

Land Use Bylaw

By-law 2003 - 07
Including Amendments to 31 August 2008

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PART I - SHORT TITLE, PURPOSE AND DEFINITIONS

1. SHORT TITLE

This By-law may be cited as the "Town of Bow Island Land Use By-law".

2. PREVIOUS LEGISLATION

- (1) The Town of Bow Island Land Use By-law No. 1124-96, and amendment thereto, is hereby repealed.
- (2) This By-law comes into force upon the date of final reading.
- (3) An application for a development permit which is received in its complete and final form prior to the effective date of this By-law shall be processed as if this By-law had not come into force and By-law No. and amendments thereto had remained in force.

3. PURPOSE

The purpose of this By-law is to regulate and control or prohibit the use and development of land and buildings within the Town of Bow Island.

4. APPLICATION OF THIS BY-LAW

- (1) Except as permitted in this By-law, no person shall commence a development unless a development permit for that development has been issued.
- (2) If one or more provisions of this By-law are for any reason declared to be invalid, it is intended that all remaining provisions are to remain in full force and effect.

5. INTERPRETATION

- (1) In this By-law, unless the context otherwise requires, the expression "use" or "to use" shall include done or permitted by the owner or occupant of any land, building or structure, directly or indirectly, or by or through any trustee, tenant, servant or agent acting for or with the knowledge and consent of the owner or occupant for the purpose of making use of the said land, building or structure.
- (2) Unless the contrary intention appears, The Interpretation Act applies to this By-law.
- (3) Where there is an uncertainty or dispute about that exact location of the boundary of any district as shown on the Land Use District Map the location shall be determined by the application of the following rules:
 - (a) where a district boundary is shown as approximately following the centre of a public roadway, it shall be deemed to follow the centre line thereof;
 - (b) where a district boundary is shown as approximately following the boundary of a lot, the lot boundary shall be deemed to be the boundary of the District;
 - (c) where a district boundary is shown approximately following the Town limits it shall be deemed to be following Town limits;
 - (d) where a district boundary is shown as following a canal, pipeline, railway line, or utility easement it shall be deemed to follow the centre line of the right-of-way thereof;
 - (e) where a district boundary is shown as being parallel to or as an extension of features noted above, it shall be so construed;
 - (f) where a land use district boundary is not located in conformity to the preceding provisions and in effect divides or splits a registered parcel of land, the disposition of such boundary shall be determined by dimensions indicated on the Land Use District Map or by measurements directly from that map;
 - (g) where the application of the above rules do not determine the exact location of the boundary of a district, the Council either on its own 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 By-law and with the degree of detail as to measurements and directions as the circumstances may require.
- (4) Metric and Imperial Measurements
If the conversion between metric and imperial measurements pertaining to a development permit application is not exact as prescribed in this By-law, the Development Officer or the Municipal Planning Commission, as the case may be, may apply metric or imperial measurement to the development permit application.

6. DEFINITIONS

In this By-law:

- (1) **Act** means the Municipal Government Act, being Chapter M26 of the Revised Statutes of Alberta 2000.
- (2) **Accessory Building** means a building separate and subordinate to the main building, the use of which is incidental to that main building and is located on the same land.
- (3) **Accessory Use** means a use incidental and subordinate to the main use or building and is located on the same parcel with such main uses or buildings.
- (4) **Adjacent Land** means land that is contiguous to the parcel of land that is being redesignated or subdivided and includes land that would be contiguous if not for a highway, road, river or stream.
- (5) **Appeal Board** means the Subdivision and Development Appeal Board appointed by the Municipal Council pursuant to the Act.
- (6) **Apartment Building** means any building containing three (3) or more dwelling units with a shared common hallway and common entrance way.
- (7) **Building** means anything constructed or placed on, in, over or under the land but does not include a highway or public roadway or a bridge forming part of a highway or public roadway.
- (8) **Building height** means the vertical distance between the average finished grade adjoining the front face of a structure to the highest point of the structure.
- (9) **Carpport** means a roofed enclosure for the purpose of storing motor vehicles, whether attached to or detached from the principal building, which does not have more than 60% of the total perimeter enclosed.
- (10) **Council** means the Municipal Council of the Town of Bow Island.
- (11) **Corner Lot** means a lot having frontage on two or more streets at their intersections.
- (12) **Development** means:
 - (a) an excavation or stockpile and the creation of either of them;
 - (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;
 - (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) 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.
- (13) **Development Officer** means a person or persons appointed by Council to act as a development officer pursuant to this By-law.
- (14) **Development Permit** means a document authorizing a development issued pursuant to this By-law.
- (15) **Discretionary Use** means the use of land or buildings provided for in a land use district for which a development permit may be issued at the discretion of the Municipal Planning Commission.
- (16) **Dwelling** means any building or structure used exclusively for human habitation which is supported on a permanent foundation or base extending below ground level, but does not include mobile homes of any kind whether standing on wheels or supported by blocks, jacks or any other temporary foundation.
 - (a) **Dwelling, single detached** means a detached building consisting of one dwelling unit as herein defined and occupied as the permanent home or residence of one household;
 - (b) **Dwelling, semidetached** means development consisting of only two dwellings, each accommodating one household, situated side by side and sharing a common wall. Each dwelling shall have separate, individual and direct access to grade, with no interior access connections, and no common means of access with other dwellings.
 - (c) **Dwelling, multi unit** means a grouping of three or more dwelling units within one structure and may be constructed in an apartment style where entrance facilities are shared, or an attached style where each unit has a separate entrance at grade and is divided by a vertical party wall, or in a stacked dwelling style where units have separate entrances but may be located totally or partially above another.
- (17) **Dwelling Unit** means a complete building or self-contained portion of a building, set or suite of rooms for the use of one or more individuals living as a single housekeeping unit, containing sleeping, cooking and separate or shared toilet facilities intended as a permanent or semi-permanent residence not separated from direct access to the outside by another separate or

- self-contained set or suite of rooms.
- (18) **Family Care Facility** means a facility which provides resident service in a private residence to four 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 foster or boarding homes for children, day care centres, group homes, and family homes. The residential character of the development shall be maintained.
 - (19) **Flankage Yard** means a yard extending across the full length of a corner lot adjacent to the street.
 - (20) **Front Yard** means a yard extending across the full width of a lot measured from the front line of the said lot to the nearest wall of the main building situated on the lot. For corner lots having frontage on two streets, the front yard shall be considered the same as the adjoining interior lots.
 - (21) **Garage** means an accessory building designed and used for the shelter or storage of one or more motor vehicles.
 - (22) **Group Care Facility** means use of a building licensed by a public authority authorized to do so intended to provide room and board, self-help and/or professional guidance and supervision for more than four residents, excluding staff, for foster children, disabled persons, the elderly, or for persons with physical, mental, social or behavioural problems. The use class includes nursing homes, treatment facilities for drug and alcohol addiction, and juvenile detention centres.
 - (23) **Home Occupation** means an occupation, trade, profession or craft carried on by an occupant of a residential building as a use secondary to the residential use of the building (See Schedule C).
 - (24) **Hotel, Motor Hotel or Motel** means a building or group of buildings used or intended to be used for overnight accommodation of the travelling public which may contain commercial uses and such additional uses as restaurants, dining room, room service or public convention facilities.
 - (25) **kennel** means accommodation for the keeping, boarding and/or breeding of three or more small animals over three months of age and uses associated with the shelter and care of small animals such as grooming, training and exercising, whether by the owner or for remuneration.
 - (26) **Lane** means a public roadway not exceeding 10 metres (33 feet) in width, which provides secondary access to a lot.
 - (27) **Loading Space** means an open area used to provide free access for vehicles to a loading door, platform or bay.
 - (28) **Mobile Home** means a double or single wide structure, whether ordinarily equipped with wheels or not, that is manufactured to be transported, and when placed on foundation supports and connected to utilities is ready for occupancy.
 - (29) **Modular Unit** means a prefabricated frame or shell which comprises the wall or siding of a proposed dwelling. Modular units may be stacked side-by-side or vertically, and completed to form one or more complete dwelling units for year-round occupancy.
 - (30) **Municipal Planning Commission** means the Bow Island Municipal Planning Commission established by Council pursuant to the Municipal Planning Commission By-law
 - (31) **Non-conforming Building** means a building:
 - (a) that is lawfully constructed or lawfully under construction at the date a land use by-law or any amendment thereof affecting the building or land on which the building is situated becomes effective; and
 - (b) that on the date the land use by-law or any amendment thereof becomes effective does not, or in the case of a building under construction will not comply with the land use by-law.
 - (32) **Non-conforming Use** means a lawful specific use:
 - (a) made of land or a building or intended to be made of a building lawfully under construction at the date of a land use by-law or any amendment thereof affecting the building or land on which the building is situated becomes effective; and
 - (b) that on the date the land use by-law or any amendment thereof becomes effective does not, or in the case of a building under construction, will not comply with the land use by-law.
 - (33) **Permitted Use** means the use of land or a building provided in a land use by-law for which a development permit shall be issued upon an application having been made, if the use meets all the requirements of the By-law.
 - (34) **Planning Advisor** means a person or persons appointed to the office of planning advisor pursuant to this Land Use By-law
 - (35) **Registered Owner** means:
 - (a) in the case of land owned by the Crown in right of Alberta or the Crown in right of Canada, the

- Minister of the Crown having the administration of the land; or
- (b) in the case of any other land,
- (i) the purchaser of the fee simple estate in the land under agreement for sale is the subject of a caveat registered against the Certificate of Title on the land and any assignee of the purchaser's interest that is the subject of a caveat registered against the Certificate of Title; or
 - (ii) in the absence of a person described in paragraph (i), the person registered under the Land Titles Act as the owner of the fee simple estate in the land.
- (36) **Rear Yard** means a yard extending across the full width of a parcel from the rear wall of the main building situated on the parcel to the rear line of the parcel.
- (37) **Side Yard** means a yard extending from the front wall of the main building situated on a parcel to the rear wall of the main building and lying between the side line of the parcel and the side wall of the main building.
- (38) **Sign** means any word, letter, model, picture, symbol, devise or representation used as, or which is in the nature of, wholly or in part, an advertisement, announcement or direction. Any structure, or portion thereof, which is used primarily to carry, hold, maintain, support or sustain a sign is construed as being part of the sign and, except as hereinafter provided, is subject to all regulations governing signs. Without restricting the generality of the foregoing, a sign includes posters, notices, panels, boardings and banners;
- (39) **Sign, billboard** means a structure, primarily self-supporting, which is used for the display of general advertising, the subject matter of which is not necessarily related to the use or ownership of the property on which the structure is located;
- (40) **Sign, fascia** means a sign placed flat and parallel to the face of the building so that no part projects more than one foot from the building;
- (41) **Sign, freestanding** means a sign on a standard or column permanently attached to the ground and which is not connected in any way to any building or other structure;
- (42) **Sign, freestanding portable** means a sign on a standard or column fixed to its own self-contained base and capable of being moved manually;
- (43) **Sign, marquee or canopy** means a sign attached to a marquee or canopy;
- (44) **Sign, projecting** means a sign which is attached to a building or structure so that part of the sign projects more than one foot from the face of the building or structure;
- (45) **Sign, roof** means any sign placed on or over a roof;
- (46) **Sign, sky** means a roof sign comprising individual letters or symbols on an open framework;
- (47) **Statutory Plan** means:
- (a) A General Municipal Plan or General Development Plan,
 - (b) An Area Structure Plan,
 - (c) An Area Redevelopment Plan.
- (48) **Subdivision** means the division of a parcel of land by an instrument and **subdivide** has a corresponding meaning.
- (49) **Yard** means a part of a parcel upon or over which no building is erected.
- (50) **Take Off/Approach Surface** means an imaginary surface, prescribed by the Ministry of Transport, consisting of an inclined plane sloping upward and outward from the end of the basic strip of an airport runway, under which the height of buildings is regulated.
- (51) **Transitional Surface** means an imaginary surface, prescribed by the Ministry of Transport, consisting of an inclined plane sloping upwards and outwards from the edge of the basic strip of an airport runway, under which the height of buildings is regulated.

