

## **PART 5 – DEVELOPMENT APPEAL PROCESS**

### **5.1 APPEAL PROCEDURE**

- (1) The Subdivision and Development Appeal Board, as established by Town Bylaw, shall hear and make a decision on an appeal where a Development Authority:
  - (a) Refuses or fails to issue a development permit to a person within forty (40) days of receipt of the application, or
  - (b) Issues a development permit subject to conditions, or
  - (c) Issues an order under Part 6 of this Bylaw; and
    - (i) The person applying for the permit or affected by the order, or any other person affected by an order, decision or development permit of a Development Authority appeals to the Subdivision and Development Appeal Board.
- (2) Notwithstanding Subsection (1) above, no appeal lies in respect of the issuance of a development permit by the Council within a DC District, or for a permitted use unless the provisions of this Bylaw were relaxed, varied or misinterpreted.
- (3) An appeal shall be made by serving a written notice of appeal and submitted the applicable fee to the Secretary of the Subdivision and Development Appeal Board within twenty-one (21) days after:
  - (a) The date the order, decision or permit issued by the Development Authority was publicized in accordance with this Bylaw; or
  - (b) The forty (40) day period referred to in Section 3.3(5) of this Bylaw has expired.

### **5.2 APPEAL HEARING**

- (1) Within thirty (30) days of receipt of a notice of appeal, the Subdivision and Development Appeal Board shall hold an appeal hearing respecting the appeal.
- (2) The Subdivision and Development Appeal Board shall give at least five (5) days' notice in writing of the appeal hearing to:
  - (a) The appellant;
  - (b) The Development Authority from whose order, decision or development permit the appeal is made;
  - (c) Those adjacent land owners who were notified under this Bylaw and any other person who, in the opinion of the Subdivision and Development Appeal Board, are affected by the order, decision or permit; and
  - (d) Such other persons as the Subdivision and Development Appeal Board specifies.

- (3) The Subdivision and Development Appeal Board shall make available for public inspection before the commencement of the appeal hearing all relevant documents and materials respecting the appeal including:
  - (a) The application for the development permit, its refusal and the appeal therefrom; or
  - (b) The order of the Development Authority,
  - (c) As the case may be.
  
- (4) At the appeal hearing referred to in subsection (1), the Subdivision and Development Appeal Board shall hear:
  - (a) The appellant or any other person acting on his behalf;
  - (b) The Development Authority from whose order, decision or development permit the appeal is made, or if a person is designated to act on behalf of the Development Authority, that person;
  - (c) Any other person who was served with notice of the hearing and who wishes to be heard or a person acting on his behalf; and
  - (d) Any other person who claims to be affected by the order, decision or permit and that the Subdivision and Development Appeal Board agrees to hear or a person acting on his behalf.

### **5.3 APPEAL DECISION**

- (1) The Subdivision and Development Appeal Board shall give its decision in writing together with reasons for the decision within fifteen (15) days of the conclusion of the appeal hearing.
  
- (2) If the decision of the Development Authority to approve a development permit application is reversed by the Subdivision and Development Appeal Board, the development permit shall be null and void.
  
- (3) If the decision of the Development Authority to refuse a development permit application is reversed by the Subdivision and Development Appeal Board, the Development Authority shall forthwith issue the development permit in accordance with the decision of the Subdivision and Development Appeal Board.
  
- (4) If the decision of the Development Authority to approve a development permit is varied by the Development Appeal Board, the Development Authority shall forthwith issue the development permit in accordance with the decision of the Subdivision and Development Appeal Board.

- (5) A decision made under this part of the Bylaw is final and binding on all parties and all persons subject only to an appeal upon a question of jurisdiction or law pursuant to the Act. An application for leave to the Court of Appeal shall be made:
- (a) to a judge of the Court of Appeal; and
  - (b) within thirty (30) days after the issuance of the order, decision, permit or approval sought to be appealed.

## **PART 6 – BYLAW AMENDMENT PROCESS**

### **6.1 APPLICATION FOR AMENDMENT**

- (1) A person may apply to have this Bylaw amended by applying in writing, furnishing reasons in support of the application and paying the fee therefore required.
- (2) Council may at any time initiate an amendment to this Bylaw by directing the Development Authority to initiate an amendment.
- (3) All applications for amendment to the Land Use Bylaw shall be made to the Council and shall be accompanied by the following, namely:
  - (a) An application fee according to the governing fee schedule as amended from time to time by resolution of Council shall be submitted for each application, but if the proposed amendment is adopted by Council, Council may determine that the whole or part of the application fee may be returned to the applicant;
  - (b) A title search for the land affected or other documents satisfactory to the Development Authority indicating the applicant's interest in the said land;
  - (c) Drawings drawn to the satisfaction of the Development Authority, which shall be fully dimensioned, accurately figured, explicit and complete; and
  - (d) Any other information deemed necessary by the Development Authority.
- (4) Notwithstanding Subsection (3)(a) above, Council may waive payment of an application fee or any part thereof.
- (5) During deliberation on the Bylaw amendment application, Council may refer the application to such agencies as it considers necessary for comment.
- (6) Council may request such information as it deems necessary to reach a decision on the proposed amendment.

### **6.2 PUBLIC HEARING PROCESS**

- (1) All amendments to this Bylaw shall be made by Council, by Bylaw, and in conformity with the requirements of the Act with regard to the holding of a Public Hearing.
- (2) Prior to any Public Hearing, the Town shall give notice in accordance with the Act.

- (3) First reading of a proposed amendment is given before the Public Hearing, and Council may require that the applicant pay a fee for advertising according to the governing Land Use Bylaw advertising fee schedule as amended from time to time by resolution of Town.

## PART 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;
    - (i) So that the development or use of the land or buildings is in accordance with the Act, the regulations made thereunder, a development permit, subdivision approval or this Bylaw, as the case may be.
- (2) Where a person fails or refuses to comply with an order directed to him under Subsection (1) above 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, with the support of a Peace Officer or Enforcement Officer, enter upon the land or building and take such action as is necessary to carry out the order. A person who contravenes or fails to comply with any provision of their development permit is guilty of an offence and is liable upon summary conviction of a fine.
- (3) 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.
- (4) A person who contravenes or fails to comply with any provision of this Bylaw is guilty of an offence and is liable upon summary conviction to a fine not exceeding \$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.
- (5) A Development Authority may suspend or revoke a development permit which has not been complied with, following notification, stating the reasons for such action.
- (6) In addition to the process and penalties described above, the Development Authority or any other person identified as a designated Peace Officer or Enforcement Officer by the Council

for the purposes of this Section, shall be authorized to inspect any development to confirm compliance, and if not in compliance to issue violation tickets in respect to any contravention of this Bylaw.

(7) Violation Tickets:

- (a) The Development Authority may direct a Peace Officer or Enforcement Officer for the purposes of this Section, to issue a violation ticket to any person alleged to have breached any provision of this Bylaw.
- (b) The violation ticket shall specify the alleged offence committed by the person to whom the violation ticket is issued and require voluntary payment, or the option of a court appearance on a date specified, and will be dealt with thereafter at the court's discretion.
- (c) Persons contravening any provision of this Bylaw to whom violation tickets are issued shall be liable for a penalty of \$500.00 for a first offence and \$1000.00 for a second or subsequent offence within the same calendar year. Each day that a breach of the Bylaw has occurred may be considered to be a separate offence.
- (d) The violation ticket shall be served upon the alleged offender personally, or if the defendant cannot be conveniently found, by leaving it for the defendant at the defendant's place of residence with a person on the premises who appears to be at least 18 years of age. If payment is made within the time limit, then such payment shall be accepted in lieu of prosecution for the offence.
- (e) 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.

