

VILLAGE OF HALKIRK

Land Use Bylaw 2022-13

Adopted October 10, 2024



VILLAGE OF HALKIRK

BYLAW NO. 2022-13

BEING A BYLAW OF THE VILLAGE OF HALKIRK IN THE PROVINCE OF ALBERTA TO REGULATE THE DEVELOPMENT AND USE OF LAND IN THE VILLAGE OF HALKIRK

WHEREAS: pursuant to the provisions of Section 640(1) of the Municipal Government Act, as amended, the Council of the Village of Halkirk must, by bylaw in accordance with Section 692 of the Municipal Government Act, adopt a plan to be known as:

THE VILLAGE OF HALKIRK LAND USE BYLAW

AND WHEREAS: a Public Hearing was held on August 23rd, 2024 as required by Section 320 of the Municipal Government Act.

NOW THEREFORE: THE COUNCIL OF THE VILLAGE OF HALKIRK IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

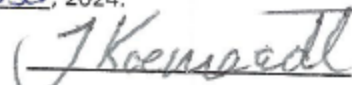
- 1.) This bylaw may be cited as the Village of Halkirk Land Use Bylaw.
- 2.) Bylaw No. 2012-2 being the Village of Halkirk Land Use Bylaw currently in effect is hereby repealed including all amendments thereto and replaced by Bylaw No. 2022-13.
- 3.) Council adopts as the Land Use Bylaw for those lands contained within its civic boundaries, the Village of Halkirk Land Use Bylaw.
- 4.) Council adopts as the Village of Halkirk Land Use Bylaw this text and the accompanying schedules.
- 5.) This Bylaw takes effect on the date of the third and final reading.

READ A FIRST TIME this 23rd, day of November, 2022

READ A SECOND TIME this 23rd, day of August, 2023

MOVED TO PROCEED TO THIRD READING this 10th day of October, 2024

READ A THIRD TIME AND FINALLY PASSED this 10th day of October, 2024.



Mayor



CAO

SCHEDULE 'A'

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PART A – THE APPROVALS PROCESS

1 ADMINISTRATION

1.1 TITLE

1.1.1 The title of this Bylaw shall be the Land Use Bylaw of the Village of Halkirk.

1.2 PURPOSE

1.2.1 The purpose of this Bylaw is to direct the orderly, economic and beneficial **development** and **use** of land within the Village of Halkirk in accordance with the vision of the Village of Halkirk Municipal Development Plan. This is achieved through this Bylaw by regulating and controlling **development**, or where necessary, prohibiting **development** without infringing on the rights of individuals for any public interest except to the extent that is for the overall greater public interest.

1.3 APPLICATION

1.3.1 This Bylaw shall apply to the whole of the Village of Halkirk being all lands and **buildings** contained within its corporate limits.

1.3.2 No person shall commence any **development** within the Village of Halkirk except in conformity with this Bylaw.

1.3.3 Compliance with the requirements of this Bylaw does not exempt any person from the requirements of any adopted statutory plan, including the Municipal Development Plan, Intermunicipal Development Plans and Area Structure/Redevelopment Plans.

1.3.4 No **development** shall be undertaken within the Village of Halkirk unless an application for it has been approved and a **development permit** has been issued except for those items listed in Section **3 Development Not Requiring a Development Permit**.

1.4 EFFECTIVE DATE AND TRANSITION

1.4.1 The Village of Halkirk Land Use Bylaw 2012-2, as amended, is hereby repealed and will cease to have effect on the day this Bylaw comes into force. This Bylaw comes into force upon third reading.

1.4.2 An application for a **subdivision, development permit** or amendment to this Bylaw

submitted prior to the coming into force of this Bylaw shall be evaluated under the provisions of the Village of Halkirk's Land Use Bylaw No. 2012-2, as amended.

1.5 OTHER LEGISLATIVE REQUIREMENTS

- 1.5.1 In addition to this Bylaw, an applicant is responsible for complying with any other applicable federal, provincial, or municipal legislation, bylaw or policy, licensing or permitting regime, or approval process. The applicant is also responsible for complying with the conditions of any caveat, covenant, **easement** or other instrument affecting a **building** or land.
- 1.5.2 The Village of Halkirk is not responsible for nor does the Village of Halkirk have any obligation whatsoever to determine what other legislation may apply to a **development**, nor to monitor or enforce compliance with such legislation.

1.6 NON-CONFORMING BUILDINGS AND USES

- 1.6.1 **Non-conforming buildings** and **non-conforming uses** shall be treated in accordance with the *Act*, and any amendments thereto.
- 1.6.2 A **non-conforming building** may continue to be used, and the **building** may be enlarged, added to, rebuilt or structurally altered, if at the discretion of the **Development Authority**, the alterations do not substantially increase the extent of non-conformance and are within all other requirements of the Bylaw.
- 1.6.3 Nothing in this Bylaw diminishes or in any way affects the power of the **Development Authority** to issue a **development permit** which makes a **non-conforming building** conforming through the granting of a relaxation of the requirements or rules to which the existing **building** does not conform.

1.7 SEVERABILITY

- 1.7.1 In the event any portion of this Bylaw is found invalid by a Court of Law or is overturned by a superior jurisdiction, the validity of the remaining portions of the Bylaw shall not be affected.

2 RULES OF INTERPRETATION

- 2.1.1 Where a word is used in the singular, such a word may also mean plural.
- 2.1.2 Where a masculine or impersonal pronoun or adjective is used, such a word may also mean the feminine or impersonal pronoun or adjective.
- 2.1.3 Where a word is used in the present tense, such a word may also mean the future tense.
- 2.1.4 The word "person" includes a corporation as well as an individual.

- 2.1.5 The words “shall” and “must” require mandatory compliance except where a variance or relaxation has been granted pursuant to the *Act* or this Bylaw. “May” means a choice is available, with no particular direction or guidance intended.
- 2.1.6 Words, phrases, and terms not defined in this Bylaw may be given their definition in the *Act* or the *Safety Codes Act*. Other words shall be given their usual and customary meaning.
- 2.1.7 Where a regulation involves two or more conditions or provisions connected by the conjunction “and” means all the connected items shall apply in combination; “or” indicates that the connected items may apply singly; and “and/or” indicates the items may apply singly or in combination.
- 2.1.8 For ease of reference:
- (a) words that are **Capitalized and Bold** denote uses defined in **Part F Definitions**;
 - (b) words that are ***italicized and bold*** denote general terms defined in **Part F Definitions**;
 - (c) words that are *italicized* reference federal or provincial legislation or regulations thereunder; and
 - (d) all other words must be given then plain and ordinary meaning as the context requires.
- 2.1.9 All units of measure contained within this Bylaw are metric (SI) standards and are rounded to the nearest decimal place. For the purpose of convenience, the following conversion factors are provided:

Metric	Imperial
1 square metre (m ²)	10.8 square feet (ft ²)
1 hectare (ha)	2.47 acres (ac)
1 kilometre (km)	0.6 mile (mi)
1 metre (m)	3.3 feet (ft)
1 centimetre (cm)	0.4 inch (in)
1 millimetre (mm)	0.04 inches (in)
1 kilogram (kg)	2.2 pounds (lb)

3 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

- 3.1.1 This Section does not negate the requirement of obtaining all required permits, as applicable, under the *Safety Codes Act* or any other provincial or federal statute.
- 3.1.2 The following ***developments*** shall not require a ***development permit***:
- (a) any ***use*** or ***development*** exempted under section 618(1) of the *Act*;

- (b) any **use** or **development** exempted by the Lieutenant Governor in Council pursuant to section 618(4) of the *Act*;
- (c) **Telecommunication Structures**;
- (d) the completion and use of a **building** which was lawfully under construction at the date this Bylaw came into effect provided the **building** is completed in accordance with the terms and conditions of any **development permit(s)** granted;
- (e) the completion of a **building** that did not require a **development permit** under the previous Land Use Bylaw and which was lawfully under construction provided the **building** is completed within twelve (12) months from the date this Bylaw came into effect;
- (f) an official notice, sign, placard or bulletin required to be displayed pursuant to provisions of federal, provincial or municipal legislation; and
- (g) the use of a **building** or part thereof for a federal, provincial, or municipal election, referendum or plebiscite.

