land Use Bylaw.

1.2 PURPOSE

1. The purpose of this bylaw is to, amongst other things:
 - a. Divide the municipality into districts;
 - b. Regulate and control or to prohibit the use and development of land and buildings in each district;
 - c. Establish the office of the Development Officer;
 - d. Establish a method of making decisions on applications for Development Permits including the issuing of Development Permits; and
 - e. Provide the manner in which notice of the issuance of a Development Permit is to be given.

1.3 INTERPRETATION

1. In this Bylaw:

1	ACCESSORY BUILDING	Means a building separate and subordinate to the main building, the use of which is incidental to that of the main building and is located on the same lot.
2	ACCESSORY USE	Means a use customarily incidental and subordinate to the main use or building, which is located in the same lot with such main use or building.
3	ACT, THE	Means the <i>Municipal Government Act</i> , RSA 2000, c M-26, as amended.
4	APARTMENT	Means a dwelling containing three (3) or more dwelling units, but shall not mean row housing.
5	BUILDING	Means anything constructed or placed on, in, over, or under land but does not include a road or a bridge forming part of a road.
6	CORNER LOT	Means a lot with boundary lines on two separate roads or a single road that curves at an angle of sixty (60) degrees or more at the subject lot. For the purposes of this definition, a road shall not include a lane.
7	COUNCIL	Means the Council of the Village of Paradise Valley.
8	DAY HOME	Means a provincially licensed child care facility operated from a residence supplying supervision of a maximum of six (6) children under the age of eleven (11) years including any resident children. A day home shall supply an outside play space that is both fenced and gated, and shall meet all fire regulations and health regulations.
9	DEVELOPMENT	Means:

		<ul style="list-style-type: none"> a. An excavation or stockpile and the creation of either of them; or b. A building or an addition to, or replacement or repair of a building and the construction or placing in, on, over or under land of any of them; or c. A change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building; or d. A change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building; e. Those definitions of development included in the <i>Act</i>.
10	DEVELOPMENT AUTHORITY	Means the Development Authority established by the municipality's Development Authority Bylaw and appointed by Council.
11	DEVELOPMENT PERMIT	Means a document authorizing a development issued pursuant to this Bylaw.
12	DISCRETIONARY USE	Means the use of land or a building provided for in this Bylaw for which a development permit may be issued upon an application having been made.
13	DWELLING, APARTMENT	Means a dwelling containing three (3) or more dwelling units, but shall not mean row housing.
14	DWELLING, DUPLEX	Means a dwelling containing two (2) dwelling units which share a common wall, and which are located either side by side or one above the other and which may or may not share a common access.
15	DWELLING, MANUFACTURED HOME	Means a dwelling that would otherwise be considered to be a single family dwelling if the roof pitch were greater than 1:4, if the depth of eaves were greater than 45 cm (18 inches), if the ratio of depth vs. width (or width vs. depth) were less than 2.5:1, and if it were supported on a permanent foundation or base extending below grade. A manufactured home unit may be entirely constructed on-site.
16	DWELLING, ROW HOUSING	Means a dwelling or dwellings, each of which consists of at least three (3) dwelling units with each unit having direct access to the outside grade, but shall not mean an apartment dwelling.
17	DWELLING, SINGLE DETACHED	Means a building consisting of one (1) dwelling unit. A single detached dwelling is a dwelling which is normally constructed on-site. However, a single detached dwelling may be constructed in pieces offsite, or even in one piece, with the piece(s) being transported to the site for assembly on-site. A single detached dwelling unit does not include a manufactured home dwelling.
18	DWELLING UNIT	Means a complete dwelling or self-contained portion of a dwelling, or a set or suite of rooms which contains sleeping, cooking and separated or shared toilet facilities, intended for domestic use, and used or intended to be used

		permanently or semi-permanently as a residence for a household, and which is not separated from direct access to the outside by another separate dwelling unit.
19	FAMILY CARE FACILITY	Means a facility which provides resident service in a dwelling to six (6) or fewer individuals who are not related to the resident household. These individuals are handicapped, aged, disabled, or in need of adult supervision and are provided service and supervision in accordance with their individual needs. This category includes boarding homes for children, group homes and family homes.
20	FLOOR AREA	Means the total area of all floors of all buildings, not including accessory buildings, located on any lot, excluding the area of basement floors, except that all dwelling units in apartment buildings shall be included in the calculation of floor area.
21	FRONT LINE	Means the boundary line of a lot lying adjacent to a road. In the case of a corner lot, the shorter of the two boundary lines adjacent to the road shall be considered the front line.
22	GROSS LEASABLE FLOOR AREA	Means that portion of the floor area leased to a tenant for his exclusive use and does not include any common areas such as an internal mall, stairs, washrooms, etc. to be used by the complex as a whole.
23	GROUND FLOOR AREA	Means the total area of a lot including accessory buildings which is covered by any building or structure.
24	GROUP CARE FACILITY	Means a facility which provides resident services to seven (7) or more individuals of whom one or more may be related. These individuals are handicapped, aged, or disabled, and undergoing rehabilitation, and are provided services to meet their needs. This category includes supervised uses such as group homes (all ages), halfway houses, resident schools, resident facilities, or boarding homes.
25	GROUP HOME	Means a building or portion of a building used for the care of rehabilitation of children, adolescents or adults.
26	HOME OCCUPATION	Means a business, occupation, trade, profession, or craft carried on by an occupant of a dwelling as a use secondary to the residential use of the building which does not change the character thereof. For the purposes of this Bylaw, home occupations are divided into two types - minor home occupations and major home occupations.
		Mean:
27	LOT	<ul style="list-style-type: none"> a. a quarter section; b. a river lot or a lake lot shown on an official plan referred to in the Surveys Act that is filed or lodged in a land titles office; c. a settlement lot shown on an official plan referred to in the Surveys Act that is filed or lodged in a land titles office;

		<ul style="list-style-type: none"> d. a part of a parcel of land described in a Certificate of Title if the boundaries of the part are described in the Certificate of Title other than by reference to a legal subdivision; or e. a part of a parcel of land described in a Certificate of Title if the boundaries of the part are described in the Certificate of Title by reference to a plan of subdivision.
28	LOT COVERAGE	Means a calculation of the ground floor area divided by the area of the lot.
29	LOT WIDTH	Means the length of a line parallel to the front line or, in a lot with a curved front line, perpendicular to a line running between the mid-point of the front line and the mid-point of the rear line, measured at a distance from the front line equal to the minimum required front yard.
30	MAIN BUILDING	Means a building in which is conducted the main or principle use of the lot on which it is erected.
31	MUNICIPALITY	Means the Village of Paradise Valley, unless otherwise noted.
32	NON-CONFORMING BUILDING	<p>Means a building:</p> <ul style="list-style-type: none"> a. that is lawfully constructed or lawfully under construction at the date a land use bylaw or any amendment thereof affecting the building or the land on which the building is situated becomes effective, and b. that on the date the land use bylaw becomes effective does not, or when constructed will not, comply with the land use bylaw.
33	NON-CONFORMING USE	<p>Means a lawful specific use:</p> <ul style="list-style-type: none"> a. being made of land or a building or intended to be made of a building lawfully under construction at the date a land use bylaw affecting the land or building becomes effective, and b. that on the date the land use bylaw becomes effective does not, or in the case of a building under construction will not, comply with the land use bylaw. <p>Means:</p> <ul style="list-style-type: none"> a. In the case of land owned by the Crown in right of Alberta or the Crown in right of Canada, the Minister of the Crown having the administration of the land; or
34	OWNER	<ul style="list-style-type: none"> b. In the case of any other land: <ul style="list-style-type: none"> i. The purchaser of the fee simple estate in the land under an agreement for sale that is the subject of a caveat registered against the certificate of title in the land and any assignee of the purchaser's interest that is the subject of a caveat registered against the certificate of title; or

		ii. In the absence of a person described in (i) above, the person registered under the Land Titles Act as the owner of the fee simple estate in the land.
35	PERMITTED USE	Means the use of land or a building provided for in this Bylaw for which a development permit shall be issued upon an application having been made, provided that all of the regulations of this Bylaw are satisfied.
36	PUBLIC UTILITY	Means a public utility, as defined in the <i>Act</i> .
37	REAR LINE	Means the boundary line of a lot lying opposite to the front line of the parcel and/or farthest from a road.
38	RENTABLE UNIT	Means a separate unit on of a motel development used or intended to be used for the temporary dwelling accommodation of one or more persons.
39	ROAD	Means a “road” as defined in the <i>Act</i> .
40	SIDE LINE	Means the boundary line of a lot lying between a front line and a rear line of a lot. In the case of a corner lot, the longer of the two boundary lines adjacent to the road shall be considered a side line.
41	SUBDIVISION AND DEVELOPMENT APPEAL BOARD	Means the Subdivision and Development Appeal Board established by the Council by the Subdivision and Development Appeal Board Bylaw adopted pursuant to the <i>Act</i> .
42	YARD	Means a part of a lot upon or over which no main building is to be erected.
43	YARD, FRONT	Means a yard extending across the full width of a lot from the front line to the nearest wall of the main building situated on the lot. In the case of a curved front line, the front yard will also form a curve.
44	YARD, REAR	Means a yard extending across the full width of a lot from the nearest wall of the main building situated on the lot to the rear line of the lot.
45	YARD, SIDE	Means a yard extending from the nearest wall of the main building situated on a lot to the side line, and lying between the front and rear yards on the lot.

2. All other words and expressions have the meanings respectively assigned to them in:
 - a. the *Act*; or
 - b. other relevant Acts of the Provincial of Alberta; or
 - c. common law.

2 AGENCIES

2.1 DEVELOPMENT AUTHORITY

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

2.2 SUBDIVISION AND DEVELOPMENT APPEAL BOARD

1. The Subdivision and Development Appeal Board established by the municipality's Subdivision and Development Appeal Board Bylaw shall perform such duties as are specified in Section 6 of this Land Use Bylaw.

3 DEVELOPMENT APPLICATIONS

3.1 CONTROL OF DEVELOPMENT

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

3.2 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

1. The following development shall not require a development permit:
 - a. The carrying out of works of maintenance or repair to any building, provided that such works do not include structural alterations or major works of renovation that would require a building permit.
 - b. The completion of a building which was lawfully under construction at the date of the approval of this Bylaw, provided that the building is completed in accordance with the terms of any permit granted in respect of it and subject to the conditions to which such permit was granted, and provided also that the building, whether or not a permit was granted in respect of it, is completed within a period of twelve (12) months from the said date of the approval of this Bylaw.
 - c. The use of any such buildings as referred to in Section 3.2.b for the purpose for which construction was commenced.
 - d. The erection, construction, or maintenance, improvement or alteration of gates, fences, walls or other means of enclosure (other than on corner lots or where abutting on a road used by vehicular traffic) less than 0.9 m (3.0 ft) in height in front yards and less than 1.8 m (6.0 ft) in side and rear yards, and the maintenance, improvement and other alterations of any gates, fences, or walls or other means or enclosure.
 - e. A temporary building, the sole purpose of which is incidental to the erection or alteration of a building, for which a permit has been issued under this Bylaw.
 - f. The maintenance and repair of public works, services and utilities carried out by or on behalf of federal, provincial and municipal public authorities on land which is publicly owned or controlled.
 - g. An accessory building or structure in a Residential District with a gross floor area of under 9.3 m² (100 ft²), unless the accessory building or structure does not satisfy the regulations indicated in Section 8.1.
 - h. Landscaping where the proposed grades will not adversely affect the subject or adjacent parcels of land, including the hard-surfacing of part of a lot in a Residential District for the purposes of providing vehicular access from a road to an attached or detached garage or carport.
 - i. The demolition or removal of any building or structure for which erection a development permit would not be required pursuant to Sections 3.2.1.d through 3.2.1.g, both inclusive.