## PART 8 – GENERAL REGULATIONS

### 8.1 ACCESSORY BUILDINGS AND USES

- (1) No person shall construct or utilize an accessory building except in compliance with this section.
- (2) All accessory buildings shall be located at least 2.0 m from any principal building.
- (3) An accessory building shall not be used as a dwelling unit and shall not contain sanitation facilities.
- (4) An accessory building shall not be constructed within the required front yard setback area of any district.
- (5) Accessory buildings shall be constructed with exterior finish materials that compliment those of the principal building.
- (6) An accessory building shall not be located on an easement or utility right-of-way.
- (7) An accessory building shall not be developed or approved on a lot prior to the issuance of a development permit for the principal building or use on the lot.
- (8) Decks, balconies, sunrooms and the like shall not be constructed on top of an accessory building unless the setbacks of the accessory building comply with the allowable setbacks for the principal building in that district.
- (9) Accessory buildings under 13.4 m<sup>2</sup> in size and decks which are uncovered, and the walking surface is less than 60cm (2 feet) above grade do not have to meet the setback requirements for the District in which is it located. All other accessory buildings are required to meet the setback requirements for the District in which it is located.
- ~~(10) An accessory building, regardless of size, is required to meet the setback requirements for the District in which it is located.~~
- ~~(11) Any building or use which is accessory to a lawful use in any land use designation is deemed to be permitted in all land use districts in Part 12.~~

### 8.2 BARE LAND CONDOMINIUM

- (1) Structures constructed on bare land condominium units shall comply with the general regulations of this bylaw, including the regulations for the land use district in which the unit is located.

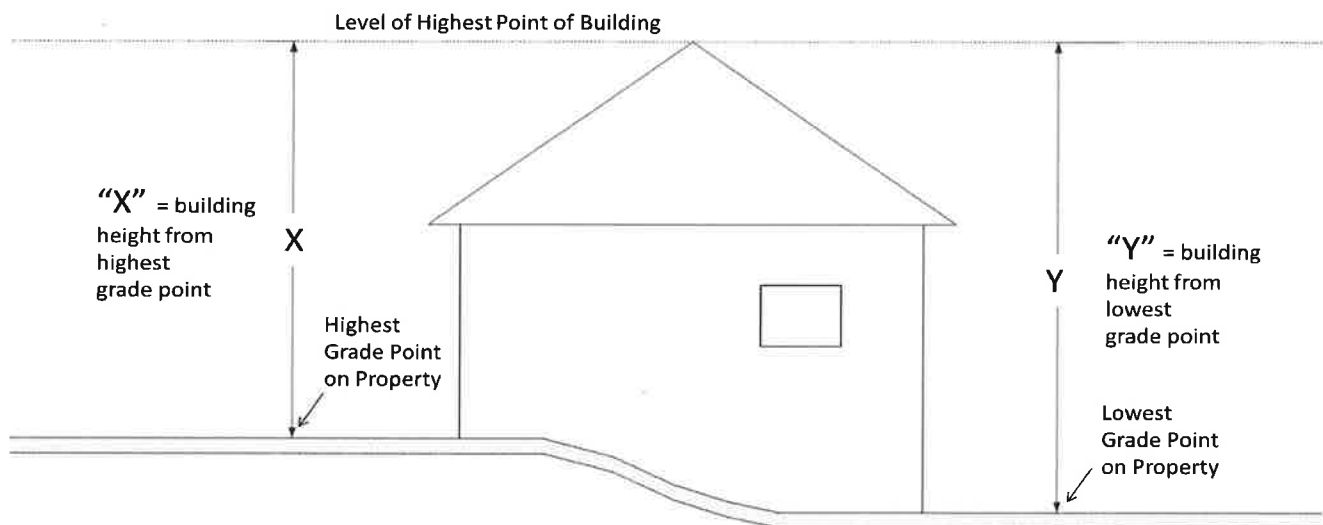


- (2) For the purposes of this Bylaw, a bare land condominium plan is a plan of subdivision.

### 8.3 BUILDING HEIGHT

- (1) If the height of a building is required to be measured or determined, it shall be measured by calculating the average vertical distance between the natural grade, or the average natural grade in the case of a sloping grade, and the highest point of the building as determined under Subsection (2).
- (2) In determining the highest points of a building, the following structures shall not be considered to be part of the building: an elevator housing; mechanical housing; roof stairway entrance; ventilations; a skylight; a steeple; a smokestack; a parapet wall, or a flagpole or similar device not structurally essential to the building.

**FIGURE 8.3.1 – BUILDING HEIGHT CALCULATIONS**



$$\text{Height Average} = (X+Y)/2$$

### 8.4 CORNER AND DOUBLE FRONTING PARCELS

- (1) In all districts, a site abutting onto two streets or more shall have a front yard setback on each street in accordance with the front yard regulations of this Bylaw.
- (2) In all cases, the location of building on corner sites shall be subject to approval of the Development Authority who may, at their discretion, relax the front yard setback requirements taking into account the location of existing adjacent buildings or the permitted setback on adjacent sites where a building does not exist.

- (3) On corner parcels contiguous to a highway the Alberta Infrastructure Highway “Minimum Site Triangle” Design Guidelines shall apply.

## **8.5 CURB CUTS**

- (1) The nearest edge of a proposed curb cut to the nearest curblines of the street intersection shall not be less than 12.0 m.
- (2) The maximum width of the curb cut shall not exceed 9.1 m in industrial districts and 6.0 m in all other districts, unless otherwise specified by the Development Authority for reasons of public safety or convenience.

## **8.6 DESIGN, CHARACTER AND APPEARANCE OF BUILDINGS AND STRUCTURES**

- (1) The purpose of this Section is to provide the Town with controls and guidance in order to ensure that aesthetically attractive and compatible development is provided throughout the Town.
- (2) The quality of exterior treatment and design of all buildings shall be to the satisfaction of the Development Authority for permitted uses and discretionary uses.
- (3) Pursuant to Subsection (2), the Development Authority shall consider, but not be limited to the following criteria when evaluating the design, character and appearance of development proposals in all Districts.
  - (a) General Guidelines:
    - (i) The design, character and appearance of all buildings must be compatible with any other buildings existing in the vicinity unless the building is setting a new standard of design and character for the land use district or a particular location of it;
    - (ii) The design of the building or development must be consistent with the purpose and intent of the land use district in which it is located;
    - (iii) The building shall comply with any provisions of a statutory plan or architectural control guidelines adopted by Council.
  - (b) Guidelines for Commercial and Industrial Development:
    - (i) The harsh contrasts of very large or massive buildings mixed with small buildings can be softened by using similar sizes and shapes of massing elements, like roof lines, exterior design and treatment;

- (ii) Blank, unfinished walls give a very bland appearance to the streetscape. Particular attention should be given to reduce large vacant spaces between buildings which are left open to public view;
  - (iii) Rooftop mechanical equipment should be hidden from view from public streets and from adjacent buildings;
  - (iv) Utility installations and buildings should be located in such a manner so as to be compatible with adjacent buildings and development. This may be achieved by placing utility installations within buildings wherever possible, or development utility buildings which blend into the surrounding area;
  - (v) Natural features are an important part of the urban environment and should be given a high priority in developing a site. This may be achieved by preserving existing trees wherever possible;
  - (vi) Corner sites at the intersection of major streets should be given special consideration. Sight lines for drivers and more pedestrian space are features which should be incorporated into the design of buildings on corner lots;
  - (vii) Buildings should provide weather protective overhangs at outdoor pedestrian areas and at building entrances. The overhangs can be achieved through the use of cantilevers, awnings and canopies;
  - (viii) Long buildings along the street front should include a public route through the building which can be accessed by pedestrians to parking areas or simply to reduce having to walk around the building;
  - (ix) Large pedestrian areas or parcels should be designed for safety and at a pedestrian scale. The combination of landscaping and pedestrian walkway connections from the parking area to the shopping areas can act as a windbreak, slow the traffic in the parking area, and soften the harsh visual impact of large asphalt areas;
  - (x) The site illumination of commercial and industrial sites should not shine into residential windows;
  - (xi) On-site parking, loading and shipping areas are less attractive elements of a streetscape and should be hidden from public roadways by buildings, screening and landscaping;
  - (xii) Outdoor storage and garbage collection areas are generally unsightly and undesirable elements from public roadways and should be screened or hidden behind buildings. Existing storage and garbage collection areas should be screened from roadways by using berms, walls and landscaping.
- (c) Guidelines for Residential Development:
- (i) Visual privacy of internal living space and areas should be maintained in new and existing developments. The use of berms, landscaping and the orientation of the dwellings and the living space windows can improve the visual privacy between developments;
  - (ii) Identical or similar housing styles, models, designs and colors should be discouraged. The same housing color, design or treatment should not be used for any more than three adjacent dwellings;