PART II - ADMINISTRATIVE DUTIES AND RESPONSIBILITIES

7. DEVELOPMENT OFFICER

- (1) The office of Development Officer is hereby established and shall be filled by a person or persons to be appointed by resolution of Council.
- (2) Pursuant to the Act, the Development Officer is hereby declared to be an authorized officer of the Council.

8. DUTIES OF DEVELOPMENT OFFICER

- (1) The Development Officer shall:
 - (a) assist and advise the public with respect to the requirements of the Land Use By-law and other pertinent legislation to the best of his ability;
 - (b) keep and maintain for the inspection of the public during office hours a copy of the general municipal plan, this By-law and any adopted area structure plan and any area redevelopment plan and all amendments thereto and ensure that copies of the same are available to the public at a reasonable charge set by Council from time to time;
 - (c) provide a list of all applications to the secretary of the Municipal Planning Commission prior to each meeting, including those which have been approved under subsection (2);
 - (d) keep on file in his office and make available for inspection by the general public during office hours a record of all applications for development including the decisions thereon, for a minimum period of three years.
- (2) The Development Officer shall receive all completed applications for a Development Permit for development and shall:
 - (a) consider and decide upon all applications which constitute a "Permitted Use" or a "Class I Discretionary Use" in a Land Use District and comply in all respects to the standards of that district. The Development Officer may approve such applications with or without conditions;
 - (b) refer, with his recommendations, to the Municipal Planning Commission all applications for development permits involving:
 - (i) Class II discretionary uses,
 - (ii) variances from the relevant development standards,
 - (iii) direct control district,
 - (iv) those matters requiring the specific approval of the Municipal Planning Commission pursuant to this By-law,
 - (v) any other matter which in the opinion of the Development Officer does not comply with the intent of the relevant provision of this By-law;
 - (c) refuse all other applications citing reasons for refusal. However, the Development Officer may exercise his discretion and refer to the Municipal Planning Commission any application for a Development Permit which he feels should receive the Municipal Planning Commission's decision;
 - (d) refer any application for Development Permits to any agency or person for comments when deemed appropriate.
- (3) Subject to subsection 4, the Development Officer may consider and decide upon an application which constitutes a "Permitted Use" or a "Class I Discretionary Use" in a Land Use District, which does not comply with all respective standards of the district if in the opinion of the Development Officer,
 - (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 or neighbouring properties,and
 - (b) the proposed development conforms with the use prescribed for that land or building in this By-law.
 - (c) the proposed development complies with any adopted statutory plans.
- (4) Pursuant to subsection (3), the Development Officer is authorized to allow variances of the measurable standards of this By-law to a maximum of 0.5 metre or 10% of the standard, whichever is greater. For any further sideyard reductions, the Development Officer shall notify the adjacent landowner(s) and request their comments prior to referring the request to the Municipal Planning Commission for a decision.

9. PLANNING ADVISOR

- (1) The office of Planning Advisor is hereby established and shall be filled by a person or persons to be appointed by resolution of Council.
- (2) Pursuant to the Act, the Planning Advisor is hereby declared to be a subdivision authority.
- (3) The Planning Advisor shall:
 - (a) assist and advise the Council and the public with respect to the requirements of the Land Use By-law and other pertinent legislation to the best of his ability;
 - (b) keep and maintain for the inspection of the public during office hours a copy of this By-law and any adopted statutory plans and all amendments thereto and ensure that copies of the same are available to the public at a reasonable charge set by Council from time to time;
 - (c) provide a list of all complete subdivision applications to the secretary of the Municipal Planning Commission prior to each meeting, including those which have been approved under subsection (4)(c);
 - (d) keep on file in his office and make available for inspection by the general public during office hours a record of all subdivision applications including the decisions therein, for a minimum period of ten years.
- (4) The Planning Advisor shall receive all completed applications for subdivision and shall:
 - (a) refer for comments any application which meet the requirements of the land use by-law to any agency or person when deemed appropriate or as required under the Subdivision and Development Regulation;
 - (b) refer to the Councils of incorporated municipalities, any applications for Class II discretionary uses within their respective Urban Fringe District as shown in Schedule A. If comments on the application are not received from the municipality concerned within twenty one (21) days from the date of mailing, the Planning Advisor shall refer the application to the Municipal Planning Commission as though the municipality had no comments on the application;
 - (c) consider and decide upon all applications considered pursuant to section 652(4) of the Act. The Planning Advisor may approve such applications with or without conditions;
 - (c) refer, with a recommendation, to the Municipal Planning Commission all other completed applications for subdivision which meet the requirements of the land use by-law.

10. MUNICIPAL PLANNING COMMISSION

- (1) The powers, duties and responsibilities of the Municipal Planning Commission with respect to this By-law are established in the Municipal Planning Commission By-law.
- (2) The Municipal Planning Commission, with the assistance of the Development Officer and the Planning Advisor, shall administer this By-law.
- (3) Pursuant to the Municipal Planning Commission By-law, the Municipal Planning Commission is hereby delegated the power to make decisions with respect to applications for development permits and subdivision applications.
- (4) The Municipal Planning Commission shall consider and decide upon all development applications referred to it by the Development Officer or subdivisions referred to it by the Planning Advisor, and may:
 - (a) approve the application unconditionally;
 - (b) approve the application subject to conditions considered appropriate; or
 - (c) refuse the application citing reasons for such refusal.
- (5) The Municipal Planning Commission is authorized to decide upon an application for a development permit notwithstanding that the proposed development does not comply with this By-law if in the opinion of the Municipal Planning Commission:
 - (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 properties, and
 - (b) the proposed development conforms with the use prescribed for that land or building in the land use by-law.
- (6) In exercising its authority under subsection (4), the Municipal Planning Commission shall exercise its discretion if there is unnecessary hardship or particular difficulty peculiar to the land or building the subject of the development permit application and which is not generally common to other land or buildings in the same district but not if an application is made on the basis of self-inflicted

hardship, or on the individual personality.

11. SUBDIVISION AND DEVELOPMENT APPEAL BOARD

- (1) The powers, duties and responsibilities of the Subdivision and Development Appeal Board with respect to this By-law those established in Forty Mile Inter-municipal Subdivision and Development Appeal Board Agreement.
- (2) If the decision of the Development Officer or the Municipal Planning Commission to approve a development permit is reversed by the Appeal Board, the development permit so approved shall be null and void.

12. CONTRAVENTION, ENFORCEMENT, AND PENALTIES

- (1) If a development authority finds that a development, land use or use of a building is not in accordance with a development permit or subdivision approval, the development authority may, by written notice, order the owner, the person in possession of the land or building, or the person responsible for the contravention, or any or all of them, to
 - (a) stop the development or use of the land or building in whole or part as directed by the notice;
 - (b) demolish, remove or replace the development; or
 - (c) carry out any other actions required by the notice so that the development or use of the land or building complies with the land use bylaw or development permit or a subdivision approval; within the time set out in the notice.
- (2) A persons who receives a notice referred to in subsection (1) may appeal to the Subdivision and Development appeal board.
- (3) If a person fails or refuses to comply with an order directed to him under sub-section (1), the Town may enter on the land or building with the permission of the owner and in accordance with the Act, and take any action necessary to carry out the order.
- (4) If a person refuses to allow the entry, inspection, or enforcement referred to in sub-section (3), the Town may apply to the Court of Queen's Bench by way of originating notice, for an injunction or other order restraining a person from interfering with the entry, inspection, or any action necessary to carry out the order. A copy of the originating notice and a copy of each affidavit in support must be served at least 3 days before the day named in the notice for hearing the application.
- (5) The Town may register a caveat under the Land Titles Act in respect of an order referred to in subsection (1) against the certificate of title for the land that is the subject of the order.
- (6) Prosecution for non-compliance with this by-law may be commenced within two years of the occurrence of the offence. A person who is found guilty of an offence under the Act or this by-law is liable to a fine of not more than \$10,000 or imprisonment for not more than a year, or both fine and imprisonment.

13. AMENDING THE BY-LAW

- (1) A person may apply to have this By-law amended, by applying in writing, giving reasons in support of the application and paying a fee as determined by the Council.
- (2) Council may at any time initiate an amendment to this By-law by directing the Development Officer to initiate an application.
- (3) All applications to amend the By-law shall be in a specified form, and shall include:
 - (a) an application fee;
 - (b) a duplicate certificate of title of the land;
 - (c) a drawing of the proposed area to be amended; and
 - (d) reasons for the proposed amendment.
- (4) Where the Council is of the opinion that a by-law amendment is applicable to and for the benefit of the Town at large, the Council may direct that the fee be returned to the applicant.
- (5) All amendments to this By-law shall be made by Council by by-law and in conformance with Part 6 of the Planning Act.
- (6) Council shall decide whether to dismiss or accept an amendment application within 60 days of receipt of the application.

14. ESTABLISHMENT OF FEES

Council may from time to time establish by resolution such fees and application forms as are required for the purpose of this By-law.

PART III PROCEDURE FOR DEVELOPMENT PERMITS

15. PERMISSION FOR DEVELOPMENT

Subject to Section 16, no development shall be commenced unless a development permit has been obtained from the Development Officer or the Municipal Planning Commission, as the case may be.

16. DEVELOPMENT DEEMED APPROVED

The following developments shall not require a development permit provided that such development complies with all applicable provisions of this By-law:

- (a) the carrying out of work of maintenance or repair to any building, provided that such works do not include structural alterations or major renovations;
- (b) the erection, construction, or the maintenance of gates, fences, walls or other means of enclosure less than 6 feet in height, provided that the erection of such fence, wall or gate does not contravene any other portion of this By-law;
- (c) the use, erection or construction of temporary buildings used for a development authorized by a Development Permit, for the period of construction;
- (d) the construction or maintenance of that part of a Public Utility placed in or upon a public utility easement;
- (e) the use of a building or part thereof as a temporary polling station or temporary campaign headquarters for a Federal, Provincial or Municipal referendum or election.
- (f) portable garden sheds or tool sheds, located in rear yards, not exceeding 10 square metres in area
- (g) signs not requiring a Permit under Schedule G of the By-law.

17. DEVELOPMENT APPLICATION

- (1) An application for a development permit required under this By-law shall be made to the Development Officer in writing in the prescribed form and shall be accompanied by a site plan and such other plans and specifications as may reasonably be necessary to consider the development proposal.