3.1.3 The following **developments** shall not require a **development permit**, but must otherwise comply with all other provisions of this Bylaw (example: setbacks, parking, building height, etc.):

- (a) the carrying out of works, maintenance or repair to any **building** provided that such works:
 - i. do not include structural alterations that would affect any regulations in this Bylaw, or
 - ii. do not change the **use** or the intensity of **use** of the **structure** or **building**;
- (b) interior renovations to a **building** which do not:
 - i. create an additional **Dwelling Unit**,
 - ii. increase **parking stall** requirements, or
 - iii. result in the change of **use** or the intensity of **use** of a **building**;
- (c) the **temporary** placement or construction of a **building**, works, plants or machinery needed in connection with the construction of a **development** for which a **development permit** has been issued for the period of those operations;
- (d) the **use** of land for, or the maintenance or repair of works, services and **Utilities** on publicly owned or administered land carried out by or on behalf of federal, provincial, municipal or public authorities or private **Utilities** under special agreement with the Village of Halkirk;
- (e) the construction of a **patio**;
- (f) the construction, maintenance and repair of private walkways, pathways, driveways, and similar works;
- (g) the construction or replacement of one (1) **Accessory Building** per parcel, which does not exceed 9.3 m² in **floor area** and is not placed on a permanent foundation or connected to utilities (See **Section 10.1 Accessory Buildings**);

- (h) a **Home Occupation-Minor** (See **Section 10.3 Home Occupations**);
- (i) the demolition of a **building** (a **building permit** is required);
- (j) **renewable energy systems**;
- (k) the installation of a **Sign** that:
 - i. is located inside a **building** and is not visible from the exterior, or is installed on a window of a **building**;
 - ii. is for the purpose of identification, warning or direction, not exceeding 0.9 m² and limited to one **Sign** per **parcel**;
 - iii. relates to an approved **Home Occupation or Bed and Breakfast Establishment**, and meets the requirements of Section 11.4.8;
 - iv. relates to a political campaign for municipal, school board, regional health authority, provincial or federal elections;
 - v. indicates “open”, “closed”, “vacancy” or “no vacancy” with a maximum **sign area** of 0.5 m² per non-residential use;
 - vi. relates to a person, partnership or company carrying on a profession, business or trade, not exceeding 0.3 m² and limited to one **Sign** per **parcel**;
 - vii. relates to a **Worship Facility, Educational Institution, Cultural Establishment or Apartment**, not exceeding 0.9 m² and limited to one **Sign** per **parcel**;
 - viii. relates to the function of a **Public Building**;
 - ix. is a **temporary Sign** that relates to a real estate sale or lease, not exceeding 0.55m² in **sign area** and not more than 1.8 m in height; and
 - x. is a **temporary Sign** that relates to a **temporary** event, provided the **Sign** is removed immediately following the event or sale; and
- (l) **Extensive Agriculture**.

4 ADMINISTRATIVE AGENCIES

4.1 DEVELOPMENT APPROVAL AUTHORITIES

- 4.1.1 The **Development Authority** shall exercise powers and perform duties on behalf of the **Municipality** in accordance with the **Act**.
- 4.1.2 The **Development Authority** is:
 - (a) the **Development Officer** while carrying out his or her functions or duties under this Bylaw and/or the **Act**;
 - (b) the **Municipal Planning Commission** while exercising development powers or duties under this Bylaw and/or the **Act**; or

(c) where the context of this Bylaw permits in Direct Control Districts, the **Council**.

Development Officer

4.1.3 The office of the **Development Officer** is hereby established to act on behalf of **Council** in those matters delegated by this Bylaw and in such matters as **Council** may instruct from time to time.

Municipal Planning Commission

4.1.4 The **Municipal Planning Commission**, established by Bylaw in accordance with the *Act*, shall perform such duties as are specified in this Bylaw.

4.2 DEVELOPMENT AUTHORITY – POWERS AND DUTIES

4.2.1 The **Development Authority** must administer all **development permit** applications in accordance with this Bylaw and decide upon all **development permit** applications.

4.2.2 The **Development Authority** may refuse to accept or refuse to deem complete a **development permit** application where:

- (a) the information required by this Bylaw is not provided;
- (b) the quality is inadequate to properly evaluate the application; or
- (c) the prescribed fee for a **development permit** has not been paid.

4.2.3 The **Development Authority** must make available for inspection, during office hours, all applications and decisions for **development permits**, subject to any legislation in force.

4.2.4 The **Development Authority** must collect fees according to the schedule approved by **Council**.

4.2.5 The types of **development permit** applications a **Development Authority** may consider are a **development permit** for:

- (a) a **permitted use** that complies with all requirements of this Bylaw;
- (b) a **permitted use** that does not comply with all requirements of this Bylaw;
- (c) a **discretionary use** that complies with requirements of this Bylaw; and
- (d) a **discretionary use** that does not comply with all requirements of this Bylaw.

4.2.6 The **Development Authority** must issue the following notices and acknowledgements on **development permit** applications:

- (a) notice of complete application;
- (b) notice of incomplete application;
- (c) notice of decision; and
- (d) notice of refusal/deemed refusal of an application.

Development Officer

4.2.7 The **Development Officer** shall:

- (a) receive, consider and decide on an application for a **development permit** for those **uses** listed as **permitted uses** for the relevant Land Use District which:
 - i. comply with the minimum standards; or
 - ii. otherwise comply with the minimum standards, but require relaxation of any measurable standard in accordance with Subsection 4.3.2;
- (b) receive, consider and decide upon applications for **Home Occupations**;
- (c) receive, consider and decide upon applications for gates, **fencing**, retaining walls or other means of enclosure of any height; and
- (d) receive, and refer with recommendations to the **Municipal Planning Commission** for its consideration and decision, any application for a **development permit** which has been assigned to it for consideration and decision.

Municipal Planning Commission

- 4.2.8 The **Municipal Planning Commission** shall decide on applications for:
- (a) those **uses** listed as **discretionary uses** (except for those in Subsection 4.2.7);
 - (b) the relocation of buildings;
 - (c) **uses** deemed to be similar; and
 - (d) those **uses** listed as **permitted uses** and requires a relaxation of any measurable standard in accordance with Subsection 4.3.3.

4.3 VARIANCE POWERS OF THE DEVELOPMENT AUTHORITY

- 4.3.1 The **Development Authority** may approve a **development permit** application for a **permitted use** or **discretionary use** where the proposed **development** does not comply with all of the applicable requirements and rules of this Bylaw if, in the opinion of the **Development Authority**:
- (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; and
 - (b) the proposed **development** conforms with a **use** prescribed by this Bylaw for that land or **building**.

Development Officer

- 4.3.2 The **Development Officer**, at its discretion, may relax the development standards within a residential district up to 10% of that requirement or may defer a decision on a variance request to the **Municipal Planning Commission**.

Municipal Planning Commission

- 4.3.3 The **Municipal Planning Commission** at its discretion may relax the development standards in any land use district greater than 10% of that requirement.

4.4 SUBDIVISION AUTHORITY

- 4.4.1 The **Subdivision Authority**, as established by bylaw, shall perform duties on behalf of the municipality in accordance with the *Act*, the Land Use Bylaw and all relevant Village of Halkirk planning documents.