- (iii) Corner lot houses should be generally lower lying houses as height and mass is emphasized beside a void such as a road.
- (iv) Any accessory building built on a lot, such as a detached garage or garden shed should be of proportional mass, roof line and treatment as the principal building.
- (v) Developments should be encouraged to possess good proportion in the front elevations through the use of such elements as dormers, bay windows, shutters, brickwork, roof lines and variations of window sizes.

## **8.7 DEVELOPMENTS ON OR NEAR SLOPES**

- (1) Notwithstanding the yard requirements prescribed in the land use districts, no permanent buildings shall be permitted within 20.0 m of the top of the bank of any waterbody and no development shall be permitted within 20.0 m of the top or bottom of an escarpment bank or slope where the grade exceeds 15% (fifteen percent).
- (2) The Development Authority may require greater setback than is prescribed in Section 8.7(1).
- (3) Notwithstanding that a proposed development conforms in all respects with this Bylaw, including Sections 8.7(1) and 8.7(2), where the application is for development on lands that are or may be subject to subsidence, the Development Authority shall not issue a development permit unless the applicant can demonstrate that preventative engineering and construction measures can be instituted to make the parcel suitable for the proposed development.
- (4) Subject to Section 8.7(3), the Development Authority may, at their discretion, reduce the setback requirements established pursuant to Sections 8.7(1) and 8.7(2) if the applicant provides satisfactory proof of bank stability.

## **8.8 DEVELOPMENTS NEAR WATER**

- (1) Notwithstanding 8.13, the Development Authority may require reports to be submitted by qualified consultants to help determine the setback distance from water bodies. The setback may be reduced if supported by a report submitted by a qualified engineer.

## **8.9 DWELLING UNITS ON A PARCEL**

- (1) The number of dwelling units allowed on any single parcel shall be one, except where additional dwellings are:
  - (a) Contained in a building designed for, or divided into, two or more dwelling units and is located in a land use district which permits multiple units; and

- (b) A building defined in the Condominium Property Act (Chapter C-22, R.S.A. 2000) and all regulations and amendments thereto and is the subject of an approved condominium plan registered under that Act.

### **8.10 EMERGENCY ACCESS TO BUILDINGS**

- (1) Sites shall be so designed that, in the opinion of the Development Authority, appropriate access for firefighting equipment is afforded to all buildings, moreover,
  - (a) In the case of industrial, commercial, multiple family, or public or quasi-public sites, the distance between the fire hydrant and any driveway or access point shall be a minimum of 3.0 m. In the case of single family sites, the distance between the fire hydrant and any driveway or access point shall be a minimum of 1.85m; and
  - (b) No person shall in any manner obstruct the fire access to any hydrant, valve or curb stop. No vehicle, building, structure, or vegetation higher than 0.5 m, shall be placed within 1.5 m from a hydrant.
- (2) On at least two sides, one of which shall be the longest side, of any building used as an apartment building and which exceeds two storeys in height, there shall be firm level areas accessible for firefighting equipment for at least 75% (seventy five percent) of the length of each of the two sides of the building. Such areas shall not be less than 4.25 m in width and not more than 3.0 m from the building, and no permanent structure or vehicular parking shall be permitted thereon.
- (3) A lane or lanes for the purpose of permitting the access of firefighting equipment to all major access points of shopping centre buildings shall be provided, and no permanent structures or vehicular parking may be permitted thereon.

### **8.11 COUNTRY ESTATE RESIDENTIAL DEVELOPMENT**

- (1) The size of a lot for an estate residential use shall be the minimum required to accommodate the proposed use as determined by the Development Authority and shall not be less than 0.4 ha or greater than 2.0 ha in size.
- (2) Estate residential development shall not be permitted within an area likely to be subject to hazards or high levels of noise, dust or odours from industrial, transportation or intensive agricultural operations or intensive livestock operations.
- (3) No subdivision shall be allowed and no development permit shall be issued for an estate residential use, until the Town has first reclassified the land to the Estate Residential District.
- (4) Each estate residential lot shall be connected to municipal sewer and water facilities.

### **8.12 EXCAVATION, STRIPPING AND GRADING**

- (1) For the purpose of this Section, excavation shall mean excavation other than for construction or building purposes, including, but not limited to, sand and gravel mining, topsoil stripping, and construction of artificial bodies of water.
- (2) An applicant for a development permit for the excavation, stripping or grading of land, which is proposed without any other development on the same land, shall include with his or her application the following information:
  - (a) Location of the lot, including the municipal address if any, and legal description;
  - (b) The area of the lot on which the development is proposed;
  - (c) The type of excavation, stripping or grading proposed, showing the dimensions of the operation or the area of the land and depth to which the topsoil is to be removed;
  - (d) Location on the lot where the excavation, stripping or grading is to be made on the lot; and
  - (e) The condition in which the excavation, stripping or grading is to be left when the operation is complete or the use of the area from which the topsoil is removed.
- (3) Where, in the process of development, areas require levelling, filling, or grading, the topsoil shall be removed before work commences, stockpiled, coverage of 0.15 m shall be provided upon occupancy of the development, and the affected area shall be graded and landscaped to the satisfaction of the Development Authority.