18. PLANS AND INFORMATION REQUIRED

- (1) An application for a development permit shall be accompanied by the following:
 - (a) a site plan, in duplicate, showing:
 - (i) the lot boundaries, with dimensions,
 - (ii) the location of all existing and proposed buildings or uses of the land,
 - (iii) floor plans, elevations, exterior views and sections of the proposed buildings,
 - (iv) the existing and proposed access points to the site,
 - (v) the location of off-street or vehicular parking, if required,
 - (vi) the location of all easements and/or rights-of-way,
 - (vii) any additional information the Development Officer and/or Municipal Planning Commission consider necessary for processing and evaluating this application,
 - (b) a non-refundable processing fee as established by Council from time to time;
 - (c) proof of ownership or authority to apply for a development permit;
 - (d) the estimated commencement and completion dates.
- (2) The Development Officer or the Municipal Planning Commission may deal with an application and make a decision thereon without all of the required information if in their opinion, the nature of the development is such that a decision on the application can be properly made without such information.

19. APPLICATIONS DEEMED REFUSED

- (1) An application for a development permit shall, at the option of the applicant, be deemed to be refused when a decision on the application is not made by the Development Officer or the Municipal Planning Commission, as the case may be, within 40 days of the receipt of the completed application.

20. PUBLIC NOTIFICATION - DEVELOPMENT PERMITS

- (1) When an application for a development permit for a permitted use or for a discretionary use is approved by the Development Officer or Municipal Planning Commission, the Development Officer

shall:

- (a) notify the applicant of the decision in writing;
- (b) publish in a local newspaper a notice stating the location of the property for which the application has been approved and the use to be made on the land.

21. RIGHT OF APPEAL

- (1) An applicant may appeal to the Appeal Board where:
 - (a) the Development Officer or Municipal Planning Commission;
 - i. refuses or fails to issue a Development Permit, or
 - ii. issues a Development Permit subject to conditions, or
 - iii. issues an order under the provisions of the Planning Act;
 - (b) no decision on a Development Application is made within 40 days of receipt of the completed application.
- (2) A person affected by an order, decision or development permit made or issued by the Development Officer or Municipal Planning Commission, as the case may be, other than a person having a right of appeal under subsection (1) may appeal to the Appeal Board in accordance with the Act and this By-law.
- (3) An appeal to the Appeal Board shall be commenced by serving a written notice of the appeal on the Appeal Board within 14 days after:
 - (a) in the case of an appeal made by a person referred to in Subsection (1)(a), the date on which:
 - i. the person is notified of the order or decision or the issuance of the development permit; or
 - ii. if no decision is made with respect to the application for a development permit, the 40-day period referred to in subsection (1)(b);
 - (b) in the case of an appeal made by a person referred to in subsection (2), the date on which the notice of the approval of the development permit is published in a newspaper circulating in the Town.

22. CERTAINTY OF USE

- (1) Where an application is for a use listed as a permitted use in the land use districts, the application shall not be refused by the Development Officer or Municipal Planning Commission on the grounds of use only.
- (2) Where an application is for a use listed as a discretionary use in the land use district, the application shall not be refused by the Approving Authority on the grounds of the use if the proposed use conforms to be an adopted area structure plan or area development plan in accordance with the provisions of the Act.
- (3) Notwithstanding subsection 21(2), there is no appeal 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.

23. DEVELOPMENT AGREEMENT

- (1) If as a result of an application for a development permit:
 - (a) construction of a public roadway will be required to give access to the development the subject of the development application,
 - (b) the installation of utilities to serve the development will be necessary,
 - (c) the construction of off-street or other parking facilities and loading and unloading facilities will be required, or
 - (d) an off-site levy or redevelopment levy under the Act is required to be paid,the applicant for the development permit shall, prior to commencing development, enter into a development agreement with the Town.
- (2) The development agreement pursuant to subsection (1) may be registered in the Land Titles Office in the form of a caveat against the certificate of title for the land that is the subject of the development agreement.
- (3) A caveat registered pursuant to subsection (2) shall be discharged by the Town when the requirements and conditions of the agreement have been met.

24. VALIDITY OF DEVELOPMENT PERMIT

- (1) When an application for a development permit has been approved, the development permit shall not be valid unless and until:
 - (a) any conditions of approval, save those of a continuing nature, have been fulfilled; and
 - (b) no notice of appeal from such approval has been served on the Appeal Board within the time period specified in Section 21 of this By-law.
- (2) Unless a development permit is:
 - (a) specified by the Development Officer or the Municipal Planning Commission to remain in effect for less than 12 months; or
 - (b) suspended or cancelled,a development permit remains in effect for 12 months from the date of its issue.
- (3) The validity of a development permit shall not be extended by the Approving Authority for an additional period or periods of more than 12 months if one or more than one of the following situations is established:
 - (a) the development standards pertaining to the development have changed since the development permit was issued;
 - (b) the land use considerations involved with the development permit have been changed;
 - (c) the development permit does not conform with any amendments to the Bow Island General Municipal Plan;
 - (d) the development permit does not conform with any amendments to the Land Use By-law;
 - (e) any other consideration which, in the opinion of the Municipal Planning Commission, makes the development permit inappropriate.

25. DEVELOPMENT PERMIT TRANSFERS

- (1) A development permit is not transferrable without the prior consent of:
 - (a) the Development Officer or the Municipal Planning Commission, if the permit was issued by the Development Officer in the first instance; or
 - (b) the Municipal Planning Commission, if the permit was issued by the Municipal Planning Commission in the first instance.

26. RIGHT TO REVOKE DEVELOPMENT PERMIT

- (1) The Development Officer or the Municipal Planning Commission may revoke a development permit if:
 - (a) there is a contravention of any condition under which such permit was issued;
 - (b) the said permit was issued in error;
 - (c) the said permit was issued on the basis of incorrect information.
- (2) A person whose development permit is suspended or cancelled under this Section may appeal to the Development Appeal Board in accordance with the provisions of this By-law and the Forty Mile Inter-municipal Subdivision and Development Appeal Board Agreement .

PART IV - SUBDIVISION PROCEDURES

27. REQUIREMENT FOR A SUBDIVISION

- (1) Land Titles Office will not accept for registration an instrument that has the effect or may have the effect of subdividing a parcel of land unless the subdivision has been approved by a subdivision authority.
- (2) Notwithstanding subsection (1) but subject to subsection (4), a subdivision is not required if registration of the instrument results in the issuing of one or more certificates of title and the parcel of land described in each certificate of title so issued would consist only of any or all of the following:
 - (a) a quarter section;
 - (b) a river lot shown on an official plan. as defined in *the Surveys Act*, that is filed or lodged in a land titles office;
 - (c) a lake lot shown on an official plan. as defined in the *Surveys Act*, that is filed or lodged in a land titles office;
 - (d) a settlement lot shown on an official plan. as defined in the *Surveys Act*, that is filed or lodged in a land titles office;
 - (e) a part of the parcel of land described in the existing title if the boundaries of the part are shown and delineated on a plan of subdivision;
 - (f) a parcel of land created pursuant to a bylaw passed by a municipality under section 665 of the Act.
- (3) For the purpose of subsection (2), a parcel of land is deemed to be a quarter section, river lot, lake lot, or settlement lot if the parcel of land would consist of a quarter section, river lot, lake lot or settlement lot except that land has been removed from the parcel of land by a subdivision effected only for a purpose referred to in of the Act or by a plan of subdivision or any other instrument that effected a subdivision.
- (4) A subdivision is required for registration of a separation instrument or caveat that has the effect or may have the effect of subdividing a parcel of land
 - (a) if the parcel of land is described in a plan of subdivision that was registered in a land titles office before July 1, 1950; and
 - (b) if the parcel of land contains 2 or more lots one or more of which is less than 8.0 hectares in area.

28. SUBDIVISION APPLICATION

- (1) A person may apply to the Planning Advisor for subdivision approval in accordance with the subdivision and development regulations by submitting a proposed plan of subdivision or other instrument that describes the subdivision.

29. PLANS AND INFORMATION REQUIRED

- (1) One (1) copy of the completed and signed application form which includes a section in which the applicant for subdivision approval may or may not consent to the municipality or its delegate carrying out an inspection at a reasonable time of the land that is the subject of the application.
- (2) An application fee to be determined from time to time by resolution of Council.
- (3) One (1) copy of the current Duplicate Certificate of Title for the land proposed for subdivision.
- (4) In the case of a subdivision proposal with not more than one new lot, and no public roadways or reserve lots, a sketch plan consisting of the following is required:
 - (a) the location, dimensions and boundaries of the land to be subdivided;
 - (b) the location, dimensions and boundaries of each new lot to be created;
 - (c) the location and dimensions of buildings, utilities, underground storage tanks and other improvements on the land that is the subject of the application and specifying those buildings and improvements that are proposed to be demolished or moved;
 - (d) the use proposed for the land that is the subject of the application;
 - (e) the method for provision of sewer and water to the proposed parcel.
- (5) In the case of a subdivision application involving more than two lots, a proposed plan of subdivision drawn by a Land Surveyor to a scale of not less than 1:2000, consisting of the following is required:
 - (a) the location, dimensions and boundaries of the land to be subdivide;
 - (b) the land which the applicant wishes to register in the Land Titles Office;
 - (c) the location, dimensions and boundaries of

- (i) each new lot to be created,
- (ii) the reserve land, if any,
- (iii) all rights-of-way and easements;
- (d) the location and dimensions of buildings and improvements on the land that is the subject of the application and specifying those buildings or improvements that are proposed to be demolished or moved;
- (e) the location of any existing or proposed railway lines or spur tracks;
- (f) the use or uses proposed for the land that is the subject of the application;
- (g) the method for provision of sewer and water to the proposed parcel.

30. TIME PERIOD FOR MAKING DECISIONS

- (1) A decision on an application for subdivision must be made within
 - (a) 21 days from the date of receipt of a completed application under section 27(4) of the By-law or;
 - (b) 60 days from the date of receipt of all other applications;
 unless an agreement to extend the time has been entered into with the subdivision authority within 14 days of the time prescribed.
- (2) When an applicant refuses to enter into a time extension agreement, the application is deemed refused and the applicant may appeal to the Appeal Board.

31. PUBLIC NOTIFICATION - SUBDIVISION APPLICATIONS

- (1) On receipt of an application for subdivision approval, the planning advisor must give a copy of the application to the Government departments, persons and local authorities required by the subdivision and development regulations.
- (2) On receipt of an application for subdivision approval, the planning advisor must give notice of the application to owners of land located adjacent to the land that is the subject of the application.
- (3) The notice under subsection (2) must describe the nature of the application, the method of obtaining further information about the application and the manner in which and time within which written submissions may be made to the subdivision authority.
- (4) A subdivision authority, when considering an application under this section,
 - (a) must consider the written submissions of those persons and local authorities to whom an application for subdivision approval or notice of application was given in accordance with this section but is not bound by the submissions unless required by the subdivision and development regulations; and
 - (b) is not required to hold a hearing.