4.5 SUBDIVISION AUTHORITY – POWERS AND DUTIES

- 4.5.1 The **Subdivision Authority** must administer all **subdivision** applications in accordance with this Bylaw and decide upon all **subdivision** applications.
- 4.5.2 The **Subdivision Authority** may refuse to accept or refuse to deem complete a **subdivision** application where:
- (a) the information required is not provided;
 - (b) the quality is inadequate to properly evaluate the application; or
 - (c) the prescribed fee for a **subdivision** application has not been paid.
- 4.5.3 The **Subdivision Authority** shall:
- (a) keep and maintain for the inspection of the public copies of all decisions and ensure that copies of same are available to the public at a reasonable charge;
 - (b) keep a register of all applications for **subdivision**, including the decisions therein and the reasons therefore;
 - (c) receive all applications for **subdivision** including the prescribed application fees and decide upon all applications in accordance with the *Regulation* and the Land Use Bylaw with consideration of all comments received through circulation;
 - (d) issue the following notices and acknowledgements on **subdivision** applications:
 - i. notice of complete application;
 - ii. notice of incomplete application;
 - iii. notice of decision; and
 - iv. notice of refusal/deemed refusal of an application;
 - (e) excepting **subdivision** applications not requiring circulation under the *Act*, to circulate applications for **subdivision** for comments to the County of Paintearth when the original **parcel** boundaries are **adjacent** to the municipal boundary or where an intermunicipal development plan requires;
 - (f) excepting **subdivision** applications not requiring circulation under the *Act*, to circulate applications for **subdivision** for comments to those authorities and agencies as prescribed in the *Regulation*;
 - (g) prepare, sign and transmit all notices of decision to the relevant agencies in accordance with the *Regulation*;
 - (h) ensure all conditions are complied with prior to endorsement to the satisfaction of the municipality; and

- (i) endorse Land Titles instruments to effect the registration of the *subdivision* of land.

5 DEVELOPMENT APPLICATION AND APPROVAL PROCESS

5.1 APPLICATION FOR DEVELOPMENT

- 5.1.1 An application for a **development permit** shall be completed and submitted to the **Development Authority** in writing, in the form required by the **Development Authority**, and shall be accompanied by:
- (a) authorization of the registered landowner;
 - (b) a site plan (drawn to scale) showing the following:
 - i. legal description and north arrow;
 - ii. area and dimensions of the **parcel** boundaries, showing the required **front, rear, and side yards**, if any;
 - iii. existing and proposed **easements** and rights-of-way, including dimensions and type of **easement**, if applicable;
 - iv. the location and dimensions of all existing and proposed **buildings, structures, or uses** on the **parcel** and the measured distance to **property line**;
 - v. identification of existing and proposed **roads or lanes** that will provide access to the **development**;
 - vi. any provision for **off-street parking stalls and loading stalls**; and vehicle entrances to and exits from the **parcel**; and
 - vii. existing site **grades** at the corners of the **parcel**, and at the corners of **existing** and proposed **buildings**;
 - (c) statement of existing and proposed **Utility** services (i.e. on-site or municipal);
 - (d) statement of the current and proposed **use** of the lands;
 - (e) the estimated dates of commencement and completion;
 - (f) the presence of abandoned oil and gas wells in accordance with the *Regulation*; and
 - (g) the prescribed **development permit** fee.
- 5.1.2 The **Development Authority** may also require additional information in order to assess the conformity of a proposed **development** with this Bylaw before consideration of the **development permit** application shall commence. Such information may include, but is not limited to:
- (a) current copy of Certificate of Title, and copies of any restrictive covenants, utility rights-of-way, **easements**, or Village of Halkirk caveats registered on the Title(s);

- (b) floor plans, elevations and section drawings;
- (c) written rationale supporting any requested variances;
- (d) samples or representations of exterior **building** finishing materials and colors;
- (e) stormwater management, grading or landscaping plans, prepared by a **qualified professional**;
- (f) a Real Property Report, prepared by an Alberta Land Surveyor, showing the location and distances of any existing **buildings**, waterbodies, trees or other physical features on or **adjacent** to the **parcel** being developed;
- (g) in the case of the placement of an already constructed or partially constructed **building** on a **parcel** of land, information relating to the age and condition of the **building** and its compatibility with the District in which it is to be located;
- (h) an assessment by a **qualified professional** of any potential flooding or subsidence or **slope stability** hazard that may, in the sole opinion of the **Development Authority**, affect the subject **parcel**;
- (i) where a proposal is considered to have a significant environmental impact, the **Development Authority** may request the applicant to have an **environmental evaluation** or report prepared and submitted or undertake its own environmental evaluation regarding the proposed **development**, at the cost of the applicant; and
- (j) a **construction management plan**.

5.1.3 Notwithstanding 5.1.1 and 5.1.2, at the discretion of the **Development Authority**, additional information, plans or reports may be required to adequately render a decision on an application.

5.1.4 In the case where an application for a **development permit** has been refused pursuant to this Bylaw or ultimately after appeal to an **Appeal Body**, the submission of a subsequent application for a **development permit** on the same **parcel** and for the same or similar **use** of the land by the same or any other applicant may not be accepted by the **Development Authority** for at least six (6) months after the date of the previous refusal.

5.2 DEVELOPMENT PERMIT APPLICATION REFERRAL AND NOTICE

5.2.1 Once a **development permit** application for a **use** listed as a **discretionary use** or that requires a relaxation has been deemed complete, the **Development Authority** will provide a notice of application to all **adjacent** landowners or a greater circulation area if potential for conflict is deemed to be probable.

5.2.2 The **Development Officer** may refer for comment any matter or any application for a **development permit** to any agency or authority it deems necessary.

5.2.3 Applications for **development permits** on **parcels** within an area covered by an Intermunicipal Development Plan shall be referred to the other municipality for review and comment in accordance with the requirements of the Plan.

5.2.4 The **Development Authority** may refer to an **adjacent** municipality for consideration and

comment any matter or any application for a **development permit** that relates to lands, that the **Development Authority** deems appropriate or necessary.

- 5.2.5 A notice of application or referral must state the location and details of the application being circulated, how more information can be obtained, the date comments are due by and to whom the comments must be sent to.
- 5.2.6 Having received a reply on a matter referred to any person, municipality, agency or authority, the **Development Authority** shall make a decision giving due consideration to the comments received.
- 5.2.7 After the time period identified in the circulation notice from the date of referral, the application may be dealt with by the **Development Authority** whether or not comments have been received.

5.3 DECISION PROCESS – DEVELOPMENT AUTHORITY

Permitted Use Permits That Meet All Requirements

- 5.3.1 Where a **development permit** application is for a **permitted use** in a **building** or on a **parcel** and the proposed **development** conforms to all of the applicable requirements and rules of this Bylaw, the **Development Authority** must approve the application and issue the **development permit**. The **Development Authority** may impose such conditions as required to ensure compliance with this Bylaw.

Permitted Use Permits That Do Not Meet All Requirements

- 5.3.2 Where a **development permit** application is for a **permitted use** in a **building** or on a **parcel** and the proposed **development** does not conform to all of the applicable requirements and rules of this Bylaw, the **Development Authority** may:
- (a) refuse to approve the **development permit** application; or
 - (b) approve the **development permit** application; and may:
 - i. grant a relaxation of the requirement or regulation to which the proposed **use** does not conform; or
 - ii. impose such conditions as required to ensure compliance with this Bylaw.
- 5.3.3 The **Development Authority** may, as a condition of approving a **development permit** that does not comply with all of the applicable requirements and rules of this Bylaw require the applicant to conform to a higher standard than required by the applicable rules if, in the opinion of the **Development Authority**, conformance to a higher standard will off-set any impact of granting the relaxation.

Discretionary Use Permits

- 5.3.4 When making a decision on a **development permit** for a **discretionary use** the **Development Authority** must take into account:
- (a) any plans and policies affecting the **parcel**;
 - (b) the purpose statements in the applicable Land Use District;

- (c) the appropriateness of the location and **parcel** for the proposed **use**;
- (d) the compatibility and impact of the proposed **development** with respect to **adjacent parcels** and the neighbourhood;
- (e) the merits of the proposed **development**;
- (f) the utility servicing requirements;
- (g) access, parking and transportation requirements;
- (h) vehicle and pedestrian circulation within the **parcel**;
- (i) the impact on the public transportation system; and
- (j) sound planning principles.

5.3.5 The **Development Authority** may approve a **development permit** application for a **discretionary use**, and may impose such conditions considered appropriate or necessary, which may include:

- (a) limiting hours of operation;
- (b) limiting number of patrons;
- (c) establishing **landscaping** requirements;
- (d) requiring noise attenuation;
- (e) requiring special provisions be made for parking;
- (f) regarding the location, character and appearance of a **building**;
- (g) regarding the grading of a **parcel** or such other procedures as is necessary to protect the **parcel** from other **developments** or to protect other **developments**;
- (h) establishing the period of time during which a **development** may continue; and
- (i) ensuring the **development** is compatible with surrounding **uses**.

