

VILLAGE OF IRMA



LAND USE BYLAW NO. 15-02

OCTOBER 2015

THIS BYLAW HAS BEEN PREAPRED FOR THE VILLAGE OF IRMA WITH THE ASSISTANCE OF NORTH STAR PLANNING INC.. MANY THANKS TO THE COUNCIL, ADMINISTRATION AND THE RESIDENTS OF THE VILLAGE OF IRMA.



VILLAGE OF IRMA LAND USE BYLAW No. 15-02

TABLE OF CONTENTS

PART I: INTRODUCTION	1	PART V: PERMIT PROCESS	31
SECTION 1: TITLE	1	SECTION 18: DEVELOPMENT CONTROL	31
SECTION 2: SCOPE AND APPLICATION	1	SECTION 19: SAME OR SIMILAR USE	31
SECTION 3: PREVIOUS BYLAW	1	SECTION 20: DEVELOPMENT PERMIT NOT REQUIRED.	31
SECTION 4: PURPOSE	1	SECTION 21: PERMIT APPLICATION	33
SECTION 5: INTERPRETATION	2	SECTION 22: PRE-NOTIFICATION	35
SECTION 6: EFFECTIVE DATE	2	SECTION 23: REFERRAL PROCESS	35
SECTION 7: PLANNING FRAMEWORK	2	SECTION 24: DECISION NOTIFICATION	36
SECTION 8: TECHNICAL AMENDMENTS	2	SECTION 25: PERMIT EXPIRY	37
SECTION 9: FORMS	3	SECTION 26: EFFECTIVE DATE	37
PART II: ADMINISTRATION	5	SECTION 27: PERMIT TRANSFERS	37
SECTION 10: DEVELOPMENT AUTHORITY	5	SECTION 28: DEEMED REFUSAL	37
SECTION 11: APPEAL AUTHORITY	5	SECTION 29: SUBSEQUENT APPLCIATION	38
SECTION 12: AMENDMENT TO THIS BYLAW	5	SECTION 30: SUSPENSION & CANCELLATION	38
SECTION 13: INVALID SECTIONS	7	SECTION 31: APPEAL PROCEDURE	38
SECTION 14: FEES	7	SECTION 32: NON CONFORMING USE OR BUILDING	39
PART III: DEFINITIONS	9	SECTION 33: PERMITTED USE - COMPLIANT	39
SECTION 15: TERMS AN DEFINITIONS	9	SECTION 34: PERMITTED USE - VARIANCE REQUIRED	41
PART IV: CONTRAVENTION	27	SECTION 35: DISCRETIONARY USE	42
SECTION 16: CONTRAVENTION	27	SECTION 36: VARIANCE PROVISIONS	42
SECTION 17: ENFORCEMENT	28	SECTION 37: MANDATORY REFUSALS	43
		PART VI: GENERAL REGULATIONS	45
		SECTION 38: ACCESSORY BUILDINGS	45
		SECTION 39: BUILDING DEMOLITION	46
		SECTION 40: BUILDING HEIGHT	46
		SECTION 41: CORNER SITES	47
		SECTION 42: CURB CUTS	48

VILLAGE OF IRMA LAND USE BYLAW No. 15-02

TABLE OF CONTENTS

SECTION 43: DWELLING DENSITY	48	SECTION 70: COMMUNICATION TOWERS	61
SECTION 44: EMERGENCY ACCESS	48	SECTION 71: GROUP HOME SERVICES	62
SECTION 45: EXCAVATIONS AND GRADING	49	SECTION 72: HOME BASED BUSINESSES	62
SECTION 46: FENCING & SCREENING	49	SECTION 73: KENNELS	63
SECTION 47: HAZARDOUS MATERIALS	50	SECTION 74: LIVE/WORK COMMUNITY	63
SECTION 48: RESIDENTIAL IN-FILL	51	SECTION 75: MIXED USE DEVELOPMENT	64
SECTION 49: LANDSCAPING	51	SECTION 76: MULTI-UNIT RESIDENTIAL	64
SECTION 50: LANEWAY ACCESS	52	SECTION 77: PETROLEUM FACILITIES	65
SECTION 51: PROHIBITED & RESTRICTED DEVELOPMENT	52	SECTION 78: PLACES OF WORSHIP	66
SECTION 52: ON-SITE ENERGY SYSTEMS	52	SECTION 79: POOLS AND HOT TUBS	67
SECTION 53: ON-SITE SERVICING	54	SECTION 80: PORTABLE BUILDINGS	67
SECTION 54: OUTSIDE STORAGE & DISPLAY FOR COMMERCIAL USE	54	SECTION 81: RESIDENTIAL STANDARDS	67
SECTION 55: PRINCIPAL BUILDING OR USE	54	SECTION 82: RESIDENTIAL PARKS	69
SECTION 56: POLLUTION CONTROL	55	SECTION 83: SECONDARY SUITES	70
SECTION 57: PROJECTION INTO YARDS	55	SECTION 84: SHIPPING CONTAINERS	71
SECTION 58: BUILDING RELOCATION	56	SECTION 85: SURVEILLANCE SUITES	71
SECTION 59: PUBLIC UTILITIES	57		
SECTION 60: CIVIC (STREET) ADDRESS	57	<u>PART 8 : PARKING REQUIREMENTS</u>	<u>73</u>
SECTION 61: VEHICLE ACCESS	57		
SECTION 62: ZERO SIDE YARDS	57	SECTION 86: GENERAL REQUIREMENTS	73
		SECTION 87: ON-STREET PARKING	73
<u>PART 7: USE SPECIFIC REGULATIONS</u>	<u>59</u>	SECTION 88: OFF-STREET LOADING	74
		SECTION 89: PARKING REQUIREMENTS	74
SECTION 63: ACESSORY FOOD & LIQUOR SERVICE	59		
SECTION 64: ADULT ENTERTAINMENT BUSINESS	59	<u>PART 9: SIGNAGE REQUIREMENTS</u>	<u>79</u>
SECTION 65: BED AND BREAKFAST	59		
SECTION 66: CAMPGROUNDS AND R.V. PARKS	60	SECTION 90: SIGNAGE REGULATION	79
SECTION 67: CAR WASH	60		
SECTION 68: CHILD CARE SERVICES	60		
SECTION 69: HOTELS & MOTELS	61		

VILLAGE OF IRMA LAND USE BYLAW No. 15-02

TABLE OF CONTENTS

<u>PART 10: DISTRICT REGULATIONS</u>	81
SECTION 91: GENERAL REGULATIONS	81
SECTION 92: R1 - RESIDENTIAL	83
SECTION 93: R2 - RESIDENTIAL	85
SECTION 94: R3 - RESIDENTIAL	87
SECTION 95: RP - RESIDENTIAL PARK	89
SECTION 96: LW - LIVE WORK	91
SECTION 97: C1 - URBAN CENTRE	93
SECTION 98: C2 -GENERAL BUSINESS	95
SECTION 99: CRX - TRANSITION AREA	97
SECTION 100: M1 - INDUSTRY	99
SECTION 101: CS - COMMUNITY SERVICES	100
SECTION 102: UR - URBAN RESERVE	101

FORMS: DEVELOPMENT PERMIT APPLICATION

LAND USE DISTRICT MAP

VILLAGE OF IRMA LAND USE BYLAW No. 15-02
TABLE OF CONTENTS



PART I: INTRODUCTION

SECTION 1: TITLE

This Bylaw is to be known as the "Village of Irma Land Use Bylaw", as described by Village of Irma Bylaw No. 15-02.

SECTION 2: SCOPE AND APPLICATION

All land use approvals including subdivision applications, development permit applications and land use bylaw amendments shall be carried out in conformity with this Bylaw.

Enforcement measures that include suspension or cancellation of development permit approvals, stop orders or Section 545/546 Orders shall be in accordance with the provisions of the Municipal Government Act, as amended, and this Bylaw.

SECTION 3: PREVIOUS BYLAW

No provisions of any other Bylaws with respect to districting, development control and land use classifications shall hereafter apply to any part of the Village of Irma.

SECTION 4: PURPOSE

The purpose of this Bylaw is to promote best practices and the optimal use and development of land and buildings within the Village of Irma; and to achieve the orderly and economic development of land. For this purpose, amongst other things, the purpose of this Bylaw shall be:

- 1) to divide the Village into land use districts, and to prescribe and regulate for each district the purpose for which land and buildings may be used;
 - a) to establish the Village of Irma Development Authority and the office of the Development Officer;
 - b) to establish a method of making decisions on applications for development permits and issuing development permits for any development, including provision for;
 - i. the types of development permits that may be issued,
 - ii. the manner in which to apply for a development permit,
 - iii. the issuing, cancelling, suspending or refusing to issue a development permit,

- iv. the length of time a development permit remains in effect,
 - v. the discretion that the development authority may exercise with respect to decision making on development permit applications, and
 - vi. how and to whom notice of the issuance of a development permit is to be given.
- c) to establish a framework for decision making on applications for subdivision approval in accordance with the provisions of Part 17 of the Municipal Government Act, as amended;
- d) to establish supplementary regulations governing certain specific land uses; and
- e) to establish a method for making amendments to this Bylaw.

SECTION 5: INTERPRETATION

- 1) The word "*should*", which precedes an action statement in this Bylaw means that the statement is an expression of desire.
- 2) The word "*shall*" means that the action is mandatory.

- 3) The word "*may*" means that the action is discretionary. Actions taken are based upon sound planning goals and principles and best practices.
- 4) Words in singular may also mean plural. Words referencing a gender mean all genders and may include corporations.



Tip: Inserts into this Bylaw such as this are not to be considered part of this Bylaw. They are meant to be used as a guide to interpreting or understanding how this Bylaw works and is applied in day to day use.

SECTION 6: EFFECTIVE DATE

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

SECTION 7: PLANNING FRAMEWORK

This Bylaw is enacted under the provisions of the Municipal Government Act, as amended. This Bylaw is intended to be read in conjunction with the *Municipal Government Act*.

SECTION 8: TECHNICAL AMENDMENTS

Updates to Section numbers, references to specific sections of legislation and name changes may be made

without a formal amendment to this Bylaw or Council approval.

SECTION 9: FORMS

Council shall, by resolution, authorize the preparation and use of such forms and notices as it determines necessary to administer this Bylaw.

Minor amendments to form(s) which are considered technical in nature and do not materially effect the spirit, intent, or general purpose of the form(s) may be made by the Development Authority.

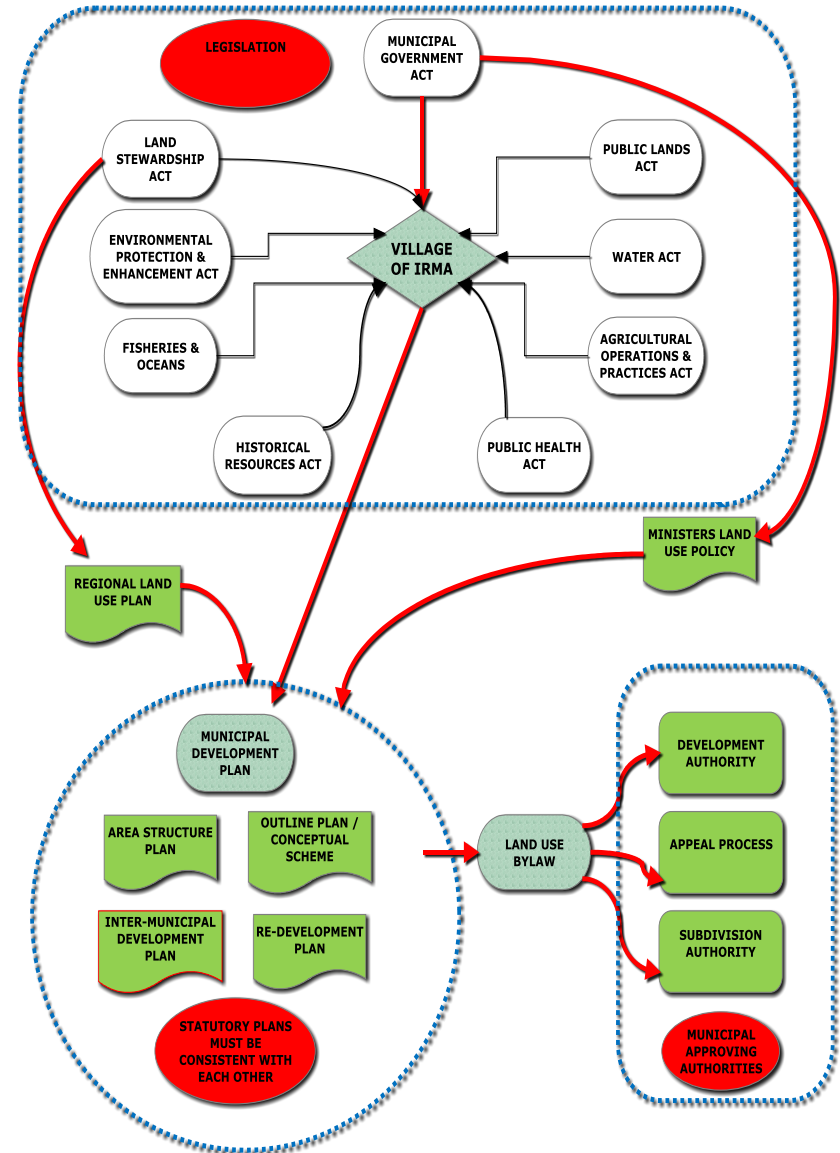


FIGURE NO. 1: PLANNING PROCESS



PART II: ADMINISTRATION

SECTION 10: DEVELOPMENT AUTHORITY

- 1) The Development Authority for the Village of Irma is established under this Bylaw pursuant to Section 624 of the "ACT".
- 2) The Development Authority for the Village of Irma is that person(s) appointed by Council as Development Officer pursuant to this Bylaw.
- 3) The Development Authority shall carry out its function in accordance to powers and duties described in the "ACT", its regulations, and this Bylaw, as amended from time to time.
- 4) The Development Officer shall keep and maintain for the inspection of the public during all reasonable hours, a copy of this bylaw and all amendments thereto; keep a register of all applications for development, including the decisions thereon and the reasons therefore.
- 5) For the purposes of "right of entry" and Development Authority, the Development Officer is hereby declared an Authorized Person of Council.
- 6) For the purpose of application of Section 542 of the ACT, the Development Officer is hereby designated

as authorized by the Village of Irma to discharge the relevant powers and functions.

SECTION 11: APPEAL AUTHORITY

- 1) The Subdivision and Development Appeal Board for the Village of Irma is established by the *Village of Irma Subdivision and Development Appeal Board Bylaw*, as amended from time to time.
- 2) The Subdivision and Development Appeal Board shall perform the duties and functions as described in this Bylaw and the Act.
- 3) The Subdivision and Development Appeal Board shall review all appeal applications within its jurisdiction for development appeal, Stop Order Appeal and Subdivision appeal.

SECTION 12: AMENDMENT TO THIS BYLAW

- 1) A person may apply to amend this Bylaw or a Statutory Plan, in writing, to the Development Authority by completing the proper form. All proposed amendments to this Bylaw shall be made in accordance with Section 692 of the ACT.
- 2) As part of the application, the applicant must provide the following information:

- a) reasoning in support of the application,
 - b) right of entry privileges to the Development Authority and any other person(s) from the Village of Irma that may need to visit the site to assess the application,
 - c) pay the appropriate fee as established by the Village of Irma from time to time,
 - d) the current and proposed use of the subject land, and
 - e) current and proposed servicing of the subject land.
- 3) Upon receipt of an application completed in full, the Development Authority shall carry out any necessary investigation or analysis of any land use issues related to the proposal, and prepare a report to Council for consideration.
- 4) After initial consideration by the Development Authority and advice being given to the applicant, the applicant may:
- a) proceed with the amendment,
 - b) modify the amendment, or
 - c) withdraw the amendment.
- 5) Once all necessary investigations have been conducted, the Development Authority shall formally forward the application (if it is still active) to Council along with an amendment bylaw in the proper form.
- 6) The Development Officer may recommend, and Council may initiate an amendment to the proposed Bylaw.
- 7) Notwithstanding anything in this Bylaw, a proposed amendment that has been rejected by Council within the previous six (6) months may not be reconsidered unless Council otherwise directs.



Tip: Note that Section 188 of the Act requires an amending Bylaw to be passed within 2 years of first reading in order to remain valid.

It is required that a formal public hearing be held prior to considering of second reading of an amending Bylaw.

It is possible to consider all three readings of an amending bylaw in the same Council meeting.

First reading should be considered as nothing more than an administrative action and not a sign of Council being in favour or against the proposed Bylaw.

SECTION 13: INVALID SECTIONS

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

SECTION 14: FEES

All fees and charges under and pursuant to this Bylaw, and any amendments thereto, with respect to development permit, zoning compliance certificates and amendments to this Bylaw shall be established by resolution of Council.



PART III: DEFINITIONS

SECTION 15: TERMS AND DEFINITIONS

Terms and definitions as they apply within the context and scope of this Bylaw are provided below. Where a term is not found in this section, the definition shall be that which is commonly or legally attributed to it.

"ACCENT LIGHTING" means outdoor lighting that is entirely used to illuminate architectural features, art, landscaping features, monuments, or trees and is only directed at such features.

"ACCESSORY BUILDING" means a building which is separate from the principal building on the parcel where both are located and subordinate to that of the principal building. Buildings that are separately defined and are not stated in Part 7: Use Specific Regulations as being an accessory building shall be subject to their own unique definition and use provision within this Bylaw.

"ACCESSORY FOOD SERVICE" means a temporary or permanent food service that is accessory, secondary or complementary to the principal use on the parcel.

"ACCESSORY LIQUOR SERVICE" means a temporary or permanent liquor sales and consumption outlet that is accessory, secondary or complementary to the principal use on the parcel.

"ACCESSORY USE" means a use that is incidental or subordinate to the principal use on the parcel.

"ACT" means the Municipal Government Act, R.S.A., 2000, Chapter M-26, as amended, and regulations thereto.

"ADJACENT LAND" means land that is contiguous to the parcel of land that is being subdivided and includes:

- a) land that would be contiguous if not for a highway, road, river or stream, and
- b) any other land identified in the Land Use Bylaw as adjacent land for the purpose of notification.

"ADULT ENTERTAINMENT BUSINESS" means a use:

- a) where live performances, motion pictures, video tapes, video disks, slides or any type of electronic or photographic reproductions, the main feature of which is the nudity or partial nudity of any person, are performed or shown,
- b) that may operate in conjunction with another approved use, or
- c) where each separate viewing area has a maximum viewing capacity Of 20 Seats.

"AMENITY AREA or AMENITY SPACE" means an area that shall be provided, indoor or outdoor, subject to the regulation of this Bylaw and which must be developed for passive or active recreation and enjoyment. Such an area may be for either private or communal use and may be under either individual, common or public ownership.

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

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

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

"ANIMAL CARE FACILITY (LARGE ANIMAL)" means the accommodation and care or impoundment of animals which may include commercial livestock within an enclosed building including, but not limited to, veterinary clinics.

"AREA REDEVELOPMENT PLAN" means a plan accepted or adopted by Council as an Area Redevelopment Plan pursuant to Section 634 of the Municipal Government Act, as amended.

"AREA STRUCTURE PLAN" means a plan accepted or adopted by Council as an Area Structure Plan pursuant to Section 633 of the Municipal Government Act, as amended.