### **8.13 EXISTING SUBSTANDARD LOTS**

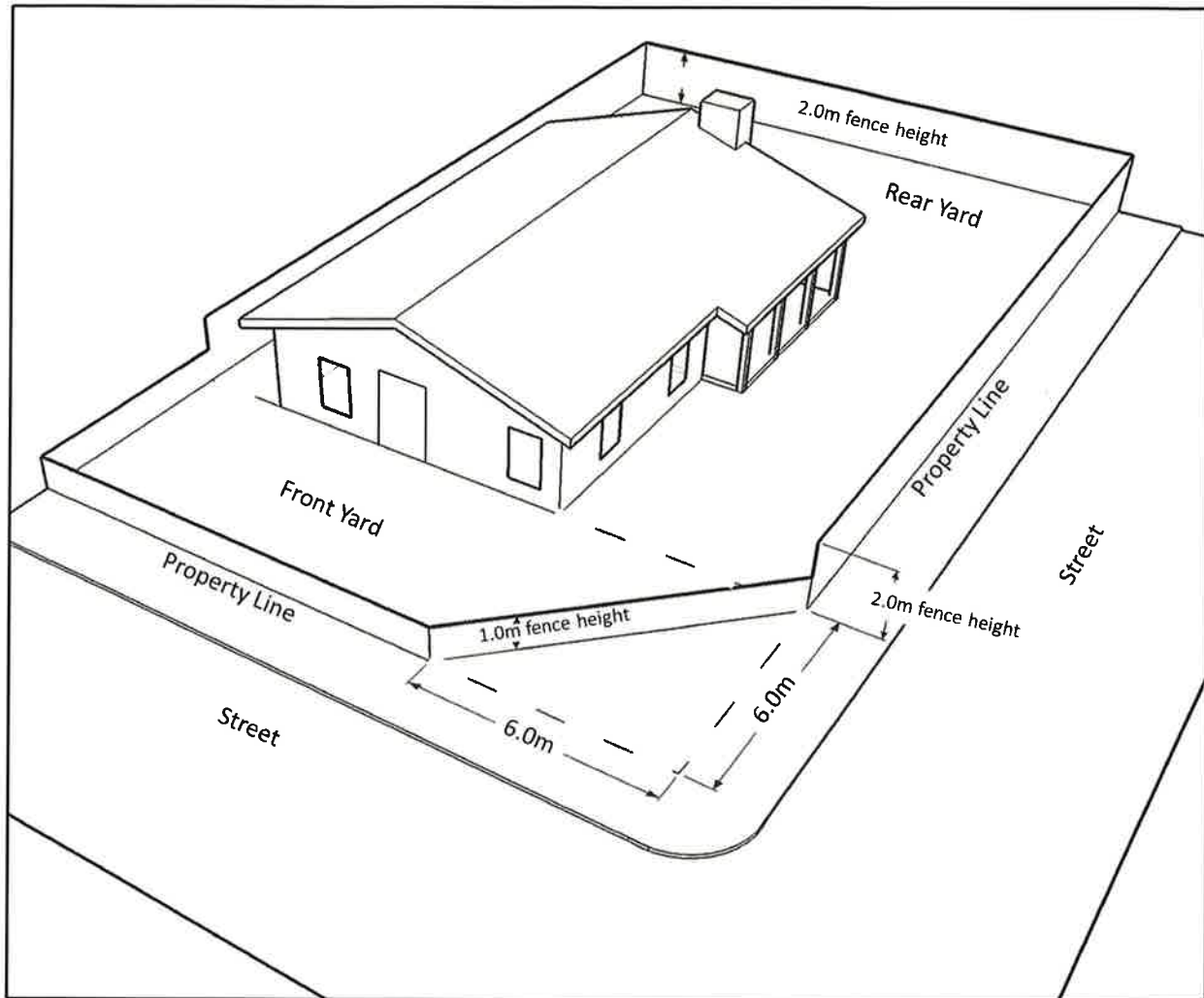
- (1) Development on existing substandard lots may be considered by the Development Authority who shall have due regard for compliance with the Safety Codes Act and its regulations prior to granting approval.

### **8.14 FENCES**

- (1) In any district, except as herein provided,
  - (a) No fence shall be constructed that is located on public property;
  - (b) No fence shall be constructed that is:
    - (i) For internal lots, no higher than 2.0 m for that portion of the fence that does not extend beyond the foremost portion of the principal building on the site and 1.0 m for that portion of the fence that does extend beyond the foremost portion of the principal building on the lot;
    - (ii) For corner lots, no higher than 2.0 m for that portion of fence that does not extend beyond the foremost portion of the principal building abutting the front yard on the narrow frontage and 2.0 m on the property line on the front yard

- abutting a public road and lane if, in the opinion of the Development Authority, it will not prejudice the safety and amenities of the adjoining lots;
- (iii) In the case of corner lots, no person shall construct a fence or other screening, including landscaping, more than 1.0 m high within the triangular area 6.0 m back from the intersecting front boundary lines of the lot, regardless of whether or not a corner cut-off has been taken; and
  - (iv) Where lots have both their front and rear yards facing onto a street, special approval of the Development Authority must be obtained prior to the erection of any fences on such properties. Size and specifications for fences in these areas must conform with the overall standard set for the area by the Town.
- (2) Apartments or row houses adjacent to a single detached residential dwelling shall provide a wooden fence, or other such screening approved by the Development Authority, of not more than 2.0 m in height along the side abutting the single detached dwelling;
  - (3) In the case of commercial, public and quasi-public uses abutting a residential area, a solid fence shall be provided of at least 1.5 m in height and no higher than 2.0 m along the sides abutting the residential area;
  - (4) Notwithstanding Subsection (2) above, the maximum height of a fence in an Industrial or Urban Reserve District shall be determined by the Development Authority. Where a fence has been permitted to be higher than 2.0 m in an Industrial or Urban Reserve District, no barbed wire fences shall be permitted below a height of 2.0 m. This requirement may be relaxed by the Development Authority at his/her discretion in an area where residences would not be in close proximity to the fence proposed;
  - (5) No electrification of fences shall be permitted; and
  - (6) No barbed wire fences shall be permitted in residential districts.

**FIGURE 8.14.1 – FENCE DIAGRAM**



## 8.15 FLOODPLAIN DEVELOPMENT

- (1) Notwithstanding Subsection 8.13 no new development or the expansion of existing development shall be allowed within the 1:100 year flood plain of any watercourse or water body as determined by Alberta Environment.
- (2) Development Permit Applications where a portion of a parcel in the 1:100 year floodplain, shall be accompanied by the following information requirements:
  - (a) Elevation of the site as prepared by a qualified surveyor or engineer;
  - (b) Proposed elevation of main floor of residential buildings as prepared by a qualified surveyor or engineer; and
  - (c) A statement and/or analysis, which demonstrates the suitability of the development to the site as compared to other locations on the parcel.



**8.16 LANDSCAPING**

- (1) As a condition of the development permit, all landscaping and planting required must be carried out to the satisfaction of the Development Authority, and within one year of occupancy or commencement of operation of the proposed development. All plant material shall be hardy to the Town of Rimbey.
- (2) The Development Authority may require that landscaping and/or screening is provided in conjunction with any development, and is addressed as part of the Development Permit application. The intent of landscaping and screening is to contribute to a reasonable standard of appearance for developments, to provide a positive overall image for the Town.
- (3) Landscaping and screening requirements may be applied to commercial and industrial uses.
- (4) Garbage and waste material must be stored in weather and animal proof containers and screened from adjacent sites and public thoroughfares.
- (5) On corner parcels, setbacks for landscaping and fencing must be in accordance with Section 8.2.
- (6) Prior to issuing a development permit the Development Authority may require submission of a detailed landscape plan to a standard satisfactory to the Development Authority, outlining at a minimum the following:
  - (a) The location of the trees and shrubs to be planted, including distance between trees and the anticipated full growth radius at maturity;
  - (b) The number of trees and shrubs to be planted; and
  - (c) The common name of the trees and shrubs to be planted.
- (7) In addition to the landscaping standards specified in each Land Use District the Development Authority may require the applicant of any development permit to:
  - (a) Retain any natural feature in its original state including, but not limited to, the following:
    - (i) Any water feature, including swamps, gullies and drainage courses;
    - (ii) Land with a natural gradient of 15% or greater;
    - (iii) Land subject to flooding by a 1:100 year flood;
    - (iv) Land located within a minimum distance as determined by the Development Authority from the top of bank of any river, stream, creek, lake or other body of water;
    - (v) Any land deemed unstable by the Development Authority.
    - (vi) Conserve trees, shrubs or any other natural vegetation to the maximum extent possible.