5.3.6 The **Development Authority** may refuse a **development permit** application for a **discretionary use** even though it meets the requirements and rules of this Bylaw.

Applications the Development Authority Must Refuse

5.3.7 The **Development Authority** must refuse a **development permit** application when the proposed **development**:

- (a) is for a **use** that is not listed as either a **permitted use** or **discretionary use** in the Land Use District; or
- (b) is for a **use** containing a restriction in its definition that is not met by the proposed **use**.

Similar Use Permits

5.3.8 In the case where a proposed specific **use** of land or a **building** is not provided for in any District in the Bylaw, the **Municipal Planning Commission** may determine that such **use** is similar in character and purpose to the definition of a **permitted use** or **discretionary use** prescribed for a particular District.

Temporary Use Permits

- 5.3.9 If an application is made for a **development** that is identified as **Temporary Use** in this Bylaw, the **Development Authority** may consider and approve a **development** for a specific period of time, not exceeding one (1) year. The **Development Authority** may issue a permit for longer than one (1) year if deemed appropriate for the **use** or the **parcel**.
- 5.3.10 A **Temporary Use development permit** will state a date on which the development must cease.
- 5.3.11 Where a **Temporary Use development permit** is issued in accordance with this Bylaw and the specified time period lapses, it is the responsibility of the applicant to request extension or renewal of the permit.

5.4 DEVELOPMENT PERMITS AND NOTICES

- 5.4.1 A **development permit** issued for a **permitted use** in compliance with the regulations and standards of this Bylaw, or a **development permit** issued by **Council** pursuant to a Direct Control District, comes into effect on the date that the decision is made.
- 5.4.2 When a **development permit** is approved for a **discretionary use** or for a **permitted use** in which a variance has been granted, the **Development Authority** shall:
- (a) provide a notice of decision to the applicant of the approval;
 - (b) publish the notice of decision in a local newspaper;
 - (c) issue a **development permit** after the appeal period has expired.
- 5.4.3 A **development permit** issued pursuant to Subsection 5.4.2 does not come into effect until twenty-one (21) days after the date the notice is published in the newspaper. Any **development** proceeded with by the applicant prior to the expiry of this appeal period is done solely at the risk of the applicant.
- 5.4.4 Where an appeal is made pursuant to Section **6.1 Appeals** of this Bylaw, a **development permit** which has been granted shall not come into effect until the appeal has been determined and the **development permit** has been confirmed, modified or nullified thereby.
- 5.4.5 The notices indicated in Subsection 5.4.2 must state:
- (a) the legal description and the street address of the **parcel** of the proposed **development**;
 - (b) the **uses** proposed for the subject **development**;
 - (c) any discretion that was granted in the approval of the **development**, whether by use or by interpretation of this Bylaw, and any variation or relaxation in regulation that was made by the **Development Authority** when the **development permit** was approved;
 - (d) the date the **development permit** was approved; and

- (e) how an appeal may be made to the **Appeal Body** and the deadline for such appeal.
- 5.4.6 When the **Development Authority** refuses an application for a **development permit**, the notice of refusal shall be issued to the applicant. The notice of refusal shall contain reasons for the refusal.
- 5.4.7 After the issuance of a **development permit**, a **Development Authority** may suspend or revoke a **development permit** in writing to the applicant at any time:
 - (a) where the **development permit** was issued on the basis of incorrect information, fraud, non-disclosure, or misrepresentation on the part of the applicant; or
 - (b) where the **development permit** was issued in error.

5.5 CONDITIONS OF APPROVAL

- 5.5.1 Where a **development permit** application does not demonstrate that the proposed **development** conforms to all the applicable requirements of this Bylaw, the **Development Authority** may, as a condition of issuing the **development permit**, require the applicant to amend specific elements of the plans to conform with the applicable requirements.
- 5.5.2 The **Development Authority** may, as a condition of issuing a **development permit** for a **permitted use** or **discretionary use**, require the applicant to make satisfactory arrangements for the supply of **Utilities** including, but not limited to natural gas, cable, water, electric power, sewer service, or any one or more of them including payment of the cost of installation or construction of any such **Utility** or facility by the applicant.
- 5.5.3 The **Development Authority** may, as a condition of issuing a **development permit** for a **permitted use** or **discretionary use**, require the applicant enter into an agreement with the Village of Halkirk to do any or all of the following:
 - (a) to construct or pay for the construction of a **road** required to give access to the **development**;
 - (b) to construct or pay for the construction of
 - i. a pedestrian walkway system to serve the **development**, or
 - ii. pedestrian walkways to connect the pedestrian walkway system serving the **development** with a pedestrian walkway system that serves or is proposed to serve an **adjacent development**, or both;
 - (c) to install or pay for the installation of a public **Utility** that is necessary to serve the **development**, whether or not the public **Utility** is, or will be, located on the land that is the subject of the **development**;
 - (d) to construct or pay for the construction of
 - i. off-street or other parking facilities, and
 - ii. loading and unloading facilities;
 - (e) to pay an off-site levy or redevelopment levy imposed by bylaw; and

(f) to give security to ensure that the terms of the agreement under this section are carried out.

- 5.5.4 The Village of Halkirk may register a caveat pursuant to the provisions of the *Act* and the *Land Titles Act* in respect of an agreement under Subsection 5.5.3 against the Certificate of Title for the land that is the subject of the **development**. Said caveat shall be discharged when the agreement has been complied with.
- 5.5.5 The **Development Authority** may attach conditions to a **development permit** which may include adherence to engineering standards, the completion of any required reports and studies, phasing requirements.

5.6 COMMENCEMENT AND COMPLETION OF DEVELOPMENT

- 5.6.1 If the **development** authorized by a **development permit** is not commenced within twelve (12) months from the date granted or carried out with reasonable diligence the **development permit** is deemed to be void, unless an extension request for the time period is submitted in writing by the applicant and granted by the **Development Authority**. The extension request must provide reasons for the request.
- 5.6.2 Development shall be completed as specified in the **development permit** application or may be added as a condition on the **development permit**, unless an extension request for the time period is submitted in writing by the applicant and granted by the **Development Authority**. The extension request must provide reasons for the request.
- 5.6.3 For the purposes of this Bylaw, commencement includes excavation, does not include **fencing**, or demolition on the **parcel**, or obtaining permits.
- 5.6.4 The approval or issuance of a **development permit** does not authorize commencement of construction except in conjunction with all other required permits and conditions of the **development permit**.

5.7 DIRECT CONTROL DISTRICTS AND PERMITS

- 5.7.1 Direct Control Districts shall only be used for the purpose of providing for land or **developments** that, due to their unique characteristics or unusual site constraints, require specific regulation unavailable in other Land Use Districts.
- 5.7.2 Direct Control Districts shall not be used in substitution of any other Land Use District in this Bylaw that could be used to achieve the same result either with or without variances to this Bylaw.
- 5.7.3 Upon receipt of a completed application for a **development permit** pursuant to a Direct Control District, the **Council** may, prior to making a decision, refer the application to the **Development Authority**, any municipal department or external agency for comment.
- 5.7.4 Prior to deciding upon the **development permit** application before it, the **Council** may provide public notice through means and to whom it considers necessary, that a decision on a **development permit** pursuant to a Direct Control District is to be made and that **Council** may afford an opportunity to any interested person to make representation on

the application and shall take into account any such representations made when giving final consideration to the said application.

- 5.7.5 Direct Control Bylaws that were passed pursuant to previous Land Use Bylaws and are denoted on the Land Use District Maps:
- (a) are hereby incorporated into and form part of this Bylaw as if repeated herein at length; and
 - (b) notwithstanding the definitions contained in this Bylaw, each Direct Control Bylaw must assume only those meanings for the terms contained therein that were intended at the date of the original passage.