"AUCTION SALES" means a use for the purpose of auctioning good and equipment, and may include a storage yard.

"AUTOMOBILE SALES" means a use for the display,

purchase and sale of automobiles that are stored either or both indoor and outdoor on the parcel.

"AUTOMOBILE SERVICE CENTRE" means a building that may be a principal use or an accessory to another use on the same parcel where automobiles are serviced.

"BALCONY" means a horizontal platform that is attached to a building above the first storey floor level and is intended for use as an outdoor amenity area.

"BARE LAND CONDOMINIUM" means lots (units) administered under the Condominium Property Act, which allows for the division of a parcel of land into units (lots) and common property. Each landowner has title to a lot/unit and a proportionate share of the common property. The Condominium Association is responsible for the maintenance of the property.



TIP: In a bare land condominium, what would normally be referred to as lots are legally called "units". As applicable in this Bylaw, references to "lots" are applicable to "units" in the context of a bare land condominium. A unit is the landowners property. Common property usually consists of roads, alleys, parks, utility areas, community buildings and other lands that are shared amongst the various landowners (Members of the condominium).

"**BARE LAND UNIT**" means land described as a unit in a condominium plan by reference to boundaries governed by monuments placed pursuant to the provision of the Survey's Act.

"**BASEMENT**" means that portion of a building which is located below the first floor and is either partially or wholly below grade.

"**BASEMENT SUITE**" means a suite in the basement of a dwelling other than an apartment that can be rented by the owner of the dwelling, where both are registered under the same certificate of title and complies with Alberta Building Code requirements. A basement suite is listed as a Secondary Suite under the Special Use Provisions and Land Use Districts of this Bylaw.;

"**BAY WINDOW**" means a window that projects outward from the facade of a building, but does not include an opening that is intended to give access to a building.

"**BED AND BREAKFAST OPERATION**" - means a minor and ancillary/subordinate commercial use of a residence where accommodation is provided for periods of fourteen (14) days or less in an approved guest room(s).

"**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.

"**BUILDING COVERAGE**" means the area of a parcel which is covered by a building excluding:

- a) portions of the building located entirely below grade,
- b) portions of the building greater than 2.4 metres above grade and with a depth less than 1.0 metres, measured from the wall directly below,
- c) portions of eaves, roofs, pergolas and other similar elements with a depth less than 1.0 metres, measured from the wall directly below,
- d) patios, and any covered and enclosed area located directly below, and
- e) decks, landings, uncovered stairs and any external areas located below.

"**BUILDING SETBACK**" means the distance from a property line to the point on a parcel where a building is located measured at a right angle from the property line to which it relates.

"**BULK FUEL DISTRIBUTION CENTRE**" means a facility for the bulk storage and sale of oil and fuel products, including propane. A bulk fuel distribution centre is different from a petroleum facility in that it is much larger in size, primarily serves or is serviced by large trucks or pipelines, and may include both refined and un-refined products.

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

"**CARPORT**" means a roofed structure used for storing

or parking of not more than two private vehicles which has not less than 40% of its total perimeter open and unobstructed.

"CAMPGROUND & R.V. PARK" means the development of land which has been planned and improved for the use of holiday trailers, motor homes, tents, campers and similar recreation vehicles. A campground is not used for year-round accommodation or storage.

"CAR WASH" means a building or area used for the purpose of washing motor vehicles and other chattel such as tow trailers.

"CEMETERY" means a place where dead people or animals are buried. A cemetery is not an accessory use to a Place of Worship.

"CHATTEL" means a moveable item of personal property.

"CHILD CARE SERVICES" means a use that is devoted to the caring of children on a temporary basis such as day homes or day care businesses.

"CLUSTER HOUSING" means a group of dwellings, either detached or attached, located on a single parcel with shared yard and parking provisions.

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

kitchen. Commercial accommodation may also include restaurant services, laundry, meeting rooms, and recreational activities such as swimming pools, hot tubs or fitness facilities.

"COMMERCIAL LIVE/WORK" means a neighbourhood that is developed to provide both a residential and commercial use such as owner/operator businesses, a veterinary clinic and kennel or other similar combination of residential and commercial enterprise.

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

"CONDOMINIUM" means individual ownership of a unit or units in a multi-unit building or a parcel of land that is part of a condominium plan registered at Land Titles and includes ownership in a share of common property such as hallways, parking areas and landscaping areas administered by a condominium association in accordance with provisions of the Condominium Properties Act, as amended.



TIP: Common property usually consists of roads, alleys, parks, utility areas, community buildings and other lands that are shared amongst the various landowners (Members of the condominium).

"CONVENIENCE SERVICES" means a variety store used for the retail sale of goods required by the neighbourhood residents or employees on a day-to-day basis, including: confectionery, tobacco, groceries, beverages, pharmaceutical and personal care items, hardware, or printed matter.

"CORNER" means the intersection of any two property lines of a parcel.

"CORNER PARCEL" means a parcel that abuts two streets which intersect at an angle not exceeding 135 degrees.

"COUNCIL" means the Council of the Village of Irma.

"CREMATORIUM" means a building which includes a facility for the cremating of remains of the deceased.

"DAY CARE FACILITY" means a facility and program for the provision of care, maintenance and supervision for four or more children under the age of fifteen years, by a person other than one related by blood or marriage, for periods of more than three (3) but less than twenty-four (24) consecutive hours, and is intended to be operated for at least (12) consecutive weeks per year.

"DECK" means an uncovered horizontal structure with a surface height greater than 0.6 metres above grade at any point that is intended for use as an outdoor amenity area, but does not include a balcony.

"DENSITY" means a quantitative measure of the average number of persons, families or dwelling units per unit of area. Density may also mean the number of lots or units created per parcel, where applicable.

"DESIGNATED OFFICER" means a person(s) authorized by Bylaw to carry out the powers, duties and functions of the Development Officer as provided in this Bylaw.

"DEVELOPABLE AREA" means an area of land suitable for a building site as defined in this Bylaw.

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

"DEVELOPMENT AGREEMENT" means an agreement that may be required between a developer and the Village in the form of a signed document which establishes specific requirements of the Village for municipal improvements related to a Development or Subdivision to be undertaken within the Village of Irma.

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

"DEVELOPMENT OFFICER" means the official or

officials of the Municipality with the responsibility of receiving, considering and deciding on applications for development, matters related to enforcing this Bylaw such as Stop and Contravention Orders, and representing the Village of Irma at Subdivision and Development Appeal Board Hearings on behalf of the Village of Irma.

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

"DISCONTINUED" means the time at which substantial construction activity or a non-conforming use or conforming use has ceased.

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

"DOUBLE FRONTING PARCEL" - means a corner parcel which is not a flanking parcel, but also includes a parcel which abuts two public streets (except alleys as defined in the Highway Traffic Act), which are parallel or nearly parallel where abutting the parcel.

"DRIVE THROUGH" means an accessory to an establishment which services customers traveling in motor vehicles driven onto the parcel without requiring the customer to leave their vehicle while being serviced.

"DWELLING" means any building used principally for human habitation which is supported on a permanent foundation extending below ground level. A dwelling does not include a building that is classified as a Dwelling - Single Detached or other specific type of dwelling as defined within this Bylaw.

"DWELLING - SINGLE DETACHED" means any building used principally for human habitation and which is supported on a permanent foundation extending below ground level. A dwelling does not include any building that may be classified as Dwelling - Mobile Home; Single Detached Dwellings shall conform to the architectural standards provided in Section 81: Residential Standards.

"DWELLING - MANUFACTURED HOME" means a dwelling as defined in this Bylaw that conforms to the architectural standards provided in this Bylaw.

"DWELLING - MOBILE HOME" means a dwelling which was constructed prior to January 1, 1996, does not meet the National Building Code of Canada CAN/CSA A277 standard, with a chassis or related assembly that allows for the permanent or temporary attachment of a hitch and wheel assembly to enable relocation of the dwelling. A mobile home does not include a modular home, manufactured home, temporary living accommodation or single detached dwelling as described in this Bylaw. A mobile home may be a single structure (single wide) or two parts which when put together (double wide) comprises a complete dwelling.

"DWELLING - MULTI UNIT" means a dwelling which forms part of a larger structure that includes (2) or more dwellings and may include hallways, internal amenity areas or other accessory structures that are intended to service the occupants of the building. A Dwelling - Multi-Unit, shall feature separate external entrances or common entrances to an internal hallway, and may include:

- Duplex: two dwellings located side by side or on top of each other with each storey being a separate dwelling.,
- Triplex: three dwellings located side by side,
- Fourplex: four dwellings located side by side or on top of each other,
- Row Housing: more than four dwellings side by side, or
- Apartment: five or more dwellings with multi-storeys, separate entrances to the outdoors or internal hallway entrances.

For the purpose of this definition, an internal hallway entrance shall be separate from all dwelling units.

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

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

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

"FRONTAGE" means the linear length of a property line shared with a street.

"FLANKAGE" means in the context of a corner lot, the longer of the two lines facing a street, unless both lines facing the street are of equal length then either lot line could be considered flankage, but not both.

"FUNERAL HOME" means a building used for viewing and funerals/memorials for the deceased by mourners. A funeral home does not include a crematorium.

"GARAGE" means an accessory building (detached garage) or part of the principal building, designed and used primarily for the storage of motor vehicles.

"GARAGE SUITE" means a self contained dwelling unit in compliance with Alberta Building Code standards that is located on the second floor of a garage.

"GAS BAR" means a facility for the sale of gas on a retail basis for smaller vehicles.

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

"GROSS FLOOR AREA" means the total area of all floors of all buildings including accessory buildings located on any parcel, excluding the area of basement floors, EXCEPT THAT basement suites in apartment buildings shall be included in the calculation of gross floor area.

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

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

facilities, or psychiatric care facilities.

"HARD SURFACED LANDSCAPED AREA" means an area with a surface consisting of materials that:

- a) are not living or derived from living organisms, or
- b) were once living, but are not formed into a structure, and
- c) may include, but are not limited to brick, concrete, stone, and wood.

"HOME BASED BUSINESS" means any occupation, trade, profession or craft, including a bed and breakfast operation and home day care as defined in this Bylaw, carried on by an occupant of a residential building as a use secondary to the residential use of the building and which does not change the character thereof or have any exterior evidence of such secondary use.

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

HOME DAY CARE means a facility and program for the provision of care, maintenance and supervision for four or more children under the age of fifteen years, by a

person other than one related by blood or marriage, for periods of more than three (3) but less than twenty-four (24) consecutive hours.

"INDOOR EATING ESTABLISHMENT" means an establishment where a combination of food and non-alcoholic drink are intended to be consumed within the confines of the establishment.

"INTENSIVE AGRICULTURE" means the commercial use of parcels of land for non-animal husbandry uses such as greenhouses, market gardens, sod farms, nurseries, tree farms, etc.

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

"LANE" means a roadway that is primarily intended to give access to the rear of buildings and parcels.

"LIVE/WORK" means a parcel that is designed to feature both a principal residence and a commercial use/building where the residents on the parcel are related to the operators of the business on the same property.

"LIVESTOCK" means cattle, swine, poultry, sheep, horses, fish, game, fur bearing animals and similar animals.

"LOADING SPACE" means an off-street space on the

same parcel as a building or group of buildings, for the temporary parking of a commercial vehicle while commodities are being loaded or unloaded.

"LOT" means a parcel of land, the boundaries of which are separately described in a certificate of title, which may or may not be shown on a registered plan of subdivision. Lot may also be used to refer to a "Unit" within a bare land condominium as defined in the *Condominium Act*.

"MAIN BUILDING" in a residential parcel means a building containing one or more Dwelling Units, but does not include any accessory buildings.

"MANSE" means a residence attached or located on the same parcel as a place of worship. A Manse shall not be considered an accessory use in any land use District.

"MANUFACTURING SERVICES" means the making, fabricating or processing of raw materials into a finished product on a large scale.

"MEDICAL SERVICES" means services provided to humans may include, but not necessarily be limited to in-patient and out-patient care and counseling offices.

"MINI STORAGE" means a development that provides walk-in sized cubicles for public rent for the storage of goods.

"MINOR" means where added as a prefix to a permitted or discretionary use, a use which due to its nature or relatively small size will, at the discretion of the Council, have a limited impact on surrounding uses,

or which is intended to serve a small or local rather than a major or municipal area.

"MIXED COMMERCIAL/RESIDENTIAL" means a commercial and residential use within the same building and the residential use being located on the second floor, each with its own separate entrance and other shared services.

"MODULAR CONSTRUCTION" means a method of constructing whereby most of the parts of a building have been constructed in an off-site manufacturing facility and transported to a parcel where the parts are assembled and anchored to a permanent foundation.

"MOVING OR CARTAGE" means a commercial use or building that involves the movement of goods on large vehicles vehicle oriented marshalling yards.

"MUNICIPALITY" means the Village of Irma.

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

"NEW CONSTRUCTION" means construction that takes place on-site or in the case of a building that is re-located from another location, a building that has is in good repair and condition and has never been used for the intended purpose.

"NON-CONFORMING BUILDING" means a building:
a) that is lawfully constructed or lawfully under

construction at the date a Land Use Bylaw or any amendment thereof affecting the building or land on which the building is situated becomes effective, and

b) that on the date the Land Use Bylaw or any amendment thereof becomes effective does not, or when constructed will not, comply with the Land Use Bylaw.

"NON-CONFORMING USE" - means a lawful specific use:

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

b) that on the date the Land Use Bylaw or any amendment thereof becomes effective does not, or in the case of a building under construction, will not comply with the Land Use Bylaw.

"OFF-STREET PARKING" means an off-street facility for the parking of vehicles to accommodate the use on that parcel.

"ON-STREET PARKING" means parking accommodated on a public roadway within the Village of Irma to accommodate parking demands from an approved use within the Village of Irma.

"ON-SITE SEWAGE COLLECTION AND DISPOSAL SYSTEM" means a sewage collection and disposal system constructed in accordance with the Alberta

Safety Codes Act, and its regulations.

"ON-SITE WATER SUPPLY SYSTEM" means a potable water source other than that provided by the Village of Irma Municipal Water service.

"OUTDOOR SALES AND SERVICE" means the use of larger tracts of land or parcel for the sale and servicing of large equipment or vehicles. This use will typically include farm and industrial equipment sales and service.

"PARCEL" means:

- a) the aggregate of the one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in a land titles office; or
- b) a bare land unit created under a condominium plan.

"PARCEL AREA" means the total area of a parcel,

"PARCEL COVERAGE" means the cumulative building coverage of all buildings on a parcel excluding accessory residential buildings which in aggregate are less than 10.0 square meters;

"PARCEL DEPTH" means the length of a line joining the mid-points of the front property line and the rear property line;

"PARCEL WIDTH" means the distance between the side property lines of a parcel measured at a right angle to the mid-point of the shortest side property line.

"PARK" means an active or passive recreation area together with any accessory buildings or uses complimentary to the said recreational purpose. Though usually under public ownership, a park may be privately owned and operated upon approval from the Village of Irma.

"PARKING SERVICES" means the provision of parking services on a not-for-profit or for-profit purpose and that may provide parking opportunities for more than one business or residence on the same or nearby parcel. An approval for parking services includes the development of a parking facility as defined in this Bylaw.

"PARK MODEL HOME" means a recreational vehicle designed to be transportable and primarily designed for long-term or permanent placement at a destination where an RV or mobile home is allowed. When set up, park models are connected to the utilities necessary to operate home style fixtures and appliances. Park Models must be less than 50.17 m² (540 sq. feet) in area.

"PARKING FACILITY" means the area or structure set aside for the storage and parking of vehicles and includes parking stalls, loading spaces, aisles, entrances and exits to the area, and traffic islands where they are part of the parking facility. A parking facility may be part an approval of parking services.

"PARKING STALL" means a space set aside for the parking of a vehicle.

"PATIO" means an uncovered horizontal structure with a surface height, at any point; no greater than 0.60 metres above grade, intended for use as an outdoor amenity area.

"PERMITTED USE" means a use of land or building that is listed as such use in a land use district.

"PERMITTED USE - COMPLIANT" means a development permit application for a permitted use in a building or on a parcel and the proposed development conforms to all applicable requirements and rules of this Bylaw.

"PERMITTED USE - VARIANCE REQUIRED" means a development permit application for a permitted use in a building or on a parcel and the proposed development does not conform to one or more of the applicable requirements and rules of this Bylaw.

"PERSONAL SERVICES" means the provision of services related to the care and appearance of the body or the cleaning and repair of personal effects and may include services such as: barber shops, beauty salons, tailors, cobblers or dry cleaning. Personal services are not medical services.

"PETROLEUM FACILITY" means a parcel that is primarily used for the storage and sale of petroleum products in larger quantities than in a standard service station or gas bar.

"PICK UP & DROP OFF STALL" means a motor vehicle parking stall intended only for a motor vehicle to stop while picking up or dropping off passengers. These

stalls are usually included as part of a loading zone.

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

"PLAN OF SUBDIVISION" means a plan of subdivision registered or approved for registration at the Northern Alberta Land Titles Office (Alberta Registries).

"PORTABLE BUILDING" means a canvas or tarp shed or movable garage comprised of a metal frame with the tarp or canvas stretched over it, and is designed to be used to shelter chattels from the outdoor weather.

"PRINCIPAL BUILDING" means a building which:

- a) occupies the major or central portion of a site,
- b) is the chief or main building among one or more buildings on the site, or
- c) constitutes by reason of its use the primary purpose for which the site is used.

There shall be no more than one principal building on each site unless otherwise permitted in this Bylaw.

"PRINCIPAL USE" means the primary purpose in the opinion of the Development Authority for which a building or site is used. There shall be no more than

one principal use on each site unless specifically permitted in this Bylaw.

"PRIVATE CLUB OR LODGE" means a development used for a meeting, social or recreational activity of members of not-for-profit, philanthropic, social service, athletic, business or fraternal organizations, and does not include an on-site residence.

"PROFESSIONAL SERVICES" means development for the provision of professional management, administrative, consulting and financial services such as legal, accounting, surveying, engineering, banks, government or similar services.

"PRIVATE CONDOMINIUM ROADWAY" means an area of land that provides access to a parcel, and is contained within:

- a) common property forming part of a bare land condominium plan; or
- b) a bare land unit that is used for the purpose of accommodating a private roadway for access purposes in accordance with an easement agreement registered against it.

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

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

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

"QUASI-PUBLIC USE" means a development which is used for the meeting, social or recreational activities of its members, which may or may not include the general public. Typical quasi-public uses include commercial schools, indoor and outdoor recreational facilities, hospitals, lodges or clubs, cemeteries, galleries, museums, and libraries plus any use which may be described as an eating and drinking establishment, when designed in conjunction with the above uses.

"REAL PROPERTY REPORT" means a report prepared by a Member of the Alberta Surveyor's Association that contains pertinent information on a parcel of land and the physical development that exists on the subject parcel.

"RECREATIONAL VEHICLE" means a vehicle that provides temporary accommodation for recreational or travel purposes and includes, but is not limited to:

- a) motor homes (R.V.)
 - b) travel trailers,
 - c) fifth wheel trailers,
 - d) truck campers*
- e) tent trailers
 - f) boats on or off trailers, or
 - g) a transportation trailer for any of the above.
- * whether mounted on a truck, other vehicle or not.

