

**BYLAW NO. 06-2001**  
**Land Use Bylaw**

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A Bylaw of the Village of Hay Lakes to adopt a Land Use Bylaw

WHEREAS the Village of Hay Lakes wishes to control development for the benefit of all property owners and residents within the Village;

AND WHEREAS the Village of Hay Lakes has considered the best manner to exercise this control and has prepared a new bylaw;

NOW THEREFORE the Council of the Village of Hay Lakes duly assembled enacts as follows:

1. The attached text Part 1 through Part 7, Schedule "A" Land Use Districts Map, Schedule "B" Fees and Forms A through H are adopted as the Land Use Bylaw for the Village of Hay Lakes;
2. Land Use Bylaw 304 as amended is hereby repealed; and
3. This Bylaw shall come into force and effect when it receives Third Reading and is duly signed.

Read a First Time this 11th day of September, A.D., 2001.

Read a Second Time this 9<sup>th</sup> day of October, A.D., 2001.

Read a Third Time and Finally Passed this 9th day of October, A.D., 2001.

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Mayor

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Municipal Administrator

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Date Signed

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**PART I – ENACTMENT, INTERPRETATION AND MEANINGS**

**1) Title**

- a) Short title, Land Use Bylaw, Village of Hay Lakes.
- b) In the text of this bylaw the Land Use Bylaw is referred to as the “Bylaw”.

**2) Purpose**

- a) The purpose of this Bylaw is to harmoniously achieve the orderly, economic and delightful development of land and to improve the quality of the physical environment within the Village of Hay Lakes.

**3) Compliance with other Legislation**

- a) It is the responsibility of every applicant for a development permit to:
  - i) identify the requirements of any federal, provincial or municipal legislation applicable to the development proposed; and
  - ii) ensure that the development proposed complies with all federal, provincial or municipal legislation.

**4) Bylaw Amendments**

- a) The Council may, at any time, initiate an amendment to this Bylaw by directing the Development Officer to prepare an amending bylaw therefore.
- b) A property owner may request to have this Bylaw amended by filling out the application form adopted by the Village of Hay Lakes and by providing:
  - i) the purpose for the change in the Bylaw;
  - ii) the reasons supporting the change in the Bylaw;
  - iii) a certificate of title and proof of ownership;
  - iv) a plan drawn to scale on standard drafting material showing:
    - (1) property boundaries;
    - (2) any easements or rights-of-way on the property; and
    - (3) how the use proposed will be located on the property;
  - v) permission for municipal staff to enter on to the parcel;
  - vi) any other information requested by Council; and
  - vii) paying the fee therefore required under SCHEDULE “B”.

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**5) Validity of Individual Sections**

- a) Each provision of the Bylaw is independent of all other provisions, and if any provision of the Bylaw is declared invalid, all other provisions remain valid and enforceable.

**6) Metric Measurement**

- a) This Bylaw is written and enforced in metric measurements and a reference to imperial measurement is for convenience only.

**7) Interpretations**

- a) In this Bylaw:

“Act” means the Municipal Government Act, 1994, Statutes of Alberta Chapter M-26.1 as amended.

“accessory use” means a use customarily associated with, but incidental and subordinate to, the main use located on the same parcel of land.

“building” includes anything constructed or placed on, in, over or under land but does not include a highway or public roadway or a bridge forming part of a highway or public roadway.

“Council” means the Council of the Village of Hay Lakes.

“development” means:

- (i) an excavation or stockpile and the creation of either of them;
- (ii) 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;
- (iii) a change of use of land or a building or any 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; and
- (iv) a change in the intensity of use of land or a building or any act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building;

“Development Officer” means a person appointed to receive, consider, and approve or reject a development application pursuant to this Bylaw.

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“development permit” means a document issued pursuant to this Bylaw authorizing a development.

“discretionary use” means the use of land or a building provided for in a land use district for which a development permit may be issued.

“dwelling” means a building containing one or more dwelling units.

“dwelling unit” means a complete building, a self contained portion of a building, or a suite of rooms for the use of one or more individuals living as a single housekeeping unit, containing sleeping, cooking, and separated or shared toilet facilities and intended as a permanent residence.

“apartment” means a residential building consisting of at least 3 dwelling units where at least one unit shall have access from an interior hallway.

“duplex” means residential building with two dwelling units sharing a common wall, and located side by side or one above the other.

“mobile home” means a self-contained single section unit, designed to be towed or carried from place to place, that can be connected to utilities, and intended to be used as a permanent residential building;

“modular home” means a home that is constructed from a number of pre-assembled units that are:

- (i) designed to be a residential building;
- (ii) to be assembled at the site as a permanent home; and
- (iii) to be placed on a permanent foundation.

“row housing” means a residential building containing at least three dwelling units with each unit having direct access to the outside at grade.

“single family home” means a residential building containing not more than one dwelling unit.

“home occupation” means any occupation, trade, profession, or craft carried on by an occupant of a dwelling unit as a use secondary to the residential use of the building.

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“group home” means a building or portion of a building used for the care and/or rehabilitation of children, adolescents or adults.

“lot” means:

- (i) a quarter section;
- (ii) a river lot or settlement lot shown on an official plan referred to in Section 32 of the Surveys act that is filed or lodged in a land titles office;
- (iii) a part of a parcel described in a certificate of title if the boundaries of the part are described in the certificate of title other than by reference to a legal subdivision; or
- (iv) a part of a parcel described in a certificate of title if the boundaries of the part are described in a certificate of title by reference to a registered plan of subdivision.