- (vii) Screen any objectionable effect or potential objectionable effect from adjacent properties;
  - (viii) Retain topsoil on the site;
  - (ix) Enhance the site by adding topsoil, grass, rock, gravel, vegetation or other landscaping materials to complement the appearance of the site and the character of the neighbourhood; and
  - (x) Restricting the amount and location of hard surfacing on the site.
- (8) Trees and Shrubs provided for landscaping shall meet the following minimum requirements:
- (a) A minimum height of 1.8 m (6.0 ft.) for coniferous trees;
  - (b) A minimum height of 0.46 m (1.5 ft.) for coniferous shrubs;
  - (c) A minimum caliper width of 5.08 cm (2 in) at 0.46 m (1.5 ft.) above ground level for deciduous trees; and
  - (d) A minimum height of 0.61 m (2 ft.) for deciduous shrubs.
- (9) Unless otherwise specified in this Bylaw a minimum of thirty-three percent (33%) of the total amount of trees and shrubs provided shall be coniferous.
- (10) All trees shall be separated a minimum distance from each other to allow sufficient space for the tree's maximum potential growth radius at maturity and to ensure healthy, uninhibited growth.
- (11) All landscaping requirements must be completed within one (1) year of completion of construction or the commencement of the use, whichever occurs first.
- (12) The owner of the property, or his/her assignees or successor(s), shall be responsible for the proper up keep and maintenance of the required landscaping. If the required landscaping does not survive, the applicant/owner must replace it with a similar type of species and with a similar caliper, width and height or to the satisfaction of the Development Authority.
- (13) The Development Authority may, as a condition of a development permit, require submission of a security up to the value of the estimated cost of providing the proposed landscaping to ensure that such landscaping is carried out with reasonable diligence. The condition of the security is that, if the landscaping is not completed in accordance with this Bylaw and development permit within one (1) growing season after completion of the development, then the specified security amount shall be made available to the Town to use to ensure the landscaping is installed according to the Town's standards.
- (14) A minimum of 30% soft surfaced green landscaped features (i.e. grass, shrubs and trees) shall be maintained in all residential front yards.
- (15) Development Permits are required for all retaining walls over 60 cm (2 feet).

## 8.17 LIMITED ACCESS TO MAJOR ROADS

- (1) No access for vehicles will be permitted from an arterial road as designated by the Municipal Development Plan, or Area Structure Plans to:
  - (a) Any residential site, unless the access serves three or more dwelling units; or
  - (b) Any site, unless turning space is provided on the site such that vehicles entering upon the site may turn before re-entering the street; or
  - (c) Any site where, in the opinion of the Development Authority, there would be an excessive number of access points approved by Alberta Transportation.
- (2) Access to Highways 20, 20A and 53 shall be limited to arterial roads, collector and services roads, and where no service roads are provided, access shall be limited to those access points approved by Alberta Transportation.

### 8.18 OBJECTIONABLE ITEMS IN YARDS

- (1) No person shall keep or permit in any part of a yard in any residential district:
  - (a) Any dismantled or wrecked vehicle for more than fourteen (14) successive days; or
  - (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; or
  - (c) Any excavation, storage or piling up of materials required during the construction stage unless all necessary safety measures are undertaken, and the owner of such materials or excavations assumes full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work; or
  - (d) Any vehicle not parked on a prepared hard surface (i.e. concrete pad or gravel) in the front yard; or
  - (e) A commercial vehicle loaded or unloaded of a maximum weight in excess of 2000 kg; or
  - (f) A commercial vehicle in a front yard; or
  - (g) A recreational vehicle in the front yard of a laned subdivision.
  - (h) Contravene the Town of Rimbey **Nuisance Community Standards** Bylaw.
- (2) No person maintaining more than one recreation vehicle or more than two (2) motor vehicles in a residential district shall allow them to be kept in a manner which, in the opinion of the Development Authority is unsightly or tends to adversely affect the amenities of the district.
- (3) In commercial districts garbage shall be stored in weatherproof containers screened from adjacent sites and public thoroughfares to the satisfaction of the Development Authority and shall be in a location easily accessible for pickup.

### 8.19 ON-SITE AND OFF-SITE SERVICES AND IMPROVEMENTS

- (1) Where any on-site services or improvements, or any off-site local improvements are required to service a proposed development, a person shall not begin the excavation for the foundation nor commence the development until the Development Authority or is satisfied that such services will be provided or improvements will be undertaken.
- (2) No development permit shall be issued for a development to be served by private sewer and water systems until the systems have been approved by the appropriate Municipal or Provincial authorities having jurisdiction.

## 8.20 PROJECTIONS OVER YARDS

- (1) The following encroachments into required front, side and rear yard setbacks in land use districts may be permitted for canopies, balconies, eaves, box-outs, chimneys, gutters, sills, steps/stairs, and, in addition, cantilevers may be permitted to encroach into the front and rear yards only:
  - (a) Front Yard: 2.0 m for balconies; and 1.0 m for cantilevers, eaves, gutters, landings, and window sills (see Figure 8.20.1).
  - (b) Rear Yard: 2.0 m for balconies; and 1.0 m for box-outs, cantilevers, eaves, gutters, landings, and window sills (see Figure 8.20.2).
  - (c) Side Yard (Interior): 1.0 m for balconies; and 0.6 m for box-outs, eaves, gutters, landings and window sills (see Figure 8.20.1).
  - (d) Side Yard (Exterior): 1.0 m for balconies; and 0.6 m for box-outs, cantilevers, eaves, gutters, landings and window sills (see Figure 8.20.2).
- (2) For multi-attached dwellings, balconies and decks may be extended to the lot line or common wall, provided that the common wall is extended for separation/privacy.
- (3) No projection will be permitted if, in the opinion of the Development Authority, it may interfere with a loading space, parking area, driveway, or other vehicle or pedestrian circulation or access.
- (4) No projection will be permitted into the side yard required for vehicular access to the rear yard, unless a minimum vertical height of 3.0 m from finished grade to the lowest point of the projection is maintained.
- (5) The projection length limitations are as follows:
  - (a) The individual projection maximum length shall not exceed 3.0 m; and
  - (b) The sum of all projections maximum length shall not exceed one-third (1/3) of the length of the building wall (not including the garage walls). This does not apply to front or rear yards.