3.3 NON-CONFORMING BUILDINGS AND USES

1. A non-conforming use of land or a building may be continued, but if that use is discontinued for a period of six (6) consecutive months or more, any future use of the land or building must conform to this Bylaw.
2. A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made thereto or therein.
3. A non-conforming use of part of a lot may not be exceeded or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed upon the lot while the non-conforming use continues.

4. A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except:
 - a. to make it a conforming building;
 - b. for the routine maintenance of the building, if the Development Authority considers it necessary; or
 - c. in accordance with the powers possessed by the Development Authority pursuant to the *Act* and Section 3.7.1 to approve a development permit notwithstanding any non-compliance with the regulations of this Bylaw.
5. 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 may not be repaired or rebuilt except in accordance with this Bylaw.
6. The use of land or the use of a building is not affected by a change of ownership, tenancy, or occupancy of the land or building.

3.4 DEVELOPMENT PERMIT APPLICATION

1. The Development Authority shall receive, review, consider and decide on all applications for a development permit.
2. An application for a development permit shall be made to the Development Authority in writing, in the form required by the Development Authority, and shall be accompanied by:
 - a. a non-refundable application fee, as established by Council;
 - b. a site plan showing:
 - i. front, side and rear yards;
 - ii. north point;
 - iii. legal description of the property;
 - iv. access and egress points to the property; and
 - v. the location and dimensions of existing and proposed municipal and private local improvements, principal building and other structures including accessory buildings, garages, carports, fences, driveways, paved areas, and major landscaped areas including buffering and screening areas where provided;
 - c. a statement of the proposed use(s) or occupancy of all parts of the land and buildings, and such other information as may be required by the Development Officer; and
 - d. a statement of ownership of the land and the interest of the applicant therein.

The Development Authority may also require additional information in order to assess the conformity of a proposed development with this Bylaw before consideration of the development permit application shall commence. Such information may include (but not be limited to):

- a. the location of existing and proposed municipal and private storm and sanitary sewage collection and disposal, and water supply and distribution utilities, landscaped areas and buffering and screening;
- b. the height and horizontal dimensions of all existing and proposed buildings;
- c. outlines of roof overhangs on all buildings;
- d. existing and proposed elevations on the site and on adjacent sites, roads and lanes;
- e. post construction site and building elevations;
- f. floor plans, elevations and sections of any proposed buildings, including the lowest floor elevation in either the basement or on the main floor in the principal and accessory buildings;

- g. landscaping plans, including the location of existing and proposed trees, shrubs, grassed areas, fences, screenings, and outdoor furniture on the site and on adjacent boulevards within road rights-of-way;
 - h. drainage plans;
 - i. a construction management plan;
 - j. a hydrogeological assessment;
 - k. a geotechnical assessment;
 - l. a wetland assessment;
 - m. a biophysical assessment;
 - n. a historic resource impact assessment;
 - o. in the Residential District, the suggested location for a future driveway and garage or carport, if the application itself does not include such buildings as part of the proposal;
 - p. future development plans for a site which is to be partially developed through the applicable development permit;
 - q. in the case of a proposed home occupation, information concerning the number of employees, the location of any goods to be kept or stored, and an estimate of the number of client visits to be expected to the site each week;
 - r. any other information or tests required by the Development Authority, at their discretion, respecting the site or adjacent lands, including an environmental screening of the site, geotechnical reports, and/or flood hazard mapping;
 - s. a statutory declaration indicating that the information supplied is accurate; and
 - t. for a moved in (relocated) building, pictures of the exterior of the structure which provide information relating to the age and condition of the building and its compatibility with the Land Use District in which it is to be located.
3. In addition to the information requirements indicated above, an application for a development permit for the excavation or stripping of land that is proposed without any other development on the same land, may include with the application, the following information:
- a. location and area of the site where the excavation is to take place;
 - b. existing land use and vegetation;
 - c. the type and dimensions including average depth of the excavation to be done, and the potential, if any, to affect existing drainage patterns on and off the site;
 - d. the depth and variation in depth of groundwater encountered in test holes, if required at the discretion of the Development Authority;
 - e. identification of potential for outdoor noise and the discharge of substances into the air;
 - f. the condition in which the site is to be left when the operation is complete, including the action which is to be taken for restoring the condition of the surface of the land to be affected, and for preventing, controlling or lessening erosion or dust from the site;
 - g. an indication of all municipal servicing costs associated with the development; and
 - h. the proposed haul route, dust control plan and expected hours of operation.
4. The Development Authority may refer an application to an adjacent municipality or any other agency or person which in their opinion may provide relevant comments or advice respecting the application.
5. In addition to the information requirements indicated above, each application for a sign may be accompanied by additional information at the discretion of the Development Authority.

6. At the sole discretion of the Development Authority, any new development within an existing subdivision may be required to provide to the Development Authority, for approval, an elevation plan of the subject site which indicates where the storm water is to be directed. Storm water from the subject site is not to be directed onto adjoining properties unless appropriate drainage easements or rights-of-way are in place. If the applicant for a development permit indicates that the municipality is to verify compliance with the elevation and/or storm water management plan, the cost to verify that the lot grades have been completed according to the plan shall be included in the cost of the development permit.
7. The Development Authority may refer any application for a development permit to any municipal, provincial or federal department, or any other person or agency considered affected by the Development Authority for comments and recommendations.
8. When, in the opinion of the Development Authority, sufficient details of the proposed development have not been included with the application for a development permit, the Development Authority may, at its sole discretion, deem the application incomplete and request the applicant provide further details or make a decision on the application with the information it has available.
9. The Development Authority may refuse to accept an application for a development permit if the application is for a similar development on the same property as a development permit which has been applied for and refused by the Development Authority or the Subdivision and Development Appeal Board within the last six (6) months.

3.5 NOTICE OF COMPLETE OR INCOMPLETE APPLICATIONS

1. The Development Authority Officer shall, within 20 days of the receipt of an application for a development permit, determine whether the application is complete.
2. The time period referred to in Section 3.5.1 may be extended by an agreement in writing between the applicant and the Development Authority Officer.
3. An application is complete if:
 - a. in the opinion of the Development Authority Officer, the application contains the documents and other information necessary to review the application; or
 - b. the Development Authority does not make a determination within 20 days after receipt of an application for a development permit.
4. If a Development Authority Officer determines that the application is complete, the Development Authority Officer shall issue to the applicant, by means of posted letter or electronic notification, an acknowledgment that the application is complete.
5. If the Development Authority Officer determines that the application is incomplete, the Development Authority Officer shall issue, to the applicant a notice, in writing or electronically, that the application is incomplete. This notice shall list any outstanding documents and information required to review the application, and provide a date by which the documents or information must be submitted in order for the application to be considered complete.
6. If the applicant fails to submit all the outstanding information and documents on or before the date referred to in Section 3.5.5, the Development Authority Officer must deem the application to be refused.
7. Despite that the Development Authority Officer has issued an acknowledgment under Sections 3.4.4 and 3.4.5, in the course of reviewing the application, the Development Authority Officer may request additional information or documentation from the applicant that the Development Authority Officer considers necessary to review the application.

3.6 DECISION

1. Where a proposed use of land or a building is not provided for in any district in this bylaw, the Development Authority may determine that such use is similar in character and purpose to a permitted or discretionary use prescribed for that district.
2. The Development Authority may approve an application for a development permit if the proposed development does not comply with this bylaw, if:
 - a. they are satisfied that the proposed development would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring properties; and
 - b. the proposed development conforms with the use prescribed for the land and building.
3. Where a permit is refused, the Development Authority may refuse to accept a subsequent application for a permit on the same property and for the same or similar use for a least six (6) months after the date of the initial refusal.
4. An application for development permit shall be considered by the Development Authority who shall:
 - a. approve, with or without conditions, an application for a permitted use where the proposed development conforms to this Bylaw, or
 - b. approve, with or without conditions, or refuse an application for a discretionary use, or
 - c. refuse an application for a use which is neither a permitted nor a discretionary use.
5. In making a decision, the Development Authority may also impose such conditions as are required to ensure compliance with this Bylaw including both the verification by either an official appointed by the municipality or by certification by either an engineer, an architect, or an Alberta Land Surveyor that the measures indicated within the various elements of information provided with the application, including any mitigative or elimination measures, as described through the information provided pursuant to Section 3.4, have been completed or will be undertaken, as appropriate, in accordance with the Development Authority's approval.
6. The Development Authority may require that as a condition of issuing a development permit, the applicant enter into a development agreement with the Village to do all or any of the following to construct or pay for the construction of roads, pedestrian walkways or parking areas which serve the development or which connect the walkway with another walkway system that serves or is proposed to serve an adjacent development, to install or pay for the installation of public utilities other than telecommunications systems or works, to pay an off-site levy, and/or to give security to ensure that the terms of the agreement noted herein are carried out.
7. At the discretion of the Village, a development agreement may be registered by caveat under the *Land Titles Act* against the Certificate of Title for the subject property. The Village will discharge this caveat once the agreement has been complied with.
8. The Development Authority may also require that as a condition of issuing a development permit, all requirements of this Bylaw and of provincial regulations be met, and that any further development on the subject site require a development permit.
9. In the case where a proposed specific use of land or a building is not provided for in any Land Use District in the Bylaw, the Development Authority may determine that such use is similar in character and purpose to a permitted or discretionary use prescribed for a particular Land Use District.

3.7 VARIANCE PROVISIONS

1. The Development Authority may approve an application for a development permit even though the proposed development does not comply with the regulations of this Bylaw, or if the development is to be a rebuilding, an

enlargement, an addition, or a structural alteration of a non-conforming building, if, in the opinion of the Development Authority:

- a. the proposed development would not:
 - i. unduly interfere with the amenities of the neighbourhood; or
 - ii. materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land; and
 - b. the proposed development conforms with the use prescribed for that land or building in this Bylaw.
2. An application for a development permit shall, at the option of the applicant, be deemed to be refused when a decision thereon is not made by the Development Authority within forty (40) days after receipt of the application by the Development Authority. The person claiming to be affected may appeal in writing as provided for Section 6 of this Bylaw as though they have received a refusal at the end of the forty (40) day period specified in Section 3.7.1 (this section).
 3. A Development Authority may suspend or revoke a development permit at any time:
 - a. where the permit was issued on the basis of incorrect information, fraud, non-disclosure, or misrepresentation on the part of the applicant; or
 - b. where the permit was issued in error.
 4. Where a development permit application in a land use district is for a temporary development, the Development Authority:
 - a. may consider and decide upon a development for a specific period of time, not exceeding one year;
 - b. shall impose a condition on such a permit that the municipality is not liable for any costs involved in the cessation or removal of the development at the expiration of the time period stated in the permit; and
 - c. may require the applicant to post acceptable security guaranteeing the cessation or removal of the development to the greater of 25% of the value of the structure or \$1,000.