6 APPEALS

6.1 DEVELOPMENT AND SUBDIVISION APPEALS

- 6.1.1 Appeals in respect of decisions on **development permit** applications are governed by the *Act*.
- 6.1.2 Where the **Development Authority**:
- (a) refuses or fails to render a decision on an application for a **development permit**; or
 - (b) approves an application for a **development**; or
 - (c) issues an order under this Bylaw;
- the person applying for the permit or affected by the order, or any other affected person, as the case may be, may appeal to the **Appeal Body** within the dates outlined in the *Act*.
- 6.1.3 An appeal with respect to a decision on a **subdivision** application is governed by the *Act* and the *Regulation*.

7 BYLAW AMENDMENT PROCESS

7.1 APPLICATION TO AMEND THE LAND USE BYLAW

- 7.1.1 **Council** may at any time initiate an amendment to this Bylaw.
- 7.1.2 Any owner of a **parcel**, his authorized agent, or other persons having legal or equitable interest in the **parcel** may apply to have the Land Use District of the **parcel** changed through an amendment to this Bylaw.
- 7.1.3 All applications for amendments of this Bylaw shall be made using the approved form, accompanied by:
- (a) the prescribed fee;

- (b) a statement of the applicant's interest in the land;
 - (c) a title search for the land affected or other documents satisfactory to the Village of Halkirk that supports the applicant's interest in the said land;
 - (d) any drawings, plans or maps required by the Village of Halkirk; and
 - (e) any other documents as required by the Village of Halkirk.
- 7.1.4 All amendments to this Land Use Bylaw shall be made by **Council** by bylaw and in accordance with the procedures set forth in the *Act*.
- 7.1.5 The **Council**, in considering an application for an amendment to this Land Use Bylaw, shall refer a copy of the proposed amendment to the following agencies:
- (a) Palliser Regional Municipal Services;
 - (b) the County of Paintearth if, the proposed amendment:
 - i. affects land on the boundary with the County of Paintearth; or
 - ii. may otherwise have an effect on the County of Paintearth; and
 - (c) such other persons or agencies as it considers necessary for comment.
- 7.1.6 If an application for an amendment to this Bylaw has been refused by **Council**, **Council** may not accept an application for an amendment for the same **use** on the same **parcel** for twelve (12) months from the date of the refusal.

8 ENFORCEMENT

8.1 OFFENCES

- 8.1.1 Any owner, lessee or occupant of land or a **building**, or the owner of a **structure** or a **Sign** thereon, who with respect to such land, **building**, **structure** or **Sign**, contravenes, causes, or allows a contravention of any provision of the Bylaw commits an offense.
- 8.1.2 Any person who commences or continues **development** for which a **development permit** is required but has not been issued, has expired, has been revoked or suspended, or which is in contravention of a condition of a **development permit** under the Bylaw commits an offense.
- 8.1.3 Any person who prevents or obstructs the **Development Authority** or a Designated Officer from carrying out any official duty under the Bylaw or the *Act* commits an offense.
- 8.1.4 A Designated Officer may enforce the provisions of the Bylaw, or the conditions of a **development permit** pursuant to the *Act*.
- 8.1.5 Nothing in this Bylaw diminishes or in any way affects the rights of the Village of Halkirk pursuant to the *Act*, or at common law to seek an entry order, order for compliance, injunction or any other order to obtain compliance with this Bylaw.

8.2 ENTRY AND INSPECTION

- 8.2.1 Pursuant to the *Act*, an authorized person may only enter land or a **building** for the purpose of ensuring compliance with the *Act* and the *Regulation*, or this Bylaw if:
- (a) the owner or person in possession of it gives his consent to the entry; or
 - (b) the entry is authorized by an Order of the Court of Queen’s Bench; and
 - (c) only for the purpose of ensuring compliance with the *Act* and the *Regulation*, or this Bylaw.
- 8.2.2 The Designated Officer, or such other person appointed by resolution of Council, is designated as the “authorized person”.

8.3 ORDERS

- 8.3.1 Pursuant to Section 645 of the *Act* where an offense under the Bylaw occurs, the **Development Officer** may by written notice, order the owner or the person in possession of the land or **buildings**, or the person responsible for the contravention 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) carry out any other actions required by the notice so that the **development** or **use** complies with the Bylaw.
- 8.3.2 A person who receives an order referred to in Subsection 8.3.1 above may appeal to the **Appeal Body** in accordance with Section **6 Appeals** of this Bylaw.
- 8.3.3 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 added to the tax roll of the **parcel** of land and the amount:
- (a) is deemed for all purposes to be a tax imposed under the *Act* from the date it was added to the tax roll; and
 - (b) it forms a special lien against the parcel of land in favour of the Municipality from the date it was added to the tax roll.

8.4 VIOLATION TAGS AND PENALTIES

- 8.4.1 The Designated Officer, may issue a **violation tag** to any person who commits an offense.
- 8.4.2 The **violation tag** shall specify the alleged offence committed by the person to whom the **violation tag** is issued and require voluntary payment.
- 8.4.3 The **violation tag** shall be served upon the alleged offender personally, or if the defendant cannot be conveniently found, by leaving it for the defendant at the defendant's place of residence with a person on the premises who appears to be at least

18 year of age, or by mailing a copy to such person at their last known address.

- 8.4.4 Where contravention of this Bylaw is of a continuing nature, further **violation tags** or a **violation ticket** may be issued by a Designated Officer or Peace Officer, provided that no more than one **violation tag** or **violation ticket** shall be issued for each calendar day that the contravention continues.
- 8.4.5 Where a **violation tag** is issued pursuant to this Bylaw, the person or company to whom the **violation tag** is issued may, in lieu of being prosecuted for the offense, pay to the Village of Halkirk the minimum penalty specified in Table 1: Minimum Specified Penalties. If no penalty is specified in for the particular offence, the minimum specified penalty shall be \$500.00.

Table 1: Minimum Specified Penalties

Offence	First Offence	Second Offence and Additional Offences
Failure to obtain a development permit	\$250	\$500
Failure to obtain a development permit for a Sign	\$100	\$200
Failure to comply with development permit conditions	\$500	\$1000
Failure to comply with District regulations	\$500	\$1000
Failure to comply with any other regulation or standard of the Bylaw	\$250	\$500

- 8.4.6 Fines for second and additional offences noted in Table 1: Minimum Specified Penalties are for when the offence has occurred within a twelve (12) month period of the previous offence.

8.5 VIOLATION TICKETS

- 8.5.1 Notwithstanding any other provision of this Bylaw, a Peace Officer is hereby authorized and empowered to immediately issue a **violation ticket** pursuant to the *Provincial Offences Procedures Act*, as amended, to any person who the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 8.5.2 Nothing in this Bylaw shall prevent a Peace Officer from issuing Summons for the mandatory court appearance of any person or company who contravenes any provision of this Bylaw.
- 8.5.3 Any person who is guilty of an offence and is liable upon summary conviction to a fine not less than \$100.00 and not exceeding \$10,000 per violation after conviction and

costs, and upon failure to pay the fine and costs, to imprisonment for a period not exceeding 30 days unless such fine and costs are sooner paid.

Part B – General Regulations

9 GENERAL LAND USE REGULATIONS

9.1 APPLICABILITY

- 9.1.1 These regulations within Section 9 General Land Use Regulations, shall apply to all **developments** within the Village of Halkirk, unless otherwise exempted.
- 9.1.2 Where any regulation in this section may be in conflict with any regulation of a given **Land Use District** in Part E or the **Specific Use Regulations** in Part C, the regulation in the District or Specific Use Regulation shall take precedence.

9.2 DESIGN, CHARACTER AND APPEARANCE

- 9.2.1 The design, use of materials, construction, character, location and appearance on the **parcel** of any **development, structure, fence** or **Sign** in any District must be, to the satisfaction of the **Development Authority**, compatible and complimentary with other **developments** in the area, unless the **development** is setting a new standard of design.

9.3 DWELLING UNITS ON A PARCEL

- 9.3.1 No person shall construct or locate more than one **Dwelling Unit** on a **parcel** unless it is otherwise permitted in this Land Use Bylaw.