“main building” means a building in which is conducted the principle use of the site on which it is erected.

“Municipality” means the Village of Hay Lakes.

“non-conforming building” means a building:

- (i) that is lawfully constructed or lawfully under construction on the date the Bylaw becomes effective, or on the date an amendment to the Bylaw affecting the land becomes effective; and
- (ii) that on the date the Bylaw or any amendment thereof becomes effective does not, or when constructed will not, comply with the provisions of the Bylaw.

“non-conforming use” means a specific use:

- (i) of land or a building or intended to be made of a building lawfully under construction, at the date the Bylaw or any amendment thereof affecting the land or building becomes effective, and
- (ii) that on the date the Bylaw or any amendment thereof becomes effective does not, or in the case of a building under construction will not comply with the provisions of the Bylaw.

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“owner” means:

- (i) in respect of unpatented land, the Crown;
- (ii) in respect of other land, the person who is registered under the Land Titles act as the owner of the fee simple estate in the land; and
- (iii) in respect to any other property other than land, the person in lawful possession of it. *This is taken verbatim from the Act.*

“parcel” means the aggregate of the one or more areas of land described in a certificate of title or described in a certificate of title by reference to a subdivision plan filed or registered in the Land Titles Office.

“permitted Use” means the use of land or a building for which a permit shall be issued by the Development authority where such uses conform to all the provisions of the Bylaw.

“residential building” means any building or structure used exclusively for human habitation, which is placed on a permanent foundation that extends below ground level, and may include more than one dwelling units, lodging and boarding houses.

“Sign” means an object or device intended for the purpose of advertising or calling attention to any business, person, matter, thing, or event; but does not include address sign or a sandwich board sign.

“Subdivision and Development Appeal Board” means the Board established by Council by Bylaw under Sections 627 to 629 of the Act to consider and decide on appeals pursuant to section 683 to 687 of the Act.

“yard” means a part of a parcel upon or over which no main building is erected and is differentiated as follows:

- (i) “front yard” means the area extending across the full width of a parcel from the front line of the parcel to the main wall of the main building situated on the parcel.
- (ii) “rear yard” means the area 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.
- (iii) “side yard” means the area extending from the side wall of the main building projected to the side line of the parcel.

b) Words not listed in this section, and that have been defined in the Act, shall have the same meaning in this Bylaw as in the Act.

**PART II - ESTABLISHMENT OF THE DEVELOPMENT AUTHORITY**

**8) Development Authority**

- a) The Development Authority in the Village of Hay Lakes is the Development Officer.

**9) Development Officer**

- a) The Development Officer shall be:
- i) a person appointed as Chief Administrative Officer by resolution of Council; or
  - ii) any other person delegated the authority to perform the duties of the Development Officer by resolution of Council.

**10) Development Officer Responsibility**

- a) The Development Officer shall:
- i) receive, consider and approve or disapprove applications for a development permit; and
  - ii) make available for inspection during regular municipal office hours:
    - (1) a register of all applications for development permits and the decisions rendered on them with the reasons for the decision;
    - (2) a copy of this Bylaw as amended; and
    - (3) ensure that copies of this Bylaw can be purchased by the public at a reasonable cost.
  - iii) carry out the duties as prescribed in the Act with regard to appeals; and
  - iii) perform such duties required to enforce this Bylaw in conformance with the Municipal Government Act.

**11) Limited Authority to Approve**

- a) The Development Officer shall not approve a development permit on a property if the provisions of a previous development permit approved for the property have not been met unless:
- i) the Development Officer is satisfied that the proposed new development permit will result in meeting the requirement of the approved permit; and
  - ii) that security is in place that will insure the completion of the new development permit.

**PART III – DEVELOPMENT PERMITS, RULES AND PROCEDURES**

**12) Control of Development**

- a) No development, other than those described in Section 13, shall be undertaken within the Village of Hay Lakes unless:
  - i) a development permit application has been made;
  - ii) the development permit has been approved by the Development Officer; and
  - iii) the approval confirmed in writing by the Development Officer.

**13) Development Not Requiring a Development Permit**

- a) Provided that development conforms with all the provisions of this Bylaw, the following development shall not require a development permit:
  - i) the carrying out of works of maintenance or repair to any buildings provided that such works do not include structural alterations or major works of renovation;
  - ii) the completion of a building which was lawfully under construction at the date of the first reading of this Bylaw provided:
    - (1) that the building is completed in accordance with the terms of any permit granted in respect of it;
    - (2) subject to the conditions to which such permit was granted; and
    - (3) that the building is completed within a period of twelve months from the first reading of the Bylaw;
  - iii) a temporary building, the sole purpose of which is incidental to the erection or alteration of a building for which a permit has been issued under this Bylaw; and
  - iv) the construction, maintenance and repair of public works, services and utilities carried out by or on behalf of the federal, provincial and municipal public authorities on land which is publicly owned or controlled.

**14) Protection of Easements**

- a) Every applicant for a development permit must ensure that the proposed development meets the conditions of any easement, covenant or development agreement affecting the land or the building.

**15) Permit for a Permitted Use**

- a) A development permit for a permitted use listed in a land use District may be issued providing:
  - i) an application has been made; and
  - ii) the proposal meets the requirements of this Bylaw.

**16) Permit for a Discretionary Use**

- a) A development permit for a discretionary use listed in a land use District may be issued providing:
  - i) an application has been made;
  - ii) the proposal has been circulate to adjacent owners; and
  - iii) the proposal meets the requirements of this Bylaw.