"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 an agreement for sale that is the subject of a caveat registered against the Certificate of Title in the land 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.

"RESTAURANT SERVICES" means a development that prepares and serves food and drink for consumption on and/or off-site. Restaurant Services includes cafes, tea rooms, licensed restaurants and take out restaurants. On larger parcels restaurant services may include catering services, dancing or theatre. Restaurant Services does not include drive through services.

"RETAIL SERVICES" means the retail sale of groceries, household goods, clothing, jewelry, furniture, appliances, apparel, hardware, printed matter, photography, postal services, gifts and souvenirs, office equipment and similar goods. Retail Services does not include liquor sales.

"RETAINING WALL" means a structure constructed to withstand lateral pressure in order to hold back earth, loose rock or similar materials.

"SALVAGE YARD" means a parcel where vehicles and other equipment is stored, dismantled, sold for parts or crushed for recycling.

"SCHOOL" means a publicly supported or privately operated facility through which an education program is offered to a student by:

- o Public: A universally accessible and publicly funded school operated by a School Board overseen by the Province of Alberta,
- o Separate: A universally accessible and publicly funded school operated by a School Board overseen by the Province of Alberta with a Roman Catholic or Protestant faith component as part of the curriculum and/or admission requirement,
- o Private: A school established under the School Act that requires tuition for enrolment,
- o Charter: A public school that is operated on a not for profit basis and offers an innovative or enhanced

program under the School Act,

- o Early Childhood: A school that offers an early childhood program authorized under the provisions of the School Act.

"SCREEN", "SCREENED" & "SCREENING" means a visual or sound barrier to separate one building or use from another, usually on an adjoining parcel.

"SECONDARY SUITE" means a self contained dwelling that is located within a primary dwelling and in compliance with Alberta Building Code requirements.

"SENIOR'S RESIDENCE" means a residence other than an independent adult residence or supportive living residence as defined in this Bylaw, for the housing of senior citizens. A senior's residence may include some minor out-patient medical services.

"SERVICE STATION" means a development that includes a gas bar and service area for repairs of vehicles; and may include a car wash and convenience services;

"SETBACK" means the distance that a development, or a specified portion of it, must be set back from a property line. The setback shall be measured from the building foundation to front, rear, or side property lines.

"SHIPPING CONTAINER (sea-cans)" means a standardized, reusable container that is or appears to be originally designed for or used in the packaging, shipping, movement or transportation of freight or commodities, or designed for or capable of being

mounted on a chassis or bogie for movement by truck trailer or loaded on a ship. Intermodal containers made of corrugated metal and any shipping container used for storage is included in this definition.

"SHOPPING CENTRE" means a group of commercial establishments that are planned or managed as a unit and provide a wide variety of goods and professional, retail and personal services.

"SHOW HOME AND SALES OFFICE" means a home that serves to advertise a home builder product and also provides an office to conduct the sale of property and homes within the neighbourhood.

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

"SIGN OWNER" means any person who is described on a sign; whose name, address or telephone number appears on a sign; who is in control of a sign; or who is the subject of or intended to benefit from a sign. There may be more than one sign owner of a sign.

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

"SITE" means one or more lots or parcels for which an application for a development permit or subdivision

approval is made.

"SITE TRIANGLE" means that triangle formed by a straight line drawn between two points on the exterior boundaries of a parcel to a specific distance from the point where they intersect. The specified distance in a laneway intersection is 3.05 m (10 ft.) while the distance for other roads is 6.1 m. (20 ft.).

"SOLAR COLLECTOR" means any device used to collect sunlight that is part of a system used to convert radiant energy from the sun into thermal (solar-thermal) or electrical (solar-voltaic) energy.

"SPLIT LEVEL" means a dwelling that has three separate or more living areas, each separated from the next by one half-storey, not including the basement.

"STATUTORY PLAN" means a land use plan such as an Area Structure Plan, Area Re-development Plan, Municipal Development Plan or Inter-municipal Development Plan adopted pursuant to Part 17 of the Act.

"STOREY" means the habitable space between the upper face of one floor and the next above it. The upper limit of the top storey shall be the ceiling above the topmost floor. A basement or cellar shall be considered a



storey in calculating the height of a building if the upper face of the floor above it is more than 6.0 ft (1.83 m) above grade.

"STREET" means:
any public road, including boulevards, sidewalks and improvements, but excluding a lane, bridge or walkway, or
a private condominium roadway, or
the internal roadway within a residential park community.

"STRUCTURE" means a building as defined in this Bylaw.

"SUBDIVISION AUTHORITY" means a person or body appointed as a subdivision authority in accordance with the *Municipal Government Act*.

"SUBDIVISION & DEVELOPMENT APPEAL BOARD" means the Village of Irma Subdivision and Development Appeal Board, established pursuant to Bylaw no. 21-98, as amended.

"SUBDIVISION" means the process of dividing and combining parcels of land pursuant to Part 17 of the Act.

"SUPPORTIVE LIVING" means buildings or units in buildings that are intended for permanent residential living where an operator also provides or arranges for services in order to assist residents to live as independently as possible.

"SURVEILLANCE SUITE" means a single residential unit forming part of a development and used solely to accommodate a person or persons related as a family whose official function is to provide surveillance for the maintenance and safety of the development or business.

"SWIM POOLS OR HOT TUBS" means a swimming pool or hot tub that is used for recreational purposes.

"TEMPORARY BUILDING" means a structure which is permitted to exist for a specific and limited time.

"TRAVEL INFORMATION CENTRE" means a building and use devoted to the advertising of tourism, cultural and business services available within the Village of Irma and surrounding area. A travel information centre may include a retail service that is focused on travel related souvenirs.

" **UNIT**" means a Dwelling or a property as defined under the Condominium Act.

"USE" means a permitted, prohibited or discretionary use;

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

"VISITOR PARKING STALL" means a vehicle parking stall intended only for the use of visitors to Dwelling Units and Live Work Units.

"VETERINARY CLINIC" means a medical facility that is designed to offer in-patient and out-patient services to pets and livestock. A kennel or animal holding pen is a separate use from a veterinary clinic. Where the clinic includes livestock facilities, the use "Animal Care Facility - Large Animal" shall be included in the list of uses within the respective land use district.

"WALK OUT BASEMENT" means a basement in a building which has a door that exits directly from the basement to the exterior at grade that is substantially at the same level as the basement floor.

"WAREHOUSE SALES" means a large building used for storage and distribution of raw materials, processed or manufactured goods, and establishments providing services for those purposes.

"WINDMILL" means a machine that converts wind energy into rotational energy by means of vanes called sails or blades.

"YARD" means a required open space unoccupied and unobstructed by any structure or portion of a structure above the general ground level of the graded lot, unless otherwise permitted by this Bylaw.

"YARD - FRONT" means that portion of the parcel extending across the full width of the parcel from the front property line of the parcel to the front wall of the principal building.

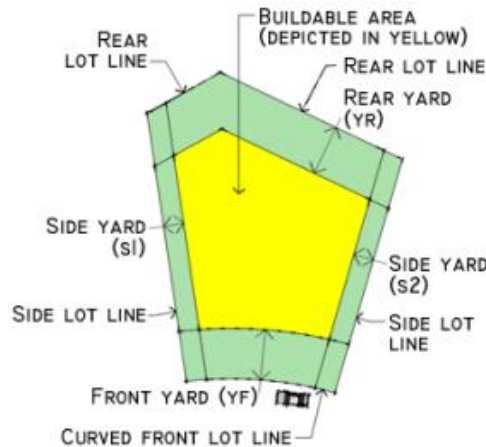
"YARD - REAR" means that portion of the yard extending across the full width of the parcel from the rear property line of the parcel to the exterior wall of the principal building.

"YARD - SETBACK" means a required open space unoccupied and unobstructed by any structure or use above the general ground level of the graded parcel, unless otherwise permitted in this Bylaw.

"FRONT YARD SETBACK" means the setback from the property line.

"SIDE YARD SETBACK" means the setback from the subject building or use to the side property line, extending from the front yard to the rear yard setback line.

"REAR YARD SETBACK" means the setback from the subject building or use to the rear property line, extending across the full width of the parcel.



"YARD - SIDE" means that portion of the parcel extending from the front yard to the rear yard and lying between the side property boundary of the parcel to the exterior wall of the building.

"ZERO LOT LINE" means a lot line where the property line setback is reduced to 0.0 metres.

"ZONE OF INFLUENCE" means the sub-surface ground (approximately a maximum of 3.0 metres from the well shaft on a geo-exchange well) from which heat is extracted by a geo-exchange well.



TIP: Use provisions cannot be varied by the Development Authority or the Subdivision and Development Appeal Board.

PART IV: CONTRAVENTION

SECTION 16: CONTRAVENTION

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

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

- a) stop the development or use of the land or buildings in whole or in part as directed by the notice, or
- b) demolish, remove or replace the development, or
- c) take such other measures as are specified in the notice so that the development or use of the land or buildings is in accordance with the Municipal Government Act, the regulations, a development permit, subdivision approval or this Bylaw, as the case may be.

- 2) Where a person fails or refuses to comply with an order directed to him under Subsection (1) or an order of the Subdivision and Development Appeal Board under Section 645 of the Municipal Government Act within the time specified, the Council or a person appointed by it may, in accordance with the Municipal Government Act, enter upon the land or building and take such action as is necessary to carry out the order. Where the Council or a person appointed by it carries out an order, the Council shall cause the costs and expenses incurred in carrying out the order to be registered as a caveat under the Land Titles Act against the Certificate of Title for the land that is subject of the order pursuant to Section 646 of the Municipal Government Act.
- 3) Where a notice is issued under Subsection (1), the notice shall state the following and any other information considered necessary by the Development Authority:
 - a) An explanation of the contravention, and a statement indicating under which provisions of this Bylaw or the Act the order is being carried out, and
 - b) The alternatives and processes which the person responsible for the contravention may pursue in order to correct the contravention, and

- c) A time frame in which the contravention must be corrected prior to the Village pursuing action, and
- d) Advise the person of his right to appeal the notice to the Subdivision and Development Appeal Board.

SECTION 17: ENFORCEMENT

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

- 1) A person who:
 - a) contravenes any provision of the Act or the regulations under the Act,
 - b) contravenes this Bylaw,
 - c) contravenes an order under Section 29 of this Bylaw and/or Section 645 of the Act,
 - d) contravenes a development permit or subdivision approval or condition attached thereto, and/or
 - e) obstructs or hinders any person in the exercise or performance of his powers or duties under this Act, the regulations under the Act or this Bylaw,

- is guilty of an offense and is liable to a fine prescribed in Section 566 of the Municipal Government Act.
- 2) If a person is found guilty of an offense under this Section or Section 557 of the Municipal Government Act, the Court may, in addition to any other penalty imposed, order the person to comply with:
 - a) the Act and the regulations under the Act,
 - b) this Bylaw,
 - c) an order under this Section and/or Section 645 of the Act, and/or
 - d) a development permit or subdivision approval or a condition attached to a development permit or subdivision approval.
- 3) Any written notice, or order, or decision that is required under any provision of this Bylaw to be provided to any person shall be deemed to have been so provided if it is:
 - a) delivered personally to the person or their agent it is directed to, or
 - b) mailed by certified mail to the last known address of the person it is directed to.
- 4) If a person is found guilty of an offense under Subsections (1) or (2), the Court may, in addition to any other penalty imposed, order the person to

comply with the Act, Village of Irma Land Use Bylaw, or a development permit, as the case may be.



TIP: STOP ORDERS are best suited for physical structures or uses that are not easily relocated.

Easily moved structures such as vehicles and trailers, unsightly yards or public safety issues are often better enforced through Section 545 of the Act.



PART V: PERMIT PROCESS

SECTION 18: DEVELOPMENT CONTROL

- 1) No development other than that designated in *Section 20: Development Permit Not Required* shall be undertaken within the Village of Irma unless an application for it has been approved and a development permit has been issued.

SECTION 19: SAME OR SIMILAR USE

- 1) The uses which are listed in the permitted and discretionary use columns under the land use districts are not intended to be exclusive or restrictive. Where a specific land use does not conform to the wording of any definition, the Development Authority may, at its discretion, determine that the use conforms to the spirit and intent of the purpose of the land use district and is determined to be similar to other uses in that land use district.
- 2) Notwithstanding the above, all uses determined as "same or similar" shall be considered discretionary.
- 3) Same or similar provisions may not be used in any District where the proposed use is clearly defined as an allowable use in a different land use district.
- 4) Uses or buildings that have special provisions in this Bylaw that prohibit the said use being eligible for a

"same or similar use" application are not applicable under this Section.



TIP: As an example, a post office can be regarded as an institutional use; but if Post Office appears as a separate use in a land use district it cannot be approved as an institutional use in any district.

SECTION 20: DEVELOPMENT PERMIT NOT REQUIRED.

- 1) Except as provided in subsection (2) no person shall commence any development unless he has been issued a development permit in respect thereof.
- 2) A development permit is not required for the following development provided that the proposed development conforms to all provisions of this Bylaw and any other relevant land use related Bylaw adopted by the Village of Irma:
 - a) the maintenance or repair of any building if the work does not include structural alterations, or the enlargement of a structure, or
 - b) the completion of a development which was under construction in accordance with a lawful development permit issued at the effective date of this Bylaw provided that the development is completed within the time limit of such a permit, or

- c) the completion, alteration, maintenance or repair of a street, lane or utility, undertaken upon a public thorough-fare or utility easement, or undertaken to connect the same with any lawful use of buildings or land, or
 - d) temporary signs in compliance with the Village of Irma sign regulations, or
 - e) landscaping where the proposed grades will not adversely affect the subject or adjacent properties, except where landscaping forms part of a development and requires a development permit, or
 - f) the erection or construction of gates, fences, walls or other means of enclosure (other than on corner parcels or where abutting on a road used by vehicular traffic) less than 0.91 m (3.0 ft) in height in front yards and less than 1.83m (6.0 ft) in side and rear yards, and the maintenance, improvement and other alterations of any gates, fences, or walls or other means of enclosure provided height maximums herein prescribed are not exceeded, or
 - g) a temporary building, the sole purpose of which is incidental to the erection or alteration of a building or development, for which a permit has been issued under this Bylaw, provided that the temporary building shall be removed within one (1) year of the commencement of construction or upon completion of the building or development where it is completed in a period of less than one (1) year, or
 - h) the construction of sidewalks and driveways provided that such sidewalks and driveways shall be located in a manner where they do not constitute a traffic hazard and shall be maintained in a clean, tidy and safe condition, or
 - i) hard-surfacing of any yard area upon a residential parcel for the purposes of providing vehicular access from a public roadway to an on-parcel parking stall provided that such hard surfacing does not exceed 7.5m in width and does not direct surface drainage onto adjacent lands.
 - j) the construction of a pre-manufactured accessory building less than 10.0 m² (107.6 ft²) in area, or a patio less than 14.86 m² (160 ft²), provided that the side and rear setbacks are maintained, or
 - k) in all land use districts, television or communication aerials, masts or towers, where such things are freestanding, attached to or placed on a building, provided that the structure does not exceed the maximum height of 12.2 m (40 ft) nor does it encroach onto any adjacent property or roadway, is not located within the front yard setback, no variance of any provision or regulation applicable thereto in this Bylaw is requested or required, or
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- l) Above ground swimming pools that have a volume less than 6.11 cubic metres (72 cubic feet) or
- m) Home schooling of a student within the dwelling occupied by the said student, or
- n) flag poles within any yard provided a minimum 1.0 metre setback from the property line is maintained, the height of the pole is no greater than 6.0 metres (19.7 ft.), and the structure is not located within a sight triangle or a vehicular access driveway, or
- o) Personal use playground equipment, landscaping features, sand boxes, bird houses, etc.

SECTION 21: PERMIT APPLICATION

- 1) An application for a development permit shall be made to the Development Officer in writing on the application provided by the Village and shall:
 - a) be signed by the registered owner or his or her agent where a person other than the owner is authorized by the owner to make application. The correctness of the information supplied shall, when required by the Development Officer, be verified by a Statutory Declaration.

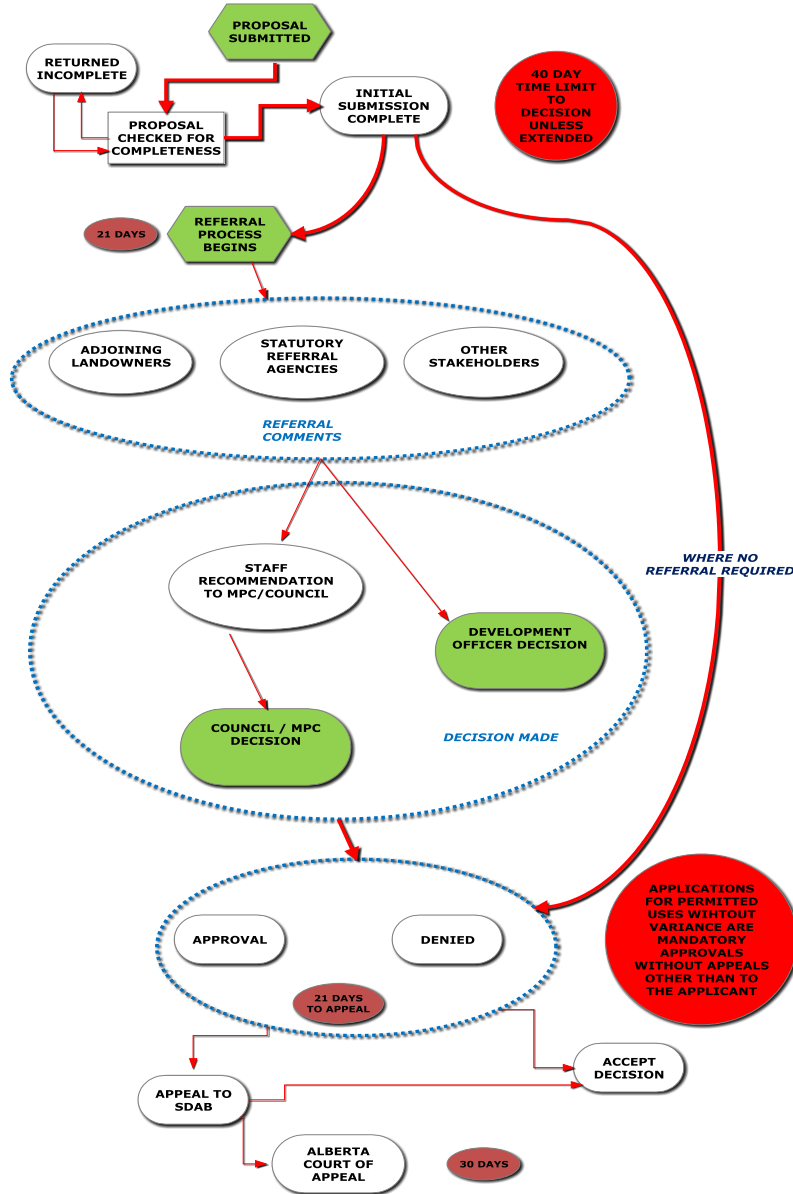
In the case of a development permit application proposed within a condominium or a property held in common by a

community, an authorized person representing the condominium board or landowner association shall also be required to sign the application.