9.4 OBJECTS PROHIBITED OR RESTRICTED IN RESIDENTIAL DISTRICTS

- 9.4.1 No person shall keep or permit in any part of a **yard** on a **parcel** in a residential district any **derelict vehicle** for more than 14 days.
- 9.4.2 An **Accessory Building, Shipping Container** is prohibited in all residential districts except for construction storage during the period of construction for which a valid **building permit** has been issued.
- 9.4.3 Notwithstanding 9.4.2, a **shipping container** may be used as elements of a **building** envelope, provided it adheres to the requirements of Section **9.2 Design, Character and Appearance**.

9.5 SCREENING

- 9.5.1 For commercial, industrial and **Apartment** developments, garbage and waste material must be stored in weather proof and animal proof containers. Garbage and waste material storage must be **screened** from public **roads**, excluding **lanes**.
- 9.5.2 Commercial and industrial developments **abutting** a **parcel** with a **principal residential use** shall be **screened** from view on an **interior side parcel line** or **rear parcel line**, to the satisfaction of the **Development Authority**.
- 9.5.3 Where permitted, **outdoor storage** areas of commercial and industrial materials and equipment shall be **screened** from **adjacent parcels** and public **roads**.
- 9.5.4 On **corner lots** within the **corner visibility setback**, **screening** shall be a maximum of 1.0 m in height above **grade** to ensure public safety and/or good visibility for traffic and pedestrian purposes.

9.6 UTILITY SERVICES AND INFRASTRUCTURE

- 9.6.1 The **Development Authority** must confirm there is adequate sewage collection, treatment and disposal, water supply treatment and distribution, stormwater collection and storage and road capacity necessary to serve a **development**.
- 9.6.2 A **development** shall not be permitted if the **development** is not served by:
- (a) the municipal sewer and water system; or
 - (b) at the discretion of the **Development Authority**, a provincially approved private system.
- 9.6.3 Where a proposed **use** may release contaminants or other deleterious substances into the municipal sewer system, the **Development Authority** may require an applicant to submit plans and reports prepared by a **qualified professional** to evaluate the potential impact on the sewer system and propose mitigations.
- 9.6.4 The **Development Authority** may require a fats, oil and grease (FOG) interceptor, an oil and grit separator or other such interceptor, and/or a test manhole to be installed where a **use** may release contaminants or other deleterious substances into the municipal sewer system.
- 9.6.5 Stormwater run-off shall be contained on-site or disposed of in a manner acceptable to the Village of Halkirk and/or as required in a stormwater management report prepared by a **qualified professional**.

9.7 SITE GRADING AND DRAINAGE

- 9.7.1 **Parcel grades** and **building** elevations shall be established to ensure effective drainage and prevent drainage from one **parcel** to another, except where drainage conforms to an approved subdivision drainage plan.
- 9.7.2 The owner of a **parcel** shall be responsible to ensure that **grading** is maintained over

time to provide effective drainage. Where maintenance of a common drainage swale or path at a **property line** is required, the responsibility of maintenance lies with the owners of both **parcels**. Where a drainage swale or path is established within an **easement** or right-of-way on a **parcel**, swale grades shall be maintained and the swale shall be kept free of any obstructions.

- 9.7.3 Where retaining walls are necessary or proposed in any **development**, such walls shall be developed with professional quality and shall not negatively affect **adjacent parcels** due to site elevations or drainage.

9.8 RELOCATION OF BUILDINGS

- 9.8.1 Notwithstanding Section 3 **Development Not Requiring A Development Permit**, a **development permit** shall be required for the relocation of any **building** to any **parcel** in the Village of Halkirk.
- 9.8.2 A **development permit** for the relocation of a **building** may include conditions of approval that:
- (a) the **building** and the proposed location of the **building** meets the requirements of the Land Use District in which the **building** is to be located;
 - (b) the **building** is compatible with the character of the neighbourhood in which the **building** is to be relocated to; and
 - (c) the **building** be renovated to a satisfactory condition within a specified time.

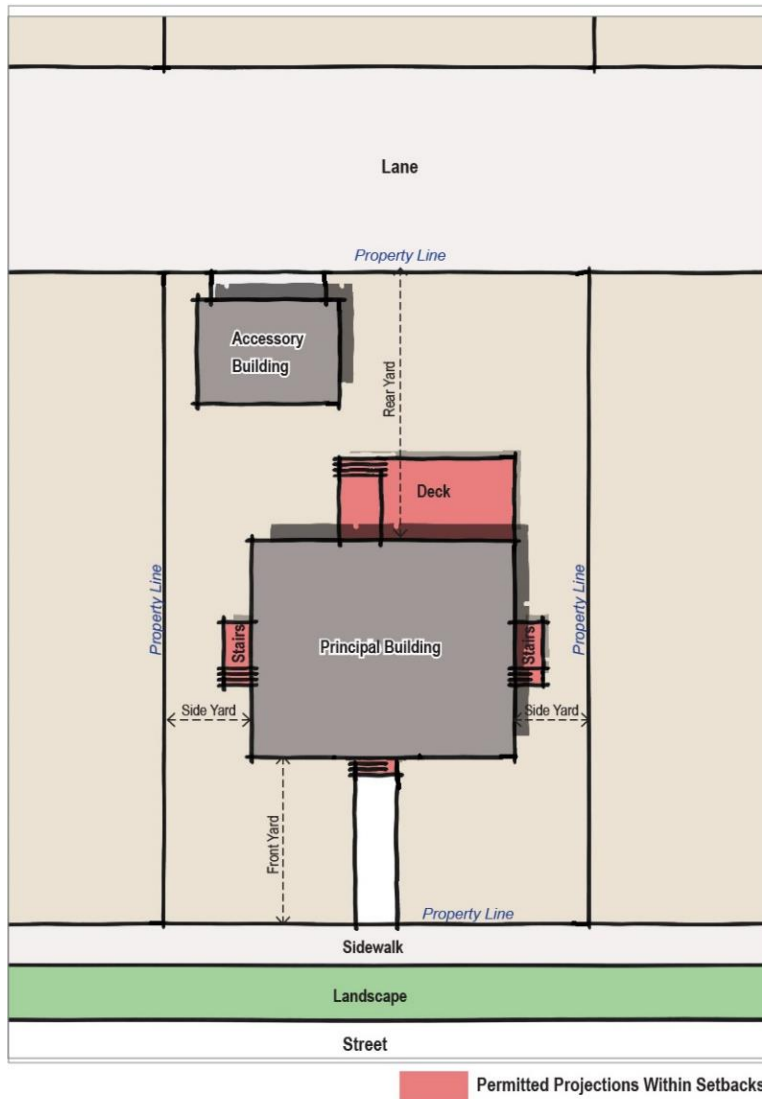
9.9 YARD SETBACKS AND PERMITTED PROJECTIONS

- 9.9.1 In all districts, the minimum **yard setbacks** do not apply to:
- (a) construction wholly beneath the surface of the ground;
 - (b) driveways, **parking stalls** and sidewalks;
 - (c) **fences** and retaining walls; and
 - (d) **landscaping**.
- 9.9.2 Where a **building** or **buildings** on the **parcel** are planned as a comprehensive site and are divided by **condominium** such that the **building** contains units that are on separate **lots** or Titles, the district **yard setbacks** do not apply within the **development**, but shall apply from the **property line** of **abutting lots**.