**17) Application for a Development Permit**

- a) An application for a development permit shall be made to the Development Officer and shall:
  - i) be in writing using Form A attached to this Bylaw;
  - ii) provide a site plan in duplicate showing:
    - (1) the legal description;
    - (2) the front, rear, and side yards;
    - (3) provision for off-street vehicle parking; and
    - (4) access and egress points to the site;
  - iii) provide floor plans and elevations and sections in duplicate;
  - iv) describe the proposed use of the property;
  - v) verify the ownership of land and interest of the applicant therein;
  - vi) set out the estimated commencement and completion dates; and
  - vii) the estimated cost of the project or the contract price.
- b) A fee outlined on Schedule B shall accompany each application for a development permit.

**18) Decision on an Application**

- a) The Development Officer shall receive, consider and decide on all applications for a development permit.
- b) A decision of the Development Officer on an application for a development permit shall be given in writing and a copy of it sent to the applicant, and the owner of the land if not the same as the applicant.
- c) When the Development Officer refuses an application for a development permit, the decision shall contain reasons for the refusal.

**19) Lack of a Decision**

- a) An application for a development permit shall, at the option of the applicant, be deemed to be refused when a decision thereon is not made on it by the Development Officer within 40 days after receipt of the application by the Development Officer. The person claiming to be affected may appeal to the Subdivisions and Development Appeal Board in writing as though he had received a refusal.

**20) Waiting Period 90 Days**

- a) When a Development Officer, or on appeal the Subdivision and Development Appeal Board, refuse an application for a development permit the submission of another application for a permit on the same property and for the same or similar use of the land may not be accepted by the Development Officer for 90 days.

**21) Effective date of the Permit**

- a) A permit granted pursuant to this Part does not come into effect until 14 days after the date development permit is issued in writing, and any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant.
- b) Where a development appeal is made pursuant to Part 4 of this Bylaw whereby the permit may be modified or nullified, a development permit, which has been granted, shall not come into effect until the appeal process has been completed and the permit confirmed.

**22) Discretion of the Development Officer**

- a) In the case where a proposed specific use of land or a building is not provided for in any district in this Bylaw, the Development Officer may determine that such use is similar in character and purpose to a permitted or discretionary use prescribed for that district.
- b) The Development Officer may approve an application for a development permit notwithstanding that the proposed development does not comply with this Bylaw if, in the opinion of the Development Officer the proposed development:
  - i) will not unduly interfere with the amenities of the neighbourhood;
  - ii) will not materially interfere with or affect the use, enjoyment or value of neighbouring properties; and
  - iii) the proposed development conforms with the use prescribed for that land or building in this Bylaw.

**23) Notices**

- a) When a development permit has been granted for a discretionary use or for a permitted use with provisions modified from the requirement of this Bylaw, the Development Officer shall:
  - i) require the applicant to immediately post a notice of the decision conspicuously on the property for which the application has been made; and/or
  - ii) immediately publish a notice in a newspaper circulating in the Village of Hay Lakes describing the location of the property, and the use approved in the development permit granted.

**24) Conditions of Approval**

- a) In making a decision, the Development Officer may:
  - i) approve the application unconditionally, or impose conditions considered appropriate;
  - ii) as a condition of a development permit, require the applicant to make satisfactory arrangements for the supply of utilities;
  - iii) require the applicant to pay an off-site levy or redevelopment levy imposed by Bylaw;
  - iv) as a condition of a development permit, require the applicant enter into a development agreement; or
  - v) approve the permit permanently or for a limited period of time.

**25) Terms of a Development Agreement**

- a) When a development agreement is required the Council may require the applicant to construct or pay for the construction of public roadways or public facilities, to install or pay for the installation of utilities, or to pay an off-site levy or redevelopment levy imposed by bylaw.

**PART IV – APPEALS**

**26) Development Appeals**

- a) An appeal may be made to the Subdivision and Development Appeal Board when a Development Officer:
  - i) issues a development permit subject to conditions;
  - ii) issues a development permit where the provisions of the Bylaw are relaxed;
  - iii) refuses a development permit or fails to issue a development permit within forty days of receiving the application; and/or
  - iv) issues a Stop Order under Section 645 of the Act.
- b) The appeal to the Subdivision and Development Appeal Board may be made by:
  - i) the person applying for the development permit;
  - ii) the person affected by the development permit; or
  - iii) the person affected by a Stop Order.

**27) No Appeal Against Permitted Use**

- a) No appeals are allowed in respect of a development permit for a permitted use listed in a Land Use District and where all the provisions of this Bylaw are met.

**28) Launching an Appeal**

- a) An appeal may be launched by filling out Form E attached to this Bylaw and filing the appeal with the Subdivision and Development Appeal Board providing the following:
  - i) the legal description of the property and/or municipal address;
  - ii) the reason for the appeal and the issues or conditions in the decision or order that are the subject for the appeal;
  - iii) the address of the person appealing; and
  - iv) the appeal fee for an appeal to the Subdivision and Development Appeal Board as set out in Schedule B.

**29) Appeal Process**

- a) The Subdivision and Development Appeal Board shall:
  - i) within 30 days of receipt of a notice of appeal, hold a public hearing respecting the appeal;
  - ii) give at least 5 days notice of the public hearing in writing to the affected owners and the appellant;
  - iii) hear the Development Officer from whose order, decision or development permit the appeal is made; and
  - iv) hear the applicant and appellant and any other person who, in the opinion of the Subdivision and Development Appeal Board may be affected by the order, decision, or permit.