3.8 DEVELOPMENT PERMITS AND PUBLIC NOTIFICATION

1. When a development permit has been issued for a **permitted use and no variance to any regulation has been granted**, the Development Authority shall within five (5) working days after a decision on a development permit application send a notice by regular mail of the decision to the applicant and post a notice in a place available to public view in the Village office, indicating the disposition of the application. Mailing the notice is not required when an applicant picks up a copy of the decision.
2. In addition to the above, within five (5) working days after a decision on a development permit application for a **discretionary use or after a variance has been granted**, the Development Officer shall:
 - a. send notice by regular mail (or by electronic mail if agreed to in advance by the applicant) to all affected adjacent land owners, as identified on the Village Assessment Roll, to provide notice of the decision and right of appeal; and
 - b. post notice of the decision on the Village's website; and
 - c. send notice by regular mail (or by electronic mail if agreed to in advance by the applicant) to any other landowner, business, agency, adjacent municipality, person, group, organization or similar body that the Development Authority deems may be affected to provide notice of the decision and right of appeal; or
 - d. within ten (10) days of the date such a development permit is issued, publish a notice of the decision in a newspaper circulating in the municipality for two (2) consecutive weeks.
3. The notice shall state:

- a. the legal description and the street address of the site of the proposed development;
 - b. the uses proposed for the subject development;
 - c. any discretion that was granted in the approval of the development, whether by use or by interpretation of this Bylaw, and any variation or relaxation in regulation that was made by the Development Authority when the development permit was approved;
 - d. the date the development permit was issued; and
 - e. how an appeal might be made to the Subdivision and Development Appeal Board and the deadline for such appeal.
4. Except for those permits described in Section 3.8.1, a permit granted pursuant to this Section does not come into effect until fifteen (15) days after the date that notice of an order, decision, or development permit is received. For the purposes of this Bylaw, notice is deemed to be received on the 5th day after the date of the issuance of the order, decision, or permit. Any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant.
 5. Where an appeal is made, a development permit which has been granted shall not come into effect until the appeal has been determined and the permit has been confirmed, modified or nullified thereby.
 6. If the development authorized by a permit is not commenced within twelve (12) months from the date of the date of the issue of the development permit, and completed within twelve (12) months of the commencement of the development, the permit is deemed to be void, unless an extension to this period is granted by the Development Authority.
 7. A development, once begun, shall not be abandoned or left for an extended period of time in what the Development Authority considers to be an unsightly or unsafe condition.
 8. The application may be responsible for any damages to public or private property occurring as a result of development.
 9. A decision of the Development Authority on an application for a development permit shall be given in writing.
 10. A decision issued pursuant to this Section must be given or sent to the applicant on the same day the decision is made. A permit granted pursuant to this Section does not come into effect until twenty-one (21) days after the date of the decision on a development permit. Any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant.
 11. When a Development Authority refuses an application for a development permit, the decision shall contain reasons for the refusal.

3.9 DEVELOPMENT AGREEMENT

1. The Development Authority may require that as a condition of issuing a development permit, the applicant to enter into an agreement to:
 - a. Construct or pay for the construction of public roadways, pedestrian walkways, or parking areas; and/or
 - b. Install or pay for the installation of utilities; and/or
 - c. Pay for an off-site levy or redevelopment levy imposed by bylaw.
2. To ensure compliance with the development agreement, the Village may register a caveat against the certificate of title of the property that is being developed. This caveat shall be discharged when conditions of the development agreement have been met.

4 SUBDIVISION APPLICATIONS

4.1 SUBDIVISION APPLICATION REQUIREMENTS

1. All subdivision applications for lands within the Village shall comply with the provisions under this Section.
2. Approval of an Area Structure Plan or Outline Plan, prepared by a Registered Professional Planner (RPP), is required for multi-lot subdivisions that will result in a total of five (5) or more lots. Additional supporting information may be required depending on the magnitude and complexity of the proposed subdivision.
3. A subdivision application may be submitted by:
 - a. the registered owner of the land to be subdivided; or
 - b. a person with written authorization to act on behalf of the registered owner.
4. Multi-lot subdivisions shall be developed in accordance with the provisions of the Land Use District affecting the subject site at time of application.
5. If the proposed subdivision requires an environmental assessment under the *Canadian Environmental Assessment Act*, the applicant shall file an environmental assessment in accordance with the *Canadian Environmental Assessment Act*. A copy of the environmental assessment shall be submitted with the subdivision application.
6. If the proposed subdivision is required to obtain assessments and/or approvals from relevant Federal or Provincial agencies and organizations, the applicant shall file and obtain the appropriate reports and/or approvals with relevant agencies and organizations. A copy of the required reports and/or approvals or licenses shall be submitted with the subdivision application.
7. Information on abandoned oil and gas wells as required by the *Subdivision and Development Regulations* and Alberta Energy Regulator Directive 079 shall accompany every subdivision application.
8. The tentative plan of subdivision shall:
 - a. clearly outline the location, dimensions, and boundaries of the land which the applicant wishes to subdivide;
 - b. show the location, dimensions and boundaries of:
 - i. each new lot to be created;
 - ii. reserve land(s), if required;
 - iii. the rights-of-way of each public utility, if required; and
 - iv. other rights-of-way, if required;
 - c. indicate the use, location, and dimensions of existing buildings on the land that is the subject of the application, if any, and specify whether the buildings are proposed to be demolished or moved;
 - d. show the location of any river, stream, watercourse, or other body of water (natural or man-made) that is contained within the boundaries of the proposed parcel of land;
 - e. identify the location of any existing or proposed water wells, the locations and type of any private sewage disposal system(s), and the distance from these to existing or proposed buildings and property lines;
 - f. include information provided by the Alberta Energy Regulator identifying the location of any active wells, batteries, processing plants or pipelines within the proposed subdivision; and
 - g. identify the existing and proposed access to the proposed parcels and the remainder of the titled area.

9. The Subdivision Authority may also require an applicant to submit to the Subdivision Authority any or all of the following:
- a. a figure showing topographic contours at no greater than 1.5 m (5.0 ft) intervals;
 - b. if the proposed subdivision is not to be served by a water distribution system, information supported by the report of a qualified professional, registered in the Province of Alberta, respecting the provision, availability, and suitability of potable water on or to the land to be subdivided;
 - c. an assessment of subsurface characteristics of the land that is to be subdivided including, but not limited to, susceptibility to slumping or subsidence, depth to water table, and suitability for any proposed on-site sewage disposal system(s), prepared and signed by a qualified professional registered in the Province of Alberta;
 - d. a storm water management plan, prepared by a qualified professional, which must be approved by Alberta Environment and Parks including:
 - i. topography;
 - ii. proposed minor drainage system (ditches/pipes/catch basin locations/flow rate);
 - iii. proposed major drainage systems (direction of surface drainage/flow rate);
 - iv. proposed on-site detention/retention facility (location/size/capacity);
 - v. location of outflow/outfall structures; and
 - vi. any related modeling and calculation information.
 - e. if the land that is the subject of an application is located in a potential flood plain, a figure showing the 1:100-year flood plain or highest and most frequent rain event series relevant to flooding of the land;
 - f. information respecting the land surface characteristics of land within 0.8 km (2,624 ft) of the land proposed to be subdivided;
 - g. if any portion of the parcel of land affected by the proposed subdivision is situated within 1.5 km (4,921 ft) of a sour gas facility, a map showing the location of the sour gas facility; and
 - h. where the proposed subdivision is staged or includes only a portion of the developable area within the subject site, an approved Area Structure Plan or Outline Plan that relates the application to future subdivision and development of adjacent lands.
10. All applications for subdivision within areas identified as containing environmentally significant areas may also be required to provide:
- a. A biophysical assessment; and/or
 - b. A hydrological assessment which indicates potential impacts on the aquifer, riparian areas, recharge areas and how these impacts will be mitigated; and/or
 - c. A wetland assessment which delineates and classifies wetlands within the development areas; and/or
 - d. Site plan which identifies how the development has been sited to avoid riparian areas and contributing areas.
11. A subdivision application to increase the overall density of the Village shall be accompanied by the following:
- a. A hydrogeological assessment which indicates how impacts on the aquifer, riparian areas, recharge areas and contributing areas will be mitigated.
 - b. A plan for minimizing the clearing of vegetation on each of the proposed lots to ensure that 50% of each lot will remain in vegetative cover.

- c. A plan for the implementation of low impact development design standards for new stormwater management infrastructure.
- d. A construction management plan.
- e. A restrictive covenant will identify requirements based on best practices for managing clean run off must be incorporated into the lot grading and drainage plans effecting the overall development.
- f. If the development area includes wetland or riparian areas, a wetland inventory and riparian area assessment will also be required.

4.2 SUBDIVISION PROCESS

1. The Subdivision Authority shall:
 - a. attend a pre-application submission meeting with development proponents (as requested);
 - b. receive all applications for subdivision applications;
 - c. assess and provide notice of a complete or incomplete application; and
 - d. issue notices in writing as required in the *Act*.

4.3 NOTICE OF COMPLETE OR INCOMPLETE SUBDIVISION APPLICATION

1. The Subdivision Authority shall within twenty (20) days of the receipt of an application for a development permit, determine whether the application is complete.
2. The time period referred to in Section 4.3.1 may be extended by an agreement in writing between the applicant and the Subdivision Authority or, if applicable, in accordance with a land use bylaw made pursuant to Section 640.1(a) of the *Act*.
3. An application is complete if, in the opinion of the Subdivision Authority, the application contains the documents and other information necessary to review the application.
4. If the Subdivision Authority determines that the application is complete, the Subdivision Authority shall issue to the applicant, in writing or electronically, an acknowledgment that the application is complete.
5. If the Subdivision Authority determines that the application is incomplete, the Subdivision Authority shall issue to the applicant a notice, in writing or electronically, that the application is incomplete and that any outstanding documents and information referred to in the notice must be submitted by a date set out in the notice or a later date agreed on between the applicant and the Subdivision Authority in order for the application to be considered complete.
6. If the applicant fails to submit all the outstanding information and documents on or before the date referred to in Section 4.3.5, the Subdivision Authority must deem the application to be refused.
7. Despite that the Subdivision Authority has issued an acknowledgment under Sections 4.3.4 or 4.3.5, in the course of reviewing the application, the Subdivision Authority Officer may request additional information or documentation from the applicant that the Subdivision Authority Officer considers necessary to review the application.

4.4 DUTIES OF THE SUBDIVISION AUTHORITY

1. Upon receipt of a completed subdivision application, the Subdivision Authority:
 - a. shall approve, with or without conditions, an application for a permitted use where the proposed subdivision conforms to:
 - i. this Land Use Bylaw;

- ii. applicable statutory plans; and
 - iii. the *Act* and the regulations thereunder;
- b. shall refuse an application for a subdivision if the proposed subdivision does not conform with:
 - i. applicable statutory plans; and/or
 - ii. the *Act* and the regulations thereunder;
- c. shall refuse an application for a subdivision if the proposed subdivision does not conform with this bylaw, subject to Section 4.4.1.d;
- d. may approve, with or without conditions, an application for a permitted or discretionary use with variances to the bylaw; and
- e. prior to making a decision, the Subdivision Authority or Subdivision Authority may refer any application for a permitted or discretionary use to any municipal department, external agency, or adjacent landowners for comment.