In the case of multiple owners on a property that are not listed as joint tenants, the Development Officer, may require consent to the proposed development from the additional landowners,

- b) state the proposed use or occupancy of all of the land and buildings, and such other information as may be required by the Development Officer, and
- c) at the discretion of the Development Officer, include site plans in duplicate at a scale satisfactory to the Development Officer, who may require any or all of the following:
 - i. Front, side, flanking and rear yards,
 - ii. Outlines of the roof overhangs on all buildings,
 - iii. North point,
 - iv. legal description and municipal address of property,

Figure No. 2: Development Process



- v. legal description and municipal address of property,
- vi. Scaled plans showing the location of existing and proposed municipal and private local improvements, principal building and other structures including accessory building, garages, parking spaces, amenity areas, carports, fences, driveways, paved areas, and major landscaped areas including buffering and screening areas where provided,
- vii. The grades of the adjacent streets, lanes and sewers servicing the property,
- viii. The exterior elevations showing height, horizontal dimensions and finishing materials of all buildings, existing and proposed,
- ix. The lowest finished floor elevation in either the basement or main floor in the principal and accessory buildings where applicable,
- x. On a vacant parcel in a residential district, the suggested location for a

future driveway and garage or carport, if the application itself does not include such building as part of the proposal,

- xi. Storm drainage and grading plan,
- xii. Description of proposed development to take place within amenity or landscaped areas, and
- xiii. Any other pertinent information or tests required by the Development Officer respecting the site or adjacent lands.

2) At the discretion of the Development Officer, a letter from the registered owner may be required authorizing the right of entry by the Development Officer to such lands or buildings as may be required for investigation of the proposed development.

3) The Development Officer may require a statutory declaration in support of an application for a development permit.

SECTION 22: PRE-NOTIFICATION

Prior to consideration of an application for development approval, the Development Authority may:

- a) Cause a notice to be posted in a conspicuous place on the site of the proposed development for no less than seven (7) days prior to the date of consideration of the application, or
- b) Cause a similar notice to be published once in a newspaper circulating in the Village, at the expense of the applicant, or
- c) Cause a similar notice to be sent by mail to all assessed property owners within 60 metres (200 ft) of the site, and to those assessed property owners who in the opinion of the Development Authority may be affected, not less than seven (7) days prior to the date of consideration of the application.

SECTION 23: REFERRAL PROCESS

- 1) The Development Authority may refer any development permit application to a government agency or a third party organization for review and comment prior to determining the application and issuing a notice of decision. In particular, referrals may include, but not be limited to:
 - a) Alberta Transportation for any development or sign permit application that is on land adjoining to Highway No. 14 or Highway No. 881,
 - b) A Safety Codes provider with respect to any permit that requires a safety codes permit in

order to comply with possible conditions of development permit approval,

- c) Alberta Health where the development permit application may require consultation to ensure that all land use issues related to health are addressed,
- d) Alberta Environment where the development permit application includes issues related to site drainage, groundwater use, impacts on flood plain lands, etc., or
- e) Municipal District of Wainright where the land subject to the development permit application requires access from a roadway where the County is the local road authority.



TIP: Generally, Alberta Environment will not comment on any proposal unless a municipal approval has first been granted.

SECTION 24: DECISION NOTIFICATION

- 1) After deciding a development permit application for a permitted use with variance or a discretionary use the Development Authority shall:
 - a) provide the applicant with the written decision, and

- b) include written reasons for refusal of the development permit application where the said application has been refused.
- 2) Approvals of permits other than Permitted Use-Compliant buildings or uses shall be posted on the subject parcel or published in a locally circulating newspaper. The posting/advertisement shall include:
 - a) the location and proposed use of the building or parcel,
 - b) the date a decision on the development permit application was made,
 - c) that an appeal may be made by a person affected by the decision by serving written notice of the intent to appeal to the Subdivision and Development Appeal Board within (14) days after the date the notice of decision was made.
 - 3) Where a notice of decision for a development permit application is provided through written notice, the appeal deadline shall be fourteen (14) days from the date of issuance of the notice plus an additional seven (7) days¹ for a total of (21) days where the notice was delivered through the postal system to an Alberta address.
 - 4) The Development Authority may provide written notice of any application for development approval to

¹ Section 22 and 23, Alberta Interpretation Act, R.S.A. 2000.

additional landowners within a specified distance of the subject parcel at its discretion.



TIP: The date of mailing and the date of receipt don't count towards the 14 day notice period. Out of province notices requires an additional week.

- b) it is suspended or cancelled, or
- c) it lapses upon the failure of the applicant to commence development as required on the notice of decision.

SECTION 25: PERMIT EXPIRY

- 1) The Development Authority may place a time limit on a development permit where the proposed use or building is intended to be active on a temporary basis. The expiry date shall be clearly marked on the notice of decision. Where not otherwise marked, permits run with the land and do not have a set expiry date.

SECTION 26: EFFECTIVE DATE

- 1) The effective date on an approved development permit is the date following the expiry of the statutory appeal period; or the date following the end of the notice period on the period for which an appeal may be initiated.
- 2) Any development carried out prior to the effective date of the appropriate development permit is done solely at the risk of the applicant.
- 3) A development permit will remain in effect until:
 - a) the date of its expiry should an expiry date be marked on the notice of decision.

SECTION 27: PERMIT TRANSFERS

- 1) Permits are generally "run with the land". Change of ownership of the property will not impact a development permit approval except where otherwise clearly marked on the notice of decision. Examples of uses that may not run with the land include some home based businesses or the content of a sign when the general advertising purpose of the sign changes in a significant manner.

SECTION 28: DEEMED REFUSAL

- 1) In accordance with the *Act*, an application for a development permit shall, at the option of the applicant, be deemed to be refused when the decision of the Development Authority is not made within forty (40) days, or any extension of that time period agreed to by the applicant, of the application being received by the Development Officer and determined to be complete in form and content.



TIP: It is important to ensure that the date when a permit application is determined to be complete is recorded as that is the date when the 40 day timeline begins.

SECTION 29: SUBSEQUENT APPLCIATION

If an application for a development permit is refused by the Development Authority, or on an appeal from the Subdivision and Development Appeal Board, another application for development:

- (a) on the same lot, and
- (b) for the same or similar use,

may not be made for at least six (6) months after the date of the refusal, subject to consideration by the Development Authority.

SECTION 30: SUSPENSION & CANCELLATION

- 1) If, after a development permit has been issued, the Development Officer becomes aware that:
 - a) the application for the development permit contains a misrepresentation,
 - b) facts concerning the application or the development were not disclosed which should

have been disclosed at the time the application was considered, or

- c) the development permit was issued in error;

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

- i. The applicant may request that a permit be suspended through written notice provided that the commencement of the use or development or construction has not occurred.
- ii. If a person fails to comply with a notice under Section 645 of the Act, the Development Officer or Council may suspend or cancel any existing development permit by notice, in writing, to the holder of the permit.
- iii. A person whose development permit is suspended or cancelled under this section through written notice may appeal to the Subdivision and Development Appeal Board.

SECTION 31: APPEAL PROCEDURE

- 1) Appeals of Stop Orders, cancellation or suspension of an approved Development Permit or of a Development Permit decision are governed by the Act and the Village of Irma Subdivision and Development Appeal Board Bylaw.

SECTION 32: NON CONFORMING USE OR BUILDING

- 1) Non conforming buildings and uses are generally regulated in accordance with Section 643 of the Act.
- 2) Notwithstanding the above, pursuant to Section 643(5)(c) of the Act, the following improvements may be made to a non-conforming building within the Village of Irma on a discretionary basis, subject to the approval of the Development Authority and conformance to this Bylaw:
 - a) additions to buildings, provided they don't increase the floor area of a building by more than 10%,
 - b) new exterior openings to a building,
 - c) replacement of a maximum of 10% of the structural elements in a building, or
 - d) replacement or repair of existing structural elements that serve the purpose of providing occupant safety or security of the building.

TIP: Seasonal uses are often grandfathered by the courts, even if they are not operating for six consecutive months.



A non conforming building that is damaged in excess of 75% may not be restored.



TIP:

- Non-Conforming Use,
- Permitted Use - Compliant,
- Permitted Use - Variance Required
- and,
- Discretionary Use

are defined in Section 15 of this Bylaw.

SECTION 33: PERMITTED USE - COMPLIANT

- 1) The Development Authority shall approve a development permit application and issue the development permit where the proposed use or building is determined to be a *Permitted Use - Compliant*.
- 2) The Development Authority may, as a condition of issuing a development permit for a *Permitted Use - Compliant*, require the applicant to construct or pay for the construction of the following that are necessary to serve the development:

- a) public utilities, other than telecommunication systems or works; and
 - b) vehicular and pedestrian access.
- 3) The Development Authority may, as a condition of issuing a development permit for a *Permitted Use - Compliant*, impose conditions in respect of the following matters:
- a) an environmental site assessment, pursuant to Alberta Environment standards,
 - b) a phasing plan for the development,
 - c) a drainage plan to direct surface drainage off of the subject property and into an approved receiving area such as a street or alley,
 - d) compliance with all other municipal, provincial and federal regulations applicable to the application,
 - e) compliance with all municipal bylaws applicable to the application,
 - f) development of identified landscaping and amenity areas,
 - g) all necessary safety codes approvals,
 - h) site appearance and outside storage materials,
 - i) issues related to privacy and public safety during construction, and
 - j) a surveyed plot plan showing the location of the foundation and driveway structure to the property lines once those features are complete.
- 4) The Development Authority may, as a condition of issuing a development permit for a *Permitted Use - Compliant*, require the applicant to enter into an agreement with the Village of Irma pursuant to Section 650 and 651 of the *Act*.
- 5) The Development Authority may, as a condition of issuing a development permit for a *Permitted Use - Compliant*, require the applicant to:
- a) compensate the Village for third party costs for planning, engineering and legal services required to process and administer the application and approval,
 - b) comply with the Village of Irma requirements for street addressing or site grading, or
 - c) compensate the Village of Irma for damage to done to municipal property or improvements during construction.
- 6) The Development Authority may require the fulfillment of the conditions referred to in this section before commencement of construction or the proposed use.
- 7) A notice of decision for a *Permitted Use - Compliant* development permit application shall be given in writing to the applicant. Additional notifications to
-

person(s) other than the applicant are discretionary on the part of the Development Authority.

- 8) Appeals to the Subdivision and Development Appeal Board for decisions under this Section may only be made by the applicant/landowner within fourteen (14) days from the date of issuance or the notice of decision plus an additional seven (7) days² for a total of (21) days where the notice is delivered through the postal system.
- 9) There is no right of appeal to development permit approval decisions under this Section except where provisions of this Bylaw may have been relaxed, varied or misinterpreted.

SECTION 34: PERMITTED USE - VARIANCE REQUIRED

- 1) The Development Authority may, where the proposed use or building is determined to be a *Permitted Use - Variance Required*:
 - a) refuse to approve the development permit application, or
 - b) approve the development permit application and grant a relaxation of the requirement or

² Section: 22 and 23 of the Alberta Interpretation Act, RSA 2000.

rule to which the proposed use does not conform, or

- c) approve the development permit application and require as conditions of approval that the applicant amend specific elements of the plans to conform with the applicable requirements.
- 2) Consideration of an approval of a development permit in accordance with this Bylaw is subject to the following criteria and considerations:
 - a) the proposed development would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring properties,
 - b) the purpose of the land use district,
 - c) whether granting the variance would make the proposed development incompatible with existing developments or uses, and
 - d) sound land use planning principles.
- 3) The Development Authority may, as a condition of issuing a development permit for a *Permitted Use - Variance Required*, impose the conditions referenced in Section 33(2) through 33(5).
- 4) The Development Authority may require the fulfillment of the conditions referred to in this section before commencement of construction or the proposed use.

5) A notice of decision for a Permitted Use - Compliant development permit application shall be given in writing to the applicant. Where the decision is a refusal, the decision shall include reasons for the refusal. Notification shall also be performed in accordance with Section 24 of this Bylaw.

SECTION 35: DISCRETIONARY USE

1) The Development Authority may, as a condition of issuing a development permit for a discretionary use, impose conditions in respect of the following matters:

- a) actions to be performed or carried out prior to the commencement of the development,
- b) construction or maintenance of the proposed development in accordance with the submitted and approved plans,
- c) the appropriate performance of a use,
- d) an environmental site assessment,
- e) the time or times a use may be carried out,
- f) phasing of the proposed use,
- g) limits imposed on the development,

h) construction of or payment for public utilities, other than telecommunications systems or works, and vehicular and pedestrian access that are necessary to serve the development, or

i) the implementation of sound planning principles.

2) The Development Authority may, as a condition of issuing a development permit for a discretionary use, require the applicant to enter into an agreement with the Village of Irma pursuant to Section 650 and 651 of the Act.

SECTION 36: VARIANCE PROVISIONS

- 1) The Development Officer shall consider and decide upon applications that request a variance
- 2) The Development Officer may refer any application under Sub-section (1) above to Council advice.

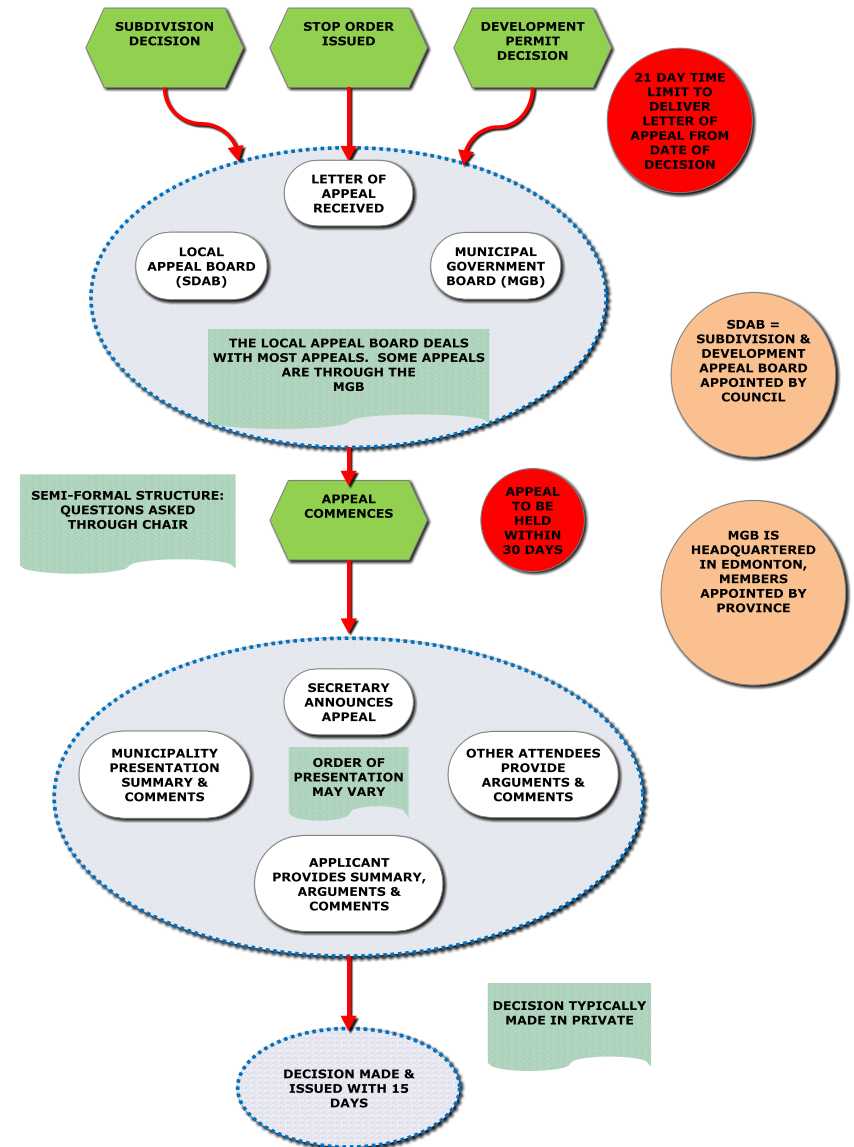


TIP: If Council is consulted on a variance request, no Council Member that participates can later take part as a member of the Subdivision and Development Appeal Board for that permit application.

SECTION 37: MANDATORY REFUSALS

- 1) The Development Authority shall refuse a development permit application when the proposed development:
 - a) is neither permitted or discretionary in the applicable land use district,
 - b) does not qualify as a same or similar use without restriction,
 - c) Is for a use containing a restriction in its definition that is not met by the proposed use;
 - d) Is not adequately serviced by infrastructure and cannot be adequately serviced through the fulfillment of conditions of approval on an approved development permit.

Figure No. 3: Appeal Process





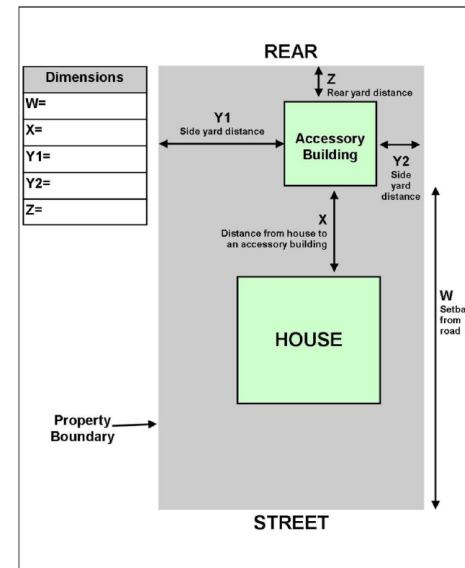
PART VI: GENERAL REGULATIONS

SECTION 38: ACCESSORY BUILDINGS

- 1) Where an accessory building is attached to the principal building on a parcel by a roof or an open or enclosed structure, except carports where vehicular access to the rear yard is not obstructed, said accessory building is to be considered part of the principal building and not as an accessory building and shall, therefore, adhere to the setback requirements for principal buildings as specified in the land use districts.
- 2) Residential Accessory Buildings include garages, carports, sheds, storage buildings, sundecks, patios or balconies, permanently installed private swimming pools, hot tubs and other accessory structures such as portable buildings, non-commercial television and radio antennas, flag poles and satellite dishes.
- 3) Commercial and Industrial Accessory Buildings include all buildings that are not determined to be the principal building or use on the parcel, and may include: garages, product storage buildings, materials stockpiles, outdoor storage, etc.
- 4) Unless otherwise provided in this Bylaw, accessory buildings shall be located:
 - a) a minimum of 3.05 m (10 ft) in a laneless subdivision and a minimum of 0.91 m (3.0 ft)

in a lane subdivision, from the principal building;

- b) no closer than the front line of the principal building. This regulation may be relaxed for garages and carports only where, at the discretion of the Development Authority, insufficient setbacks exist to place the building in the rear yard or side yard. In no case however, shall the building encroach beyond the front yard setback;



- c) No closer to a flanking street than the closest part of the principal building.
- d) no closer than 0.91 m (3.0 ft) to the rear parcel line provided there is no encroachment of any part of the building onto public utility easements or onto adjacent property

maintenance easements. Where the vehicle approach faces the lane, the garage or carport shall be no closer than 20 ft (6.1 m) from the lane;

- e) no closer than 0.91m (3.0 ft) to the side parcel line excepting where an agreement exists between the owners of adjoining parcels to have built or build their garages using a common parcel line, in which case a fire wall will be constructed;
- f) no closer than 0.91 m (3.0 ft) from the side parcel line and 0.91 m (3.0 ft) from the rear parcel line in the case of an angular or curved approach from a lane; and
- g) No roof overhang or eaves shall be within 0.15m (0.5 ft) of the side or rear property boundary.