32. CONDITIONS OF SUBDIVISION APPROVAL

- (1) A subdivision authority may impose conditions to ensure that the requirements of the Act, the regulations, the statutory plans and the by-law are complied with.
- (2) A subdivision authority may impose a condition requiring the applicant to enter into a Development Agreement with the Town for:
 - (a) construction of a public roadway required to give access to the development; or
 - (b) the installation of utilities necessary to serve the development; or
 - (c) an off-site levy or redevelopment levy under the Act.
- (3) The Development Agreement pursuant to subsection (2) may, at the option of the Town, be registered in the Land Titles Office in the form of a caveat against the certificate of title for the land that is the subject of the development agreement.
- (4) A caveat registered pursuant to subsection (2) shall be discharged by the Town when the requirements and conditions of the agreement have been met.

33. RIGHT OF APPEAL

- (1) A decision of a subdivision authority must state
 - (a) whether an appeal lies to the Appeal Board or to the Municipal Government Board; and
 - (b) if an application for subdivision approval is refused, the reasons for the refusal.
- (2) The decision of a subdivision authority may be appealed by:
 - (a) the applicant for the approval;
 - (b) a government department which is entitled to a referral under section 31(1) of the by-law;

- (c) a school authority with respect to the allocation, location, or amount of school reserve.
- (3) An appeal may be commenced by filing a notice of appeal with the appropriate appeal body within 14 days of receipt of the written decision of the subdivision authority (deemed to be 5 days from the date the decision is mailed), or the date that the application is deemed refused.

34. ENDORSEMENT OF FINAL PLANS AND SEPARATION DOCUMENTS

- (1) An applicant for subdivision approval must submit to the planning advisor the plan of subdivision or other instrument that effects the subdivision within one year of the latest of the following dates:
 - (a) the date on which the subdivision approval is given to the application;
 - (b) if there is an appeal to the Appeal Board or the Municipal Government Board, the date of that board's decision or the date on which the appeal is discontinued;
 - (c) if there is an appeal to the Court of Appeal under the Act, the date on which the judgment of the Court is entered or the date on which the appeal is discontinued;
- (2) On being satisfied that a plan of subdivision or other instrument complies with a subdivision approval and that any conditions imposed have been met or will be met, the planning advisor must endorse the plan or other instrument in accordance with the subdivision and development regulations.

35. VALIDITY OF SUBDIVISION APPROVALS

- (1) If the plan of subdivision or other instrument is not submitted to the subdivision authority within the time prescribed by section (34) or any longer period authorized by the council, the subdivision approval is void.
- (2) If the plan of subdivision or other instrument is not registered in land titles office within one year after the date on which it is endorsed pursuant to this section or within the extended period prescribed under subsection (6), the subdivision approval of the plan or instrument and the endorsement are void and the plan or instrument may not be accepted by a Registrar for registration.
- (3) The Municipal Planning Commission may extend the periods referred to in subsection (1) and (2).

PART V - GENERAL LAND USE REGULATIONS

36. USE OF LAND

- (1) On receipt of a development permit a person may develop land for the purposes approved subject to meeting the regulations and any conditions imposed and shall not develop land otherwise.

37. COMPLIANCE WITH OTHER LEGISLATION

- (1) Nothing in this By-law effects the duty or obligation of a person:
 - (a) to obtain a building permit under the Building Permit By-law and amendments thereto;
 - (b) to obtain any other permit, license or other authorization required by any Act or regulation, or under any by-law;
 - (c) to comply with the conditions of any easement, covenant or agreement affecting the building or land.

38. DWELLING UNITS ON A PARCEL

- (1) No person shall construct, locate or cause to be constructed or located more than one dwelling unit on a parcel, unless:
 - (a) the second dwelling unit is located on parcel located within the Urban Reserve District and is to be occupied by a person who is engaged on a full-time basis for at least 6 months each year in an agricultural pursuit, or
 - (b) the dwelling is a semi-detached, multiple unit, or apartment dwelling, or forms part of a comprehensively-planned condominium development, or
 - (c) the second or additional dwelling unit is a mobile home forming part of a park for mobile homes, or
 - (d) as otherwise provided for in this by-law.

39. BUILDING DESIGN, CHARACTER AND APPEARANCE

- (1) The Development Officer or Municipal Planning Commission may impose conditions to ensure:
 - (a) that the design, character and appearance of a building is compatible with other buildings in the vicinity unless it is setting a new standard of design, character and appearance for the land use district or a particular locality of it;
 - (b) that the design, character and appearance of the building is consistent with the purpose of the land use district in which the building is located;
 - (c) that a development complies with any provision of a statutory plan applicable to the design, character and appearance of the building in the district.

40. GENERAL MAINTENANCE

- (1) All sites at all times shall be maintained clean and free from waste and debris.
- (2) All doors and windows shall open within the bounds of the site.
- (3) All roof drainage shall be directed onto the lot or as required by the Approving Authority.

41. PROJECTION OVER SETBACKS

- (1) Except as provided in this part, no portion of the principal building shall project over the minimum setbacks as required by the land use district regulations.
- (2) Those portions of and attachments to a principal building which may project over or on a minimum setback are:
 - (a) cornices, sills, canopies or eaves which project for a distance not exceeding one half of the minimum side yard required for the site;
 - (b) a chimney or fireplace which projects 0.6 metres or less provided that it is at least 1 metre from the property line;
 - (c) unenclosed steps which project not more than 2 metres over a minimum front or rear yard, and not more than .5 metres over a minimum side yard.

42. OBJECTS PROHIBITED OR RESTRICTED IN RESIDENTIAL DISTRICTS

- (1) Except as provided herein, no motor vehicle other than a passenger vehicle shall be parked on a lot in a residential district for longer than is necessary to load and unload the same.
- (2) One commercial vehicle not more than 1 ton capacity may be parked on a site in any residential

district.

- (3) One recreational vehicle may be parked on a lot in any residential district.
- (4) A recreational vehicle parked on a lot in any district shall not be used for permanent living or sleeping accommodation unless it is parked in a licensed trailer court.

43. VEHICULAR ACCESS

- (1) Every lot shall have at least one means of access to a public roadway.
- (2) The Municipal Planning Commission may limit the number of vehicular access points to any site and may specify their locations.

44. NON-CONFORMING BUILDINGS AND USES

- (1) A non-conforming use of land or a non-conforming use of a building may be continued, but if that use is discontinued for a period of six consecutive months or more, any future use of the land or buildings shall conform with the provision of this By-law.
- (2) A non-conforming use of part of a lot shall not be extended or transferred to other parts of the lot and no additional buildings shall be erected upon the lot while the non-conforming use continues.
- (3) A non-conforming use of part of a building may be extended throughout the building, whether the building is non-conforming or not; however, the building shall not be enlarged or structurally altered except:
 - (a) as may be necessary to make it a conforming building; or
 - (b) as the Development Officer or the Municipal Planning Commission, as the case may be, considers necessary for the routine maintenance of the building; or
 - (c) as the Municipal Planning Commission approves for minor alterations up to a maximum of 10% of the value of the building.
- (4) If a non-conforming building is damaged or destroyed to the extent of more than 75% of the value of the building above its foundation, the building shall not be repaired or rebuilt except in accordance with this By-law.
- (5) 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.

45. THE KEEPING OF PETS AND LIVESTOCK

- (1) Within all Districts, not more than two dogs, excluding unweaned pups, shall be kept on a site unless a kennel permit has been issued. Any off-spring over the age of six months shall be considered to be weaned.
- (2) Any dogs, cats and other domestic animals must be controlled so that they do not create a nuisance.
- (3) Within Country Residential Districts, the number of livestock permitted without a development permit shall not exceed 2 hooved animals, or 25 chickens. Adequate containment facilities must be constructed a minimum of 50 feet from any property line.

46. LAND USE DISTRICT MAP

- (1) The Town of Bow Island is divided into the following land use districts:

- Residential District	R-1
- Residential General District	R-2
- Residential District	R-3
- Mobile Home Park District	MHP
- Institutional District	I
- Commercial District	C-1
- Highway Transitional District	HT
- Highway Commercial District	C-2
- Light Industrial District	M-1
- Industrial District	M-2
- Railway Industrial District	M-3
- Urban Reserve District	UR
- Direct Control District	DC
- (2) The boundaries of the land use districts listed in subsection (1) are shown on Schedule H being the Land Use District Map.

PART VI - LAND USE DISTRICTS AND REGULATIONS

47. RESIDENTIAL DISTRICT R-1

Permitted Uses

Accessory Buildings & Uses
 Detached Dwellings

Class I Discretionary Uses

Churches
 Community Buildings & Facilities
 Home Occupations
 Modular Units(see Definition 6(29))
 Public Utilities & Buildings

Class II Discretionary Uses

Convenience Stores & Services
 Double Wide Mobile Homes
 Family Care Facility
 Schools
 Semi-Detached Dwellings

Site Regulations

In addition to the general Regulations contained in this By-law, the following Regulations shall apply to every development in this District.

Minimum Lot Size

		Area	Width
Permitted Use	- interior lots	556 metres ²	15 metres
	- corner lots	665 metres ²	18 metres

Discretionary Use As required by the Approving Authority.

Minimum Setback & Yard Requirements

	<u>Front</u>	<u>Side</u>	<u>Rear</u>	<u>Flankage</u>
All Uses				
Principal Buildings	7.5 metres ¹	1.5 metres	4.5 metres	4.5 metres

Note ¹The Municipal Planning Commission may reduce the front yard setback to a minimum of 5 metres, having regard to the location and dimensions of the sidewalk, boulevard, street and right-of-way and the adjacent buildings.

Accessory Buildings See Schedule B.

Maximum Building Height

All Uses	Principal Building	12 metres
	Accessory Building	5.5 metres

Maximum Site Coverage

Permitted Uses	Principal Building	33% of the site area
	Accessory Building(s)	10% of the site area

Discretionary Uses As required by the Approving Authority

48. RESIDENTIAL GENERAL DISTRICT R-2

Permitted Uses

Accessory Buildings & Uses
 Detached Dwellings
 Semi-Detached Dwellings
 Mobile Homes

Class I Discretionary Uses

Community Buildings & Facilities
 Family Care Facility
 Home Occupations
 Modular Units(see Definition 6(29))
 Multiple Family Dwellings
 Public Utilities & Buildings

Class II Discretionary Uses

Apartments
 Churches
 Convenience Stores & Services
 Schools

Site Regulations

In addition to the general Regulations contained in this By-law, the following Regulations shall apply to every development in this District.

Minimum Lot Sizes

<u>Permitted Uses</u>		<u>Area</u>	<u>Width</u>
Permitted Use	-interior lots	490 sq. metres	13.5 metres
	- corner lots	490 sq. metres	14.5 metres

Discretionary Uses

All Uses As required by the Approving Authority.

Minimum Setback & Yard Requirements

<u>Permitted Use</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>	<u>Flankage</u>
Principal Buildings	7.5 metres ¹	1.5 metres ²	4.5 metres	4.5 metres

Note

The Municipal Planning Commission may reduce the front yard setback to a minimum of 5 metres, having regard to the location and dimension of the sidewalk, boulevard, street and right-of-way and the adjacent buildings.

Accessory Buildings See Schedule B.

Discretionary Uses All uses shall be the same as Permitted Uses, or as considered appropriate by the Approving Authority.

Maximum Building Height

All Uses	Principal Building	15 metres
	Accessory Building	5.5 metres

Maximum Site Coverage

Permitted Uses	Principal Building	33% of the site area
	Accessory Building(s)	10% of the site area

Discretionary Uses As required by the Approving Authority.