FIGURE 8.20.1: PERMITTED PROJECTIONS – FRONT AND INTERIOR SIDE YARD SETBACKS

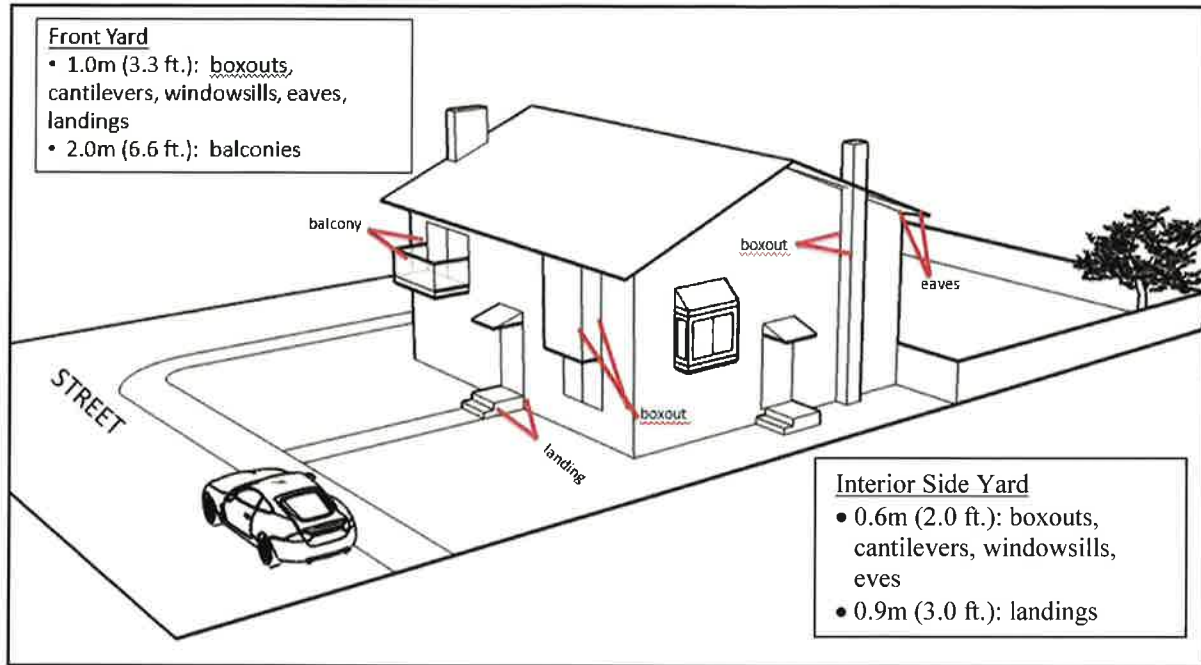
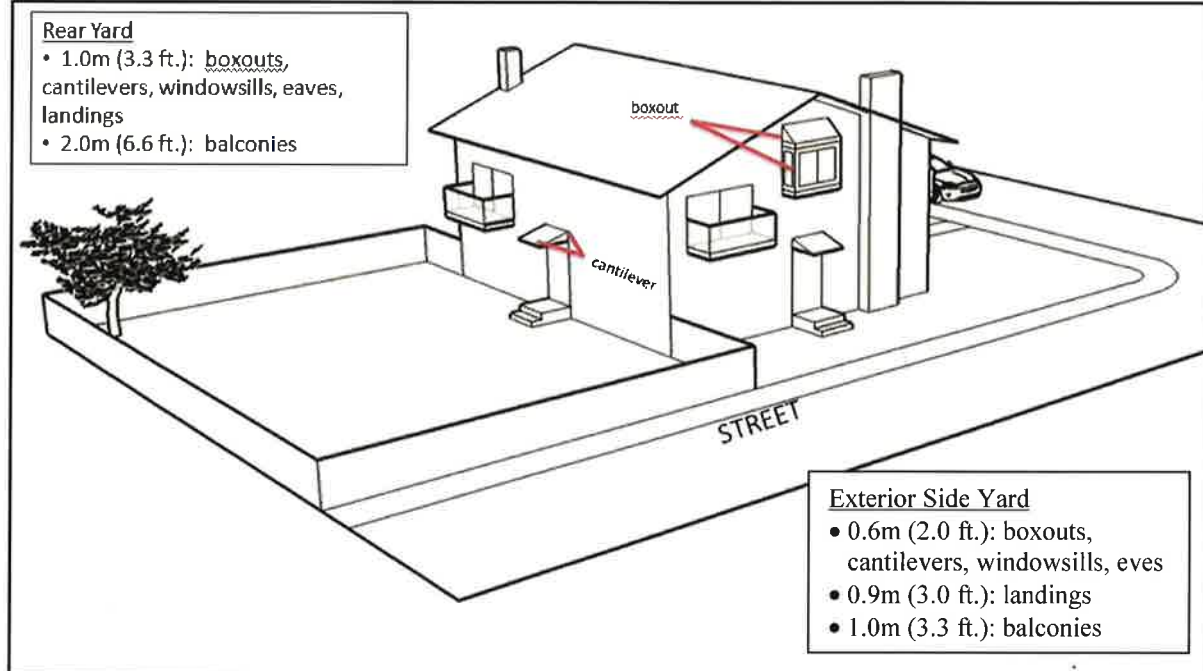


FIGURE 8.20.2: PERMITTED PROJECTIONS – REAR AND EXTERIOR SIDE YARD SETBACK



**8.21 PUBLIC LANDS AND TOWN BOULEVARDS**

- (1) There shall be no unauthorized encroachments onto municipal property, including parks and road rights-of-way. Where an encroachment exists without Town approval, the owner shall

be required to remove the encroachment at his/her own expense, or seek permission from the Town CAO or Council for the encroachment to remain.

- (a) There shall be no encroachments into Alberta Transportation Highway Right-Of-Ways without written approval from Alberta Transportation.
- (2) All developments on lands owned by the Town of Rimbey shall not require a development permit.
- (3) Notwithstanding Subsection (1) above, the owner(s) of a lot may develop the boulevard abutting their property by excavating, backfilling, levelling or consolidating to final grade, and seed or perform other works that may be necessary to develop a turf boulevard provided that all work shall be entirely at the owner's expense.
- (4) Any development, planting or other development not authorized by a development permit shall be done at the owner's risk, and any damage to municipal services caused by the growth, removal or maintenance of such development shall be the responsibility of the owner.
- (5) Every owner or occupant of land shall be responsible for maintaining any development allowed under this Section, and for controlling the weeds on boulevards owned by the Town abutting their property.

## **8.22 PUBLIC UTILITY BUILDINGS AND EASEMENTS**

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

## **8.23 RELOCATION OF BUILDINGS OR STRUCTURES**

- (1) No person shall:

- (a) Place on a lot a building which has previously been erected or placed on a different lot; or
  - (b) Alter the location on a lot of a building which has already been constructed on that lot,
  - (c) Unless the Development Authority approves the placement or alteration.
- (2) An approval shall not be granted under Subsection (1) above unless the Development Authority is satisfied that:
  - (a) The placement or location of the building would meet the requirements of the Bylaw; and
  - (b) The building and the lot meet the requirements of this Bylaw and the land use district in which it is proposed to be located.
- (3) Before considering any application for a Moved-in Building and in addition to the requirements of Section 8.22(1) and Section 8.22(2), the Development Official shall require a development permit application that includes:
  - (a) Recent colour photographs of all elevations including additions;
  - (b) A statement of the age, size, and structural condition of the building; and
  - (c) Documentation from a certified safety code officer that the building meets the requirements of the Safety Codes Act or, if it does not, how the building will be brought up to these requirements.
- (4) As a condition of issuing a development permit approval for a Moved-In Building, the Development Authority shall require a letter of undertaking (agreement) and the posting of security in the form of an irrevocable letter of credit or cash, in the amount of the total estimated costs to relocate the building, to be provided prior to the issuance of a building permit and the building being moved on site. This security will ensure that any required modifications to the design, construction, siting, finishing and cladding of the relocated building are completed.
- (5) The conditions shall be completed within one year of the issuance of the development permit, as determined by the Development Authority.
- (6) The security will be released once all the conditions have been completed by the applicant to the satisfaction of the Development Authority, and are met within the time frame as set out in the development permit.
- (7) Upon expiry of the Development Permit, if the required work has not been completed to Town's satisfaction, the Town may use the security to have the work completed and bring the building into compliance.
- (8) The applicant shall be advised not less than 30 days prior to the expiration time set out in the development permit, that action will be undertaken by the Town to use the security in

completing the required renovations if they have not been completed by the expiration date. Only Council may direct Administration to delay action to complete the requirements of the permit.

## **8.24 RESIDENTIAL AND INDUSTRIAL USES ADJACENT**

- (1) In considering subdivision or development permit applications for residential uses adjacent to existing industrial developments or industrial uses adjacent to existing residential developments, the Development Authority may impose conditions addressing:
  - (a) Providing proper services and access to the site,
  - (b) Screening, aesthetics and landscaping,
  - (c) Control of signage,
  - (d) Noise control,
  - (e) A development agreement, with the need to provide security, and
  - (f) Any other issue deemed necessary by the Development Authority.

## **8.25 TEMPORARY STRUCTURES**

- (1) A temporary structure may not be erected without permission of the Development Authority which may be granted as follows:
  - (a) In a residential district provided that:
    - (i) No such temporary structure shall be more than 3.0 metres in height or set back less than 1 metre from the side and rear property lines; and
    - (ii) The owner enters into an agreement to remove such a structure in accordance with the terms and conditions stipulated by the Development Authority;
    - (iii) There shall be no more than one temporary structure per site;
    - (iv) A temporary structure must be placed in the rear yard only;
    - (v) In the case of a pre-manufactured temporary structure, the elevations shall be subject to approval of the Development Authority; and
    - (vi) The structure is completed in accordance with the terms stipulated by the Development Authority, provided that the temporary structure development permit shall expire at the end of one year, unless renewed by the Development Authority for a further term, and that such temporary structure must comply with this Bylaw.
- (2) Temporary Structures include, but are not limited to:
  - (a) Portable Storage Containers, including c-cans;
  - (b) Tent Garages.
- (3) If an owner fails to comply with the terms and conditions of a temporary structure development permit, the Development Authority may remove or cause to be removed such structure as the case may be, the costs of which shall be charged against the lands upon



which the temporary structure is situated and shall be payable by the owner to the Town on demand.