4.5 SUBDIVISION REQUIREMENTS & CONDITIONS

1. The Subdivision Authority of the Village shall abide by the requirements of and consider the matters indicated in Sections 652 to 670 of the *Act*.
2. Subdivision approvals must comply with Part 17 and 17.1 of the *Act* and the Regulations therein.
3. For the purposes of this Bylaw, an unsubdivided quarter section shall include those quarter sections where a separate title exists for a public utility or an institutional use.
4. Where the development involves a subdivision of land, no development permit shall be issued until the subdivision has been registered with Alberta Land Titles.
5. More than one active subdivision application will not be allowed affecting a single titled area. Where a subdivision is proposed for a titled area which is, at time of receipt of the new application, affected by an active subdivision file, the new application will not be accepted and processed until the existing open file has been closed or finalized to the satisfaction of the Village's Subdivision Authority.
6. The Subdivision Authority shall not approve a subdivision which is inconsistent with the Village of Paradise Valley Municipal Development Plan (MDP) and/or the provisions of any statutory plans that affect the land proposed to be subdivided.
7. As a condition of subdivision approval, Environmental Reserves will be taken according to Section 664 of the *Act*; either in the form of a lot (ownership transferred to the Municipality) or as an Environmental Reserve Easement (private ownership is retained). The Village may require that the proponent provide environmentally significant hazard land as Environmental Reserve as a condition of subdivision approval.
8. Property taxes must be up to date prior to final endorsement of any Subdivision within the Village.
9. The developer may be required to provide for Inclusionary Housing in accordance with the *Act* and the Regulations therein.
10. All proposed parcels being created shall be designed to not, in the opinion of the Subdivision Authority, prejudice the future efficient development of the remnant lands.

5 SUBDIVISION AND DEVELOPMENT APPEALS

5.1 DEVELOPMENT APPEALS

1. An appeal may be made if the Development Authority
 - a. Fails or refuses to issue a development permit;
 - b. Issues a development permit subject to conditions; or
 - c. Issues a stop order under Section 645 of the Act;

By the applicant of the development permit or any person affected by the order.

2. In addition to Section 5.1.1, any person affected by an order, decision, or development permit made or issued by the Development Authority may appeal the decision in accordance with Section 685(2) of the Act.
3. Despite Sections 5.1.1 and 5.1.2, no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied or misinterpreted or the application for the development permit was deemed to be refused under section 683.1(8) of the Act.
4. Despite Sections 5.1.1, 5.1.2, and 5.1.3, if a decision with respect to a development permit application in respect of a direct control district:
 - a. is made by a council, there is no appeal to the Subdivision and Development Appeal Board; or
 - b. is made by a development authority, the appeal is limited to whether the development authority followed the directions of council, and if the board hearing the appeal finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.
5. An appeal of a decision of the Development Authority for lands identified in Section 685(2.1)(a) of the Act shall be made to the Land and Property Rights Tribunal, and shall proceed in accordance with the processes identified in the Act and the Land and Property Rights Tribunal Act.
6. An appeal of a decision of the Development Authority for lands identified in Section 685(2.1)(b) of the Act shall be made to the Village's Subdivision and Development Appeal Board.
7. An appeal with respect to an application for a development permit may be made by a person identified in Section 5.1.1 may be made by serving a written notice of appeal to the board hearing the appeal:
 - a. Within twenty-one (21) days after the date on which the written decision is given; or
 - b. If no decision is made with respect to the application within the 40-day period (or within any extension to that period under Section 684 of the Act), within twenty one (21) days after the date the period or extension expires; or
 - c. With respect to an order under Section 645 of the Act, within 21 days after the date on which the order is made.
8. An appeal with respect to an application for a development permit may be made by a person identified in Section 5.1.2 may be made by serving a written notice of appeal to the board hearing the appeal within twenty-one (21) days after the date on which the written decision is given.
9. An appeal to the Land and Property Rights Tribunal may be made by filing a notice to the Land and Property Rights Tribunal. The notice submission requirements shall be as established by the Land and Property Rights Tribunal.
10. An appeal to the Subdivision and Development Appeal Board may be launched by filing a notice by providing the following:
 - a. the appeal application fee as identified in a Fees and Charges Bylaw;

- b. the legal description and/or the municipal address of the property to which the decision, order, or issuance of the development permit relates;
 - c. the name, contact information, and address of the appellant; and
 - d. the reasons for the appeal and the issue or condition in the decision or order that are the subject of the appeal.
- 11. Where a person files a notice of appeal with the wrong board, that board must refer the appeal to the appropriate board and the appropriate board must hear the appeal as if the notice of appeal had been filed with it and it is deemed to have received the notice of appeal from the applicant on the date it receives the notice of appeal from the first board, if:
 - a. in the case of a person referred to in Section 5.1.1 the person files the notice with the wrong board within 21 days after receipt of the written decision or the deemed refusal; or
 - b. in the case of a person referred to in Section 5.1.2, the person files the notice with the wrong board within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

5.2 SUBDIVISION APPEALS

1. The decision of a Subdivision Authority on an application for subdivision approval may be appealed:
 - a. by the applicant for the approval;
 - b. by a government department if the application is required by the Subdivision and Development Regulations to be referred to that department;
 - c. by the council of the municipality in which the land to be subdivided is located if the council, a designated officer of the municipality or the Municipal Planning Commission of the municipality is not the Subdivision Authority; or
 - d. by a school board with respect to:
 - i. the allocation of municipal reserve and school reserve or money in place of the reserve;
 - ii. the location of school reserve allocated to it; or
 - iii. the amount of school reserve or money in place of the reserve.
2. An appeal of a decision of the Subdivision Authority for lands identified in Section 678(2)(a) of the Act shall be made to the Land and Property Rights Tribunal, and shall proceed in accordance with the processes identified in the Act and the Land and Property Rights Tribunal Act.
3. An appeal of a decision of the Subdivision Authority for lands identified in Section 678(2)(b) and 678(2.1) of the Act shall be made to the Village's Subdivision and Development Appeal Board.
4. An appeal to the Land and Property Rights Tribunal may be made by filing a notice to the Land and Property Rights Tribunal. The notice submission requirements shall be as established by the Land and Property Rights Tribunal.
5. An appeal to the Subdivision and Development Appeal Board may be launched by filing a notice by providing the following:
 - a. the appeal application fee as identified in the Village's Fees and Charges Bylaw;
 - b. the legal description and/or the municipal address of the property to which the decision, order, or issuance of the development permit relates;
 - c. the name, contact information, and address of the appellant; and
 - d. the reasons for the appeal and the issue or condition in the decision or order that are the subject of the appeal.

6. If the applicant files a notice of appeal within 14 days after receipt of the written decision or the deemed refusal with the wrong board, that board must refer the appeal to the appropriate board and the appropriate board must hear the appeal as if the notice of appeal had been filed with it and it is deemed to have received the notice of appeal from the applicant on the date it receives the notice of appeal from the first board.

5.3 APPEAL HEARINGS AND DECISIONS

1. Hearings for development appeals and decisions made by the board hearing the appeal shall be in accordance with Section 686 and 687 of the *Act*.
2. Hearings for subdivision appeals and decisions made by the board hearing the appeal shall be in accordance with Section 679, 680, and 681 of the *Act*.

6 LAND USE BYLAW AMENDMENTS

6.1 APPLICATION TO AMEND THE BYLAW

1. Council may at any time amend or repeal this Bylaw by directing the Development Authority to initiate an amendment.
2. A person may apply to have this bylaw amended, by applying in writing to Council, furnishing reasons in support of the application and paying the fee required.
3. All applications for amendment of the Land Use Bylaw shall be made to Council (by way of Administration) and shall be accompanied by the following:
 - 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:
 - i. the legal description of the lands;
 - ii. a plan showing the location and dimensions of the lands; and
 - iii. a copy of the Certificate of Title.
 - d. the applicant's interest in the lands;
 - e. an application fee, as determined by resolution of Council;
 - f. the cost of advertising for the public hearing;
 - g. if requested by the Development Authority, drawings that are to scale, accurate, and complete.
 - h. such other information as the Development Authority or Council deems necessary to assess the motive of the application.
4. Upon receipt of an application for amendment to this Bylaw, the Development Authority 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/she may appear before Council at that time, and speak to the application. An application for amendment shall be placed before the Council within sixty (60) days of its receipt of the completed application by the Development Authority, including any requested supporting documents.
5. Council, during deliberation of the Bylaw amendment application, may refer the application to such agencies as considered necessary for comment.
6. Council may request such information as it deems necessary to reach a decision on the proposed amendment.
7. All costs incurred by the municipality during the processing of an amendment shall be borne by the applicant.

6.2 PUBLIC HEARING AND DECISION

1. The Council, in considering an application for an amendment to this Land Use Bylaw, may at its sole discretion:
 - a. refer 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; or
 - d. call a public hearing prior to giving first reading to a bylaw to amend this Land Use Bylaw.
2. All amendments to this Land Use Bylaw shall be made by Council by Bylaw and in conformance with the requirements the Act with regard to the holding of a public hearing.

7 ENFORCEMENT

7.1 CONTRAVENTION

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

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

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

as the case may be.

2. Where a person fails or refuses to comply with an order directed to him under Section 7.1.1 or an order of the Subdivision and Development Appeal Board within the time specified, the Development Authority may, in accordance with Section 542 of the *Act*, enter upon the land or building and take such action as is necessary to carry out the order.
3. A person found guilty of an offence is liable to a fine of not more than \$10,000.00 or to imprisonment for not more than one year, or to both fine and imprisonment, pursuant to Section 566 of the *Act*.
4. Where the Development Authority carries out an order, the Council shall cause the costs and expenses incurred in carrying out the order to be placed on the tax roll as an additional tax against the property concerned, and that amount shall be collected in the same manner as taxes on land.
5. In addition to the process and penalties described above, the Development Authority or any other person identified as a designated officer by the Council for the purposes of this Section, shall be authorized to issue violation tickets in respect to any contravention of this Bylaw.

7.2 VIOLATION TICKETS

1. The Development Authority or any other person identified as a designated officer by the Council for the purposes of this Section, may issue a violation ticket to any person alleged to have breached any provision of this Bylaw.
2. The violation ticket shall specify the alleged offence committed by the person to whom the violation ticket is issued and require payment, within 21 days from the date of issue of the violation ticket, of a fine to the Village.
3. Persons contravening any provision of this Bylaw to whom violation tickets are issued shall be liable for a penalty of \$50.00 for a first offence and \$100.00 for a second or subsequent offence. Each day that a breach of the Bylaw has occurred may be considered to be a separate offence.
4. The violation ticket shall be served upon the alleged offender personally or by single registered mail. If payment is made within the time limit, then such payment shall be accepted in lieu of prosecution for the offence.
5. If a person who has been served with a violation ticket fails to pay the fine specified therein, then the right of the alleged offender to settle the alleged offence without a court appearance shall no longer apply and prosecution for the alleged offence shall proceed.

6. If the person who was served with the violation ticket is thereafter prosecuted and convicted of the offence specified in the violation ticket, the fine imposed shall not be less than \$125.00, plus court costs, for each offence.

8 GENERAL PROVISIONS

8.1 ACCESSORY BUILDINGS

1. An accessory building shall not be used as a dwelling.
2. Accessory buildings other than fences shall be located such that the minimum distances (shown on the figure below) between the accessory buildings and main buildings, lot lines, and other buildings, structures, and uses are provided.