5) Sundecks higher than 0.61m (2.0 ft) shall adhere to the site requirements for principal buildings in the District Regulations.

6) Notwithstanding any provision in this Section, no accessory building or structure shall be permitted that, in the opinion of the Development Authority, will serve to restrict access to the rear yard where a parcel has vehicular access from the front yard only and one side yard setback of 3.05m (10 ft) has been provided to accommodate a driveway for vehicular passage and general access to the rear of the parcel.

7) Accessory buildings shall not be used as dwellings, subject to provisions of this Bylaw regarding Secondary Suites.

SECTION 39: BUILDING DEMOLITION

- 1) The Development Authority shall require a permit to demolish a building on a parcel.
- 2) An application to demolish a building shall not be approved without a statement or plan, which indicates:
 - a) how the operation will be carried out so as to create a minimum of dust or other nuisance, and
 - b) the final reclamation of the parcel,that is satisfactory to the Development Authority.
- 3) An application for the demolition of a building or structure is a permitted use in all Land Use Districts.

SECTION 40: BUILDING HEIGHT

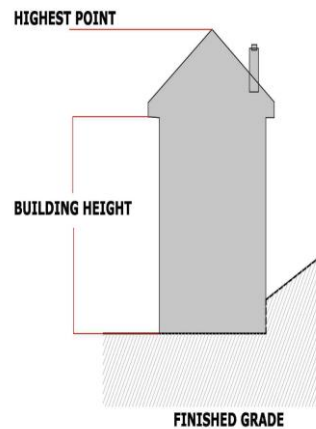
- 1) No building shall be constructed within the Village of Irma that exceeds 9.1 metres (30 feet) above grade unless it is:
 - a) serviced with a standpipe and sprinkler system, and

- b) is serviced for fire and rescue in a manner satisfactory to the Village of Irma, or
- c) the portion of the building is not normally accessible by persons as with communication towers, steeples or facade improvements.



TIP: This provision will ensure that a higher building such as an apartment block will be further away from the property line, giving less of a wall effect onto the neighbouring property.

- 2) No accessory building shall exceed the height of the principal building on a parcel.
- 3) The height of an accessory building shall be in proportion with the principal and accessory buildings on the subject parcel and adjoining parcels, and shall be in keeping with the surrounding neighbourhood.



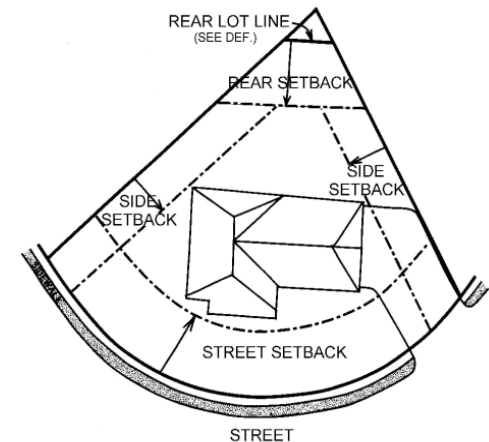
- 4) The height of an accessory building
- 5) The height of a building shall be measured from the average grade of the parcel.
- 6) For development that is to exceed 10 metres (32.8 ft) above grade where the adjoining parcel is districted to a residential district, the setback from the common property line shall be increased at a rate of 80% of the additional building height to a maximum height of 16 metres (52.4 ft) above grade.

SECTION 41: CORNER SITES

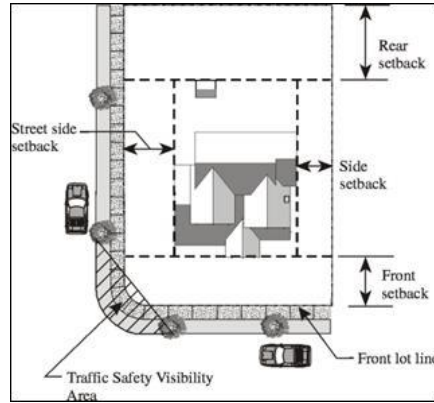
- 1) A parcel abutting two or more streets shall have a front yard setback on each street in accordance with front yard requirements for the respective land use district.



- 2) One flanking yard on a parcel may be subject to side yard setbacks in all land use districts, unless a separate flanking setback is described in the subject land use district.



3) No person shall erect, place or maintain within the site triangle a wall, fence, shrub, trees, hedge or any object over 0.9 metres (3.0 ft.) in height above the lowest street grade adjacent to the intersection.



4) Finished grades within the site triangle shall not exceed the general elevation of the roadway by more than 0.6 m. (2.0 feet).

SECTION 42: CURB CUTS

1) Curb cuts shall be provided as required by the Development Authority in a manner that minimizes loss of on-street parking opportunities and for the safe and efficient movement of pedestrians.



SECTION 43: DWELLING DENSITY

- 1) Except for the following, a maximum of one (1) dwelling is to be allowed on a single parcel:
 - a) secondary suites where the maximum number of dwellings may be increased in accordance with the provisions of Section 83 of this Bylaw,
 - b) multi-unit dwellings such as duplexes, row housing or apartments; or in the context of a residential park.

SECTION 44: EMERGENCY ACCESS

- 1) All parcels shall be designed such that safe, unrestricted access for fire fighting vehicles and equipment is afforded to all buildings and parcels in accordance with municipal and provincial fire authorities having jurisdiction.

SECTION 45: EXCAVATIONS AND GRADING

- 1) For the purpose of this Section, excavation shall mean excavation other than for construction or building purposes including, but not limited to, sand and gravel mining, topsoil stripping, removing trees and construction of artificial bodies of water.
- 2) An application for a development permit for the excavation, stripping or grading of land, which is proposed without any other development on the same land, shall include with the application all of the following information:
 - a) Location of the parcel, including the municipal address, if any, and legal description.
 - b) The area of the parcel on which the excavation, stripping or grading is proposed.
 - c) The type and purpose of the excavation, stripping or grading proposed, showing the dimensions of the operation and/or the area of the land and depth to which the topsoil is to be removed.
 - d) Location on the parcel where the excavation, stripping or grading is to take place.

- e) The condition in which the excavation, stripping or grading is to be left when the operation is complete and the use of the area from which the topsoil is removed.

SECTION 46: FENCING & SCREENING

- 1) In a residential district:
 - a) No fence shall be constructed that is:
 - i. higher than 1.83 m (6.0 ft) for that portion of the fence that does not extend forward beyond the foremost portion of the principal building on the parcel; and
 - ii. higher than 0.91 m (3.0 ft) for that portion of the fence that extends into the front yard beyond the foremost portion of the principal building on the parcel.
 - b) A flanking street property line that is treated as a side yard for yard setback purposes shall also be treated as a side yard for fencing requirements.
 - c) Where hedges, trellises, arbors, and similar things are located on or adjacent to a parcel line, they shall comply with the height requirements for fences.

- d) Multi-unit dwellings shall provide a wooden fence along the common property line with non-multi-unit residential buildings, extending beyond the foremost portion of any principal or accessory building. Fence height shall be a minimum of 1.52 (5.0 ft.) and a maximum of 1.83 (6.0 ft.) above grade.
 - e) The height of a fence is as viewed from the facing side.
 - f) Fencing has to be consistent in design and materials with those on neighbouring properties.
 - g) Barbed, electric, chicken or pig wire fencing on property lines is banned within residential land use districts. Chicken or pig wire may be used in the interior of a residential lot.
 - h) Fence posts shall be located on the facing side, or may be open to both sides where both lot owners are in agreement with the fence design at the time of construction.
- 2) In non-residential districts:
- a) Where a parcel fronts onto a street on both the front and rear yard, development permit approval is required prior to the erection of any fences on the property.
 - b) A solid or chain link fence shall be erected to a height no less than 1.22 m (4.0 ft.) and no more than 1.83 m (6.0 ft.) on the property line that separates a commercial, industrial, public or

quasi public use not including a park from a residential area.

- c) The maximum height of a fence within industrial properties may be determined by the Development Authority.
- 3) In urban reserve districts, barbed wire and other wire fencing may be constructed in support of agricultural operations.
- 4) All fences shall be made of materials that are not a safety hazard to the public.
- 5) Creosote pole fencing is prohibited within the Village of Irma.

SECTION 47: HAZARDOUS MATERIALS

- 1) Notwithstanding the regulations prescribed in the land use districts, industrial and commercial uses which involve storing, handling, distributing or disposing of chemical materials or products shall not be located on parcels which, in the opinion of the Development Authority, would be considered unsafe or may have potential to unduly interfere with, or affect the use, enjoyment or value of neighbouring parcels by reason of the storage or containment of the product or the potential release of the product.
- 2) The applicant applying for a use pursuant to this Section shall provide an approved development plan from the appropriate provincial agencies prior to a

development permit being issued by the Development Authority.

- 3) All pressure vessel containers shall be constructed, located, and inspected in accordance with the provisions of the Alberta Safety Codes Act, and its regulations.

SECTION 48: RESIDENTIAL IN-FILL

- 1) Within the R2 - Residential Land Use District, a maximum of 25% of the lots within a block or portion thereof that features single detached dwelling(s) may be re-developed to a duplex or higher density residential structure.
- 2) Secondary suites shall not count towards the density limit for residential dwellings in an in-fill proposal.



TIP: To calculate, count the total number of lots within the block that are residential. 25% or 1/4 of those may be redeveloped to higher density housing.

SECTION 49: LANDSCAPING

- 1) All land within a parcel that is not covered by a building, portable building, parking area(s), retaining walls or driveway shall be landscaped.
- 2) The minimum landscaped area of a parcel shall be:

- a) Residential Districts excluding apartment buildings: 10%,
- b) Highway and Neighbourhood Commercial parcels: 5%, or
- c) Other: are as per the requirements of the Development Authority.

- 3) A development permit approval is required for the removal of top soil from a parcel.
- 4) As part of the initial development permit application for the development of a parcel, the application shall include:
 - a) the location of all retaining walls,
 - b) sidewalks and open parking areas,
 - c) amenity areas, and
 - d) general parcel grading and drainage plan.
- 5) Commercial parcels with off-street parking lots shall be landscaped by the planting of shrubs, trees and/or shrubs to the satisfaction of the Development Authority.
- 6) Vegetative landscaping shall not impair public safety or pedestrian movement.
- 7) All landscaping shall be completed by the end of one construction season (May through October) following the occupancy or commencement of use of the

proposed development, unless an extension is granted by the Development Authority.

- 8) The Development Authority may require a financial guarantee in the form of cash or a letter of credit up to the value of the estimated cost of completion of the proposed landscaping.

SECTION 50: LANEWAY ACCESS

- 1) All properties within the Village of Irma shall have a developed street access. Laneways for vehicular access are for seasonal use only.

SECTION 51: PROHIBITED & RESTRICTED DEVELOPMENT

- 1) Matters related to unsightly property, safety hazards, derelict property, improper storage of vehicles, waste and chattels, and the improper parking of vehicles shall be addressed through Section 546 of the ACT and/or through separate Bylaw for the Village of Irma.

SECTION 52: ON-SITE ENERGY SYSTEMS

- 1) Wind Power:
 - a) Blades on windmills shall conform to the property line setback requirements of the

subject land use district or 1.5 metres, whichever is less.

- b) Except where mounted on a building, a blade on a windmill shall have a minimum clearance of 6.0 metres above grade.
- c) An agreement may be entered into with adjoining landowners to reduce the setback requirement.
- d) Windmill noise is subject to the Village of Irma noise bylaw.
- e) Should a site no longer be required for a windmill, the existing windmill shall be removed from the site.
- f) Windmills shall be of new construction and compliant with the latest Federal and/or provincial design standards.

- 2) Solar Panels:
 - a) Solar panels that are affixed to a roof or wall of an existing

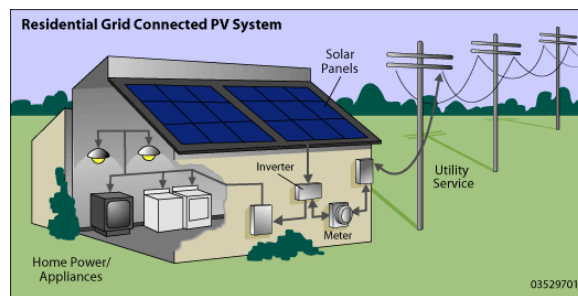


building shall not require development permit approval.

3) Geo-Exchange:

- a) The zone of influence for a geo-exchange circulation well shall be contained entirely within the property boundary of the subject property, unless a variance is agreed to by the landowner for the adjoining property,
- b) all proposed geo-exchange systems shall be professionally engineered,
- c) developers who wish to provide geo-exchange as part of a subdivision servicing proposal shall be required to provide all necessary engineering plans as part of a land use plan or subdivision application, and
- d) despite being serviced by a geo-exchange energy system, the subject property shall be serviced to the property line with both electrical and natural gas servicing.

4) Energy to Grid Systems:



- a) Applicants who wish to produce energy and sell it through the utility grid shall consult with the applicable utility regulator and provider prior to applying for a development permit approval.

5) Wind Power Application Details:

- a) As part of an application for a windmill structure, the Development Authority may require:
 - i. a scaled site plan showing the proposed tower height, rotor diameter, colour and proximity to property lines and buildings,
 - ii. a noise analysis at the site,
 - iii. specifications for anchor design, foundation and guy wires, and
 - iv. details on consultation with Alberta Environment, Nav Canada, Transport Canada and the Alberta Energy Regulator, if applicable.

6) Land Use District Use:

- a) Solar panels, windmills and geo-exchange systems may be installed within any land use district as an accessory building or use, as applicable.

- b) Windmills within residential/commercial districts shall be located in a manner that will not materially interfere with the use, enjoyment or value of neighbouring properties.
- c) The placement of on-site energy systems on a lot shall be aesthetically compatible with other development in the surrounding neighbourhood.

SECTION 53: ON-SITE SERVICING

- 1) Where a municipal hook up exists, all new development should be required to connect to municipal services.
- 2) A private on-site water supply may be used provided an agreement is made with the Village to connect to municipal water supply when that supply becomes available to the property line.
- 3) A private on-site water supply for non-potable use may be developed as part of a commercial/industrial use at the discretion of the Development Authority.
- 4) A private water well may be considered as an a discretionary accessory use where used in

accordance with (3) above or as part of an agricultural use.

SECTION 54: OUTSIDE STORAGE & DISPLAY FOR COMMERCIAL USE

- 1) Outside storage of goods, products, materials or equipment shall be kept in a clean and orderly condition at all times and shall be screened by means of a solid fence or wall from adjoining residential uses to the satisfaction of the Development Authority.

- 2) Temporary outdoor display of goods or products for sale, lease or hire shall be arranged and maintained in a neat and tidy manner.



SECTION 55: PRINCIPAL BUILDING OR USE

- 1) On residential parcels, the residential building(s) shall be the principal building on that parcel. All

other detached buildings shall be accessory to the principal building or use.

- 2) An accessory building or use where there is no principal building or use on the property shall be a discretionary use in all land use districts.

SECTION 56: POLLUTION CONTROL

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

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

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

- 2) The Development Authority may choose to limit or specify the hours of operation of any commercial or industrial operation within the conditions of any Development Permit where those hours may be a nuisance to neighbouring properties, businesses and residents.

SECTION 57: PROJECTION INTO YARDS

- 1) A principal building shall not encroach or project over or onto a front yard, side yard, rear yard or required setback, except where as described below:
 - a) a chimney, balcony, sill, cornice, eave or other similar structure to a maximum encroachment of 0.61 metres (2 ft.); and does not encroach into a side yard intended to provide access unless the encroachment is a minimum of 2.5 metres (8.2 ft.) above grade,
 - b) an unenclosed verandah, porch, deck, eave or canopy or open balcony individual supported by cantilever, projecting no more than 1.22 metres (4.0 ft.) into a front yard,
 - c) unenclosed steps or wheelchair ramp, if the steps or ramp are:
 - i. 2.44 metres (8.0 ft) or less above grade,
 - ii. not located in a required side yard which provides or is intended to provide access and the steps would not reduce the side yard by more than 0.6 metres (2.0 ft.),
 - iii. eaves of a private garage or other accessory building if the eaves are not closer to the parcel line than one-half the width of the required side yard or 0.61 metres (2.0 ft.), whichever is less,

- iv. a bay or bow window or cantilevered section of a building which projects into a front yard to a maximum of 0.61 metres (2.0 ft.) ,
 - v. a bay or bow window or cantilevered section of a building which projects into a side yard to a maximum of 0.61 metres (2.0 ft.) where the side yard is intended to provide access, unless the encroachment is a minimum of 2.5 metres (8.2 ft.) above grade, and
 - vi. a grade level patio or other similar development may project into a yard requirement up to the property line.
- 2) In a commercial district, a canopy or extension over a front or side yard may project into the yard in accordance with the sign regulations of this Bylaw.
- 3) In a commercial district, a canopy or extension into a rear yard shall not obstruct the normal use of the yard and shall be a minimum of 3.65 metres (12 ft.) above grade.

SECTION 58: BUILDING RELOCATION

- 1) The relocation of a building to or within a parcel other than structures noted in Section 20: *Development Not Requiring a Permit*, shall

require Development Authority approval prior to the relocation taking place.

- 2) An application to relocate a building from one parcel to another shall require:
- a) a colour photograph of the building,
 - b) a statement of the current location of the building,
 - c) a statement from a safety codes inspector identifying the improvements that are required to bring the building into compliance with the Safety Codes Act,
 - d) notification of the route, date, and time that the relocation is to take place, and
 - e) a site plan showing where the subject building is to be located within the parcel.
- 3) The Development Authority may require, where a development permit is issued for a relocated building, a letter or credit related to the development. Where applicable, a letter or credit may be forfeited should all conditions of the development permit not be complied with.
- 4) The Village may require that some or all renovations identified in the Development Permit application to be carried out prior to the relocation of the building. Upon re-location, all remaining renovations shall be completed within one year of the issuance of the development permit.

- 5) A relocated building is a discretionary use in all land use districts.
- 6) All relocated buildings shall be compatible with respect to age and appearance with other buildings on the parcel and adjoining parcels once it is fully renovated.
- 7) Buildings that are located on sales lots and have not been used for the intended purpose (ie., a modular home on a sales lot has never been lived in), are in good conditions and repair, and comply with the current standards of the Safety Codes Act shall be treated as new construction and not a relocated building.

SECTION 59: PUBLIC UTILITIES

- 1) Public Utilities and structures are not subject to the property line setback requirements of this Bylaw. All setbacks are at the discretion of the Development Authority.
- 2) Public utility structures and equipment are a permitted use in all land use districts except where specifically regulated elsewhere in this Bylaw.

SECTION 60: CIVIC (STREET) ADDRESS

- 1) Every residence or business shall have its municipal address clearly displayed near the front door

entrance in a manner that is recognizable from the fronting street or sidewalk.

- 2) Street numbers shall be a minimum of 6" (15 cm) in height.

SECTION 61: VEHICLE ACCESS

- 1) Every parcel created shall have either within the parcel or on an adjoining parcel vehicular access to a street or avenue.