- (4) A temporary structure shall not be used as a dwelling.

## PART 9 – SPECIFIC USE REGULATIONS

### 9.1 BED AND BREAKFAST ESTABLISHMENTS

- (1) Bed and Breakfast Accommodation shall be reviewed as Home Business permit.
- (2) All persons operating bed and breakfast facilities must provide evidence of compliance with municipal, provincial and/or federal regulations in regard to their operation.
- (3) A bed and breakfast is an accessory use to a main residential use.
- (4) A Development Authority may permit a Bed and Breakfast Accommodation use only if in the opinion of the Development Authority it will:
  - (a) Be restricted to the dwelling unit;
  - (b) Not change the principal character or external appearance of the dwelling involved; except where minimal exterior modification of the structure or grounds are compatible with the character of the area or neighborhood and pursuant to a Development Permit;
  - (c) Not create a nuisance by way of noise, parking or traffic generation;
  - (d) Not employ anyone but the residents of the dwelling;
  - (e) Be limited to one (1) identification sign no more than 0.3 m<sup>2</sup> in size and displayed from within the establishment;
  - (f) Not occupy more than three (3) bedrooms;
  - (g) Be limited to one meal provided on a daily basis to registered guests only; and
  - (h) One on-site parking stall shall be provided for each bedroom provided for compensation and shall meet the signage requirements of this Bylaw.

### 9.2 CANNABIS FACILITY

- (1) Cannabis facilities must have a licence issued by the Health Canada.
- (2) The following regulations apply to cannabis facilities:
  - (a) An ancillary building or structure used for security purposes may be located on the parcel containing the use.
  - (b) Facilities must include equipment designed and intended to remove odours from the air where it is discharged from the facility as part of a ventilation system.
  - (c) Facilities must not be within 75 metres of a residential district measured from the building containing the use to the nearest property line of a parcel designated as a residential district.
- (3) Where the development authority may require, as a condition of a development permit, reports to be completed by a qualified professional, that includes details on:
  - (a) the incineration of waste products and air borne emission, including smell;

- (b) the quantity and characteristics of liquid and waste material discharged by the facility; and
- (c) the method and location of collection and disposal of liquid and waste material.

### 9.3 CANNABIS STORE

- (1) Cannabis stores and where all cannabis that is offered for sale or sold must be from a federally approved and licensed facility.
- (2) Cannabis stores must be licensed by the Alberta Government.
- (3) Cannabis stores must be a stand-alone use, which means it cannot be combined with another use, such as a convenience store. However, cannabis stores can occur in a multi-tenant building or as part of a mixed-use development.
- (4) To avoid clustering in communities, cannabis stores shall not be located within 100 metres of any other Cannabis Store, when measured from the closest point of a Cannabis Store to the closest point of another Cannabis Store with the following exceptions:
  - (a) A proposed cannabis store is at the same location as an existing retail store that currently sells cannabis-related paraphernalia as its main merchandise,
  - (b) There is only one other cannabis store within the minimum separation distance,
  - (c) A proposed cannabis store is located on a different street or on the opposite side of the same street as the existing cannabis store,
  - (d) A major road, expressway or river separates the proposed cannabis store from the existing cannabis store,
  - (e) A proposed cannabis store is located in an enclosed shopping centre, or
  - (f) An existing approved cannabis store proposes to relocate to a new location within 100 metres of its original location, provided that it does not move within the separation distance of a different cannabis store.
- (5) To discourage the mixed consumption of cannabis and alcohol through availability, cannabis stores shall not abut a Liquor Store.
- (6) To limit convenient access and lower the profile and visibility of cannabis to younger persons, cannabis stores shall not be located within 150 metres of the following:
  - (a) A building containing a public or private school or a boundary of the parcel of land which the facility is located, or
  - (b) A parcel that does not have a school located on it and is designated as a municipal and school reserve or school reserve on the certificate of title.
- (7) To support keeping cannabis out of the hands of the vulnerable, cannabis stores shall not be located within 150 metres of the following:
  - (a) A provincial health care facility, or a boundary of the parcel of land on which the facility is located, or

- (b) Emergency shelter.

#### 9.4 CHILD CARE FACILITIES AND FAMILY DAY HOMES

- (1) Child Care Facilities:
- (a) Shall follow the Child Care Licensing Regulations that may provide programming for the social, creative, educational and physical development of children;
  - (b) Shall have privacy screening or other buffering techniques designed to limit impact on other uses or the surrounding residential properties;
  - (c) In any Residential District:
    - (i) Shall not change the principal character or external appearance of the dwelling in which it is located;
    - (ii) Shall have an outdoor play area designed and secured according to Provincial regulations and must be shown on the plan submitted for a development permit; and
    - (iii) Shall provide parking according to the regulations outlined in *Part 10 Parking & Loading Facilities* of this Bylaw. In addition, a drop-off area shall be provided at the rate of one (1) drop-off space for every five (5) children, or at the discretion of the Development Authority.
- (2) A Family Day Home/ After School Care:
- (a) shall not be located in a dwelling unit containing another Home Business;
  - (b) require privacy screening that prevents visual intrusion into any outdoor play areas; and

#### 9.5 GAS BAR

- (1) Must not have a canopy that exceeds 5.0 m in height when measured from grade;
- (2) Must have fully recessed canopy lighting;
- (3) May have an outdoor display of products related to the use, provided they are within 4.5 m of the building entrance or on gas pump islands;

#### 9.6 HOME OCCUPATIONS

- (1) All home businesses shall:
  - (a) require a development permit; and,
  - (b) be considered temporary uses.
- (2) Only one Home Business permit shall be issued per residence. Multiple Home Businesses may be allowed under the single permit provided that the requirements are not exceeded by the combined businesses.

- (3) Uses that are not considered Home Businesses include, but are not limited to:
  - (a) Adult Entertainment Facilities;
  - (b) Auto Body and Paint Shop, Auto Detailing Facility, Automotive, Equipment and Vehicle Services, Automotive Services, and Automotive Specialty;
  - (c) Child Care Facilities;
  - (d) Escort Services; or
  - (e) Veterinary services.
- (4) The Development Authority has the discretion to refuse a Home Business permit application if the proposed use would be better suited in a commercial or industrial district.
- (5) All home occupations shall comply with the following general regulations:
  - (a) All home occupations shall be operated as a secondary use only and shall not change the principal character and external appearance of the dwelling in which it is located.
  - (b) One professionally manufactured non-illuminated fascia sign or nameplate to identify a home occupation not greater than 0.3 square metres (3.2 square feet) in an area placed within the dwelling unit or any accessory building is permitted.
  - (c) A home occupation, whether or not a development permit has been issued, shall be reviewed by the Development Officer, when complaints are registered against a home occupation by an affected landowner. A development permit issued for a home occupation is liable to recall and cancellation on the basis of non-compliance on 60 days notice.
- (6) Home occupations shall meet all the requirements of 8.5(5) and shall comply with the following regulations:
  - (a) The home occupation shall be operated by the permanent resident(s) of the principal dwelling and shall employ no more than one non-resident, on-site employee.
  - (b) There shall be no more than four (4) home occupation clients or customers on site during any period of 24 hours for a minor home business.
  - (c) The home occupation shall not occupy more than 30% of the gross floor area of the principal dwelling.
  - (d) Any storage of materials or goods related to the home occupation must be located within the principal dwelling and/or accessory structure and no exterior storage is permitted.
  - (e) The home occupation shall have no more than two (2) home occupation vehicles used in conjunction with the home occupation, parked and maintained on site. There shall be no heavy vehicles (> 4,500 kg or 9,900 lbs) parked on-site of a home occupation.