**30) Information to be Available**

- a) The Subdivision and Development Appeal Board shall make available for public inspection before the commencement of the public hearing:
  - i) all relevant documents and materials respecting the appeal;
  - ii) the application for the development permit, its refusal and the appeal there from; and
  - iii) in case of a Stop Order the Order of the Development Officer.

**31) Aspects to be Considered in Deciding an Appeal**

- a) In determining an appeal, the Subdivision and Development Appeal Board shall consider:
  - i) any Statutory Plan in effect in the area including an Area Structure Plan; and
  - ii) the affect of the proposal on the character of the area.

**32) Decision**

- a) The Subdivision and Development Appeal Board may:
  - i) confirm, revoke or vary the order, decision or development permit or any condition attached to any of them;
  - ii) make or substitute an order, any decision or permit of its own; and
  - iii) confirm a Stop Order directing the owner to comply with the Land Use Bylaw and/or a development permit.

**33) Variance**

- a) The Subdivision and Development Appeal Board may make an order or decision or issue or confirm the issuance of a development permit notwithstanding that the proposed development does not comply with this Land Use Bylaw if, in its opinion the development does not:
  - i) unduly interfere with the amenities of the neighbourhood;
  - ii) materially interfere with or affect the use, enjoyment or value of neighbouring properties; and
  - iii) the proposed development conforms with the use prescribed for that land or building in this Land Use Bylaw.

**34) Written Decision**

- a) The Subdivision and Development Appeal Board shall give its decision in writing together with reasons for the decision within 15 days of the conclusion of the hearing.

**35) Appeal to the Courts Only**

- a) A decision made under this part of the Bylaw is final and binding on all parties and all persons subject only to an appeal:
  - i) upon a question of jurisdiction or law pursuant to Section 688 and 689 of the Act to the Alberta Court of Appeal; and
  - ii) made within 30 days after the issue of the order, decision, permit or approval sought to be appealed.

**PART V – ENFORCEMENT AND ADMINISTRATION**

**36) Purpose**

- a) The purpose of this Part is to ensure:
  - i) that development within the Village of Hay Lakes is orderly, economical and beneficial; and
  - ii) that the requirements of this Bylaw are enforced fairly and consistently.

**37) Offence**

- a) A person is guilty of an offence when allowing or commencing any development that:
  - i) contravenes this Land Use Bylaw; and
  - ii) contravenes a development permit that has been issued.

**38) Correction of the Contravention**

- a) The Development Officer shall, by notice in writing, order the owner, the person in possession of the land or buildings or the person responsible for the contravention or all or any of them to:
  - i) stop the development or use of the land or buildings in whole or in part as directed by the notice;
  - ii) demolish, remove or replace the development;
  - iii) take other measures as are specified in the notice to remedy the contravention; and
  - iv) specify the time within which the action is to be taken.

**39) Enter on the Land and the Collection of Costs**

- a) A person appointed by Council as a Designated Officer may enter upon the land or enter the building and take such action as is necessary to carry out the order; and
- b) the costs and expenses incurred in carrying out the order will be placed on the tax roll as an additional tax against the property and that amount shall be collected in the same manner as taxes on land.

**40) Non-Conforming Buildings and Uses**

- a) 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 building shall conform with the provisions of the Bylaw.
- b) A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, shall not be enlarged or added to and no structural alterations shall be made to it or in it.
- c) A non-confirming use of part of a lot shall not be extended or transferred in whole or in part to any other part of the lot and no additional buildings shall be erected on the lot while the non-conforming use continues.
- d) A non-conforming building may continue to be used but the building shall not be enlarged, added to, rebuilt or structurally altered except:
  - i) as may be necessary to make it a conforming building; and
  - ii) as the Development Officer considers necessary for the routine maintenance of the building.
- e) If a non-conforming building is damaged or destroyed to the extent of more than 75 percent of the value of the building above its foundation, the building shall not be repaired or rebuilt except in accordance with this Bylaw.

**41) Change of Ownership**

- a) The use of land or the use of a building is not affected by reason only of a change of ownership, tenancy or occupancy of the land or building.

**PART VI - GENERAL REGULATIONS**

**42) Connection to Municipal Services**

- a) All developments must:
  - i) connect to the Village's Municipal Services unless;
    - (1) hook-up to the services be unfeasible or undesirable, the Development Officer may then accept alternative servicing measures provided that:
      - (a) the servicing measure meets the requirements of provincial guidelines, regulations, and legislation.

**43) Protection of Local Improvements**

- a) Local improvements will be protected and the Development Officer may:
  - i) require, as a condition of issuing a development permit, that a developer post a bond to cover cost of repairing local improvements which may be damaged during the process of development; and
  - ii) the bond shall be returned if no damage results from development.

**44) Accessory Building**

- a) More than one accessory building may be allowed on large lots at the discretion of the Development Officer, as long as the site coverage does not exceed the land use district requirements.

**45) Parking Requirements**

- a) Off-Street automobile parking spaces shall be provided as follows:
  - i) Residential                      2 per Dwelling unit;
  - ii) Commercial                      1 per 35m<sup>2</sup> of building floor area;
  - iii) Industrial uses                      1 per 50m<sup>2</sup> of building floor area; and
  - iv) the Development Officer will specify the parking requirements for institutional and special uses.