Special Requirements: Mobile Homes

- All mobile homes permitted in this district shall be constructed after 1978.
- Mobile homes are to be placed upon a foundation in accordance with the Alberta Building Code.
- Mobile homes shall be skirted to ground level with fire proof material of similar design to the mobile home exterior. Wheels and hitches shall be removed from the mobile home, unless otherwise approved by the Approving Authority.

49. RESIDENTIAL DISTRICT R-3

Permitted Uses

Accessory Buildings & Uses
Detached Dwellings

Class I Discretionary Uses

Community Buildings & Facilities
Double Wide Mobile Home
Family Care Facility
Home Occupations
Modular Units (See Definition 6(29))
Multiple Family Dwellings
Public Utilities & Buildings

Class II Discretionary Uses

Churches
Convenience Stores & Services
Group Care Facility
Schools

Site Regulations

In addition to the general Regulations contained in this By-law, the following Regulations shall apply to every development in this District.

Minimum Lot Size

<u>Detached Dwelling</u>	<u>Area</u>	<u>Width</u>
Interior lot	480 sq. metres	12 metres
Corner lot	560 sq. metres	14 metres

Semi-detached Dwelling

Interior lot	305 sq. metres	8 metres
Corner lot	385 sq. metres	10 metres

Multiple Family Dwellings

Sufficient to meet all development requirements, to a maximum density of 85 units per hectare (35 units per acre) of the site upon which the development is proposed

Other uses

As required by the Approving Authority.

Minimum Setback & Yard Requirements

<u>Permitted Use</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>	<u>Flankage</u>
Principal Buildings	7.5 metres	1.5 metres	7.5 metres	4.5 metres

Accessory Buildings See Schedule B.

Discretionary Uses All uses shall be the same as the Permitted Uses or as considered appropriate by the Approving Authority.

Maximum Building Height

All Uses Principal Building: 15 metres
Accessory Building: 5.5 metres

Maximum Site Coverage

Permitted Uses Principal Building: 35% of the site area
Accessory Building(s): 12% of the site area

Discretionary Uses As required by the Approving Authority

50. MOBILE HOME PARK DISTRICT (MHP)

Permitted Uses

Double Wide Mobile Home
Single Wide Mobile Home
Accessory Buildings & Uses

Class I Discretionary Uses

Community Buildings & Facilities
Detached Dwelling
Home Occupations
Mobile Home Parks
Modular Units (See Definition 6(29))
Public Utilities & Buildings
Semi-Detached Dwellings

Class II Discretionary Uses

Convenience Stores & Services
Churches

Site Regulations

In addition to the general Regulations contained in this By-law, the following Regulations shall apply to every development in this District.

Minimum Lot Sizes

	<u>Area</u>	<u>Width</u>
Permitted Uses	325 sq. metres	10 metres
Discretionary Uses	As required by the Approving Authority.	

Minimum Setback & Yard Requirements

<u>Permitted Use</u>	<u>Front</u>	<u>Side A¹</u>	<u>Side B</u>	<u>Rear</u>
Single wide mobile homes	4.5 metres	4.5 metres	1.5 metres	4.5 metres
Other Permitted Uses	4.5 metres	1.5 metres	1.5 metres	4.5 metres
Accessory Buildings	See Schedule B.			

Note 1. Side A refers to the side opposite the entrance(s) to the mobile home.

Discretionary Uses

As required by the Approving Authority.

Maximum Building Height

All Uses	Principal Building:	8.5 metres
	Accessory Building:	5.5 metres

Maximum Site Coverage

Permitted Uses	Principal Building:	33% of the site area
	Accessory Building(s):	10% of the site area

Discretionary Uses

As required by the Approving Authority.

Special Requirements: Mobile Homes

1. All mobile homes permitted in this district shall be constructed after 1978.
2. Mobile homes are to be placed upon a foundation in accordance with the Alberta Building Code.
3. Mobile homes shall be skirted to ground level with fire proof material of similar design to the mobile home exterior. Wheels and hitches shall be removed from the mobile home, unless otherwise approved by the Approving Authority.

51. INSTITUTIONAL DISTRICT I

Permitted Uses

Accessory Buildings & Uses

Class I Discretionary Uses

Cemetery
Golf Course
Parks & Recreation Facilities
Public Utilities
Rodeo & Exhibition Facilities

Class II Discretionary Uses

Group Care Facility
Hospital
Institutional Buildings & Uses
Public & Quasi Public Buildings & Uses
Schools

Site Regulations

In addition to the general Regulations contained in this By-law, the following Regulations shall apply to every development in this District.

Minimum Lot Size

	<u>Area</u>	<u>Width</u>
Permitted Uses	557 sq. metres	15 metres
Discretionary Uses	As required by the Municipal Planning Commission.	

Minimum Setback & Yard Requirements

<u>Permitted Use</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>	<u>Flankage</u>
Principal Buildings	7.5 metres	1.5 metres	4.5 metres	7.5 metres
Accessory Buildings ¹	7.5 metres	1.5 metres	1.5 metres ²	7.5 metres

Notes

1. An Accessory Building must be separated from the Principal Building by 1.5 metres or the principal building setbacks will apply.

2. The rear yard shall be increased to 2.5 metres if a vehicular entrance is located adjacent to the rear lot line.

Discretionary Uses

As required by the Approving Authority.

Maximum Building Height

All Uses	Principal Building:	15 metres
	Accessory Building:	5.5 metres

Maximum Site Coverage

Permitted Uses	Principal Building:	40% of the site area
	Accessory Building(s):	10% of the site area

Discretionary Uses As required by the Approving Authority.

52. COMMERCIAL DISTRICT C-1

Permitted Uses

Accessory Buildings
Professional Offices

Class I Discretionary Uses

Community Buildings & Facilities
Parking Lots
Personal Services
Printers
Public Buildings, Facilities & Uses
Retail & Commercial Establishment

Class II Discretionary Uses

Apartments
Hotel
Motel
Multi-family dwellings
Renovations and Minor Extensions to Existing Dwellings
Service Station

Site Regulations

In addition to the general Regulations contained in this By-law, the following Regulations shall apply to every development in this District.

Minimum Lot Size

	<u>Area</u>	<u>Width</u>
Permitted Uses	555 sq. metres	15 metres

Discretionary Uses As required by the Approving Authority.

Minimum Setback & Yard Requirements

	<u>Front</u>	<u>Side</u>	Flankage	Rear
Apartments	1.5 metres	7.5 metres	4.5 metres	7.5 metres
Commercial Buildings	1.5 metres	0.0 metres ¹	0.0 metres ¹	6.0 metres

¹ Or as approved by the Approving Authority.

Where a commercial building abuts a residential district without an intervening street or lane, the principal building for the commercial parcel shall have a setback for that yard (or those yards) equal to or greater than the sideyard required for the residential parcel.

Maximum Building Height

All Uses	Principal Building	15 metres
	Accessory Building	5.5 metres

Maximum Site Coverage

The maximum total site coverage shall not exceed 80% of the site.

Special Requirements

Screening:

- (a) Outside storage areas and garbage containers shall be screened from adjacent sites and public thoroughfares.

53. HIGHWAY COMMERCIAL DISTRICT C-2

Permitted Uses

Drive-in Restaurants
Hotels
Motels
Restaurants
Retail & Commercial Uses
Service Stations
Tourist Information

Class I Discretionary Uses

Automotive Sales & Service
Offices

Class II Discretionary Uses

Agricultural Equipment Sales & Service
Ancillary residence

Site Regulations

In addition to the general Regulations contained in this By-law, the following Regulations shall apply to every development in this District.

Minimum Lot Size

	<u>Area</u>	<u>Width</u>
Permitted Uses	925 sq. metres	30 metres

Discretionary Uses As required by the Approving Authority.

Minimum Setback & Yard Requirements

<u>Permitted Use</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>	<u>Flankage</u>
Principal Buildings	7.5 metres	3.0 metres	4.5 metres	4.5 metres
Accessory Buildings	7.5 metres	1.5 metres	1.5 metres ¹	4.5 metres

Notes

¹ The rear yard shall be increased to 2.5 metres if a vehicular entrance is located adjacent to the rear lot line.

Discretionary Uses As required by the Approving Authority.

Maximum Building Height

<u>All Uses</u>	Principal Building	15 metres
	Accessory Building	5.5 metres

Maximum Site Coverage

<u>Permitted Uses</u>	Principal Building	50% of the site
	Accessory Building	10% of the site

Discretionary Uses As required by the Approving Authority.

Special Requirements

- (a) All sites abutting a residential district shall be screened from the view of the residential district to the satisfaction of the Municipal Planning Commission.
- (b) All outdoor storage and garbage containers shall be screened from adjacent sites and public thoroughfares.

54. HIGHWAY TRANSITIONAL DISTRICT HT

Permitted Uses

Accessory Buildings

Class I Discretionary Uses

Community Buildings & Facilities
Retail & Commercial Uses
Single Family dwellings
Multi-family dwellings
Hotels, Motels, Restaurants
Public Buildings, Facilities & Uses
Tourist Information Office

Class II Discretionary Uses

Automotive Sales & Service
Drive-in Restaurants
Service Stations

Site Regulations

In addition to the general Regulations contained in this By-law, the following Regulations shall apply to every development in this District.

Minimum Lot Size

	Area	Width
Commercial Uses	925 sq. metres	30 metres
Residential Uses	550 sq. metres	15 metres

Note 1. Excluding the South 50 feet and the north 75 feet of Lots 18, 19 & 20, Block 24, Plan 186AA

Minimum Setback & Yard Requirements

	Front	Side	Rear	Flankage
Principal Buildings	10 metres	3.0 metres	4.5 metres	4.5 metres
Accessory Buildings	10 metres	1.5 metres	1.5 metres ¹	4.5 metres

Note 2. The rear yard shall be increased to 2.5 metres if a vehicular entrance is located adjacent to the rear lot line.

Maximum Building Height

All Uses	Principal Building	15 metres
	Accessory Building	5.5 metres

Maximum Site Coverage

Commercial Uses	Principal Building	50% of the site
	Accessory Building	10% of the site
Residential Uses	Principal Building	33% of the site
	Accessory Building	10% of the site

Special Requirements

- (a) No direct access from residential development to Highway No. 3.
- (b) All commercial sites adjacent to residential development shall be screened from view to the satisfaction of the Municipal Planning Commission.
- (c) All outdoor storage and garbage containers shall be screened from adjacent sites and public thoroughfares.

55. LIGHT INDUSTRIAL DISTRICT M-1

Permitted Uses

Accessory Buildings & Uses
Airports
Hangars & Airport Related Uses

Class I Discretionary Uses

Repair and Machine shops

Class II Discretionary Uses

Institutional buildings and Uses
Industrial Equipment Sales and Service

Site Regulations

In addition to the general regulations contained in this By-law, the following regulations shall apply to every development in this District.

Minimum Lot Size

	<u>Area</u>	<u>Width</u>
Permitted Uses	465 sq. metres	15 metres
Discretionary Uses	As required by the Approving Authority.	

Minimum Setback & Yard Requirements

	<u>Front</u>	<u>Side</u>	<u>Rear</u>	<u>Flankage</u>
Principal Buildings	7.5 metres	1.5 metres ¹	4.5 metres	4.5 metres
Accessory Buildings	7.5 metres	1.5 metres ¹	1.5 metres ²	4.5 metres

Note 1. On corner lots the flankage sideyard adjoining the street shall be 4.5 metres.