## 9.7 KENNEL REGULATIONS

- (1) An Animal Shelter, Veterinary Clinic, Veterinary Hospital or Commercial Kennel may need to provide soundproofing pens, rooms, exercise runs, or holding stalls to the satisfaction of the Development Authority.

- (2) An Animal Shelter, Veterinary Clinic, Veterinary Hospital or Commercial Kennel shall meet public health regulations and be kept in a manner satisfactory to the health regulatory authority.
- (3) Commercial Kennel, including any outdoor runs or exercise areas shall be located a minimum of 3m from any Property Line.
- (4) Commercial Kennel including any outdoor runs or exercise areas may be required to be visually screened from existing dwellings on adjoining parcels to the satisfaction of the Development Authority.
- (5) All exterior exercise areas (runs) shall be enclosed with a fence acceptable to the Development Authority with a minimum Height of 1.8 m.
- (6) All exterior exercise areas (runs) shall be sited behind the Principal building.
- (7) The Development Authority may regulate the hours that the animals are allowed outdoors.

## 9.8 MANUFACTURED HOMES

- (1) Development Permits for a Manufactured home units shall have:
  - (a) Canadian Standard Association Certification.
  - (b) model number.
  - (c) Manufactured home unit serial number.
- (2) Manufactured home units shall be built after XX year.
- (3) All accessory structures, such as patios, porches, additions and skirtings, shall be
  - (a) Factory-prefabricated units or the equivalent thereof, and so designed and erected as to harmonize with the manufactured home units,
  - (b) Considered as part of the main building, and
  - (c) Erected only after obtaining a Development Permit.
- (4) A manufactured home unit shall be skirted from the floor level to the ground level. The skirting shall compliment the external finish of the manufactured home unit.
- (5) The maximum permitted floor area of porches and additions shall be no more than 50% of the floor area of the manufactured home unit.
- (6) No accessory building or use, other than parking spaces, shall be located in the front yard of a manufactured home unit.

- (7) Furniture, domestic equipment, or seasonally-used equipment shall be stored in adequate covered storage or screened area, either individually on the stall or lot or communally, which storage facility shall conform to the regulations passed under the Safety Codes Act.
- (8) The following regulations apply to all manufactured home units:
- (a) The hitch and wheels are to be removed from the manufactured home unit.
  - (b) All manufactured home units shall be placed on a foundation or base.
  - (c) The lot or stall is to be fully landscaped within one (1) year from the date of issuance of the development permit for the manufactured home unit.
- (9) The following regulations also apply to manufactured home parks developed after 2015:
- (a) The stalls shall be located at least 3.0 m from a property boundary line. This 3.0 m wide strip shall be landscaped and/or fenced to the satisfaction of the Development Authority.
  - (b) All roadways shall be constructed and maintained to the satisfaction of the Development Authority. Minimum right-of-way width shall be 12 m with a paved carriage way of at least 8 m.
  - (c) A safe, convenient, all season pedestrian walkway of at least 1.0 m in width shall be provided for access between individual manufactured home units, the park roadways, and all community facilities provided for park residents.
  - (d) Visitor parking spaces shall be located at convenient locations throughout the manufactured home park, and shall not be used for the storage of boats, trailers, etc.
  - (e) The design of manufactured home parks shall be to the satisfaction of the Development Authority.
  - (f) All municipal utilities shall be provided underground to stalls.
  - (g) A minimum of 5% of the gross site area shall be devoted to recreational use.
  - (h) All areas not occupied by manufactured home units and their additions, roadways, footpaths, driveways, permanent buildings and any other developed facilities shall be fully landscaped to the satisfaction of the Development Authority. Screen fences or walls shall be erected where deemed necessary by the Development Authority around maintenance yards, refuse collection points and playgrounds.
  - (i) No part of the park shall be used for non-residential purposes except such uses as are required for the direct servicing and well-being of the park residents and for the management and maintenance of the park.
  - (j) Manufactured home park facilities shall be arranged to create a homelike atmosphere. This objective may be achieved by variations in street pattern, block shapes, and the location of manufactured home unit stalls.
  - (k) Each stall shall be clearly marked off by means of stakes, countersunk steel posts, fences, curbs or hedges.
  - (l) Street lighting shall be to the same standard as that in a conventional residential neighbourhood.
  - (m) Only one main, free-standing, identification sign of residential character and appearance may be erected at the entrance to a manufactured home park, unless the Development Authority is of the opinion that a second and similar sign shall be allowed

under exceptional circumstances relating to the layout, location and size of the park in relation to surrounding areas. The sign or signs shall be of a size, type and construction acceptable to the Development Authority. Directional signs within the manufactured home park must be integrated in design and appearance, be kept in scale with the immediate surroundings and constructed of durable material.

- (n) Manufactured home units shall be separated from each other by at least 3.5 m. Any porch or addition to the manufactured home unit shall be regarded as part of the manufactured home unit for the purpose of this separation.
- (o) The minimum distance between a manufactured home unit and the front, side, or rear lines of its stall shall be 3.0 m.
- (p) The minimum lot area of the manufactured home park shall be 2.0 ha (4.9 ac.).
- (q) The maximum permissible density for a manufactured home park shall be 20 manufactured home units per gross developable hectare (8 per ac.) of the lot being developed at each stage of development.
- (r) The minimum area for a manufactured home stall shall be 370 m<sup>2</sup>.

### **9.9 RIDING ARENA, PRIVATE**

- (1) A Development Permit is required for a Riding Arena, Private.
- (2) A Riding Arena, Private shall be an Accessory use on a Lot with a Principal residence.
- (3) A Riding Arena, Private shall not have a building or structure larger than 1,500 m<sup>2</sup> (16,146 ft<sup>2</sup>) in area.
- (4) A Riding Arena, Private shall be used solely by the occupants of the residence and/or by not more than four (4) non-resident users per day in addition to the residents.
- (5) The Approving Authority may require a manure management plan as a condition of development permit.

### **9.10 SOLAR COLLECTORS**

- (1) A solar collector may be located on the roof or wall of a building or structure.
- (2) A solar collector mounted on a roof with a pitch of less than 4:12, may project:
  - (a) A maximum of 0.5 m from the surface of a roof, when the solar collector is located 5.0 m or less from a side lot line, measured directly due south from any point along the side lot line; and
  - (b) In all other cases, maximum of 1.3 m from the surface of a roof.
- (3) A solar collector mounted on a roof with a pitch of 4:12 or greater, may project a maximum of 1.3 m from the surface of a roof.



- (4) A solar collector mounted on a roof must not extend beyond the outermost edge of the roof.
- (5) A solar collector that is mounted on a wall:
  - (a) Must be located a minimum of 2.4 m above grade; and
  - (b) May project a maximum of:
    - (i) 1.5m from the surface of that wall, when the wall is facing a rear lot line; and
    - (ii) In all other cases, 0.6 m from the surface of that wall.
- (6) A solar collector mounted on a structure must meet yard setback and district height regulations.

### **9.11 USES PERMITTED IN ALL LAND USE DISTRICTS**

- (1) The following Uses are permitted in all Land Use Designations:
  - (a) Public utility;
  - (b) Road;
  - (c) Highway; and
  - (d) Park.

### **9.12 WRECKING YARD (AUTO AND EQUIPMENT WRECKAGE SITE)**

- (1) Wrecking Yards shall have a minimum area of 1.0 ha and a maximum area of 4.0 ha for storage, and must be completely fenced and screened by a type of fence approved by the Development Authority to a height of 2.4 m.
- (2) All vehicles within a Wrecking Yards shall be stored within the enclosure and maintenance of the site shall be in accordance with any standards deemed necessary by the Development Authority.