**46) Loading Facilities**

- a) All off street loading facilities shall:
  - i) be designed so that no part of a vehicle encroaches on a street, lane, or other public property; and
  - ii) shall be screened from any residential use adjacent to the property.

**47) Landscaping**

- a) The Development Officer shall require:
  - i) all developments to be properly landscaped; and
  - ii) a landscaping plan be submitted with every development application except for single family homes, duplex, and modular homes;
- b) The Development Officer may vary the requirement for landscaping for development that is not adjacent to a residential district.

**48) Signs**

- a) All signs shall:
  - i) require a development permit and the permit shall only be issued by the Development Officer if the proposed sign:
    - (1) provides a pleasant, neat, and clean appearance;
    - (2) does not impede sight lines for traffic; and
    - (3) is consistent with the character of the neighbourhood.

**49) Prohibited Objects in a Yard**

- a) Prohibited objects shall not be kept on any visible part of a yard. Prohibited objects include, but are not limited to, the following:
  - i) any dismantled or wrecked vehicle for more than one month; and/or
  - ii) any object which, in the opinion of the Development Officer, is unsightly and distracts from the amenity of the neighbourhood.

**50) Aesthetic Appearance**

- a) The design of all new buildings, their elevations and exterior finish shall:
  - i) add to the quality and the aesthetic appearance of the neighbourhood in which it is proposed to be located; and
  - ii) be to the satisfaction of the Development Officer.

**51) Lot Grading**

- a) Lot grading of all new development shall ensure that surface drainage does not discharge to adjacent lots.

**52) Solar Collector Protection**

- a) Solar collectors will be protected and no development permit shall:
  - i) be issued for the construction or enlargement of any building which would significantly reduce the amount of sunlight falling on any solar collection system which is complete or under construction at the time of application for the permit.

**53) Utility Easements**

- a) Utility easements shall be kept free of all buildings unless:
  - i) the Development Officer decides that the building does not restrict access to the utility easement for the purpose of installation and maintenance of the utility; and
  - ii) written consent has been obtained from the utility company to which the easement has been granted.

**54) Sour Gas Facility**

- a) Development proposed within 1.5 kilometers of a sour gas facility shall:
  - i) be referred to the Alberta Energy and Utilities Board for comments and recommendation; and
  - ii) the comments received shall guide the Development Officer in making a decision on the proposal.

**55) Environmental Hazard**

- a) Development proposed on land with environmental hazard shall:
  - i) be refused if the proposed use could suffer environmental damage;
  - ii) the Development Officer may give an approval, providing:
    - (1) the owner/developer undertakes appropriate remedial actions;
    - (2) the owner/developer in writing demonstrates an understanding of the risk; and
    - (3) the owner/developer in writing accepts responsibility for the environmental risk.

**PART VII - REGULATIONS FOR PARTICULAR USES**

**56) Accessory Buildings Including Garages**

- a) Accessory buildings including garages shall not be permitted unless the principal building is constructed, or proposed to be constructed, on the same lot.
- b) Accessory buildings including garages shall:
  - i) be considered a part of the principal building and not as an accessory building when attached to the principal building by a roof, an open or enclosed structure, a floor or a foundation;
  - ii) have a maximum site coverage of 12% of the total lot area;
  - iii) have a front yard setback similar to the front of the principal building;
  - iv) have a minimum rear yard setback of:
    - (1) 1 m (3 ft.) without a lane; and
    - (2) 6 m (20 ft.) with a lane.
  - v) have minimum side setback of 1 m (3.3 feet).
- c) Not more than two accessory buildings shall be placed on one residential lot.

**57) Swimming Pools**

- a) Swimming pools shall be secured by an approved fence or wall of a building against entry of the public other than the owners, tenants or their guests. The approved fence shall:
  - i) be of close boarded, chain-link or other approved design such that it will reasonably deter children from climbing over or crawling through or under it to gain access to the fenced-in area;
  - ii) have gates that provide protection equivalent to the fence equipped with a self-latching device and lock near the top and on the inside;
  - iii) have a gate locked except when the fenced-in area is actually being used and supervised by the owner of the premises or other adult person authorized by the owner to supervise the use of the pool; and
  - iv) no barbed wire nor devise for projecting an electric current shall form part of a fence or gate.
- b) The swimming pool shall:
  - i) clearly show the depth of the pool in feet and meters at the deepest point and the shallowest point;
  - ii) be provided with at least one exit ladder or stair from the deepest part of the pool; and
  - iii) have water treated to the satisfaction of the Medical Officer of Health.

**58) Fencing, Hedges and Decks**

- a) All fencing and hedges shall:
  - i) be located on private property;
  - ii) be not higher than:
    - (1) 1m (3 ft.) in the front yard (note definition); and
    - (2) 2 m (6 ft.) in the side yard and rear yard.
- b) All decks shall:
  - i) be located on private property;
  - ii) be no higher than 1.5 m (5 ft.); and
  - iii) have the same minimum setbacks as the principal building.

**PART VIII - LAND USE DISTRICT REGULATIONS**

**59) Establishment of Districts**

- a) For the purpose of this Bylaw the Village of Hay Lakes is divided into the following Districts:
- R1 - Residential
  - R2 - Residential
  - MHP - Manufactured Home Park
  - C1 - General Commercial
  - C2 - Highway Commercial
  - I - Industrial
  - A - Agricultural
  - PCS – Parks and Community Service District
- b) The District boundaries are shown on Schedule “A” Land Use Map. When there is a dispute about the location of a boundary the Development Officer shall use:
- i) the nearest parcel boundary;
  - ii) the municipal boundary;
  - iii) the center line of a road or lane right-of way; or
  - iv) a scale to plot the location of the boundary
- c) All development must meet the regulations set out for each District.