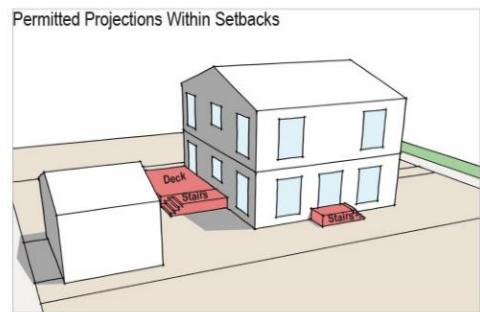
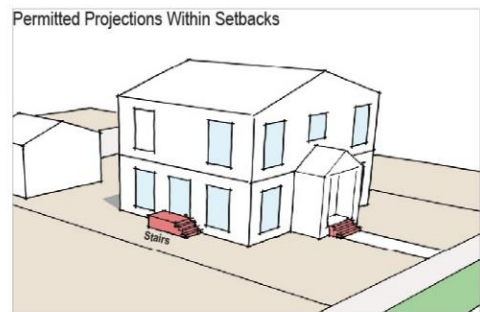
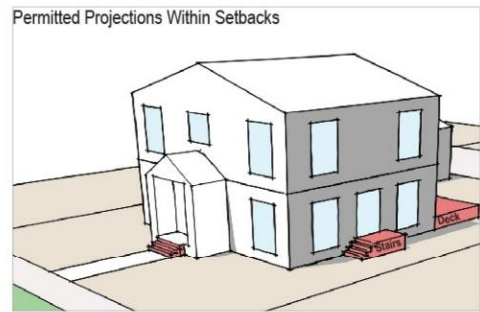
Residential Projections

- 9.9.3 Residential **building** projections specified in Subsections 9.9.4 to 9.9.10 into or over a required **yard setback** shall not require a variance (Figure 1: Permitted Projections Into Yard Setbacks).

Figure 1: Permitted Projections Into Yard Setbacks



Plan



Views

9.9.4 The following projections may be permitted to a maximum of 0.6 m into the required **front yard setback**:

- (a) *eaves*.

9.9.5 The following projections may be permitted to a maximum of 1.5 m into the required **front yard setback**:

- (a) *balconies*,
- (b) *bay windows*,
- (c) chimneys,
- (d) *shade projections*,
- (e) stairways and *landings*, and

- (f) uncovered **decks**.
- 9.9.6 The following projections may be permitted into the required **side yard setback**, but must remain at least 1.0 m from the **property line**:
 - (a) **balconies**,
 - (b) **bay windows**,
 - (c) chimneys,
 - (d) **shade projections**,
 - (e) stairways and **landings** greater than 0.6 m above **grade**, and
 - (f) uncovered **decks**.
- 9.9.7 The following projections may be permitted to a maximum of 100% of the required **side yard setback**:
 - (a) stairways and **landings** no more than 0.6 m above **grade**.
- 9.9.8 The following projections may be permitted to a maximum of 50% of the **required side yard setback**:
 - (a) **eaves**.
- 9.9.9 The following projections may be permitted to a maximum of 1.5 m into the required **rear yard setback**:
 - (a) **balconies**,
 - (b) **bay windows**,
 - (c) **cantilevers**,
 - (d) chimneys,
 - (e) **eaves**, and
 - (f) **shade projections**.
- 9.9.10 The following projections may be permitted to a maximum of 50% into the required **rear yard setback**:
 - (a) uncovered **decks**, and
 - (b) stairways and **landings**.

9.10 FENCES

- 9.10.1 In residential districts or a **parcel** with a **principal residential use**, the maximum height above **grade** of a **fence** located within a **yard** shall be in accordance with Table 2: Maximum Fence Height in a Residential Yard.

Table 2: Maximum Fence Height in a Residential Yard

Yard	Maximum Fence Height From Grade
<i>Rear</i>	1.8 m
<i>Interior side</i>	1.8 m
<i>Front</i>	1.2 m
<i>Exterior Side</i>	1.2 m

- 9.10.2 On **corner lots** within the **corner visibility setback**, fences shall be a maximum of 1.0 m in height to ensure public safety and/or good visibility for traffic and pedestrian purposes.
- 9.10.3 Materials used to construct **fences** shall be wood, brick, stone, concrete, or metal or other acceptable material to the satisfaction of the **Development Authority**, and shall be aesthetically acceptable and in general conformity with **adjacent development**.
- 9.10.4 Electrical **fences** are prohibited.

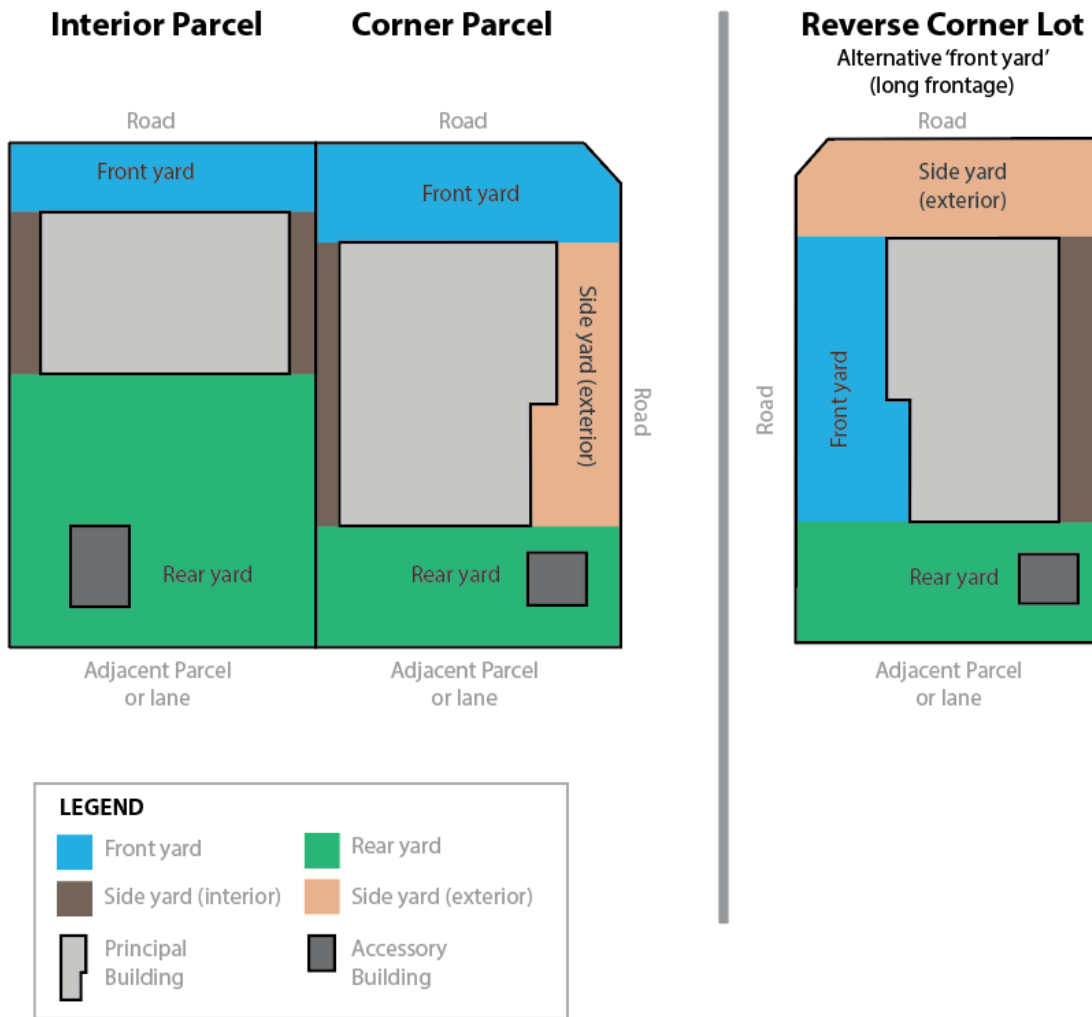
9.11 CORNER LOTS, REVERSE CORNER LOTS AND IRREGULAR LOTS

- 9.11.1 The **parcel lines** and **yards** of **corner lots** shall be determined by the following (Figure 2: Corner Lot and Reverse Corner Lot):
- the **front parcel line** of a **corner lot** is the shortest **property line abutting a road**;
 - the **exterior side parcel line** of a **corner lot** is the longest **property line abutting a road**;
 - the **interior side parcel line** of a **corner lot** is the longest **property line abutting a parcel**; and
 - the **rear parcel line** of a **corner lot** is the shortest **property line abutting a parcel or lane**.
- 9.11.2 Notwithstanding 9.11.1 or anything else in this Bylaw, the **Development Authority** may determine a **corner lot** to be a **reverse corner lot** (Figure 2: Corner Lot and Reverse Corner Lot).
- 9.11.3 The **Development Authority** shall determine the **front, rear** and **side yards** of a **reverse corner lot** by taking into account:
- the general pattern and location of existing **buildings** on **adjacent parcels**;
 - the size and geometry of the **corner lot**;
 - the ability to create sufficient privacy on the **parcel** and privacy for **adjacent parcels**;

- (d) ensuring safe traffic movement at the intersection, considering the primary flow of traffic and access to the **parcel**; and
- (e) the general aesthetics, considering the location and height of **fencing** and hedges.