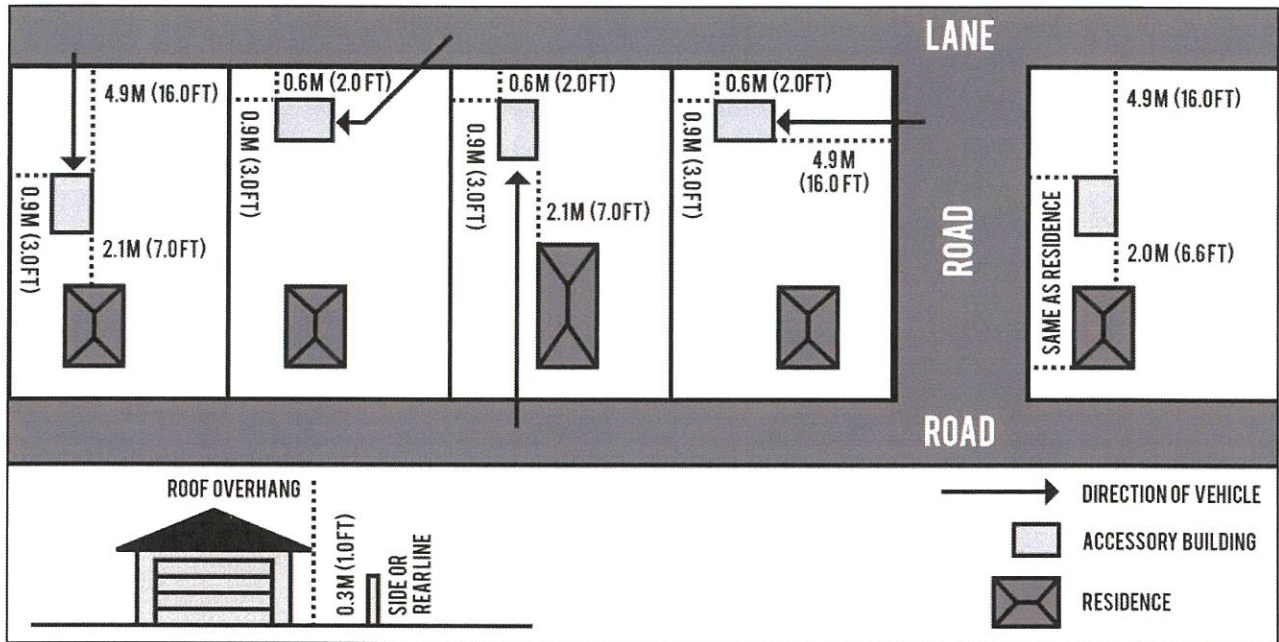


FIGURE 1: SITING OF ACCESSORY BUILDINGS

3. The siting of an accessory building on an irregularly-shaped lot shall be as approved by the Development Authority.
4. No accessory buildings, other than fences that otherwise comply with this Bylaw, shall be located in the front yard.
5. No accessory building, other than a fence, deck or patio, shall be located closer than 2.1 m (7.0 ft) to a main building.
6. The height of an accessory building shall not exceed 4.6 m (15.0 ft) nor one storey.
7. Where a structure is attached to the main building on a lot by a roof, an open or enclosed structure, a floor or a foundation, it is to be considered a part of the main building and is not an accessory building.
8. The total area of all accessory buildings on a lot shall not exceed 12% of the area of the lot.

8.2 CORNER LOTS

1. On corner lots in a Residential Land Use District, no fence, wall, tree, bush, structure or thing more than 0.9 m (3.0 ft) in height shall be erected, placed or maintained within the triangular area formed by the intersecting road or highway lines and a straight line joining points on the road lines 6.1 m (20.0 ft) from their intersection.
1. On corner lots in all Districts other than Residential Districts, no fence, wall, tree, bush, structure or thing more than 0.9 m (3.0 ft) in height shall be erected, placed or maintained within the triangular area formed by the intersecting road or highway lines and a straight line joining points of the road 4.6 m (15.0 ft) from their intersection.

8.3 DWELLING UNITS ON A LOT

1. No permit shall be granted for the erection of more than one (1) dwelling unit on a single lot unless the dwelling units are located within a duplex, row housing, or an apartment dwelling.

8.4 EXISTING SUBSTANDARD LOTS

1. With the approval of the Development Authority the minimum lot area and minimum lot width may be less in the case of existing substandard lots.

8.5 FENCES AND WALLS

1. Notwithstanding any regulation respecting required yard to the contrary in this Bylaw, a fence or hedge may be constructed along a boundary line of a lot.
2. No fence or hedge in any Residential Land Use District shall be:
 - a. higher than 1.8 m (6.0 ft) in side yards and rear yards, such height to be measured as the average elevation from the ground at the fence or wall unless otherwise provided in this Bylaw; or
 - b. higher than 0.9 m (3.0 ft) in front yards, except in the case of a corner lot, the side yard adjacent to the road shall be deemed to be a front yard for the purpose of this subsection; or
 - c. higher than 0.9 m (3.0 ft) within 6.1 m (20.0 ft) of the intersection of lanes, roads, or any combination of them.
3. All apartment or row housing developments shall provide, to the satisfaction of the Development Authority, a wall, hedge or wooden fence of not less than 1.2 m (4.0 ft) nor more than 2.1 m (7.0 ft) in height, along any side lines adjacent to any Residential District.
4. All drive-in businesses, car washing establishments, service stations and gas bars shall provide, to the satisfaction of the Development Authority, solid fences of not less than 1.5 m (5.0 ft) in height nor more than 2.1 m (7.0 ft) in height adjacent to any Residential District.

8.6 HISTORICAL AND ARCHAEOLOGICAL SITES

1. Historical sites or archaeological sites identified pursuant to the Alberta *Historical Resources Act* shall be protected in accordance with guidelines established by Alberta Culture, Multiculturalism, and Status of Women.

8.7 LANDSCAPING

1. Landscaping shall be provided and maintained for all drive-in businesses, car washing establishments, service stations and gas bars, to the satisfaction of the Development Authority.
2. As a condition of the approval of a development permit, all required landscaping and planting must be carried out, to the satisfaction of the Development Authority, within one year (weather permitting) of the occupancy or the commencement of operation of the proposed development.
3. Off-street parking lots in Commercial Districts shall be landscaped by the planting of trees in a manner and number satisfactory to the Development Authority.

8.8 OBJECTS PROHIBITED OR RESTRICTED IN YARDS

1. No person shall keep or allow in any part of any yard in any Residential District:
 - a. any dismantled or wrecked vehicle for more than fourteen (14) successive days;
 - b. any object or chattel which, in the opinion of the Development Authority, is unsightly or tends to adversely affect the amenities of the district in which it is located;

- c. any excavation, storage or piling up of materials required during construction unless all necessary safety measures are taken, and the owner of such materials or excavations assumes full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work; and/or
 - d. any commercial vehicle, loaded or unloaded, of a weight in excess of 4,0982 kg (9,000 lbs).
2. No person shall keep or allow a recreational vehicle or a commercial vehicle in any part of any yard other than a front yard in any Residential District.

8.9 OFF-STREET LOADING

1. When required by the Development Authority, a development shall provide loading spaces, each having dimensions of not less than 3.0 m (10.0 ft) in width, 7.6 m (25.0 ft) in length, and 4.3 m (14.0 ft) in height.
2. Such loading spaces shall provide vehicular ingress to and egress from a road or lane such that no backing or turning movements of vehicles going to or from the site cause interference with traffic in the abutting roads or lanes.
3. Such loading spaces shall be developed, including any hard-surfacing and drainage, in accordance with any requirements of the Development Authority.
4. Number of Off-Street Loading Spaces
 - a. The number of loading spaces required to be provided in a development shall be as follows:
 - i. For a retail, industrial, warehouse, office building, place of public assembly, public convalescent home, institution, club or lodge, public utility, school or similar development, one (1) space for each 25,000 sq. ft. of gross floor area or part thereof.
 - ii. For other uses, no spaces.

8.10 OFF-STREET PARKING

1. Location of Site and Site Standards
 - a. All off-street parking areas and accessory off-street parking areas:
 - i. shall not be located within 0.9 m (3.0 ft) of a lot boundary line common to the lot and to a road;
 - ii. shall have parking spaces and manoeuvring aisles designed and sized to the satisfaction of the Development Authority;
 - iii. shall be constructed so that adequate access to (and exit from) each parking space is provided at all times by means of manoeuvring aisles designed to the satisfaction of the Development Authority;
 - iv. shall have necessary curb cuts located to the satisfaction of the Development Authority; and
 - v. shall conform to the following requirements:

A	B	C	D	E	F
Parking Angle in Degrees	Width of Stall Entrance	Depth of Space Perpendicular to Manoeuvring Aisle	Width of Space	Overall Depth	Width of Manoeuvring Aisle (One Way)
0	2.75 m (9.0 ft)	2.75 m (9.0 ft)	7.0 m (23.0 ft)	9.1 m (30.0 ft)	3.7 m (12.0 ft)
30	2.75 m (9.0 ft)	5.2 m (17.0 ft)	5.5 m (18.0 ft)	14.0 m (46.0 ft)	3.7 m (12.0 ft)
45	2.75 m (9.0 ft)	5.8 m (19.0 ft)	3.9 m (12.7 ft)	15.2 m (50.0 ft)	3.7 m (12.0 ft)
60	2.75 m (9.0 ft)	6.1 m (20.0 ft)	3.1 m (10.3 ft)	18.3 m (60.0 ft)	6.1 m (20.0 ft)
90	2.75 m (9.0 ft)	6.1 m (20.0 ft)	2.75 m (9.0 ft)	18.3 m (60.0 ft)	7.3 m (24.0 ft)

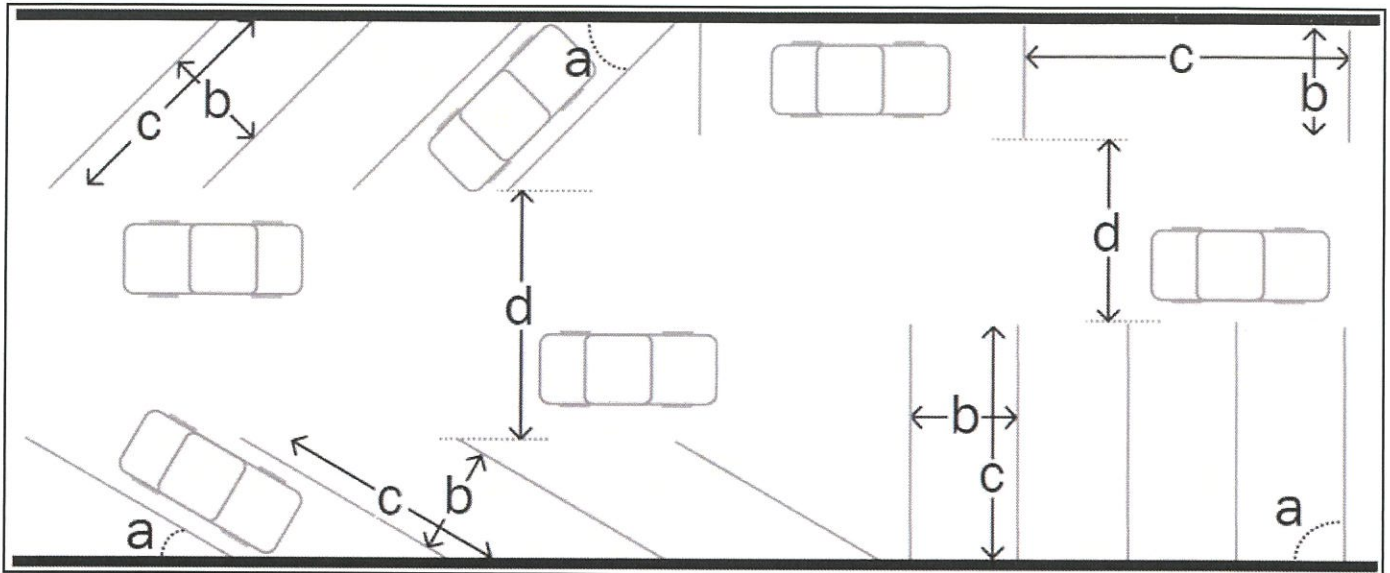


FIGURE 2: OFF-STREET PARKING REQUIREMENTS

2. Surfacing and Drainage

- At the discretion of the Development Authority, parking spaces and the accesses to them may be required to be hardsurfaced if the access is from a road, or lane which is hardsurfaced.
- Parking areas must be paved or of a gravel mixture as approved by the Development Authority.
- Each parking area shall be so graded and drained as to dispose of all storm water runoff. Drainage shall only be allowed to cross sidewalks if approved by the Development Authority.