**60) R1- Residential District**

- a) The purpose of the R1 Residential District is to accommodate large lots with spacious homes build on permanent foundations.
  
- b) Permitted Uses
  - i) Single family home
  - ii) Parks and playgrounds
  - iii) Accessory buildings
  
- c) Discretionary Uses
  - i) Basement suites
  - ii) Churches and schools
  - iii) Group home
  - iv) Home occupation
  - v) Modular home
  - vi) Public utilities installations
  - vii) Swimming pools
  - viii) Uses similar to the permitted and discretionary uses

**61) Minimum Floor Area**

- a) Each dwelling unit shall have a minimum floor area of 100m<sup>2</sup> (1100 sq. ft.).

**62) Site Requirements**

- a) The minimum site area shall be:
  - i) 500 m<sup>2</sup> (5400 ft.<sup>2</sup>) for a lot with access to a lane;
  - ii) 550 m<sup>2</sup> (6000 ft.<sup>2</sup>) for a lot without access to a lane; and
  - iii) 600 m<sup>2</sup> (6500 ft.<sup>2</sup>) for a corner lot.
  
- b) The minimum site width shall be:
  - i) 15 m (50 ft.) for interior lots; and
  - ii) 17 m (56 ft.) for corner lots.

- c) The minimum yard requirements for the principle building shall be:
- i) front yard 7 m (23 ft.).
  - ii) side yard:
    - (1) 1.5 m (5 ft.) one side and 3 m (10 ft.) on the other side;
    - (2) 1.5 m (5 ft.) on both sides for lots with access to a lane; and
    - (3) 3 m (10 ft.) on the street side of a corner lot.
  - iii) rear yard 7 m (23 ft.).

### **63) Building Height**

- a) The maximum building height shall be: 6 m (20 ft.).

### **64) Site Coverage**

- a) The site coverage of all the buildings shall not exceed 35% of the total site area.

### **65) Home Occupation Regulations**

- a) When deciding an application for a home occupation the Development Officer shall ensure that:
- i) the dwelling has adequate floor space;
  - ii) the proposed home occupation is compatible with the residential nature of the dwelling and does not change the character of the neighbourhood;
  - iii) the home occupation is carried on entirely within the building;
  - iv) no outside employees are required to operate the home occupation; and
  - v) the home occupation requires only a limited number of visitors.

### **66) Modular Home Regulation**

- a) When deciding an application for a modular home the Development Officer shall ensure that:
- i) the dwelling will be placed on a permanent foundation; and
  - ii) the dwelling will have the appearance of an onsite built home.

**67) R2- Residential District**

- a) The purpose of the R2 Residential District is to accommodate a variety of dwelling types in well matched clusters, producing a harmonious urban development pattern.
- b) Permitted Uses
  - i) Basement suites
  - ii) Duplex
  - iii) Parks and playgrounds
  - iv) Modular homes
  - v) Single family home
  - vi) Accessory buildings to the above
- c) Discretionary Uses
  - i) Apartment
  - ii) Churches and schools
  - iii) Group home
  - iv) Home occupation
  - v) Public utilities installations
  - vi) Recreation facilities
  - vii) Row housing
  - viii) Swimming pools
  - ix) Uses similar to the permitted and discretionary uses

**68) Minimum Floor Area**

- a) The minimum floor area for each dwelling unit shall be 80 m<sup>2</sup> (860 ft.<sup>2</sup>).

**69) Site Requirements**

- a) The minimum site area required for each dwelling unit in a residential building shall be:
  - i) 400 m<sup>2</sup> (4300 ft.<sup>2</sup>) for a single family home and modular home;
  - ii) 300 m<sup>2</sup> (3200 ft.<sup>2</sup>) in a duplex and row housing; and
  - iii) 200 m<sup>2</sup> (2200 ft.<sup>2</sup>) in an apartment
- b) The minimum yard requirements for the principle buildings are:
  - i) front yard 7 meters (23 ft.); and
  - ii) side yard:
    - (1) single and two stories:
      - (a) 1.5 m (5 ft.) one side and 3 m (10 ft.) on the other side;
      - (b) 1.5 m (5 ft.) on both sides for lots with access to a lane; and
      - (c) 3 m (10 ft.) on the street side of a corner lot;
    - (2) 30% of the building height for buildings three story or more;
  - iii) rear yard 7 m (23 ft.).

**70) Building Height**

- a) The maximum building height shall be 9 m (30 ft.).

**71) Site Coverage**

- a) The maximum site coverage of all the buildings shall not exceed 35% of the total site area.

**72) Home Occupation Regulations**

- a) When deciding an application for a home occupation the Development Officer shall ensure that:
  - i) the dwelling has adequate floor space;
  - ii) the proposed home occupation is compatible with the residential nature of the dwelling and does not change the character of the neighbourhood;
  - iii) the home occupation is carried on entirely within the building;
  - iv) no outside employees are required to operate the home occupation; and
  - v) the home occupation requires only a limited number of visitors.