Note 2. The rear yard shall be increased to 3 metres if a vehicular entrance is located adjacent the rear lot line.

Discretionary Uses As required by the Approving Authority.

Maximum Building Height

All Buildings 15 metres

Maximum Site Coverage

Permitted Uses All Buildings 15% of the site

Special Requirements

- (a) All sites abutting a residential district shall be screened from the view of the residential district to the satisfaction of the Municipal Planning Commission.
- (b) All outdoor storage and garbage containers shall be screened from adjacent sites and public thoroughfares.

56. INDUSTRIAL DISTRICT M-2

Permitted Uses

Accessory Buildings & Uses
 Agricultural Equipment Sales & Service
 Bulk Storage & Sales
 Contractors Buildings & Yards
 Lumber Yards
 Motor & Equipment Repairs & Sales
 Packing & Processing
 Public Utility Buildings & Uses
 Sheet Metal Works
 Warehousing
 Wholesaling

Class I Discretionary Uses

Agricultural Produce Cleaning,
 Grain Elevators
 Manufacturing
 Sand & Gravel Storage & Cleaning
 Transportation Facilities & Uses

Class II Discretionary Uses

Greenhouses
 Kennels
 Livestock Auction, Holding, Gathering & Processing Facilities
 Parks, Recreational Uses & Facilities
 Retail & Commercial Establishments
 Veterinary Clinic

Site Regulations

In addition to the general Regulations contained in this By-law, the following Regulations shall apply to every development in this District.

Minimum Lot Size

	<u>Area</u>	<u>Width</u>
Permitted Use	930 sq. metres	15 metres
Discretionary Use	As required by the Approving Authority.	

Minimum Setback & Yard Requirements

	<u>Front</u>	<u>Side</u>	<u>Rear</u>	<u>Flankage</u>
Principal Buildings	7.5 metres	1.5 metres	4.5 metres	4.5 metres
Greenhouses	3 metres	1.5 metres	1.5 metres	4.5 metres
Accessory Buildings	7.5 metres	1.5 metres	1.5 metres ¹	4.5 metres
<small>Note 1. The rear yard shall be increased to 3 metres if a vehicular entrance is located adjacent to the rear lot line.</small>				
Other Discretionary Uses	As required by the Approving Authority.			

Special Requirements: All Uses

- All sites abutting a residential district shall be screened from the view of the residential district to the satisfaction of the Municipal Planning Commission.
- All outdoor storage and garbage containers shall be screened from adjacent sites and public thoroughfares.
- The heights of buildings within the airport vicinity may be restricted to protect the runway approaches.

Special Requirements: Greenhouses:

The Development Officer or the Municipal Planning Commission, as the case may be, may establish development standards having due regard to the merits of a development application in addition to the following requirements:

- no doors in the rear yard which do not open completely on the site,
- no storage in the front and flankage yards unless it is screened from the public view to the satisfaction of the Development Officer or the Commission, as the case may be.
- adequate provisions to handle surface water run-off.
- adequate on-site provision for vehicular parking and loading and unloading of material related to greenhouse operations.

57. RAILWAY INDUSTRIAL DISTRICT M-3

Permitted Uses

Accessory Buildings & Uses

Offices

Retail & Commercial Establishments

Class I Discretionary Uses

Light Industrial Retail

Light Manufacturing

Institutional buildings and Uses

Warehousing

Class II Discretionary Uses

Agricultural Crop Cleaning, Storage & Packaging

Bulk Oil & Fuel Dealers

Fertilizer Dealers

Grain Elevators

Industrial Equipment Sales and Service

Site Regulations

In addition to the general Regulations contained in this By-law, the following Regulations shall apply to every development in this District.

Minimum Lot Size

	<u>Area</u>	<u>Width</u>
Permitted Use	930 metres ²	30 metres
Discretionary Use	As required by the Approving Authority.	

Minimum Setback & Yard Requirements

<u>Permitted Uses</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>	<u>Flankage</u>
Principal Buildings & Accessory Buildings	7.5 metres	3.0 metres	3.0 metres	4.5 metres
<u>Discretionary Uses</u>	As required by the Municipal Planning Commission.			

Special Requirements

- (1) All sites abutting a residential district shall be screened from the view of the residential district to the satisfaction of the Municipal Planning Commission.
- (2) All outdoor storage and garbage containers shall be screened from adjacent sites and public thoroughfares.

58. COUNTRY RESIDENTIAL DISTRICT CR

The general purpose of this district is to regulate the development of Country Residences.

A. PERMITTED USES

- (1) Accessory Buildings and Uses
- (2) Dwelling, Single Detached
- (3) Public buildings and uses

B. CLASS I DISCRETIONARY USES

- (1) Dwelling, Semi -detached
- (2) Home Occupation(Office Use Only)

C. CLASS II DISCRETIONARY USES

- (1) Parks and Playgrounds
- (2) Home Occupation
- (3) Kennel
- (3) Move-in Buildings
- (4) Recreation Facilities (Public and Private)

D. LOT SIZES

MINIMUM SIZE

Piped water but no sewage collection system: 1850 m² (19,914 sq. ft.) with a minimum width of 30 metres (98.4 ft.)

MAXIMUM SIZE

2 Hectares (5 acres)

E. MINIMUM YARD REQUIREMENTS

Front	Flankage	Side	Rear
10 metres ¹	10 metres ¹	3 metres	5 metres
(32.8 ft.)	(32.8 ft.)	(9.8 ft.)	(16.4 ft.)

Note 1: Minimum yard distances from subdivision streets or service road only. Setbacks from County roads shall be 40 metres (130 feet) from the centre line of a local road or 60 metres (200 feet) from the centre line of a Secondary Highway except when within 300 metres (984 ft.) of a primary highway where the setback shall be in compliance with the Highway Development Act. All Development including shelter belts, dugouts and disposal fields shall comply with minimum yard requirements.

F. BUILDING RESTRICTIONS

ACCESSORY BUILDINGS

Maximum floor area dedicated to accessory buildings -	200 m ² (2152 sq. ft.)
Maximum floor area per building -	100 m ² (1,076 sq. ft.)
Maximum number of accessory buildings per lot -	3
Maximum height -	5 metres (16.4 ft.)
Building separation -	1.5 metres (4.9 ft.)

G. OBJECTS PROHIBITED OR RESTRICTED

- (1) Not more than two holiday trailers shall be stored or parked on the lot.
- (2) The keeping of animals and pets: See Section 45

H. WATER DISTRIBUTION AND SEWAGE COLLECTION

Water Distribution and Sewage Collection Systems will be determined by Development Officer or Municipal Planning Commission.

59. URBAN RESERVE DISTRICT UR

Permitted Uses

Accessory Buildings & Uses
Residence
Utilities

Class I Discretionary Uses

Agricultural Buildings & Uses

Class II Discretionary Uses

Kennels

Site Regulations

In addition to the general Regulations contained in this By-law, the following Regulations shall apply to every development in this District.

Minimum Lot Size

As approved by the Approving Authority.

Minimum Setback & Yard Requirements

	<u>Front</u>	<u>Side</u>	<u>Rear</u>	<u>Flankage</u>
Principal Buildings & Accessory Buildings	7.5 metres or as required by the Approving Authority.	7.5 metres	7.5 metres	4.5 metres

Maximum Building Height

Residential Buildings	8.5 metres
Accessory Buildings	6 metres

OBJECTS PROHIBITED OR RESTRICTED

- (1) The keeping of animals and pets: See Section 45

60. DIRECT CONTROL DISTRICT DC

The purpose of this district is to enable the Council to exercise particular control over the use and development of land and buildings within this area.

In areas indicated as Direct Control on the Land Use District Map, Schedule A, the Council may, in accordance with the provisions of the General Development Plan and the Act, control the use and development of land and buildings as it considers necessary.

Site Regulations

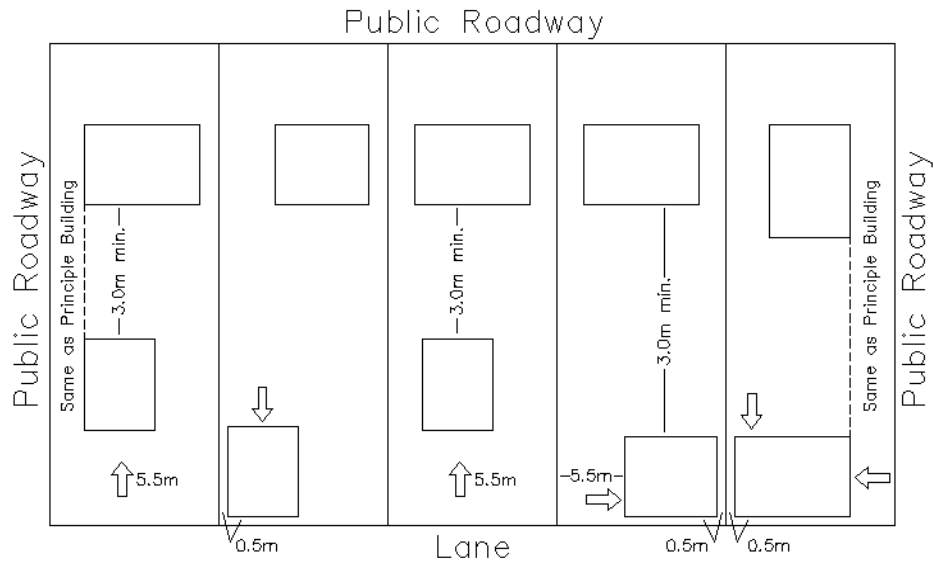
Council may by resolution establish rules and policies to govern the use and development of land and buildings in the Direct Control District. Such resolution shall not be considered as part of this By-law, is not binding on Council and may be replaced or repealed at any time.

PART VI - SCHEDULES

- A. Accessory Buildings: Garages, Carports and Storage Buildings
- B. Fences and Landscaping
- C. Home Occupations
- D. Parking and Loading Facilities
- E. Development Standards for Move-in Buildings
- F. Sign Regulations
- G. Airport Protection
- H. Land Use District Map

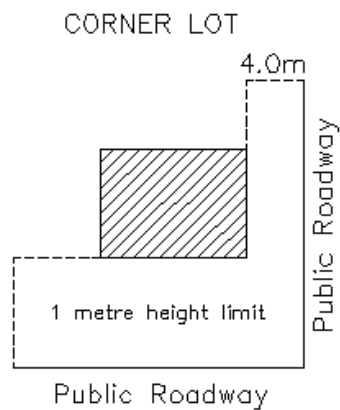
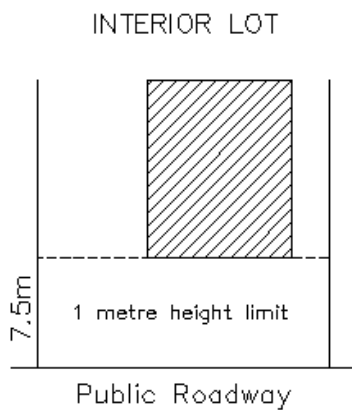
SCHEDULE A - ACCESSORY BUILDINGS: GARAGES, CARPORTS AND STORAGE BUILDINGS

- (1) An accessory building shall be located at least 3 metres from the principal building.
- (2) For the purpose of calculating yard setbacks and site coverage requirements as provided in this By-law, when an accessory building is to be less than 3 metres away from or attached to the principal building it shall be deemed to be part of the principal building.
- (3) An accessory building on a corner lot shall be located so that the side yard abutting the street is not less than the side yard of the principal building.
- (4) Unless otherwise specified in the Land Use District Schedule, an accessory building must be located at least 0.5 metres from the property lines, except where a vehicular entrance is located, in which case the distance will be extended to 5.5 metres.
- (5) An accessory building erected on a site shall not be used for dwelling accommodation.