3. Required Number of Off-Street Parking Spaces

- The minimum number of off-street parking spaces required for each development shall be calculated from 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 use as listed, the required number of spaces shall be the sum of the requirements for each of the uses listed.
- The Development Authority may allow an applicant to provide a lesser number of spaces if it can be shown that the standard is not applicable to the project, or that there is sufficient parking available in the area of the development to meet needs, or if the development is to occupy an existing building in the Commercial (C) Land Use District where no or little parking is available.

USE OF BUILDING OR DEVELOPMENT	MINIMUM NUMBER OF PARKING SPACES
RESIDENTIAL USES	
One family dwellings and duplexes	1.0 per dwelling unit
Apartments and row housing, including dwelling units on lots within the C District	1.5 per dwelling unit (Where this results in a fractional requirement, the total requirement shall be the next whole number)
Home occupations	1 (In addition to the requirements for the residential use)
COMMERCIAL USES	
Retail and personal service shops, banks, and offices	1 per 46.5 m ² (500 ft ²) of gross leasable floor area.
Restaurants, cocktail bars, and taverns	1 per 5 seating spaces plus 1 per 3 employees

Hotels, motor hotels, and motels	1 per rentable unit plus 1 per 3 employees
PLACES OF PUBLIC ASSEMBLY	
Auditoriums, churches, halls, clubs, theatres and other amusement or recreation places	To the satisfaction of the Development Authority, but not less than 1 space per 10 seating spaces
SCHOOLS	
Public, separate or private elementary and junior high schools	1 per employee, plus 5
Public or private senior high schools (with or without an auditorium, gymnasium, or swimming pool)	1 per employee, plus 1 for every 10 students
INDUSTRIAL USES	
Manufacturing and industrial plants, warehousing, wholesale and storage buildings and yards, servicing and repair establishments, research laboratories and public utility buildings	1 per 3 employees on maximum shift provided that this standard may be varied by the Development Authority
HOSPITALS AND SIMILAR USES	
Hospitals, sanitariums, convalescent homes, etc.	1 per 92.9 m ² (1,000 ft ²) of gross floor area, or 1 per 4 beds and 1 for every 2 employees on maximum shift, whichever is greater

8.11 PROJECTION INTO YARDS

- Except for fences as noted in Section 8.5 of this Land Use Bylaw and for the features of buildings as described in Section 8.11.3 hereof, no building or structure shall be located or project into a required front yard in any Residential District.
- If fireplaces or balconies are developed as part of a dwelling, yard requirements shall be measured from the leading edge of the fireplace or balcony.
- The following features may project into a required yard:
 - steps, eaves, gutters, sills, patios, and decks, or other similar projections, with the amount of the projection to be as allowed by the Development Authority;
 - canopies over entrances to buildings, provided such projections are cantilevered and do not exceed 0.9 m (3.0 ft); and
 - any other features which, in the opinion of the Development Authority, are similar to the foregoing.

8.12 PROTECTION FROM EXPOSURE HAZARDS

- The location of any anhydrous ammonia (AA) or liquefied petroleum gas (LPG) storage tank with a water capacity exceeding 7,570 litres (2,000 gallons) shall be in accordance with the requirements of the Development Authority, but in no case be less than a minimum distance of 121.9 m (400.0 ft) from assembly, institutional, commercial or residential buildings.
- AA or LPG containers with a water capacity of less than 7,570 litres (2,000 gallons) shall be located in accordance with regulations under the Safety Codes Act.
- Flammable liquids storage tanks at bulk plants or service stations shall be located in accordance with regulations under the Safety Codes Act.

4. Setbacks from pipelines and other utility corridors shall be as required by the Development Authority and appropriate Provincial Regulations and legislation.

8.13 REMOVAL OF TOPSOIL

1. No person shall commence or continue the removal of topsoil without first obtaining a development permit. There shall be provided upon occupancy of a development a minimum topsoil coverage of 15.2 cm (6.0 inches) and the subject lot shall be landscaped to the satisfaction of the Development Authority.

8.14 SUBDIVISION OF LAND

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

8.15 SIGNS

1. No signs or advertising structures of a commercial, directional or informative nature shall be erected on land or affixed to any exterior surface of any building or structure unless an application for this purpose has been approved and a development permit has been issued.
2. No signs or advertising structures shall be erected on or affixed to private property without the prior consent of the owner.
3. No signs or advertising structures shall be erected on or affixed to public or municipally-owned property without the prior written consent of the appropriate public body.
4. Notwithstanding the generality of Section 8.15.1 above, the following signs may be erected on land or affixed to the exterior surface of a building or structure without application for a development permit provided that no such signs shall be illuminated:
 - a. signs for the purpose of identification, direction and warning or relating to a person, partnership or company carrying on a profession, business or trade, or relating to an institution of a religious, educational, cultural, recreational or similar character or to a hotel, apartment, club or similar institution, not exceeding 1.1 m² (12.0 ft²) in area and limited to one sign per lot;
 - b. temporary advertisements relating to the sale or letting of land, the sale of goods or livestock, the carrying out of building or similar work, announcement of any local event of a religious, educational, cultural, political, or similar character not exceeding 1.9 m² (20.0 ft²), provided that all such temporary advertisements shall be removed by the advertiser within 15 days of the completion of the event or works to which such advertisements related;
 - c. advertisements or signs in relation to the function of local authorities, public utilities, or other public or quasi-public bodies.
5. No sign or advertising structure shall resemble or conflict with a traffic sign, nor shall it be a traffic hazard.
6. All signs and advertising structures shall be kept in a safe, clean and tidy condition, and may, by resolution of Council, be required to be renovated or removed.

8.16 SITE DEVELOPMENT

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

8.17 SOUR GAS FACILITIES

1. No development shall be permitted within 100.0 m (330.0 ft) of a Level 1 sour gas facility, as determined by the Alberta Energy Regulator (AER).
2. No development shall be permitted within 500.0 m (1,640 ft) of a Level 2 sour gas facility, as determined by the Alberta Energy Regulator (AER).
3. No development shall be permitted within 1,500 m (4,921 ft) of a Level 3 sour gas facility, as determined by the Alberta Energy Regulator (AER).

9 SPECIAL PROVISIONS

9.1 CAR WASHES

1. The minimum lot area shall be 557.4 m² (6,000.0 ft²). In the case of service stations or gas bars including car washes, minimum lot area shall be 1,115 m² (12,000.0 ft²).
1. All lot and building requirements pertaining to drive-in businesses shall also apply to car washes.

9.2 DRIVE-IN BUSINESSES

1. Points of access and egress shall be located to the satisfaction of the Development Authority.
2. The minimum lot area shall be 557.4 m² (6,000.0 ft²).
3. All parts of the lot to which vehicles may have access shall be hardsurfaced and drained to the satisfaction of the Development Authority.
4. The lot and all improvements thereon shall be maintained in clean and tidy condition, free from rubbish and debris.
5. Receptacles for the purpose of disposing of rubbish and debris shall be provided as required by the Development Authority.
6. The owner/operator of a drive-in shall be responsible for the safe and orderly operation of motor vehicles using the lot.

9.3 HOME OCCUPATIONS

1. All development permits issued for home occupations shall be revocable at any time by the Development Authority, if, in its opinion, the use is or has become detrimental to the amenities of the neighbourhood in which it is located.
2. A major home occupation shall comply with the following regulations:
 - a. The major home occupation shall not, in the opinion of the Development Authority, generate pedestrian or vehicular traffic or parking, in excess of that which is characteristic of the District in which it is located.
 - b. The number of non-resident employees or business partners working on-site shall not exceed one (1) at any time.
 - c. There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business allowed on the site. Storage related to the business activity shall be allowed in either the dwelling or accessory buildings.
 - d. Articles offered for sale shall be limited to those produced within the dwelling or the accessory building(s).
 - e. The major home occupation shall not be allowed if, in the opinion of the Development Authority, such use would be more appropriately located in a Commercial or an Industrial District having regard for the overall compatibility of the use with the residential character of the area.
3. A minor home occupation shall comply with the following regulations:
 - a. The minor home occupation shall not employ any person on-site other than a resident of the dwelling. Nor shall the business be such that any clients come to the dwelling.
 - b. There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business allowed on the site. Storage and the business activity itself shall only be allowed inside the dwelling and not in an accessory building. The minor home occupation does not involve the display of goods in the interior of the residence.

4. All home occupations shall comply with the following requirements:
- a. The home occupation shall not create any nuisance by way of noise, dust, odour, or smoke, or anything of an offensive or objectionable nature.
 - b. The peace, quiet, dignity and other amenities of the neighbourhood shall not be disturbed in any manner.
 - c. A home occupation shall not change the principal character or external appearance of the dwelling involved, nor use more than 20% or 30.7 m² (330.0 ft²), whichever is less, of the dwelling unit for business usage. Except as noted in Section 9.3.4.f herein, there shall be no exterior signage, display or advertisement, but there may be a limited volume of on-premises sales.
 - d. No more than one commercial vehicle used in or for the home occupation shall be parked on the subject site or on the adjoining road.
 - e. 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.
 - f. Notwithstanding any other provisions of this Bylaw to the contrary, a dwelling in which a home occupation is located may have one fascia sign placed on the dwelling, providing that the sign does not exceed 0.2 m² (2.0 ft²) in area.
 - g. In addition to a Development Permit Application, each application for a home occupation - major shall be accompanied by a description of the business to be undertaken in the dwelling, an indication of the anticipated number of business visits per week, and details for the provision of parking along with other pertinent details of the business operation.
 - h. Notwithstanding any other provision of this Bylaw to the contrary, 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.
 - i. 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 use, enjoyment, or value of neighbouring properties.

9.4 INDUSTRIAL DEVELOPMENT

1. An application for the establishment of an industrial use shall be considered by the Development Authority after requesting advisory comment by those Provincial agencies or authorities whose interest or jurisdiction may be affected. The Development Authority shall request that such comments be made in writing.
2. Each application for an industrial use shall be accompanied by the following information related to the application, in addition to the information required pursuant to the Industrial (M) Land Use District of this Bylaw:
 - a. Type of industry;
 - b. Size of buildings;
 - c. Number of employees;
 - d. Estimated water demand and anticipated source;
 - e. Type of effluent and method of treatment;
 - f. Transportation routes to be used (rail and road);
 - g. Reason for specific location;
 - h. Any accessory works required (pipeline, railway spurs, etc.); and/or

- i. Any such other information as may be reasonably required by the Development Authority.
3. All lot regulations and requirements shall be based upon the type of industrial development proposed, and shall be at the discretion of the Development Authority, in accordance with the District in which the site is located.

9.5 MANUFACTURED HOME DWELLINGS

1. Manufactured home dwellings shall have Canadian Standards Association Certification.
2. All accessory structures, such as patios, porches, additions and skirtings, shall be:
 - a. designed and erected as to harmonize with the manufactured homes,
 - b. considered as part of the main building, and
 - c. erected only after obtaining a Development Permit.
3. A manufactured home shall be skirted from the floor level to the ground level. The skirting shall match the external finish of the manufactured home.
4. The maximum permitted floor area of porches and additions shall be proportionate to the floor area of the manufactured home, and this relationship shall be determined by the Development Authority.
5. No accessory building or use, other than parking spaces, shall be located in the front yard of a manufactured home stall or a lot on which a manufactured home is located.
6. The storage of any furniture, domestic equipment, or seasonally used equipment shall be adequately covered or screened, either individually on the mobile home stall or communally, and said storage shall conform to the Safety Codes Act.
7. The following regulations apply to manufactured homes located in all subdivisions:
 - a. All manufactured homes shall be placed on a foundation or base.
 - b. The lot is to be fully landscaped within two (2) years from the date of issuance of the development permit.