SECTION 62: ZERO SIDE YARDS

- 1) Where developments are proposed which include a zero side yard, the regulations of this section shall apply.
- 2) A development for a zero-side yard building shall include plans showing the grading and drainage onto adjoining parcels and address any grading

- 3) Easements prepared to the satisfaction of the Village of Irma dealing with encroachments, drainage or other matters may be required as a condition of development permit approval.



**PART 7: USE SPECIFIC
REGULATIONS**

***SECTION 63: ACESSORY FOOD & LIQUOR
SERVICE***

- 1) An accessory food and/or liquor service shall:
 - a) be subordinate to the principal use in the building,
 - b) use the same entrance/exit as the principal use in the building,
 - c) not require any additional parking space allocations, and
 - d) comply with all applicable health and safety regulations.
- 2) An accessory food and/or liquor service may be an accessory use to a recreational facility such as an arena, summer fair or campground/R.V. Park.

***SECTION 64: ADULT ENTERTAINMENT
BUSINESS***

- 1) Shall not be located within 100 metres (328 ft) of a park, school, community hall, church or other place

of worship, arena, amusement establishment or other business that caters specifically to children.

SECTION 65: BED AND BREAKFAST

- 1) A bed and breakfast operation shall:
 - a) have a maximum of three (3) guest bedrooms at any one time,
 - b) not have more than one employee that is not a resident of the principal residential building,
 - c) not include any cooking facilities in a guest bedroom,
 - d) not display any signs on the parcel unless approved by the Development Authority, and
 - e) may offer one or more meals to the guests during the stay.
- 2) A bed and breakfast may share a maximum of two parking stalls in tandem with other vehicle parking stalls located on the parcel.
- 3) A bed and breakfast establishment shall include a common amenity/recreation space within the building and/or yard for guest use.

SECTION 66: CAMPGROUNDS AND R.V. PARKS

- 1) A campground means a use:
 - a) where spaces are provided for temporary accommodation in recreational vehicles or tents,
 - b) that may include an administration building, laundry or other buildings and structures related to the campground use,
 - c) that is serviced in a manner acceptable to the Village of Irma,
 - d) that has a minimum of one parking stall per camping space and one visitor parking stall per seven spaces, and
 - e) that cannot be used for long term accommodation.
- 2) When considering a campground use, the Development Authority may place specific conditions on the development permit approval to address:
 - a) hours of operation,
 - b) cleanliness and overall appearance,
 - c) security,

- d) a minimum 10% of the gross area of the campground to be developed for recreational activities,



- e) an emergency response plan, and
- f) an emergency access.

SECTION 67: CAR WASH

- 1) A car wash may be designed within a commercial land use district to accommodate smaller vehicles. Larger vehicle car washes shall be located in an industrial land use district.
- 2) Car washes that adjoin a residential district parcel and within 23.0 metres (75.5 ft) of the property line shall have vacuums within the building and be screened from the residential parcel.

SECTION 68: CHILD CARE SERVICES

- 1) Child care service facilities as a principal use shall include an outdoor recreation area, sufficient employee parking stalls to accommodate staffing and

pickup/drop-off requirements and an emergency response plan.

- 2) Child care services as a secondary use shall include no employees other than a resident of the building and a single off-street pickup/drop-off stall.



- 3) The Development Authority shall consider traffic impacts in the surrounding neighbourhood, proximity to parks and mitigation measures to minimize impacts on adjoining residential properties as part of the decision making process for a child care service within a residential area.

SECTION 69: HOTELS & MOTELS

- 1) Commercial Accommodation through the renting of a unit in a motel/hotel may include additional services incl: meeting rooms, restaurants, lounges and recreational uses within a hotel.

- 2) Commercial accommodation shall have a minimum parcel area of 139.35 m² (1500 ft²) for a single storey structure and 929 m² (1,000 ft²) for a second storey structure. Minimum parcel areas for commercial accommodation higher than two (2) storeys is at the discretion of the approving authority.

SECTION 70: COMMUNICATION TOWERS

- 1) The Development Authority may require the applicant for a telecommunication tower, antenna, building or equipment related to communications to submit a statement regarding the position or opinion of residents living within 150 metres (492 ft) of the site.



- 2) Telecommunication towers, buildings or antenna equipment shall be removed from the site when no longer required for the proposed use.

- 3) Freestanding towers shall be designed to prevent climbing or sliding down, and their base and stabilizing lines shall be separately fenced.

SECTION 71: GROUP HOME SERVICES

- 1) A Group Home shall:
 - a) be licensed or approved by the appropriate provincial agency,
 - b) should be no less than 300 metres (984 ft) from another group home,
 - c) shall be of similar design and conform to housing unit density for the subject land use district, and
 - d) shall accommodate staff parking off-street.
- 2) The Development Authority shall consider proximity to parks and other amenities and existing/proposed buffering to minimize impacts on surrounding properties.
- 3) Where a Group Home was formerly a residential building, the minimum amenity area requirement for the group home shall be that of the former residence.
- 4) The construction of a building for use as a Group Home shall include an indoor/outdoor amenity area equivalent to a residence of the same floor area and number of bedrooms.

SECTION 72: HOME BASED BUSINESSES

- 1) A Home Based Business shall be operated as a secondary use only and shall not change the principal character and external appearance of the dwelling in which it is located.
- 2) A Home Based Business may have one non-illuminated facia sign or nameplate to identify it in accordance with the sign regulations provided in Part X of this Bylaw.
- 3) A Home Based Business shall not use more than 27% of the gross floor area of the residence.
- 4) A Home Based Business shall not create any dust, traffic, congestion, late visitations, noise, odours, noxious fumes, interference with telecommunications or vibrations emanating from the premise which is not normally produced by a dwelling unit.
- 5) A home based business shall not generate any pedestrian or vehicular traffic or parking that is a source of inconvenience to adjacent landowners or tenants.
- 6) There shall be no outside storage of materials, commodities or finished products.
- 7) A home Based Business shall be reviewed upon receipt of a complaint by an affected landowner. A permit for a home based business may be suspended or revoked on the basis of non compliance on 30 days notice.

- 8) A home Based Business shall not create on-street parking that may be determined by the Development Authority to be an inconvenience to adjoining landowners or tenants.
- 9) This provision does not apply to home based businesses that have no non-resident employees, no signage, client visitations and is otherwise indistinguishable from the principal residential use.

SECTION 73: KENNELS

- 1) Veterinary clinics or hospitals, pet shops and kennels shall:
 - a) not be a source of smell or noise or other emissions that can adversely impact neighbouring properties or uses,
 - b) be equipped with adequate sound proofing of pens, rooms and runs, and
 - c) have indoor exercise runs that are sufficient to accommodate the maximum number of animals that can be housed.
- 2) The Development Authority shall recommend that the building plans include a separate air extractor system in the animal holding area so that heating/air conditioning is separate from the remainder of the building

- 3) The keeping of dogs and other animals in a kennel shall be in accordance with all Village of Irma Bylaws governing the keeping of animals.
- 4) No kennels shall be permitted within a residential district or within 35.0 metres (114.5 ft.) of a property within a residential district.

SECTION 74: LIVE/WORK COMMUNITY

- 1) A live work community shall not be located adjacent to an existing residential district, but may be located adjoining to an industrial, highway commercial or urban reserve district.
- 2) A live work community shall consist of a minimum of three (3) parcels that include:
 - a) a principal residential building,
 - b) a commercial use and/or building, and
 - c) an outdoor residential amenity area of no less than 93 m² (1,000 ft.²)
- 3) A commercial building within a live/work district shall include a separate holding tank to accommodate any liquid waste products that are not suitable for the Village of Irma sanitary sewer system.
- 4) The lot shall be landscaped to ensure that no portion of the commercial use area of the lot can drain onto adjoining lots, roadways or any portion of the lot to be used for a residential use.

- 5) The initial development permit application on a live-work parcel shall include both a main residential building and a commercial use appropriate for the district.

SECTION 75: MIXED USE DEVELOPMENT

- 1) Residential and commercial development on the same lot or within the same building may use either land use as the principal use.
- 2) Both uses shall have separate entrances and direct access to street level.

- 3) The residential use shall be in the rear of the building or on an upper floor. The commercial use shall be on the ground floor and front portion of the building.



- 4) The residential use shall have a floor area of no less than 46.45m² (500 ft².) for a bachelor unit and an additional 30.5m² (100 ft²) for each bedroom in the dwelling.
- 5) The Development Authority shall consider the relationship between the residential and commercial use and their compatibility with the surrounding

neighbourhood with respect to lighting, ventilation, privacy and visibility.

- 6) The residential use shall be serviced through off-street parking. At least one parking stall shall be dedicated for residential use while other parking stalls can be shared between the residential and commercial uses.



SECTION 76: MULTI-UNIT RESIDENTIAL

- 1) The Development Authority may require the following as part of an application for a multi-unit residential dwelling:
 - a) engineered design plans,
 - b) geotechnical plans for multi-storey buildings with separate residential dwellings on each storey,
 - c) grading, outdoor recreation, landscaping and vegetation plans, and
 - d) a servicing plan.
- 2) The Development Authority shall be provided with scaled plans showing:

- a) the location of all buildings and structures on the parcel,
- b) the location and design of permanent signage,
- c) the location and design of parking spaces, access and egress onto the parcel, pedestrian walkways, refuse storage areas, amenity areas, landscaped areas and fencing, and
- d) the location of exterior lighting including the parking lot and landscaped areas.

3) Where allowed under the subject land use District, the main floor of a multi-unit multi-floor residential building may be used for commercial purposes.



- 4) Zero lot line provisions as described in Section 62 apply.
- 5) Where the total lot area for a duplex dwelling conforms to the required standard for a duplex on a single lot, but does not conform to a duplex with each unit being on a separate lot, the Development Authority may consider the approval of the building with the appropriate variance as part of the Development Permit approval process. Similarly, the Subdivision Authority may approve the subdivision of a duplex if the duplex was conformant to this Bylaw on a single lot, but does not conform with each unit

on its own property with the appropriate variance as part of the subdivision process.

SECTION 77: PETROLEUM FACILITIES

- 1) Petroleum facilities shall not be located in any area that are determined by the Development Authority to be a safety risk, have inappropriate vehicle circulation or access to and from public roadways.



- 2) An application for a petroleum facility shall include scaled drawings showing:
 - a. proposed traffic circulation,
 - b. off-street parking areas,
 - c. loading areas,
 - d. landscaped areas,
 - e. signage location, and
 - f. the placement of security fences.

- 3) The minimum area for a gas bar shall be 1,207.7 m² (13,000 ft²).
 - a. The minimum area for a service



station shall be 1,486.4 m² (16,000 ft²).

- 4) Multi-use facilities shall have a minimum area of no less than the required minimum area for the use with the largest minimum area requirement plus 75% of the minimum area requirement for each additional use.
- 5) The maximum parcel coverage for buildings, loading areas, parking areas, drive through, etc. shall be 80% of the parcel.
- 6) Land not included in parcel coverage shall be landscaped and vegetated to the satisfaction of the Development Authority.
- 7) 15% percent of the parking requirements for a multi-use facility under this section may be shared between the various uses.
- 8) A minimum 6.1 metre (20.0 ft.) setback from the property line shall be maintained for all pump and pump housing units.
- 9) The installation of petroleum tanks shall conform to Provincial Standards. Permit approval from the Provincial Approving Authority shall be included as



supporting information for a development permit application.

- 10) Lighting for the site shall not be directed towards any adjoining parcel without the prior approval of the owner listed on the certificate of title for that parcel.

SECTION 78: PLACES OF WORSHIP

- 1) A place of worship may include a manse as an accessory building. Where a manse is included a part of the development; it shall be located, if possible, on the parcel in a manner that will allow for its separation into a separate title at a future date.
- 2) A place of worship should have a minimum frontage of 30.0 metres (98.4 ft.).
- 3) Parking areas for a place of worship shall be screened from adjoining residential properties to the satisfaction of the development authority through the use of maintained walls, landscaped earth berm, hedges or fences.
- 4) Places of worship are preferred to be located on corner lots or an internal lot that is adjacent to the side yard of a non-residential parcel.

- 5) All portions of the parcel that are not used for parking, pedestrian access or buildings shall be landscaped.

SECTION 79: POOLS AND HOT TUBS

- 1) Swimming pools and hot tubs for private use shall be secured against entry by the public other than owners, tenants or guests.
- 2) It is required that pools and hot tubs be drained in a manner that does not direct water onto neighbouring properties.

SECTION 80: PORTABLE BUILDINGS

- 1) A portable building may also be referred to as a tarp shed or canvas garage.

- 2) A maximum of one portable building may be allowed on a single non industrial parcel.



- 3) A portable building is an accessory building for the purposes of this Bylaw in all land use districts, and are subject to all applicable accessory building requirements.

- 4) A portable building is included as part of the parcel coverage calculation as applicable in all land use districts.

- 5) Portable buildings must be maintained in good repair. A Development Permit issued for a portable building may be cancelled by the Development Authority and ordered for removal from the property pursuant to Section 546 of the Act should the structure be determined by the Development Officer to be unsightly or derelict.

- 6) A portable building shall not be allowed that would be larger than a permanent building that would be constructed on the same property for a same or similar use.

SECTION 81: RESIDENTIAL STANDARDS

- 1) Dwellings (single detached) as new construction shall include the following design standards.

- a) All components or modules of the dwelling must be consistent in construction standards and external appearance.

- b) All exterior walls of any residence must be dimensioned at less than or equal to 3:1 length to width.

- c) Minimum width of any portion of a dwelling must be 4.8 m (16 ft) not including eaves, decks or porches. Portions of a dwelling which are less than 4.8 m (16 ft) in width shall not be included as part of the length to width ratio for the dwelling.
- d) All homes constructed outside of the Province of Alberta must comply with the Alberta Safety Codes Act.
- e) Continuous horizontal roof lines facing the front and rear lot lines shall not exceed more than 6.0 m (20 ft) in length. For side yard property lines continuous horizontal roof lines shall not exceed 9.1 m (30 ft) in length.
- f) All eaves shall be a minimum of 0.30 m (12 in) in width.
- g) All roof pitches must be a minimum 3:12 (3 feet of elevation for 12 feet of width) and be consistent or compatible with the roof pitch through the entire dwelling, except where approved by an engineer and authorized under an approved



- neighbourhood outline plan, area structure plan and/or other statutory plan.
 - h) Open covered decks or verandahs which are constructed at the same time as the residence and comply with (g) above may be considered as floor area of the dwelling for the purpose of calculating minimum floor area requirements.
 - i) Skirting shall only be used around dwellings that are normally designed for that type of exterior finishing and skirting is widely used in the surrounding neighbourhood.
 - j) Parging shall be applied on all foundation/basement finishes as a minimum standard where this form of finishing is common in the surrounding neighbourhood.
- 2) Dwellings which do not conform to Sub-section 1(b) shall be restricted to Land Use Districts that allow for *Dwelling - Manufactured Home* as an allowable use.
 - 3) Residential dwellings considered under this Section shall aesthetically compatible with other dwellings in the surrounding neighbourhood.
 - 4) Dwellings that don't conform to Sub-section 1(g) shall be supported by approved engineered design standards.

SECTION 82: RESIDENTIAL PARKS

- 1) A residential park shall provide sites for two (2) or more single detached dwellings on a parcel.
- 2) Each residential unit shall have a minimum of two (2) parking stalls per unit and one (1) visitor parking stall per ten (10) residential units.
- 3) Each residential site shall have a minimum area of 445.9 m² (4800 ft²).
- 4) Each residential site shall have a private amenity area of no less than 40 m² (430 ft²).
- 5) Each site shall have a durable base or foundation for the residence.
- 6) Each site shall be clearly marked to distinguish the boundary of adjoining sites and common lands.
- 7) All homes within a residential park shall be sized to comply with the setback provisions of the subject residential site.



- 8) A common amenity space shall be provided to a minimum of 10% of the gross area. This space shall be developed to service the intended

residential market such as children or independent adult living.

- 9) The boundary of the residential park shall be screened from view from adjoining parcels with a fence to a minimum height above grade of 0.9 metres (3.0 ft.)
- 10) All utility lines shall be placed underground and as-built plans shall be submitted to the Village of Irma for their records.
- 11) All internal roads and pedestrian walkways within a residential park shall be hard surfaced, drained and maintained to an approved standard.
- 12) Conversion of a residential park to a residential community with each residence on a separate lot shall require all sites to conform to the minimum lot and servicing standards of the receiving district.
- 13) A screened and fenced common storage area shall be included as part of any residential park and be accessed only from within the park.
- 14) All residences within a residential park shall have a length to width ratio of less than or equal to 3:1, or greater than 3:1.

SECTION 83: SECONDARY SUITES

1) A development permit application for a secondary or garage suite shall be subject to the following requirements, including, but not limited to:

a) include an evaluation by an accredited Safety Codes officer and/or Building Inspector,



b) compliance with all relevant provisions of the Alberta Safety Codes, Fire Codes and Alberta Building Codes, as amended,

c) minimum floor area of 23.33 m² (250 ft²) per occupied suite and a maximum of 4 occupants per suite,

d) include a kitchen, bathroom and a separate entrance, and

e) include adequate off-street parking to support the proposed use.

2) A development permit application for a secondary suite or garage suite shall be subject to the following requirements, including, but not limited to:

a) a secondary suite may be developed only in a single detached dwelling or the second floor of a garage in the case of a garage suite,

b) a secondary or garage suite may only be developed in a district where "secondary suite" or "garage suite" respectively is listed as an allowable use,

c) only one secondary or garage suite shall be allowed per parcel that includes one principal dwelling,

d) a secondary suite shall not exceed 40% of the principal building in the case of a secondary suite located within a residence,

e) off-street parking shall be as required in the land use district where it is listed,

f) A garage suite shall have a civic address sign affixed to the entrance to the suite or building, and

g) A secondary suite and a garage suite shall not count towards the housing unit density referred as part of in-fill development.

SECTION 84: SHIPPING CONTAINERS

- 1) A shipping container is an allowable building with an approved development permit in an industrial and urban reserve district.
- 2) A shipping container may be used for the purpose of loading or unloading household items or construction materials or equipment in any district, for a period of 30 days upon request of the landowner to the development authority without the requirement for a development permit.
- 3) Shipping containers shall be treated as an accessory building for the purpose of location within a parcel, except when used under Sub-section 2 above.
- 4) Where Sub-section 2 above is applicable, the shipping container may be located within a front yard driveway.
- 5) Shipping containers shall not be used as a fence in any land use district
- 6) Shipping containers shall not eliminate or interfere with parking, loading or the manoeuvring of vehicles or pedestrians on the site.



SECTION 85: SURVEILLANCE SUITES

- 1) Surveillance suites shall be compatible with and accessory to the principal use on the subject parcel, and be compatible with uses on adjoining properties.
- 2) A surveillance suite shall not interfere with future development or land uses on adjoining properties.
- 3) Where a surveillance suite is attached to the principal building on a site by a roof, an open or enclosed structure, a floor or a foundation, it shall be treated as part of the principal building.
- 4) Property line setbacks for surveillance suites shall be as per the regulation in the applicable land use district.
- 5) Surveillance suites, as detached buildings, shall have a minimum setback to other buildings of 1.83m (6.0 ft) or as required to meet Safety Codes Act requirements.
- 6) Surveillance suites shall not be located in the front yard of a lot.
- 7) A surveillance suite shall have a minimum floor area of 46.45 m² (500 ft²) and a maximum floor area of 92.9 m² (1,000 ft²), not including a basement.
- 8) Surveillance suites shall be finished and maintained in a manner that is compatible with the other buildings on the subject property and surrounding neighbourhood.