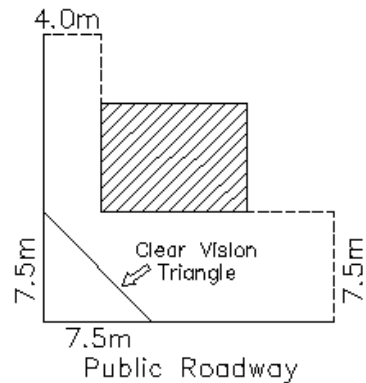


SCHEDULE B - LANDSCAPING & FENCES

- (1) All sites required to be landscaped shall be loamed and planted with grass, trees, shrubs and/or flowers, which enhance the appearance of the site and complement the building thereon.
- (2) All sites required to be landscaped shall be landscaped so that the finished surface contours do not direct surface drainage onto an adjoining lot.
- (3) Any portion of a residential site not used for buildings, parking or loading areas, driveways or storage shall be properly constructed and maintained as a landscaped area, and such area shall not be less than that prescribed by land use district regulations.
- (4) No continuous fence, wall, vegetation, or any combination thereof which might restrict vision shall extend more than 1 metre above the ground within a front or flankage yard without a special permit issued by the M.P.C. Ornamental trees arranged in a single mass not exceeding 5 metres in width or individual trees spaced a minimum of 5 metres apart are not subject to this requirement but are subject to the requirements of subsection (5).



- (5) On a corner lot nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of 1 metre and 3 metres above the centre line grades of the intersecting streets in the area bounded by the property lines of such corner lots and a line joining points along the said property lines 7.5 metres from the point of intersections.



SCHEDULE C - HOME OCCUPATIONS

- (1) Home occupations shall be carried on in the following manner:
 - (a) home occupations shall be limited to those uses which do not interfere with the rights of other residents to quiet enjoyment of a residential neighbourhood;
 - (b) the nature and extent of the home occupation makes it uneconomical and unreasonable to locate the occupation in a commercial or light industrial area as determined by the Municipal Planning Commission;
 - (c) home occupations shall be no more than supplementary uses to the principal residential building;
 - (d) home occupations shall not have outside storage of material goods or equipment on the site;
 - (e) no form of commercial advertising related to the home occupation shall be displayed on the outside of the building except an unlighted sign to identify the use conducted on the site.
 - (f) the size of the sign shall be limited to 0.4647 square metres and it may be placed in a window or attached to the exterior of the residence on the street side of the residence
 - (g) a home occupation shall not create a nuisance by way of dust, noise, smell or smoke, or traffic generation;
 - (h) a home occupation shall not employ any more than one person other than the occupants of the principal residential building in which they take place.
 - (i) a home occupation shall not require alterations to any building unless the alterations are approved by the Municipal Planning Commission;
- (2) The Municipal Planning Commission may issue a temporary permit for a home occupation.
- (3) All permits issued for home occupation shall be subject to the condition that the permit may be revoked at any time if, in the opinion of the Commission, the use is or has become detrimental to the amenities of the neighbourhood.

SCHEDULE D - PARKING AND LOADING FACILITIES

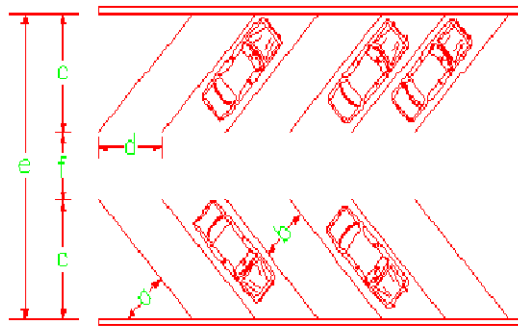
- (1) Off-street parking and loading spaces shall be provided as required by this By-law and as shown in the following table.

<u>Use of Buildings</u>	<u>Minimum Number of Spaces</u>	
	<u>Parking</u>	<u>Loading</u>
Dwellings - Single family	1 space/dwelling unit	
- Multi-family	1.5 spaces/dwelling unit	
Community Buildings	1 space/30 m ²	
Manufacturing Plants, Mills, Shops	1 space/55 m ²	1/1,860 m ²
Motels, Hotels	1 space/guest unit	
Banks and Offices	1 space/50m ²	
Restaurants	1 space/6 seats for patrons	
Lounges and pubs	1 space/6 seats for patrons	
Retail Stores & Service/Repair Shops	1 space/50 m ²	
Elementary and Jr. High schools	1 space/classroom plus 5	
Sr. High schools	4 per classroom	
Hospitals and Nursing Homes	0.5 spaces per bed	
Warehouses	1 space/75 m ²	1/1,860 m ²
Theatres	1 space/10 seats	
Churches	1 space/10 seats	
Assembly Halls	1 space/10 m ²	

- (2) Parking spaces shall be located on the same site as the building or the use for which they are intended to serve and shall be located and constructed to conform to the following:
- (3) Any loading space shall have at least 30 square metres in area, 3.5 metres of width, and 3.5 metres of overhead clearance.
- (4) Any parking space or any loading space that is provided shall be developed and surfaced to the satisfaction of the Municipal Planning Commission.
- (5) When a building is enlarged or the use of the building is altered in such a manner that additional parking spaces are required, the MPC may require that provision shall be made for the total number of parking spaces required by this By-law.
- (6) Adequate curbs or fences shall be provided to the satisfaction of the Municipal Planning Commission if, in its opinion, it becomes necessary to protect adjacent fences, walls, boulevards, landscaped areas of buildings on the site, or an abutting site, from contact with vehicles using such parking space or area.
- (7) The off-street parking shall be provided in the manner shown on the approved site plan with the entire area to be graded and surfaced so as to ensure that drainage will be confined to the site and disposed of in a manner satisfactory to the Municipal Planning Commission.

Minimum Parking Standards

a	b	c	d	e	f
Parking Angle in Degrees	Width in Stall in Metres	Depth of Stall Perpendicular to Manoeuvring in Metres	Width of Stall Parallel to Manoeuvring Aisle in Metres	Overall Depth in Metres	Width of Manoeuvring Aisle in Metres
0°	2.75	2.75	6.7	9.1	3.6 (One Way)
30°	2.75	6.0	5.5	14.0	3.6 (One Way)
45°	2.75	5.75	3.9	15.25	3.6 (One Way)
60°	2.75	6.0	3.0	18.3	6.0 (One Way)
90°	2.75	5.5	2.75	18.3	7.3 (One Way)



SCHEDULE E - DEVELOPMENT STANDARDS FOR MOVE-IN BUILDINGS

- (1) Any application for a "move-in" building is subject to all conditions and regulations specified under the appropriate district but shall be considered as a Class II Discretionary Use.
- (2) Prior to consideration of application, the Development Officer may require:
 - (a) recent colour photographs of the structure;
 - (b) a report indicating the changes that are to be made to the building, both structurally and aesthetically, and an estimate of when this work will be completed;
 - (c) a report from the Building Inspector on the structural condition of the building;
 - (d) the applicant to be responsible for any pre-moving inspection travel costs of members of the Municipal Planning Commission and/or the Building Inspector;
 - (e) a non-refundable fee, as set by Council, in addition to the processing fee;
- (3) The standards to which the building shall comply shall be established by the Municipal Planning Commission at the time of the approval of the application, but the standard of construction and appearance of the building after all renovations are complete shall be equal to or better than the average condition of other buildings in the area.
- (4) To ensure completion of the project, the Municipal Planning Commission may request a performance bond or an irrevocable letter of credit equal to the value of the work required as determined by a qualified contractor;
- (5) All renovations to a "moved-in" building shall be completed within six months of the issuance of the development permit.
- (6) For purposes of this By-law, mobile homes or modular homes shall not be considered move-in buildings.

SCHEDULE F - SIGN REGULATIONS

1. GENERAL SIGN REGULATIONS

- (1) No sign shall be erected which would be in view of the public from public or private property except where a permit has been granted, or where a permit for such a sign is not required pursuant to this Bylaw
- (2) The following types of signs are deemed approved without a permit:
 - (a) Signs posted or exhibited in a building.
 - (b) Signs posted or exhibited in or on an operating motor vehicle if the vehicle is not temporarily or permanently parked solely for the purpose of displaying the sign.
 - (c) A statutory or official notice of a function of the Town of Bow Island.
 - (d) Traffic signs authorized by the Town of Bow Island and/or Alberta Provincial Authorities.
 - (e) A sign or signs posted or exhibited solely for the identification of an approved home occupation.
 - (f) The erection of a maximum of two on-site signs relating to the sale, lease or rental of the buildings, or land to which they are attached provided that:
 - I) such signs for any single family dwelling or single family dwelling site does not exceed 0.46 m² (5.0 ft²) in area; and
 - ii) such signs for a multiple dwelling site, a commercial site, or an industrial site does not exceed 0.8 m (9.0 ft²); and
 - iii) such signs shall not be illuminated.
 - (g) Campaigns for federal, provincial, municipal or school board elections for no more than thirty (30) days, or such other time as regulated under provincial or federal legislation provided that:
 - I) such signs are removed within fourteen (14) days after the election date;
 - ii) the consent of the property owner or occupant is obtained;
 - iii) such signs do not obstruct or impair vision or traffic;
 - iv) such signs are not attached to trees or utility poles;
 - v) such signs indicate the name and address of the sponsor and the person responsible for removal.
 - (h) Signs on land or buildings used for religious, educational, cultural, recreational, medical or similar public or quasi-public purposes, provided that:
 - I) such signs shall not exceed 1.10 m (12.0 ft) in area; and
 - ii) there shall be a limit of one sign for each side of the land or buildings on a different street.
 - (I) Signs of building contractors relating to construction work in progress on the land on which such signs are erected, provided that:
 - I) such signs do not exceed 3 0 m² (32.0 ft²) in area; and
 - ii) there shall be a limit of one sign for each boundary of the property under construction which fronts onto a public street; and
 - iii) such signs shall be removed within fourteen (14) days of occupancy.
 - (j) Signs that advertise community service clubs.
 - (k) Signs required under the provisions of this Bylaw.
- (3) The Development Officer may require the removal of any sign which in his opinion is, or has become unsightly, or is in such disrepair as to constitute a hazard.
- (4) Quality, aesthetic character and finishing of sign construction shall be to the satisfaction of the Development Officer.
- (5) Where, in the opinion of the Development Officer, a proposed sign in a commercial or light industrial district might be objectionable to a resident in an adjacent residential district, the Development Officer may impose such other regulations as he feels would protect the interests of residents.
- (6) Flashing, animated or interiorly illuminated signs shall not be permitted in developments where in the opinion of the Development Officer they might:
 - (a) affect residents in adjacent housing, or residential districts, or
 - (b) interfere with the interpretation of traffic signs or traffic signal lights or obstruct the vision of a motor vehicle driver.
- (7) The area around sign structures shall be kept clean and free of overgrown vegetation, and free from refuse material.
- (8) The Development Officer may require an engineer-approved plan prior to the issuance of a sign permit in order to ensure the safety of a sign with respect to design and/or placement.