9.6 MOTELS

1. Minimum Lot Area per Rentable Unit:
 - a. One Storey – 139.4 m² (1,500 ft²).
 - b. Two Storeys – 92.9 m² (1,000 ft²).
2. Minimum Floor Area per Rentable Unit – 26.5 m² (285 ft²).
3. Minimum Yards:
 - a. Front – 7.6 m (25 ft).
 - b. Side – 3.0 m (10 ft).
 - c. Rear – 3.0 m (10 ft).
4. Space Between Buildings:
 - a. Except in the case of rentable units and any other buildings where connected by a continuous roof to form a shelter for motor vehicles, not less than 3.6 m (12.0 ft) of clear and unoccupied space shall be provided between each rentable unit and any other building on the lot.
5. Entrances and Exits:
 - a. Not more than two accesses for vehicles to a road, each of a minimum width of 7.6 m (25 ft), shall be permitted, provided however, that one (1) combined motor vehicle entrance and exit may be permitted, not less than 9.1 m (30.0 ft) in width.

- b. The owner, tenant, operator or person in charge of a motel shall at all times:
 - i. maintain the lot and the buildings, structures and improvements thereon in a clean, neat, tidy and attractive condition and free from all rubbish and debris;
 - ii. maintain garbage facilities to the satisfaction of the Development Authority;
 - iii. maintain an appropriate fence, where required by the Development Authority, not less than 1.5 m (5.0 ft) in height, around the boundaries of the lot; and
 - iv. landscape and keep the lot landscaped to the satisfaction of the Development Authority.

9.7 MULTIPLE DWELLING DEVELOPMENTS

1. Before any application for development of row housing or an apartment can be considered, the applicant must submit to the Development Authority, in addition to those requirements of the Residential (R) Land Use District of this Bylaw:
 - a. design plans and working drawings, including elevations; and
 - b. site plans showing the proposed:
 - i. location and position of structures on the lot, including any signs,
 - ii. location and number of parking spaces, exits, entries, and drives,
 - iii. location of an access to garbage storage areas, and
 - iv. landscape plan of the entire site which shall also show intended fencing and surfacing for drives and parking areas.
2. The aforementioned plans will append the application. If the development permit is approved, the plans shall be deemed conditions of approval.
3. The relationship of buildings to each other and to the landscape, in particular such matters as architectural appearance, the provision of light, air, privacy, and landscaping, shall be shown upon the site plans, and said relationships shall be to the satisfaction of the Development Authority.

9.8 PLACE OF WORSHIP

1. The lot on which a church is situated shall have a frontage of not less than 30.5 m (100.0 ft) and an area of not less than 929.0 m² (10,000 ft²) except in the case where a building for a clergyman's residence is to be erected on the same lot. The area of the lot in this case shall not be less than 1,393 m² (15,000.0 ft²).
2. Minimum front, side and rear yards shall be those required within the District in which the church is located.

9.9 SERVICE STATIONS (INCLUDING GAS BARS)

1. No part of any building or accessory building, structure, or use shall be located within 6.1 m (20.0 ft) of a side or rear line and 12.2 m (40.0 ft) of a front line; however, gasoline pumps may be located as little as 6.1 m (20.0 ft) from the front line.
2. The minimum lot area shall be 743.2 m² (8,000.0 ft²). When a car wash is included, the minimum lot area shall be 1,115 m² (12,000.0 ft²).
3. If a service station or gas bar is part of a shopping centre, the number of parking spaces shall be as determined by the Development Authority.
4. Any lighting shall be located and arranged so that all direct rays of light are directed upon the lot only and not on any adjoining lots.

5. The owner, tenant, operator or person in charge of a service station or gas bar shall, at all times:
 - a. not carry on any business or activity which is obnoxious or offensive, or which constitutes a nuisance or annoyance to dwellings or businesses near the service station or gas bar by reason of dust, noise, gases, odour, smoke or vibration; and
 - b. be responsible for seeing that:
 - i. no motor vehicles obstruct the sidewalks or boulevards abutting or adjacent to the service station or gas bar, and
 - ii. motor vehicles enter and leave the service station or gas bar only at the entrances and exits provided.

10 LAND USE DISTRICTS

10.1 ESTABLISHMENT OF DISTRICTS

1. For the purpose of this Bylaw, the Village of Paradise Valley is divided into the following Districts:

LAND USE DISTRICT	
RESIDENTIAL	R
RESIDENTIAL MANUFACTURED HOME SUBDIVISION	RMH
COMMERCIAL	C
INDUSTRIAL	M
COMMUNITY	P
INSTITUTIONAL	I
URBAN RESERVE	UR

2. The boundaries of the districts listed in Section 10.1.1 are as delineated on the Land Use District Map.
3. 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 road, lane, railroad line, or water course, 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.
RULE 3	In circumstances not covered by Rule 1 or 2, the location of the boundary shall be determined: <ol style="list-style-type: none">a. where dimensions are set out on the Land Use District Map, by the dimensions so set, orb. where no dimensions are set out on the Land Use District Map with respect to such boundary, by measurement of and use of the scale shown on the Land Use District Map.

4. 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.
5. After the Council has fixed a District boundary pursuant to the provisions of Section 10.1.4, the portion of the boundary so fixed shall not be thereafter altered except by an amendment of this Bylaw.
6. The Development Authority shall maintain a list of Council's decisions with respect to boundaries or portions thereof fixed by Council.

10.2 R – RESIDENTIAL DISTRICT

1. PURPOSE

The general purpose of this District is to permit development of a variety of low to medium density dwellings, with manufactured homes and medium densities at the discretion of the Development Authority.

2. USES

1. PERMITTED	2. DISCRETIONARY
a. Day homes	a. Apartment dwellings
b. Minor home occupations	b. Churches (and other places of worship)
c. Single detached dwellings	c. Duplex dwellings
d. Accessory buildings and uses	d. Family care facilities
	e. Group care facilities
	f. Major home occupations
	g. Manufactured home dwellings
	h. Parks and playgrounds
	i. Public or quasi-public buildings and uses (required to serve the immediate area)
	j. Public utilities (required to serve the immediate area)
	k. Row housing dwellings
	l. Other uses that (in the opinion of the Development Authority) are similar to permitted and discretionary uses.

3. REGULATIONS

1. RELATING TO SINGLE FAMILY DWELLINGS	
a. Minimum Lot Area	464.5 m ² (5,000 ft ²)
b. Minimum Lot Width (Regular Shaped Lots)	15.2 m (50.0 ft)
c. Minimum Lot Width (Irregular Shaped Lots)	An average of 15.2 m (50.0 ft)
d. Minimum Front Yard	7.6 m (25.0 ft)
e. Minimum Rear Yard	7.6 m (25.0 ft)
f. Minimum Side Yard (Interior Lots)	10% of lot width or, at the discretion of the Development Authority, a minimum of 1.5 m (5.0 ft) on all lots over 15.2 m (50.0 ft) in width.
g. Minimum Side Yard (Corner Lots)	4.6 m (15.0 ft) abutting road
h. Minimum Floor Area (1 Storey Building)	74.3 m ² (800.0 ft ²)
i. Minimum Floor Area (1.5 Storey Building)	92.9 m ² (1,000 ft ²)
j. Minimum Floor Area (2+ Storey Building)	111.5 m ² (1,200 ft ²)

2. RELATING TO DUPLEXES

a. Minimum Lot Area (Up and Down Units)	576.0 m ² (6,200 ft ²), provided the combined floor area does not exceed 185.8 m ² (2,000 ft ²).
b. Minimum Lot Area (Side by Side or Semi-Detached Units)	668.9 m ² (7,200 ft ²)
c. Minimum Lot Width (Regular Shaped Lots)	15.2 m (50.0 ft)
d. Minimum Lot Width (Irregular Shaped Lots)	An average of 15.2 m (50.0 ft)
e. Minimum Yard	Same as for Single Family Dwellings
f. Minimum Floor Area	55.7 m ² (600.0 ft ²) per dwelling unit

3. RELATING TO ROW HOUSING

a. Maximum Density	16 dwelling units per acre
b. Minimum Yards	Same as for one family dwellings, except that no side yard shall be less than 3.0 m (10.0 ft) where side yards are provided, side yards adjacent to roads on corner lots shall be a minimum of 4.6 m (15.0 ft), and no side yard shall be required along a common wall.
c. Outdoor Living Area	Each unit shall have an outdoor living area the depth of which shall be a minimum of 7.6 m (25.0 ft). Within this area shall be a privacy zone with a minimum depth of 4.6 m (15.0 ft) contained by a fence a minimum of 1.5 m (5.0 ft) in height.

4. RELATING TO APARTMENTS

a. Minimum Floor Area (Bachelor Unit)	32.5 m ² (350.0 ft ²)
b. Minimum Floor Area (1 Bedroom Unit)	46.5 m ² (500.0 ft ²)
c. Minimum Floor Area (2 Bedroom Unit)	55.7 m ² (600.0 ft ²)
d. Minimum Floor Area (3+ Bedroom Unit)	65.0 m ² (700.0 ft ²)
e. Minimum Lot Area (Bachelor Unit)	Same as for one family dwellings, except that no side yard shall be less than 3.0 m (10.0 ft) where side yards are provided, side yards adjacent to roads on corner lots shall be a minimum of 4.6 m (15.0 ft), and no side yard shall be required along a common wall.
f. Minimum Lot Area (1 Bedroom Unit)	74.3 m ² (800.0 ft ²)
g. Minimum Lot Area (2 Bedroom Unit)	97.5 m ² (1,050 ft ²)
h. Minimum Lot Area (3+ Bedroom Unit)	134.7 m ² (1,450 ft ²)
i. Minimum Lot Area	799.0 m ² (8,600 ft ²)
j. Maximum Building Height	13.7 m (45.0 ft) or 3 storeys, whichever is shorter
k. Maximum Lot Coverage	30%
l. Minimum Front Yard	9.1 m (30.0 ft)
m. Minimum Rear Yard	9.1 m (30.0 ft)

n. Minimum Side Yard	40% of the building height, or 15% of the lot width, whichever is greater
o. Minimum Area of Lot Landscaped	10%

5. RELATING TO MANUFACTURED HOMES

a. Minimum Floor Area	55.7 m ² (600.0 ft ²), excluding any porch
b. All other Requirements	Same as for one family dwellings

6. RELATING TO ALL OTHER USES

a. As required by the Development Authority	
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10.3 RMH – RESIDENTIAL MANUFACTURED HOME SUBDIVISION DISTRICT

1. PURPOSE

The general purpose of this District is to permit and regulate development of manufactured home subdivisions in which each manufactured home is located on a separate lot.

2. USES

1. PERMITTED	2. DISCRETIONARY
a. Manufactured home dwellings	a. Major home occupations
b. Minor home occupations	b. Public or quasi-public buildings and uses
c. Parks and playgrounds	c. Public utilities
d. Accessory Buildings and Uses	d. Single detached dwellings
	e. Other uses that (in the opinion of the Development Authority) are similar to permitted and discretionary uses.