Part 8 : PARKING REQUIREMENTS

SECTION 86: GENERAL REQUIREMENTS

- 1) Parking stalls and loading spaces shall be clearly marked and regularly maintained in the parking facility.
- 2) Except where exempted through specific development permit approval, all off-street parking areas shall be separated from streets/sidewalks by a landscaped buffer at least 0.91 m (3.0 ft) in width.
- 3) Necessary curb-cuts shall be constructed according to Village of Irma Municipal Standards.
- 4) Where the off-street parking spaces exceeds two stalls, each stall and access from the street shall be hard surfaced to Village of Irma Municipal Standards.
- 5) Parking areas shall be graded in a manner that will not direct surface water flows across the parcel boundary unless where approved by the Development Authority and/or Public Works Department.
- 6) Parking facilities shall be adequately lighted. Lighting shall not be directed towards parcels districted to a residential land use district or other parcels where the lighting may adversely impact the parcel or its use.

- 7) Parking for physically handicapped shall be provided in accordance with Provincial Design Standards, and shall be clearly marked. As a guide, 5% of customer/resident parking stalls should be barrier free to a maximum of 4 stalls per business. Barrier free parking should also be proximal to the main entrance of the subject building.
- 8) All parking areas shall conform to the following design standards, except where varied by the Development Authority due to specific on-site considerations:
 - (a) stall widths shall be a minimum of 2.6 m. (8.5 ft.),
 - (b) stall depth shall be 5.8 m (19 ft.),
 - (c) the maneuvering aisle shall be a minimum width of 3.5 m (11.5 ft.), and
 - (d) the Development authority may adjust the parking stall and aisle dimensions as required to suit the type of traffic anticipated to service the proposed use.

SECTION 87: ON-STREET PARKING

- 1) On-street parking shall be prohibited except where allowed by the Village of Irma.
 - 2) On-street parking stalls shall be marked to the satisfaction of the Village of Irma.
-

- 3) On-street parking shall not be used as a means to satisfy parking requirements in any district other than where approved by the Development Authority.
- 4) On-street parking shall not be used to satisfy parking requirements for secondary suites.

SECTION 88: OFF-STREET LOADING

- 1) Off-street loading areas shall:
 - a) be of adequate size and area to accommodate the proposed use,
 - b) shall not interfere with pedestrian or other customer traffic movements,
 - c) have a clearly defined traffic aisle to a street or lane,
 - d) be sited to an elevation or elevations convenient to a major floor level in the building or to a utility elevator serving each major floor level,
 - e) have an overhead clearance of no less than 5.49 m (18 ft) above grade,
 - f) be graded and drained to dispose of all surface water in a manner satisfactory to the Development Authority. Surface water shall not be directed across sidewalks or property

lines without the approval of the Development Authority,

- g) be surfaced in the same manner as the off-street parking facility serving the same building, and
- h) be screened on each side adjoining or fronting any parcel in a residential district by a hedge, wall, earth berm or fence of no less than 1.52 m (5.0 ft) in height to the satisfaction of the Development Authority.

SECTION 89: PARKING REQUIREMENTS

- 1) Change of use or the intensity of use shall require a re-calculation of parking requirements under this Section and where applicable, under the applicable section this Part of the Land Use Bylaw.
- 2) The number of parking stalls required to serve a use on-site may be adjusted at the discretion of the Development Officer.
- 3) The Development Authority may assign a same or similar use to one or more of the requirements provided in the Table below.
- 4) Where proposed use(s) falls within one or more parking requirements, the number of parking stalls required shall be the sum of those specified for each individual use.

- 5) Table 1 on the following page provides minimum parking stall requirements for individual land uses. Some land uses have specific requirements provided in special use provisions of this Bylaw.
-

USE	STALLS (# stalls, /seats or /gross floor area)
AGRICULTURE	Exempt
COMMERCIAL	
Accessory Food or Liquor Service	No additional stalls
Adult Entertainment Business	No additional stalls
Auction Sales	Discretion of Development Authority
Automotive Sales and Service	1/100m ² (1,076 ft ²)
Bars and Lounges	1/4 seats
Car Washes	2 stalls for outdoor drying area, 2 drive thru. stalls
Child Care Services (Principal Use)	As per special use provisions.
Commercial Accommodation	1/suite + 1/employee at peak periods.
Convenience Store	1/50 ² m (538 ft ²) of floor space
Drive Through Service	Min 3 drive through stalls
Gas Bars	1/100m ² (1,076 ft ²)
Kennel	2 stalls +1/employee
Larger Shopping Centres	1/30m ² (323 ft ²)
Manufacturing Services	
Mixed Commercial/Residential	Stalls equal to what is required by each use.
Moving or Cartage	1/employee + 1/100 m ² (1,076 ft ²) of gross floor area
Neighbourhood Shopping Centre	1/40 m ² (430.5 ft ²)
Offices	1/ 37m ² (398 ft ²)
Outdoor Sales and Service	1/100 m ² (1,0076 ft ²) of parcel coverage
Personal Services	1/40 m ² (430.5 ft ²)
Petroleum Facility	as req. by Development Authority
Private Clubs	1/ 10m ² (107.6 ft ²)
Professional Services	1/40 m ² (430.5 ft ²)
Restaurant (take out only)	1/14 m ² (151 ft ²) plus 1/employee
Restaurants	1/4 seats
Retail Services	1/40 m ² (430.5 ft ²)

Retail Stores (<3,716 m ² (40,000 ft ²)	1/ 28 m ² (301 ft ²)
Retail Stores (≥3,716 m ² (40,000 ft ²)	1/23 m ² (248 ft ²)
Service Stations	1/100m ² (1,076 ft ²)
Shopping Centre	1/30 m ² (323 ft ²)
Travel Information Centre	4 stalls + 1/employee
Veterinary Clinic	3 stalls +1/employee
Warehouse Sales	1/100m ² (1,076 ft ²)

INDUSTRIAL

Any Development within an Industrial District that requires employees/traffic	1/100 m ² (1,076 ft ²) of gross floor area + 3/tenant
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PUBLIC INSTITUTIONAL

Amusement Establishments	1/5 seats or 1/10m ² (107.6 ft ²)
Auditoriums/recreational facilities	1/5 seats or 1/10m ² (107.6 ft ²)
Campground	as per special use provisions.
Elementary/Junior High School	5 spaces + 1/daytime employee
EMS Services	1/employee
Health Clinic	1/40 m ² (430.5 ft ²)
High School and Other Schools	1/8 students + 1/daytime employee
Kindergarten School	1/32.5 m ² (350 ft ²) + 1/ daytime employee
Medical Services	1/ 28m ² (291 ft ²)

RESIDENTIAL

Low Density	
Duplexes	2
Residential Park Stall	2/unit
Row Housing	2
Secondary Suites	1
Single Detached	2
Visitor Stall	1/10 units
Higher Density	
Multi-Unit Dwellings:	
a) 1 Bedroom	1
b) 2+ Bedrooms	1.5

	c) Visitors	0.5/ unit
	Senior's & Care facilities:	0.6/resident + 1/daytime employee
	Visitors	1/10 dwellings
	Independent (Active) Adult	2
	Show Home & Sales Office	4 spaces total
Residential Other		
	Bed and Breakfast	1 additional stall
	Child Care Services (Secondary Use)	Residential stall requirement +1 stall.
	Group Home	1/4 beds
		1/ 2 employees
	Home Based Business	1 additional stall
	Live/Work	2 residential + min 2 commercial.

PART 9: SIGNAGE REQUIREMENTS

SECTION 90: SIGNAGE REGULATION

- 1) Development Permits shall be required for all permanent signs within the Village of Irma. All signs shall be subject to the following:
 - a) The Development Authority may, at their discretion, require an engineer-approved plan prior to the issuance of a sign permit in order to ensure the safe design and placement of a sign, awning or canopy.
 - b) Quality, aesthetic character and finishing of sign construction shall be to the satisfaction of the Development Authority.
 - c) No person shall erect or place a sign so that it would be considered, in the opinion of the Development Authority, to be a traffic hazard or obstruct the vision of vehicular traffic.
 - d) Where, in the opinion of the Development Authority, a proposed sign in a commercial or industrial land use district might be objectionable to a resident in any adjacent residential land use district, the Development Authority may impose such other regulations as they feel would protect the interests of residents including but not limited to periodic checks of the light being directed by a lighted sign as well as controlling the hours that lighted signs remain lighted.
 - e) Flashing, animated or interiorly illuminated signs shall not be permitted in any land use district where, in the opinion of the Development Authority, they might:
 - i. affect residents in adjacent housing or residential land use districts, or
 - ii. interfere with or obstruct a motor vehicle driver's vision or interpretation of oncoming traffic signs or traffic signal lights.
 - f) Notwithstanding Subsection (1), no person shall exhibit or place an illuminated sign that permits or provides for:
 - i. A current interrupting or flashing device unless there is a continuous source of concealed illumination on the translucent portions of the sign,
 - ii. A flashing beacon of a type that is the same or similar to those used by emergency vehicles,
 - iii. A flashing device, animator or revolving beacon within 50.29 m (165 ft) of the intersection of two or more public roadways, or
 - iv. A device described in Subsection (90)(c) that would be directly visible from any residential building within a distance of 50.29 m (165 ft) of the sign.
-

- 2) The area around sign structures shall be kept clean and free of overgrown vegetation and free from refuse material.
 - 3) The Development Authority may require the removal of any sign which, in their opinion, is or has become unsightly or is in such a state of disrepair as to constitute a hazard.
 - 4) The Development Authority may require that the owner of any sign indemnify the Village of Irma in an insurance policy related to any approved private sign.
-

PART 10: DISTRICT REGULATIONS

SECTION 91: GENERAL REGULATIONS

- 1) The Village of Irma is divided into Land Use Districts and the boundaries of each and every district are described on the Land Use District Map, which forms part of this Bylaw.
 - 2) Where uncertainty arises as to the precise location of the boundary of any district as shown on the Land Use District Map, the following rules apply:
 - Rule 1: Where the boundary is shown as following a public roadway or lane it shall be determined to follow the near side right of way boundary of the roadway or lane,
 - Rule 2: Where a boundary is shown as approximately following a property line, it shall be deemed to be following the said property line; and
 - Rule 3: In circumstances not covered by Rule 1 and Rule 2, the location of the District boundary shall be determined by:
 - Dimensions set out within the Land Use District map, or
 - Dimensions as established through the use of the scale bar shown on the Land Use District Map.
 - 3) Where Land Use Districts are established as part of the Subdivision process, the districts shall be understood to conform to the boundaries shown on the plan of survey or the Certificate of Title for the subject parcel.
 - 4) The District regulations do not apply to public roadways, lanes or public utilities.
 - 5) Special Use Provisions are provided in Part VIII of this Bylaw.
-



SECTION 92: R1 - RESIDENTIAL



- 1) **PURPOSE:** The purpose of this District is to provide for a residential neighbourhood that is intended to be exclusively for single detached homes. Secondary buildings and uses are to be compatible with the character of the neighbourhood.

- 2) **USES:** Permitted (P) and Discretionary (D) Uses are provided in the Table below:

BUILDING OR USE	P/D
ACCESSORY BUILDING OR USE	P
BED AND BREAKFAST	D
CHILD CARE SERVICE	D
DWELLING - MOBILE HOME (existing)	D
DWELLING - SINGLE DETACHED	P
HOME BASED BUSINESS	D
PARK	P
PLACE OF WORSHIP	D
PUBLIC & QUASI PUBLIC BUILDING OR USE	P
PUBLIC UTILITIES	P
SHOW HOME AND SALES OFFICE	D
SECONDARY SUITE	D
SWIMMING POOL & HOT TUBS	P

3) YARD REGULATIONS:

YARD MINIMUM	MINIMUM REQUIREMENTS
FRONT	7.5 m (24.6 ft.)
SIDE	1.5 m (4.9 ft.)
REAR	7.5 m (24.6 ft.)
FLANKING	3.0 m (9.8 ft.)

4) PARCEL REGULATIONS:

PARCEL FEATURE	MINIMUM REQUIREMENTS
AREA	560 m2 (6027.8 ft2)
DEPTH	37.3 m (122.4 ft)
WIDTH	15 m (49.2 ft.)

5) ADDITIONAL REQUIREMENTS:

- a) Floor area of the residential portion of the home not including garages, decks or portions shall not be less than 111.5 m² (1,200 ft²). All other buildings at the discretion of the Development Authority.

- b) Parcel coverage for residential use is maximum 40%. Other uses are at the discretion of the Development Authority.

- c) Maximum building height is 9.14 m (30 ft.).

- d) Mobile homes within this District cannot be replaced.



SECTION 93: R2 - RESIDENTIAL



1) **PURPOSE:** The purpose of this District is to provide for a residential neighbourhood that is intended to be exclusively for single detached homes and some medium density housing. Secondary buildings and uses are to be compatible with the character of the neighbourhood.

2) **USES:** Permitted (P) and Discretionary (D) Uses are provided in the Table below:

BUILDING OR USE	P/D
ACCESSORY BUILDING OR USE	P
BED AND BREAKFAST	D
CHILD CARE SERVICE	D
DWELLING - DUPLEX	D
DWELLING - MANUFACTURED HOME	D
DWELLING - MOBILE HOME (existing)	D
DWELLING - ROW HOUSING	D
DWELLING - SINGLE DETACHED	P
DWELLING - TRIPLEX	D
HOME BASED BUSINESS	D
PARK	P
PLACE OF WORSHIP	D
PUBLIC & QUASI PUBLIC BUILDING OR USE	P
PUBLIC UTILITIES	P

BUILDING OR USE, CONTINUED	P/D
SECONDARY SUITE	D
SHOW HOME AND SALES OFFICE	D
SWIMMING POOL & HOT TUBS	P

3) YARD REGULATIONS:

YARD MINIMUM	MINIMUM REQUIREMENTS
FRONT	7.5 m (24.6 ft.)
SIDE	1.5 m (4.9 ft.)
REAR	7.5 m (24.6 ft.)
FLANKING	3.0 m (9.8 ft.)

4) PARCEL REGULATIONS:

PARCEL FEATURE	MINIMUM REQUIREMENTS
AREA	460 m ² (4951.4 ft ²)
DEPTH	37.3 m (122.4 ft)
WIDTH	15 m (49.2 ft.)

5) ADDITIONAL REQUIREMENTS:

- a) Floor area of the residential portion of the single detached or manufactured home not including garages, decks or portions shall not be less than 93 m² (1,000 ft²). All other buildings at the discretion of the Development Authority.
- b) Minimum floor area for duplex or triplex housing, not including garages, decks or portions thereof shall not be less than 55m² (592 ft²). All other

buildings are at the discretion of the Development Authority.

- c) Parcel coverage for residential use is maximum 40%. Other uses are at the discretion of the Development Authority.
 - d) Maximum building height is 9.14 m (30 ft.).
 - e) Mobile homes within this District cannot be replaced.
-

SECTION 94: R3 - RESIDENTIAL



- 1) **PURPOSE:** The purpose of this District is to provide for a residential neighbourhood that is intended to be high density. Secondary buildings and uses are to be compatible with the character of the neighbourhood.

- 2) **USES:** Permitted (P) and Discretionary (D) Uses are provided in the Table below:

BUILDING OR USE	P/D
ACCESSORY BUILDING OR USE	P
BED AND BREAKFAST	D
CHILD CARE SERVICE	D
DWELLING - APARTMENT	P
DWELLING - FOURPLEX	P
HOME BASED BUSINESS	D
PARK	P
PLACE OF WORSHIP	D
PUBLIC & QUASI PUBLIC BUILDING OR USE	P
PUBLIC UTILITIES	P
SECONDARY SUITE	D

SHOW HOME AND SALES OFFICE	D
SWIMMING POOL & HOT TUBS	P

3) YARD REGULATIONS:

YARD MINIMUM	MINIMUM REQUIREMENTS
FRONT	9.0 m (29.5 ft.)
SIDE	3.0 m (9.8 ft.)
REAR	7.5 m (24.6 ft.)
FLANKING	3.0 m (9.8 ft.)

4) PARCEL REGULATIONS:

PARCEL FEATURE	MINIMUM REQUIREMENTS
AREA	930 m ² (10,000 ft ²)
DEPTH	37.3 m (122.4 ft)
WIDTH	15 m (49.2 ft.)

5) ADDITIONAL REQUIREMENTS:

- a) Floor area is at the discretion of the Development Authority.

- b) Parcel coverage is at the discretion of the Development Authority.

- c) Maximum building height is 9.14 m (30 ft.), except where an exemption is considered due to on-site measures that allow for proper fire protection.

SECTION 95: RP - RESIDENTIAL PARK



1) **PURPOSE:** The purpose of this District is to provide for a residential neighbourhood that is intended to be exclusively for single detached homes. Secondary buildings and uses are to be compatible with the character of the neighbourhood.

2) **USES:** Permitted (P) and Discretionary (D) Uses are provided in the Table below:

BUILDING OR USE	P/D
ACCESSORY BUILDING OR USE	P
BED AND BREAKFAST	D
CHILD CARE SERVICE	D
CONVENIENCE RETAIL STORE	D
DWELLING - MANUFACTURED HOME	P
DWELLING - SINGLE DETACHED	P
HOME BASED BUSINESS	D
PARK	P
PLACE OF WORSHIP	D
PUBLIC & QUASI PUBLIC BUILDING OR USE	P
PUBLIC UTILITIES	P
RESIDENTIAL PARK	P
SHOW HOME AND SALES OFFICE	D
SWIMMING POOL & HOT TUBS	P

3) YARD REGULATIONS:

YARD MINIMUM	MINIMUM REQUIREMENTS
FRONT	6.0 m (19.7 ft.)
SIDE	1.5 m (4.9 ft.)
REAR	6.0 m (19.7 ft.)
FLANKING	3.0 m (9.8 ft.)

4) PARCEL REGULATIONS:

PARCEL FEATURE	MINIMUM REQUIREMENTS
AREA	8,094 m ² (2.0 ac.)
RESIDENTIAL SEPARATION	4.5 m (15 ft.)
LOT WIDTH	15 m (49.2 ft.)

5) ADDITIONAL REQUIREMENTS:

- a) Floor area of the residential portion of the home not including garages, decks or portions shall not be less than 93 m² (1,000 ft²). All other buildings at the discretion of the Development Authority.
- b) Parcel coverage for residential use is maximum 60%. Other uses are at the discretion of the Development Authority.
- c) Maximum building height is 9.14 m (30 ft.).