**73) MHP - Manufactured Home Park**

- a) The purpose of the MHP - manufactured home park is to provide a pleasant, well planned urban environment where attractive mobile homes and modular homes can be placed on pleasing sites.
- b) Permitted Uses
  - i) Mobile home
  - ii) Modular home
  - iii) Parks and playgrounds
  - iv) Single family home
  - v) Accessory Buildings
- c) Discretionary Uses
  - i) Churches and schools
  - ii) Group home
  - iii) Home occupation
  - iv) Public utilities installations
  - v) Recreation facilities
  - vi) Swimming pools
  - vii) Uses similar to the permitted and discretionary uses

**74) Minimum Floor Area**

- a) The minimum floor area for each dwelling unit shall be 80 m<sup>2</sup> (900 sq. ft.).

**75) Minimum Site Requirement**

- a) A manufactured home park shall:
  - i) have minimum site area of 5000 m<sup>2</sup> (54,000 ft<sup>2</sup>);
  - ii) not contain more than one dwelling unit for every 200 m<sup>2</sup> (2200 ft<sup>2</sup>) of site area; and
  - iii) each dwelling unit will be placed on a designated stall clearly marked on the ground.
- b) The minimum yard requirements:
  - i) 5 m (16 ft.) for the front yard, side yard and rear yard; and
  - ii) all required yards shall be landscaped except for the access driveway.

**76) Parking**

- a) Each designated stall shall have 2 parking spaces and the manufactured home park shall have 1 visitor parking space for every 2 dwelling units.

**77) Storage Area**

- a) A screened common storage areas will be located within the manufactured home park of adequate size to store seasonal and recreational equipment.

**78) Recreational Area**

- a) A recreation area shall be set aside totaling 5% of the total area of the manufactured home park.

**79) Identification Sign**

- a) An identification signs is permitted at the entrance to the park providing:
  - i) the design of the sign is aesthetically integrated into the landscaping and fencing of the manufactured home park.
  - ii) the sign is not larger than 3 m<sup>2</sup> (32 ft.<sup>2</sup>)

**80) Design**

- a) The manufactured home park must be designed by qualified professionals to ensure:
  - i) a modern up date concept;
  - ii) the project fits into the neighbourhood; and
  - iii) a high quality living environment is created.

**81) Conditions of Development**

- a) The applicant for approval of a manufactured home park will be required to enter into a development agreement with the Village of Hay Lakes to ensure the construction and maintenance of the following facilities and services:
  - i) landscaping;
  - ii) fencing and screening;
  - iii) storm sewers and ditches;
  - iv) sanitary sewers;
  - v) water, power, gas;
  - vi) roadways, sidewalks;
  - vii) snow removal;

**Conditions of Development contd.**

- viii) garbage collection;
- ix) fire fighting;
- x) parks and playgrounds;
- xi) other services necessary for the manufactured home park; and
- xii) such other matters deemed necessary by the Development Officer.

**82) General Regulations for Mobile Homes**

- a) A mobile home unit shall not be located on any site within a manufactured home park until the Development Officer has issued a permit.
- b) Each application for a Development permit shall be accompanied by a site plan and a landscaping plan.
- c) All accessory structures such as patios, porches, additions, skirting and storage facilities shall be designed and constructed to compliment the mobile home.
- d) The undercarriage of each mobile home shall be suitably enclosed from view by skirting and hitches shall be removed or properly screened.
- e) Each mobile home shall be placed upon a concrete pad and supported by blocks with the design approved by the Development Officer.
- f) All support utilities shall be underground and roads shall be paved or hard surfaced.

**83) Home Occupation**

- a) When deciding an application for a home occupation the Development Officer shall ensure that:
  - i) the dwelling has adequate floor space;
  - ii) the proposed home occupation is compatible with the residential nature of the dwelling and does not change the character of the neighbourhood;
  - iii) the home occupation is carried on entirely within the building;
  - iv) no outside employees are required to operate the home occupation; and
  - v) the home occupation requires only a limited number of visitors.

**84) C1 - General Commercial District**

- a) The purpose of C1 General Commercial District is to provide land for the development of retail and general commercial uses.
- b) Permitted Uses
  - i) Bakeshops
  - ii) Banks
  - iii) Business and professional offices
  - iv) Combination wholesaling and retail store
  - v) Dry cleaners and laundries
  - vi) Eating establishments
  - vii) Funeral parlors
  - viii) Hotels
  - ix) Personal service shops
  - x) Post Offices
  - xi) Public libraries
  - xii) Retail stores
  - xiii) Theatres, halls and hotels
  - xiv) Transportation depots
  - xv) Accessory Buildings
- c) Discretionary Uses
  - i) Auction rooms
  - ii) Bowling Alleys
  - iii) Cinemas
  - iv) Dwelling Units on the second floor
  - v) Parks
  - vi) Pool halls
  - vii) Private clubs and lodges
  - viii) Private residences
  - ix) Public and quasi-public Buildings
  - x) Utility installations
  - xi) Warehousing with inside storage only
  - xii) Workshops accessory to permitted uses
  - xiii) Uses similar to the permitted and discretionary uses

**85) Site Requirements**

- a) The minimum site area shall be 200 m<sup>2</sup> (2200 ft.<sup>2</sup>).
- b) The minimum site width shall be 8 m (26 Ft.).
- c) The minimum yard requirements are:
  - i) front yard 2 m (6 ft.);
  - ii) side yard:
    - (1) 3 m (10 ft.);
    - (2) 2 m (6 ft.) side abutting a street; and
    - (3) none on the side abutting land in a commercial district.
  - iii) rear yard 10 m (33 ft.).

**86) Building Height**

- a) Maximum building height shall be 10 m (33 ft.).