2. PORTABLE SIGNS

- (1) A sign permit will be required prior to placement of all portable signs.
- (2) Within the C1, C2, HT, M1 and M2 Land Use Districts, one portable sign may be allowed on each side of a parcel fronting on a street.

3. FREESTANDING SIGNS AND BILLBOARDS

- (1) Within the C1, C2, HT, M1 and M2 Land Use Districts, one freestanding sign may be allowed per site as follows:
 - (a) The height of any freestanding sign shall not exceed 9.0 m (30.0 ft) from grade.
 - (b) The freestanding sign shall not project to within 0.6 m (2.0 ft) of a property line, or within 2.0 m (6.5 ft) of overhead utility lines.
- (2) Billboards shall be at the discretion of the Approving Authority and shall be subject to the following conditions:
 - (a) The structure shall not exceed 3.6 m (12.0 ft) in height and 9.7 m (32.0 ft) in length.
 - (b) Any additional bracing shall be contained within the front and rear faces of the billboard.
 - (c) A billboard shall not project to within 0.6 m (2.0 ft) of a property line, or be placed on any right-of-way.
 - (d) No billboard shall be erected within 152.0 m (500.0 ft) from any other billboard(s).
 - (e) Only indirect lighting shall be used which excludes flashing or animated lighting.
 - (f) Permits for billboards shall be renewed each year, prior to the 31st day of January, accompanied by a fee to be set by Council for each renewal permit.
 - (g) A renewal permit shall not be issued for signs which have not, in the opinion of the Development Officer, been maintained in a satisfactory manner.
 - (h) Signs, for which renewal permits are refused or a development permit has not been applied for, shall be removed. The owner shall be mailed a notice, to his/her last known address allowing him/her thirty (30) days from the date of the notice to remove the sign. If the owner fails to comply with the notice, the Development Officer will remove and destroy the sign(s) erected without a permit.

4. FASCIA AND ROOF SIGNS

- (1) Fascia signs shall only be permitted in the districts defined as C1, C2, M1 and M2 on the Land Use District Map. All fascia signs shall correspond to the following:
 - (a) Fascia signs shall not project more than 4.6 cm (18.0 in) above the top of the vertical face of the wall to which they are attached; and
 - (b) Fascia signs shall not exceed in area 25% of the superficial area of the wall comprising the business frontage.
- (2) Fascia signs proposed on a flank or gable wall which is not a business frontage, as defined, shall be considered by the Municipal Planning Commission according to the merits of the individual application.
- (3) On commercial and industrial buildings which are non-conforming uses in areas designated residential, fascia signs shall be considered by the Municipal Planning Commission according to the merits of the individual application.
- (4) Roof signs shall be considered as fascia signs according to the provisions of this section, where the following conditions are met:
 - (a) The sign shall be attached to the front edge of the roof and must be mounted securely;
 - (b) There are no supporting wires or stays visible from the street; and
 - (c) No portion of a sign shall project more than 46.0 cm (18.0 in) above the roof.

5. AWNING, CANOPY AND MARQUEE SIGNS

Awning, canopy and marquee signs shall be considered as fascia signs according to the provisions of Section 3, provided that:

- (a) They shall be attached to the front edge of the awning, canopy or marquee;
- (b) There are no supporting wires or stays visible from the street; and
- (c) No portion of the sign shall project below the bottom edge, or more than 46.0 cm (18.0 in) above the top edge, of the awning, canopy or marquee; and
- d) A sign not exceeding 0.30 m (1.0 ft) by 1.2 m (4.0 ft) in outside dimensions may be suspended below an awning, canopy or marquee provided no part of the sign shall be closer than 2.4 m (8.0 ft) to the ground or sidewalk.

6. PROJECTING SIGNS

Projecting signs shall only be permitted in the districts defined as C1, C2, M1 and M2 on the Land Use District Map. All projecting signs shall be erected so that:

- (a) no part of the sign, excluding that portion which is used for support and which is free of advertising, shall be less than 3.0 m (10.0 ft) above the ground or sidewalk grade;
- (b) no part of the sign shall project more than 46.0 cm (18.0 in) above the top of the vertical face of the wall to which it is attached;
- (c) the space between the sign and supporting structure shall not be more than 0.6 m (2.0 ft);

- (d) there shall be only one projecting sign for each business frontage, provided that, if a business frontage exceeds 15.0 m (50.0 ft), a further projecting sign shall be permitted for each additional 15.0 m (50.0 ft) or portion thereof;
- (e) the permitted area of the sign shall be related to the amount of projection from the face of the building, as follows:

Amount of Projection	Maximum Area of Sign
2.0 m (6.5 ft)	3.2 m ² (35.0 ft ²)
1.5 m (5.0 ft)	4.4 m ² (48.0 ft ²)
1.2 m (4.0 ft)	5.5 m ² (60.0 ft ²)
1.0 m (3.0 ft)	6.9 m ² (75.0 ft ²)

- (f) support shall not be provided by an "A" frame.

7. ILLUMINATED ROOF AND SKY SIGNS

- (1) Illuminated roof and sky signs may only be permitted in commercial zones. They shall be considered by the Approving Authority according to the merits of each individual application, provided that:
 - (a) The Approving Authority shall be satisfied that the purpose of the sign cannot be achieved by another type of sign;
 - (b) No part of the sign, excluding that portion which is used for support and which is free of advertising, shall be less than 1.2 m (4.0 ft) or more than 4.5 m (15.0 ft) above the level of the roof; and
 - (c) The sign must refer to the principal use of the building on which it is erected.

8. VARIANCES

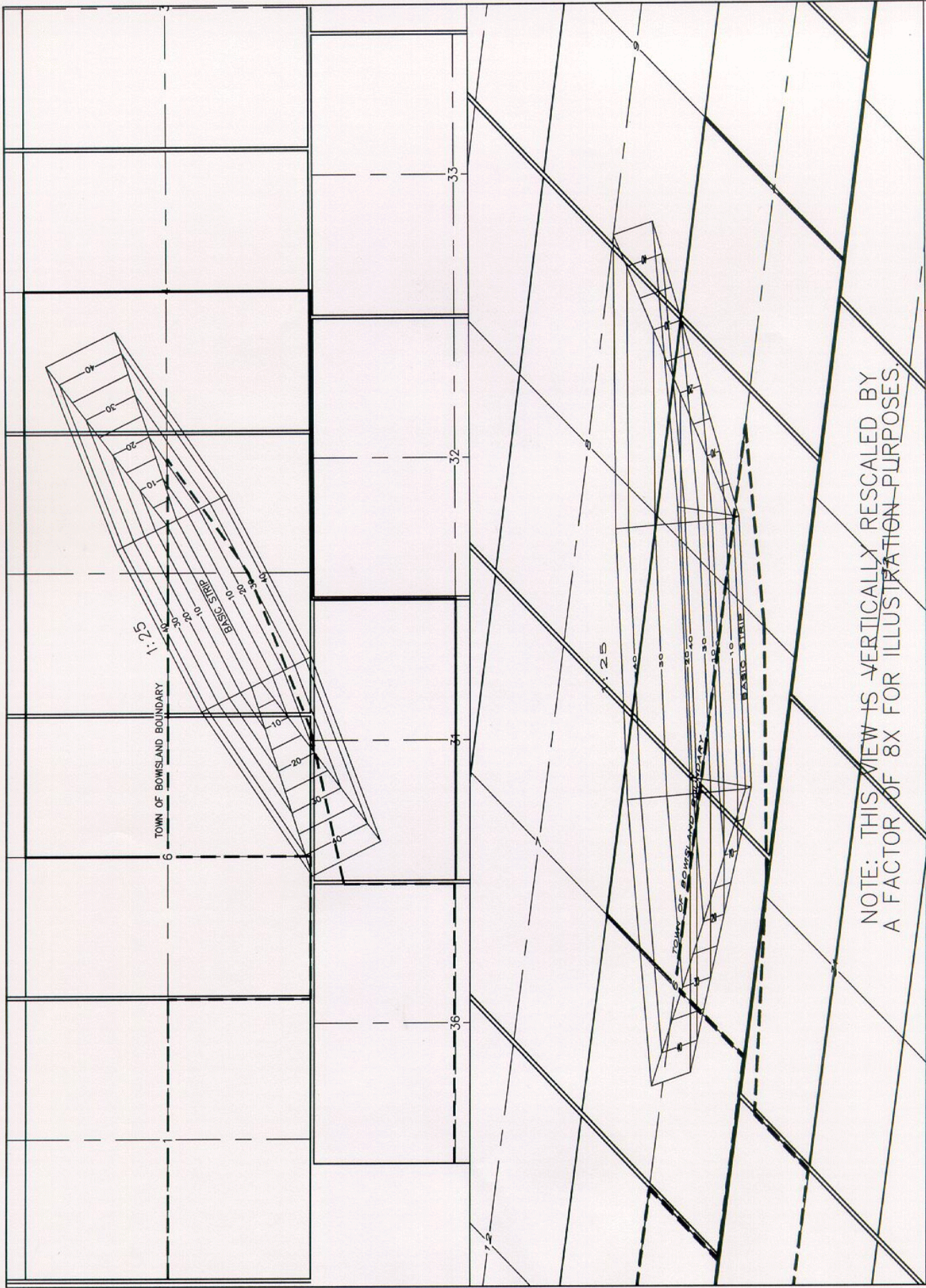
Where there are exceptional circumstances or conditions applicable to a particular property to the extent that difficulties or inconsistencies with the general purposes of these regulations may result from their strict and literal interpretation, variances shall be considered by the Development Appeal Board according to the merits of the individual application.

9. EXISTING SIGNS

These Sign Regulations shall not be applied to signs legally in existence at the date of the adoption of this Bylaw.

SCHEDULE G - AIRPORT PROTECTION

- (1) Development proposals in the vicinity of the Bow Island Airport shall be considered both in relation to potential hazards to air traffic and hazards by air traffic.
- (2) More specifically, Bow Island Airport shall be protected by:
 - (a) enforcing the Ministry of Transport guidelines which control the height of all developments on land situated in whole or in part within the take-off/approach surface or transitional surface (see attached diagram);
 - (b) ensuring that any development situated on airport lands or within the take-off/approach or transitional surfaces shall not cause excessive:
 - (i) smoke, dust, steam or
 - (ii) fire and explosive hazards, or
 - (iii) accumulation of any material or waste, edible or attractive to birds.
- (3) At the discretion of the Development Officer, any development application, whether for a permitted or discretionary use, to which the above provisions might apply shall be referred to the MPC.
- (4) The above airport protection procedures shall apply to those Land Use Districts so affected, and shall take precedence over all other regulations.



AIRPORT PROTECTION DISTRICT ———
 TOWN BOUNDARY - - -

MAP 8

Town of Bow Island Airport Protection

SCHEDULE H - LAND USE DISTRICT MAP
(See inside pocket of by-law)