- d) Residences within a residential park or subdivision must be of similar design, length to width dimension and appearance.
 - e) Pursuant to Section 284(n) of the "Act", (no communities as of the July 1, 2015) is designated as a manufactured home community.
 - f) Maximum residential density is one residence per lot unless within an approved residential park.
-

SECTION 96: LW - LIVE WORK



- 1) **PURPOSE:** The purpose of this District is to provide for a low density residential and commercial mixed use neighbourhood as a "live-work" community.
- 2) **USES:** Permitted (P) and Discretionary (D) Uses are provided in the Table below:

BUILDING OR USE	P/D
ACCESSORY BUILDING OR USE	P
BED AND BREAKFAST	D
CHILD CARE SERVICE	D
COMMERCIAL LIVE/WORK	D
DWELLING - SINGLE DETACHED	P
HOME BASED BUSINESS	D
KENNEL	D
PARK	P
PUBLIC & QUASI PUBLIC BUILDING OR USE	P
PUBLIC UTILITIES	P
RESIDENTIAL PARK	D
SECONDARY SUITE	D
SHOW HOME AND SALES OFFICE	D
SINGLE DETACHED DWELLING	P
SWIMMING POOL & HOT TUBS	P
VETERINARY CLINIC	P

3) YARD REGULATIONS:

YARD MINIMUM	MINIMUM REQUIREMENTS
FRONT	7.5 m (24.6 ft.)
SIDE	1.5 m (4.9 ft.)
REAR	7.5 m (24.6 ft.)
FLANKING	3.0 m (9.8 ft.)

4) PARCEL REGULATIONS:

PARCEL FEATURE	MINIMUM REQUIREMENTS
AREA	0.1 ha. (0.25 ac.)
DEPTH	45.0 m (147.6 ft)
WIDTH	15 m (49.2 ft.)

5) ADDITIONAL REQUIREMENTS:

- a) Building footprint of the residential portion of the home not including garages, decks or portions shall not be less than 93 m² (1,000 ft²). All other buildings at the discretion of the Development Authority.
- b) All live/work properties shall have an outdoor residential recreational area of similar size to that which is characteristic in an R1 Land Use District.
- c) A minimum of 10% of the parcel shall be landscaped.

- d) Commercial uses shall be limited to the first storey and shall have a separate outside entry from that of the residential use if sharing the same building.
 - e) Commercial uses permitted within this District include, but are not limited to owner/operator businesses that have a maximum of 3 off-site employees on-site at the same time.
 - f) Maximum building height is 9.14 m (30 ft.).
 - g) Noise such as diesel engines running during the evening, loading of construction equipment and other similar noise impacts are determined by the Development Authority to be acceptable and in character with the purpose of this District.
-

SECTION 97: C1 - URBAN CENTRE



- 1) **PURPOSE:** The purpose of this District is to provide for a commercial core area within the Village of Irma for the primary purpose of offering retail, professional and institutional services to area residents.
- 2) **USES:** Permitted (P) and Discretionary (D) Uses are provided in the Table below:

BUILDING OR USE	P/D
ACCESSORY BUILDING OR USE	P
AMUSEMENT ESTABLISHMENT - INDOOR	D
COMMERCIAL ACCOMMODATION	P
CONVENIENCE SERVICES	P
DWELLING - SINGLE DETACHED	D
HOME BASED BUSINESS	D
MEDICAL SERVICES	P
MIXED COMMERCIAL/RESIDENTIAL	D
PERSONAL SERVICES	P
PLACE OF WORSHIP	P
PUBLIC & QUASI PUBLIC BUILDING OR USE	P

BUILDING OR USE CONTINUED	P/D
PUBLIC UTILITY	
RESTAURANT SERVICES	
SECONDARY SUITE	D
SWIMMING POOLS & HOT TUBS	P
COMMERCIAL ACCOMMODATION	P
CAR WASH	P
MANUFACTURING SERVICES	P

3) YARD REGULATIONS:

YARD MINIMUM	MINIMUM REQUIREMENTS
FRONT	0.0 m (0.0 ft.)
SIDE (fronting residential)	1.5 m (4.9 ft.)
REAR	7.5 m (24.6 ft.)
FLANKING	1.5 m (9.8 ft.)
INTERNAL SIDE YARD	0.0 M (0 ft.)

4) PARCEL REGULATIONS:

PARCEL FEATURE	MINIMUM REQUIREMENTS
AREA	185.8 m ² (2,000 ft ²)
DEPTH	30.48 m (100 ft)
WIDTH	6.0 m (9.8 ft.)

5) ADDITIONAL REQUIREMENTS:

- a) Floor area of the residential portion of the home not including garages, decks or portions shall not be less than 70 m² (754.5 ft²). All other buildings at the discretion of the Development Authority.

- b) Parcel coverage for all buildings are at the discretion of the Development Authority.
 - c) Maximum building height is 9.14 m (30 ft.).
 - d) The construction of a dwelling on a vacant lot within this District other than to replace a dwelling that has been destroyed is discouraged unless the site can be developed to accommodate a commercial use on the street fronting side.
 - e) Dwellings or secondary suites may be located on the second floor of a commercial building, in the rear of the building or in the basement at the discretion of the Development Authority.
-

SECTION 98: C2 -GENERAL BUSINESS



- PURPOSE:** The purpose of this District is to provide for commercial businesses that are intended to serve the travelling public and area residents.
- USES:** Permitted (P) and Discretionary (D) Uses are provided in the Table below:

BUILDING OR USE	P/D
ACCESSORY BUILDING OR USE	P
ADULT ENTERTAINMENT BUSINESS	D
AMUSEMENT ESTABLISHMENT (INDOOR)	D
ANIMAL CARE FACILITY	D
BED AND BREAKFAST	D
CHILD CARE SERVICE	D
COMMERCIAL ACCOMMODATION	P
CONVENIENCE SERVICES	P
DRIVE THROUGH SERVICES	P
GAS BAR	P
KENNEL	D
MANUFACTURING SERVICES	D
MOVING AND CARTAGE	D

BUILDING OR USE *(con't)	P/D
PARK	P
PETROLEUM FACILITY	D
PLACE OF WORSHIP	D
PUBLIC & QUASI PUBLIC BUILDING OR USE	P
PUBLIC UTILITIES	P
RESTAURANT SERVICES	P
SERVICE STATION	P
SHOW HOME AND SALES OFFICE	D
SINGLE DETACHED DWELLING	P
SWIMMING POOL & HOT TUBS	P
TRAVEL INFORMATION CENTRE	P
VETERINARY CLINIC	D

3) YARD REGULATIONS:

YARD MINIMUM	MINIMUM REQUIREMENTS
FRONT	0.0 m (0.0 ft.)
SIDE (fronting residential)	1.5 m (4.9 ft.)
REAR	7.5 m (24.6 ft.)
FLANKING	1.5 m (9.8 ft.)
INTERNAL SIDE YARD	0.0 M (0 ft.)

4) PARCEL REGULATIONS:

PARCEL FEATURE	MINIMUM REQUIREMENTS
AREA	560 m ² (6027.8 ft ²)
DEPTH	37.3 m (122.4 ft)
WIDTH	15 m (49.2 ft.)

5) ADDITIONAL REQUIREMENTS:

- a) Floor area of the residential portion of the home not including garages, decks or portions shall not be less than 93 m² (1,000 ft²). All other buildings at the discretion of the Development Authority.

 - b) Parcel coverage for residential use is maximum 40%. Other uses are at the discretion of the Development Authority.

 - c) Maximum building height is 9.14 m (30 ft.).
-

SECTION 99: CRX - TRANSITION AREA



- 1) **PURPOSE:** The purpose of this District is to provide for a transition from residential to highway commercial development.
- 2) **USES:** Permitted (P) and Discretionary (D) Uses are provided in the Table below:

BUILDING OR USE	P/D
ACCESSORY BUILDING OR USE	P
ADULT ENTERTAINMENT BUSINESS	D
AMUSEMENT ESTABLISHMENT (INDOOR)	D
ANIMAL CARE FACILITY	D
BED AND BREAKFAST	D
CHILD CARE SERVICE	D
COMMERCIAL ACCOMMODATION	P
CONVENIENCE SERVICES	P
DRIVE THROUGH SERVICES	P
DWELLING - SINGLE DETACHED	D
GAS BAR	P
KENNEL	D
MANUFACTURING SERVICES	D

BUILDING OR USE CONTINUED	P/D
MOVING AND CARTAGE	D
PARK	P
PETROLEUM FACILITY	D
PLACE OF WORSHIP	D

BUILDING OR USE	P/D
PUBLIC & QUASI PUBLIC BUILDING OR USE	P
PUBLIC UTILITIES	P
RESTAURANT SERVICES	P
SECONDARY SUITE	D
SERVICE STATION	P
SHOW HOME AND SALES OFFICE	D
SWIMMING POOL & HOT TUBS	P
TRAVEL INFORMATION CENTRE	P
VETERINARY CLINIC	D

3) YARD REGULATIONS:

- a) Yard regulations for residential development as the principal use is as per the requirements of the Residential - R1 Land Use District.
- b) Yard regulations for commercial development as the principal use is as per the requirements of the Commercial - C2 Land Use District.

4) PARCEL REGULATIONS:

PARCEL FEATURE	MINIMUM REQUIREMENTS
AREA	460 m ² (4951.4 ft ²)
DEPTH	37.3 m (122.4 ft)
WIDTH	15 m (49.2 ft.)

5) ADDITIONAL REQUIREMENTS:

- a) Floor area of the residential portion of the home not including garages, decks or portions shall not be less than 93 m² (1,000 ft²). All other buildings at the discretion of the Development Authority.

 - b) Parcel coverage for residential use is maximum 40%. Other uses are at the discretion of the Development Authority.

 - c) Maximum building height is 9.14 m (30 ft.).

 - d) Where both a residential and commercial use are located on the same parcel, the commercial use shall be considered the principal use on that property.

 - e) The placement of new dwellings should consider a mixed use development or allow for sufficient space for a separate or attached commercial building on the same property.
-

SECTION 100: M1 - INDUSTRY



- 1) **PURPOSE:** The purpose of this District is to provide for general industrial use.
- 2) **USES:** Permitted (P) and Discretionary (D) Uses are provided in the Table below:

BUILDING OR USE	P/D
ACCESSORY BUILDING OR USE	P
BULK FUEL STORAGE AND SALE	D
MANUFACTURING SERVICES	P
MINI STORAGE	D
MOVING OR CARTAGE	P
NATURAL RESOURCE PROCESSING	P
OUTDOOR SALES AND SERVICE	P
PUBLIC USE	P
PUBLIC UTILITY BUILDING	P
PUBLIC UTILITY	P
RETAIL SERVICES	P
SALVAGE YARD	D
SERVICE STATION	P
SHIPPING CONTAINER	D
SURVEILLANCE SUITE	D

3) YARD REGULATIONS:

YARD MINIMUM	MINIMUM REQUIREMENTS
FRONT	6.0 m (19.7 ft.)
SIDE	5.5 m (18 ft.)
SIDE (INTERNAL)	1.5 m (5 ft.)
REAR	4.9 m (24.6 ft.)
FLANKING	5.5 m (9.8 ft.)

4) PARCEL REGULATIONS:

PARCEL FEATURE	MINIMUM REQUIREMENTS
AREA	929.5 m2 (1 ac.)
DEPTH	30.48 m (100 ft)
WIDTH	30.48 m (100 ft.)

5) ADDITIONAL REQUIREMENTS:

- a) A proposed use which has been determined by the Village of Irma to have the ability to generate substances that can adversely impact drainage works through pollution or other means may be required to ensure that all surface run-off other than from outside storage areas, landscaping and amenity areas be directed towards a sump or other containment within the product.

SECTION 101: CS - COMMUNITY SERVICES



- 1) **PURPOSE:** The purpose of this District is to provide for public, private and not for profit services which are community oriented.
- 2) **USES:** Permitted (P) and Discretionary (D) Uses are provided in the Table below:

BUILDING OR USE	P/D
ACCESSORY BUILDING OR USE	P
ACCESSORY FOOD SERVICE	P
ACCESSORY LIQUOR SERVICE	D
CONCESSION STAND	D
AMUSEMENT FACILITY (OUTDOOR)	D
CEMETERY	D
CLUBS OR LODGES	D
COMMUNITY HALL	P
DWELLING - SINGLE DETACHED	D
GROUP HOME	D
HEALTH FACILITY	P
PARK	P
PLACE OF WORSHIP	P
PROFESSIONAL SERVICES	D

BUILDING OR USE (con't)	P/D
PUBLIC USE	P
PUBLIC UTILITY	P
PUBLIC UTILITY BUILDING	D
QUASI-PUBLIC USE	D
RESTAURANT SERVICES	D
SCHOOL	P
SENIOR'S RESIDENCES	D

3) PARCEL AND YARD REGULATIONS:

- a. All site criteria shall be at the discretion of the approving authority.
- b. Park Model Homes on foundation are not permitted other than for administration/management purposes.
- c. Restaurants must be accessory to a recreational use.

SECTION 102: UR - URBAN RESERVE



- 1) **PURPOSE:** The purpose of this District is to reserve lands for future urban growth. Allowable land uses are those which will not restrict further development of the Village of Irma.

- 2) **USES:** Permitted (P) and Discretionary (D) Uses are provided in the Table below:

BUILDING OR USE	P/D
ACCESSORY BUILDING OR USE	P
DWELLING - SINGLE DETACHED	P
EXTENSIVE AGRICULTURE	P
HOME BASED BUSINESS	D
KENNEL	D
PUBLIC USE	P
PUBLIC UTILITY	P
PUBLIC UTILITY BUILDING	P
RECREATIONAL USE (OUTDOOR)	D
SECONDARY SUITE	D
SHIPPING CONTAINER	D
VETERINARY CLINIC	D

3) ADDITIONAL REQUIREMENTS:

- a. All site criteria shall be at the discretion of the approving authority.
- b. No subdivision other than for a farmstead separation, lot adjustment or public use may take place without first preparing an overall plan for the future development of the entire parcel to the satisfaction of Council and Administration for the Village of Irma.

FORMS



VILLAGE OF IRMA
 4919 50 Street, Irma, Alberta, T0B 2H0
 Phone: 780-754-3665
 Fax: 780-754-3668
 www.irma.ca

Application No. _____
 Date Received: _____
 Date Complete: _____
 Deadline: _____
 Fee Received: _____

CONTACT AND OWNERSHIP INFORMATION
APPLICATION FOR DEVELOPMENT PERMIT

APPLICANT: _____ CONTACT NAME: _____
 ADDRESS: _____ PHONE NUMBER: _____
 _____ ALTERNATE: _____
 _____ FAX: _____

I, the registered owner of the lands in questions, hereby authorized the above mentioned party to make application for the following development _____ REGISTERED OWNER OF LAND:

(PLEASE PRINT)

(SIGNATURE)

SITE INFORMATION

LEGAL DESCRIPTION: Lot _____, Block _____, Registered Plan: _____, Civic Address: _____
 ¼ _____ Section _____ Twp _____ W of _____ Meridian
 PARCEL SIZE _____

DEVELOPMENT INFORMATION

DESCRIBE THE PROPOSED DEVELOPMENT / USE OF THE PROPERTY: _____

- | | | |
|--|---|--|
| <input type="checkbox"/> Dwelling (incl. home additions) | <input type="checkbox"/> Temporary Structure | <input type="checkbox"/> Mobile Home |
| <input type="checkbox"/> Second Residence | <input type="checkbox"/> Garage, Shop, Shed (Please circle one) | <input type="checkbox"/> Moved in Building |
| <input type="checkbox"/> Commercial/Industrial | <input type="checkbox"/> Other: _____ | <input type="checkbox"/> Demolition |

EXISTING BUILDINGS & PRESENT USE _____

INDICATE THE PROPOSED SETBACKS FROM THE PROPERTY LINES: (E,W,N,S) Note that your front yard is the yard that your access is facing, unless you have a lake lot where the front yard is the lake and rear yard is the access.

Front Yard (E, W, N, S) _____ Rear Yard (E, W, N, S) _____
 Side Yard (E, W, N, S) _____ Side Yard (E, W, N, S) _____

ESTIMATED DATE OF COMMENCEMENT: _____ COMPLETION: _____ COST OF PROJECT: \$ _____

LONG TERM IMPLICATIONS OF BUILDING CONSTRUCTION AND NEW RESIDENTIAL SITES

If you are starting a new residential building site, please note the following?

- Ensure that your site sketch includes your residence and major accessory buildings, even if they are not to be constructed at this time.
- Be advised that if your future plan is to subdivide at a later date, panhandle subdivisions are not permitted unless there is a physical justification. You can check with a subdivision officer to determine if your site plan lends itself well to future subdivision.
- Is your setback from the roadway sufficient if the road is widened?
- Have you verified the location of your property pins?

DECLARATION

I hereby allow right of entry to my property for inspection purposes _____

I hereby make this application and acknowledge all plans and information submitted are, to the best of my knowledge, true and accurate:

_____ Date

_____ Applicants Signature

The personal information on this form is being collected for the purpose of processing the Development Permit Application under the Authority of the Freedom of Information and Protection of Privacy (FOIP) Act, and is protected by the FOIP. If you have any questions about the collection, contact the Village of Irma FOIP Assistant at phone 523-5955

OFFICE USE ONLY

Proposed Building or Use	
Permitted or Discretionary:	
Road Classification	
Provincial, Municipal	
Alberta Transportation Referral Required	
Other Government Department	
Future Road RW width	
Land Use District:	

CONDITIONS OF APPROVAL

Developer to install or pay for the installation of all utilities (i.e., water, sewer, natural gas, etc.) at the Developer's expense.

Multi-unit dwellings such as duplexes shall have separate municipal servicing to each unit in order to be considered for subdivision along the party wall.

A party wall agreement to be registered against each unit within the dwelling(s).

Development subject to this permit approval shall be commenced within twelve (12) months of the issue date of the development permit and be completed within twelve (12) months unless otherwise indicated on this permit approval.

Failure to conform to the conditions of this permit may result in suspension or cancellation.

All development shall be landscaped and graded in a manner that all surface run-off is contained on-site or directed to an approved drainage work such as a storm-sewer, ditch or swale.

A lot grading or drainage plan is required for this parcel.

The applicant shall remove all garbage and waste at his/her own expense and keep the site in a neat and orderly manner.

The proposed development shall conform to the property site plan attached to the permit application, except where otherwise noted in this approval.

Any field work or construction undertaken prior to the effective date of the development permit is at the owner's/applicant's risk.

Any changes or additions to this permit approval may require a new development permit application.

The Village of Irma requires a deposit in the amount of \$_____ prior to relocation of any building from outside of the Village of Irma to a location within the Village of Irma. The deposit shall be returned when the conditions of this permit have been fully complied with.

The Developer shall pay for the construction and/or repair of any public works that are required or damaged as a part of the approved development.

The Developer shall secure the parcel from unauthorized entry during the demolition of buildings on the site and shall maintain the security until the site is rendered safe.

All municipal infrastructure shall be to an approved Village standard.

All Safety Codes Act, Alberta Transportation, Alberta Health and any other Provincial or Federal approval is to be obtained by the Developer. All approvals shall be copied and submitted to the Village of Irma upon request.

This Development Permit is in effect until __ (date)_____.

A deposit in the amount of \$_____ is required to be issued to the Village of Irma to secure exterior finishing and landscaping of the site.

This development permit expires upon the vacation of the residence by the current landowner/resident.

Final landscaping to be completed by the end of October of 20__.

LAND USE BYLAW MAP



- Residential R1
- Residential R2
- Residential R3
- Residential Park RP
- Residential Live/Work LW
- Commercial C1
- Commercial C2
- Transition CRX
- Industrial M
- Urban Reserve UR
- Community Services CS

VILLAGE OF IRMA



LAND USE DISTRICT MAP

BYLAW 15-02