**87) Regulations Regarding Specific Uses**

- a) Each lot in this district shall have access to lane.
- b) Gasoline outlets will only be allowed providing:
  - i) the minimum site area is 600 m<sup>2</sup> (6500 ft.<sup>2</sup>); and
  - ii) the minimum setback for the main building is 6 m (20 ft.).

**88) C2 - Highway Commercial District**

- a) The purpose of C3 Highway Commercial District is to provide land for the development of land uses that serve the motoring public.
- b) Permitted Uses
  - i) Automotive sales, including truck and farm equipment
  - ii) Cabaret and dancing establishments
  - iii) Drive-in restaurants and cafes
  - iv) Gasoline service stations
  - v) Motels and hotels
  - vi) Travel bureaus, trailer parks and campsites
  - vii) Accessory buildings
- c) Discretionary Uses
  - i) Bowling Alleys
  - ii) Car washes
  - iii) Mobile Home sales
  - iv) Public parks
  - v) Uses similar to the permitted and discretionary uses

**89) Site Requirements**

- a) The minimum site area shall be 1300 m<sup>2</sup> (14000 ft.<sup>2</sup>).
- b) The minimum site width shall be 35 m (120 ft.).
- c) The minimum yard requirements are:
  - i) front yard 6m (20 ft.);
  - ii) side yard:
    - (1) 6 m (20 ft.); and
    - (2) none on the side abutting land in a commercial district.
  - iii) rear yard 10 m (33 ft.).

**90) Building Height**

- a) Maximum Building Height shall be 10 m (33 ft.).

**91) I - Industrial District**

- a) The purpose of the I 1- Industrial District is to accommodate a variety of industrial uses in a neat and tidy business park where the buildings are maintained, landscaped areas are trimmed and kept up, and debris and unsightly objects are hidden or removed.
- b) Permitted Uses
  - i) Heavy and light industrial uses including:
    - (1) Manufacturing
    - (2) Processing
    - (3) Repairing
    - (4) Servicing establishments
    - (5) Storage
  - ii) Warehousing distributions
  - iii) Accessory buildings
- c) Discretionary Uses
  - i) Abattoir
  - ii) Auction marts
  - iii) Auto wreckers
  - iv) Bulk fertilizer stations
  - v) Municipal utility plants
  - vi) Packing plants
  - vii) Parks
  - viii) Veterinary clinics, and
  - ix) Uses similar to the permitted and discretionary uses.

**92) Site Requirements**

- a) The minimum site area shall be 1300 m<sup>2</sup> (14000 ft.<sup>2</sup>).
- b) The minimum site width shall be 35 m (120 ft.).
- c) The yard requirements are:
  - i) front yard 10 m (33 ft.);
  - ii) side yard:
    - (1) one side 6 m (20 ft.); and
    - (2) the other side 2 m (6 ft.)
  - iii) rear yard 10 m (33 ft.).

**93) Building Height**

- a) The maximum building height shall be 10 m (33 ft.).

**94) Regulations for Specific Activities**

- a) The following activities are permitted providing they meet the specific provisions.
  - i) Burning:
    - (1) will be permitted within the Industrial District only if the burning facilities have been approved by the Fire Chief and Alberta Environment.
  - ii) Outdoor storage of materials:
    - (1) the area is screened to the height of the material to be stored; and
    - (2) it is an accessory use and not the main use.
  - iii) Multiple accesses to each lot:
    - (1) the number does not exceed two driveways; and
    - (2) the location and design minimize interruption of traffic.

**95) A - Agricultural District**

- a) The purpose of the A - Agricultural District is to designate land for future urban use, meanwhile allowing limited agricultural activity that facilitates conversion to urban uses and does not detract from the urban nature of the Village of Hay Lakes.
- b) Permitted Uses
  - i) Single family dwelling units
  - ii) Accessory buildings
- c) Discretionary Uses
  - i) Limited agricultural uses will be permitted on an interim basis provided that the use:
    - (1) will not impede the eventual urbanization of the land; and
    - (2) will not unduly interfere with the amenities of the Village nor materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.
  - ii) Recreational facilities
  - iii) Uses similar to the permitted and discretionary uses.

**96) PCS – Parks and Community Service District**

- a) The purpose of the PCS – Parks and Community Service District is accommodate park areas and community facilities which meet active and passive recreational and leisure pursuits.
- b) Permitted Uses
  - i) Active and passive recreational facilities and buildings
  - ii) Parks
  - iii) Accessory buildings
- c) Discretionary Uses
  - i) Camping
  - ii) Cemeteries
  - iii) Schools
  - iv) Uses similar to the permitted and discretionary uses

**97) Site Requirements**

- a) Minimum site area shall be 1000 m<sup>2</sup> (11,000 ft.<sup>2</sup>).
- b) The minimum setback shall be 3 m (10 ft.) from all boundaries.

**BYLAW NO. 06-2001  
Land Use Bylaw**

**SCHEDULE A Land Use District Map**

**BYLAW NO. 06-2001**  
**Land Use Bylaw**

**SCHEDULE B Fees**

The following fees are required to be paid as directed in the Bylaw:

- |  |               |
|--|---------------|
| a) Application for a Development Permit<br>advertising costs if applicable                         | \$ 50.00 plus |
| b) Appeal of the Development Officer's Decision<br>to the Subdivision and Development Appeal Board | \$ 100.00     |
| c) Application for Amendment to the Land Use Bylaw   | \$ 50.00      |