3. REGULATIONS

1. MAXIMUM BUILDING HEIGHT	
a. Manufactured Homes	4.6 m (15.0 ft)
b. Accessory Buildings	4.6 m (15.0 ft)
c. Other Uses	As determined by the Development Authority

2. MINIMUM FLOOR AREA	
a. Manufactured Homes	55.7 m ² (600 ft ²), excluding attached porches
b. Other Uses	As determined by the Development Authority

3. MINIMUM LOT AREA	
a. Manufactured Homes	464.5 m ² (5,000 ft ²)
b. Other Uses	As required by the Development Authority

4. MINIMUM LOT WIDTH	
a. Manufactured Homes	15.2 m (50.0 ft)
b. Other Uses	As required by the Development Authority

5. MINIMUM YARDS	
a. Front Yard	4.6 m (15.0 ft), or as required by the Development Authority
b. Side Yard	3.0 m (10.0 ft)

c. Rear Yard	4.6 m (15.0 ft), or as required by the Development Authority
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6. MINIMUM LOT COVERAGE

a. Manufactured Home	23%
b. Accessory Buildings	12%
c. Other Uses	As determined by the Development Authority

10.4 C – COMMERCIAL DISTRICT

1. PURPOSE

The general purpose of this District is to allow commercial development appropriate for the central business district of the municipality, involving fairly high density development. The regulations do not allow uses which are obnoxious or involve excessive outside storage.

2. USES

1. PERMITTED	2. DISCRETIONARY
a. Bakeries	a. Clinics
b. Banks	b. Clubs and lodges
c. Barber shops, beauty parlours	c. Dance halls
d. Coin laundries	d. Hotels
e. Dressmaking shops	e. Motels
f. Dry cleaners	f. Parking lots
g. Grocery stores	g. Public or quasi-public buildings and uses
h. Household appliance sales	h. Public utilities
i. Offices	i. Service stations and gas bars
j. Public parks	j. Theatres
k. Restaurants	k. Dwelling units in a building used for any of the above mentioned permitted or discretionary uses
l. Retail stores	l. Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
m. Shoe repair shops	m. Buildings and uses accessory to discretionary uses
n. Tailor shops	
o. If the floor space area use is not greater than 371.6 m ² (4,000 ft ²), the manufacture or treatment of products essential to the retail business conducted on the premises, for example, in a bakery, a dyeing or cleaning plant or establishment, or a manufacturer of candy, ice cream, jam or confections	
p. Buildings and uses accessory to permitted uses	

3. REGULATIONS

1. MINIMUM LOT AREA

a. All developments	457.2 m (1,500 ft)
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2. MINIMUM LOT WIDTH

a. All developments	4.6 m (15.0 ft)
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3. MINIMUM YARDS

a. Front Yard	None, except where the Development Authority may deem it necessary to conform with existing development
b. Side Yard	None, if the subject lot is bordered on both sides by land within the Commercial (C) District. If the subject lot is bordered by land within the Residential (R) District or the Residential Manufactured Home Subdivision (RMH) District on a side, the minimum side yard on that side shall be 1.5 m (5.0 ft).
c. Rear Yard	6.1 m (20.0 ft), or as required by the Development Authority

4. MAXIMUM LOT COVERAGE

a. All developments	80%, provided that provision has been made for on-site parking, loading, storage and waste disposal to the satisfaction of the Development Authority
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5. MINIMUM FLOOR AREA

a. As required by the Development Authority.
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6. OTHER REGULATIONS

a. The regulations for dwelling units shall be as indicated for apartments in the Residential (R) District.

10.5 M – INDUSTRIAL DISTRICT

1. PURPOSE

The general purpose of this District is to provide opportunities for light industrial and manufacturing uses. Heavier industry allowed in approved locations at the discretion of the Development Authority.

Uses and operations with this District shall not cause or permit any external objectionable or dangerous conditions apparent beyond any building housing processes wherein such effects may be produced, including but not limiting the generalities thereof, the following objectionable features, namely: noise, vibration, smoke, dust, and other kinds of particulate matter, odour, toxic and noxious matter, radiation hazards, fire and explosive hazards, humidity and glare.

2. USES

1. PERMITTED	2. DISCRETIONARY
a. Automobile, light truck, recreational vehicle, and farm equipment sales and service establishments	a. Industrial uses that may be obnoxious by reason of emission of odours, dust, smoke, gas, noise, or vibration
b. Light industrial uses	b. Municipal uses that are not restrictive and are compatible with an industrial area
c. Servicing establishments	c. Recreational uses that are not restrictive and are compatible with an industrial area
d. Warehousing, storage, and distribution of raw materials, processed or manufactured goods	d. Other uses that (in the opinion of the Development Authority) are similar to the permitted and discretionary uses
e. Workshops used by such trades as a carpenter, electrician, gas fitter, metal worker, painter, pipe fitter, plumber, tin smith, or similar	e. Buildings and uses accessory to discretionary uses
f. Buildings and uses accessory to permitted uses	

3. REGULATIONS

1. MINIMUM LOT AREA	
a. All developments	557.4 m ² (6,000 ft ²)

2. MINIMUM YARDS	
a. Front Yard	9.1 m (30.0 ft)
b. Side Yard	As required by the Development Authority
c. Rear Yard	9.1 m (30.0 ft)

3. MAXIMUM LOT COVERAGE	
a. All developments	60%

4. MAXIMUM BUILDING HEIGHT

a. All developments	10.7 m (35.0 ft)
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10.6 P – COMMUNITY DISTRICT

1. PURPOSE

The general purpose of this District is to allow the use of land for service, mainly of a public nature, which have a primary orientation toward the community.

2. USES

1. PERMITTED	2. DISCRETIONARY
a. Parks, playgrounds, recreation areas, and other similar public or quasi-public buildings and uses	a. Cemeteries
b. Accessory buildings and uses	b. Federal, provincial, and municipal buildings and uses
c. Servicing establishments	c. Public utilities
d. Warehousing, storage, and distribution of raw materials, processed, or manufactured goods	d. Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses

3. REGULATIONS

1. ALL REGULATIONS
a. Shall be as required by the Development Authority.

10.7 I – INSTITUTIONAL DISTRICT

1. PURPOSE

The general purpose of this District is to allow development of uses of either a public or private nature which provide services to the community.

2. USES

1. PERMITTED	2. DISCRETIONARY
a. Churches (and other places of worship)	a. Cemeteries
b. Community halls	b. Clubs and lodges
c. Hospitals and nursing homes	c. Day cares
d. Schools	d. Public or quasi-public buildings and uses
e. Senior citizens homes and similar buildings	e. Public utilities
f. Accessory buildings and uses	f. Recreational uses
	g. Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses

3. REGULATIONS

1. ALL REGULATIONS
a. Shall be as required by the Development Authority.

10.8 UR – URBAN RESERVE DISTRICT

1. PURPOSE

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

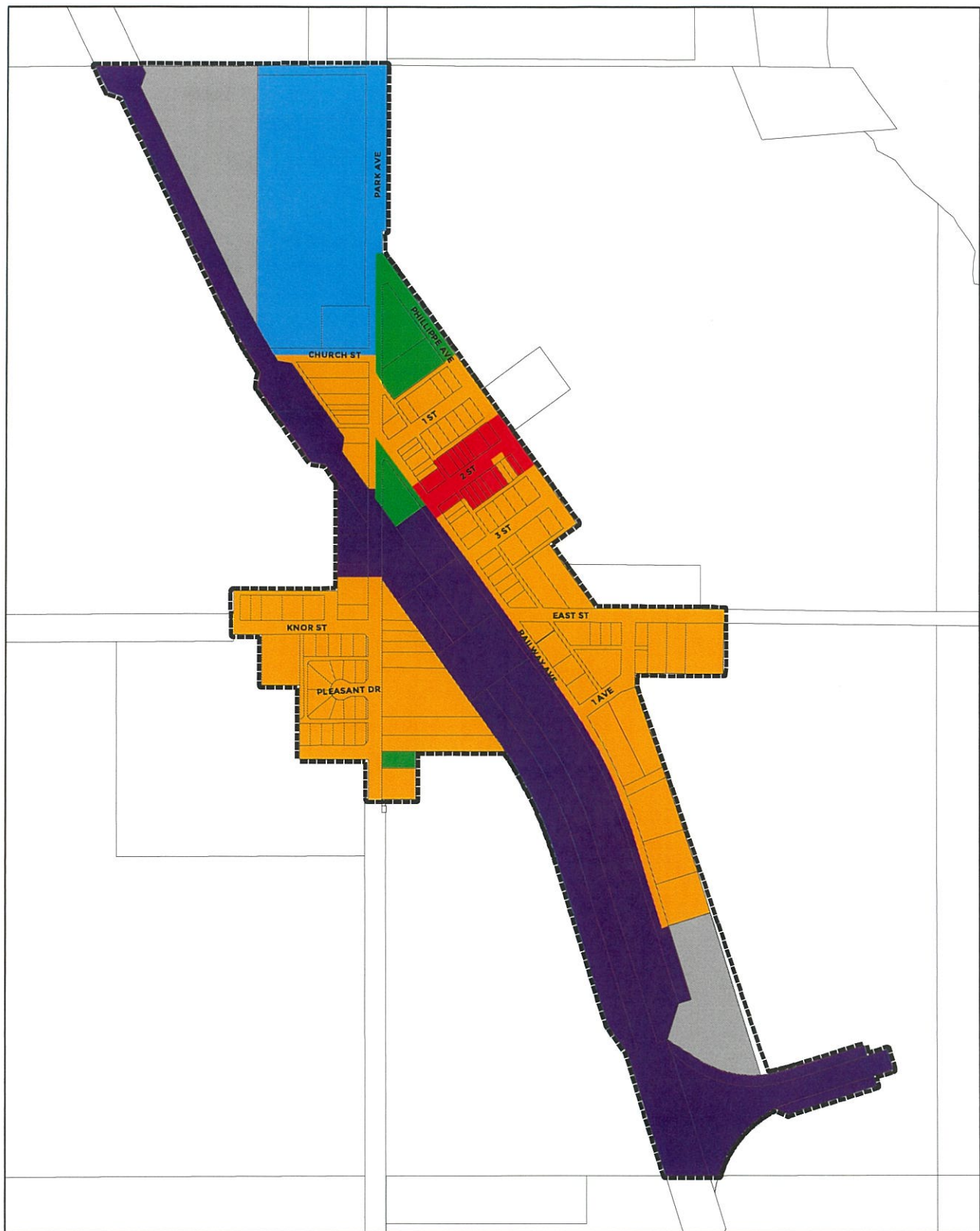
2. USES

1. PERMITTED	2. DISCRETIONARY
a. Farming and cultivation of land, but not including such agricultural uses as feed lots, hog barns, poultry farms and fur farms	a. Any strictly temporary use or building which in the opinion of the Development Authority will not prejudice the possibility of conveniently and economically subdividing or developing the area in the future
b. Minor home occupations	b. Major home occupations
c. One family dwellings on existing parcels only	c. Public or quasi-public buildings and uses
d. Accessory buildings and uses	d. Public utilities
	e. Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses

3. REGULATIONS

1. ALL REGULATIONS
a. No subdivision 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 a plan showing the subdivision design, the proposed land use classification, public reserve dedications and utilities policies.
b. All other regulations shall be as required by the Development Authority.

11 LAND USE DISTRICT MAP



VILLAGE OF PARADISE VALLEY

LAND USE BYLAW LAND USE DISTRICT MAP

 R - RESIDENTIAL	 C - COMMERCIAL	 I - INSTITUTIONAL	 UR - URBAN RESERVE
 RMH - RESIDENTIAL MANUFACTURED HOME	 M - INDUSTRIAL	 P - COMMUNITY	

Digital Information: Geogratia,
Geodiscover, and Altalis
Projection: UTM NAD 83 12N