9.11.4 For **parcels** other than **corner lots** which have **frontage** on two **roads**, or for **parcels** which are not rectangular in shape, the **Development Authority** shall determine the **yard** designations.

Figure 2: Corner Lot and Reverse Corner Lot



9.12 PARKING AND LOADING

- 9.12.1 The minimum **off-street parking** and loading requirements of this Bylaw shall be met for all **developments**, including for an addition to an existing **building**.
- 9.12.2 **Developments** containing or providing for more than one **use** shall provide **parking stalls**

equal to the sum of the requirements for the individual *uses*.

9.12.3 **Parking stalls** shall be provided in accordance with Table 3: Minimum Residential Parking Requirements and Table 4: Minimum Non-Residential Parking Requirements, and:

- (a) shall be calculated on the basis of number of **Dwellings Units**, or **gross floor area**, or where the term “seats” is used shall be calculated on the basis of fire occupancy ratings;
- (b) where the calculation of the required number of **parking stalls** results in a fractional number, the requirements shall be rounded up to the nearest full stall; and
- (c) where the **parking stall** requirements of a **development** are not specified in this Bylaw, the **Development Authority** shall be guided by the standards for similar *uses*.

Table 3: Minimum Residential Parking Requirements

RESIDENTIAL USES	PARKING STALLS REQUIRED
Dwelling, Detached Dwelling, Manufactured Dwelling, Duplex	1 per Dwelling Unit
Accessory Dwelling Unit, Attached Accessory Dwelling Unit, Detached	1 additional <i>parking stall</i> per Dwelling Unit
Apartment Attached Housing	2 per Dwelling Unit plus 1 <i>visitor parking stall</i> per 5 Dwelling Units
Bed and Breakfast	1 per guest bedroom
Care Facility	0.5 stalls per resident room or Dwelling Unit

Table 4: Minimum Non-Residential Parking Requirements

NON-RESIDENTIAL USES		PARKING STALLS REQUIRED
Automotive Sales Contractor Services, Major Kennel	Storage Yard Truck and Freight Terminal Wrecker and Salvage	1 per 93 m ² of <i>gross floor area</i>
Agricultural Supply Depot Artist Studio Auto Body Shop Automotive Repair and Service Building Supply Centre Bulk Fuel Station Car Wash Child Care Centre	Contractor Services, Minor Convenience Store Heavy Equipment Sales and Service Liquor Store Personal Service Establishment Veterinary Clinic Warehousing and Distribution	2 per 93 m ² of <i>gross floor area</i>
Clinic Cultural Establishment Financial Institution	Gas Bar and Service Station Office Retail Store	3 per 93 m ² of <i>gross floor area</i>
Drinking Establishment	Eating and Drinking Establishment	1 per 4 seats
Educational Institution Elementary and Junior High Schools: Senior High School and higher:		1 per classroom 4 per classroom
Hotel/Motel		1 per guest suite
Worship Facility		1 per 15 seats
Athletic and Recreational Facility, Indoor Athletic and Recreation al Facility, Outdoor Food Processing, Storage and Sales Funeral Home	Greenhouse Manufacturing, Heavy Manufacturing, Light Recycling Depot	At the discretion of the Development Authority

9.12.4 A minimum of one (1) **loading stall** shall be required per non-residential **building**, unless it can be otherwise demonstrated to the **Development Authority** that loading can reasonably take place on the **parcel** without a dedicated **loading stall**, or that it can be shared amongst multiple **developments** and/or tenants to minimize the number of **loading stalls** required.

Stall Design and Dimensions

9.12.5 **Parking stalls** and **loading stalls** shall be designed and constructed, to the satisfaction of

the **Development Authority**:

- (a) to be contained entirely on the **parcel** and not cause interference with pedestrian or vehicular movements on **adjacent parcels, roads** or sidewalks; and
 - (b) with the appropriate curbs, curb cuts or wheel stops where required.
- 9.12.6 All **parking stalls** and **loading stalls** shall have direct access to a public **road** or maneuvering aisle with adequate access to a public **road**.
- 9.12.7 **Parking stalls** and **loading stalls** must not be provided as **tandem parking** unless otherwise allowed in this Bylaw.
- 9.12.8 **Parking areas** shall be designed in accordance with the dimensions stated in **Error! Reference source not found**. Where more complex **parking area** designs are requested (such as interlocking stalls), the design shall be reviewed based on best practices for **parking area** design, to the satisfaction of the **Development Authority**.

Table 5: Minimum Parking Stall and Aisle Dimensions

Parking angle (degrees)	Stall width parallel to aisle (m)		Stall depth (m)	Aisle width (m)
	Dwelling Units	Other Uses		
90 (perpendicular)	2.5	2.6	6.0	7.3
75	2.6	2.8	6.3	6.1
60	2.9	3.2	6.4	5.2
45	3.6	3.9	6.0	4.0
0 (Parallel)	2.5	2.6	6.7	4.0

- 9.12.9 **Loading stalls** shall be designed in accordance with the following:
- (a) a minimum of 3.5 m wide and 10.0 m in length, and no less than 4.3 m overhead clearance; and
 - (b) access to the space shall be such that no backing and turning movements of vehicles cause interference with traffic on the **adjacent roads or lanes**.

9.13 VEHICLE ENTRANCES AND EXITS

- 9.13.1 Vehicle entrances and exits shall be located at least 6.0 m from the corner along a **property line** at the intersection of two (2) or more **roads**.
- 9.13.2 All vehicle entrances and exits onto a **highway** shall be approved by the Provincial highway authority, or as approved within an Area Structure Plan.
- 9.13.3 The **Development Authority** may require that entrances and exists for vehicles be separate, one-directional, and/or adequately signed.

9.14 DRIVE THROUGHS AND VEHICLE-ORIENTED DESIGNS

- 9.14.1 **Drive throughs** and vehicular oriented designs may only be allowed if the **Development Authority** is satisfied that such designs do not adversely affect the functioning of surrounding **roads**, traffic circulation or **adjacent uses**.
- 9.14.2 The following regulations shall apply to the design of maneuvering aisles and queuing spaces:
- (a) must be **screened** from **existing residential uses** and not be located within 20.0 m, except where separated by a **building**;
 - (b) may be located in a required **setback** area if there are no safety or nuisance concerns identified with **adjacent uses**;
 - (c) must not provide direct access to any **parcel** or **road**; and
 - (d) must not interfere with other vehicular or pedestrian movements.
- 9.14.3 For **Eating Establishments** with a **drive through**:
- (a) ordering windows or order boards must not be located within 20.0 m of a residential district or a **parcel** with a **principal residential use**; and
 - (b) a minimum of five (5) queuing spaces shall be provided per order board or ordering window.
- 9.14.4 For **uses** which provide **drive through** automotive services, the following minimum queuing spaces are required:
- (a) **Gas Bars and Services Stations**: one (1) queuing space per fuel pump or service bay; and
 - (b) **Car Washes**: two (2) queuing spaces per bay.
- 9.14.5 Queuing spaces shall be a minimum of 2.7 m in width and 6.5 m in length and provide sufficient space for the turning and maneuvering of vehicles.

9.15 RENEWABLE ENERGY SYSTEMS

- 9.15.1 **Renewable energy systems** attached to a **principal building** or **Accessory Building** shall:
- (a) not extend above the peak of a roof;
 - (b) not project past a roof by 1.5 m at any point;
 - (c) not generate noise, in the opinion of the **Development Authority**, which affects the amenity or enjoyment of an **adjacent residential use**.
- 9.15.2 **Renewable energy systems** that are freestanding must meet the height and **setback** regulations for an **Accessory Building** within the applicable Land Use District.

Part C - Specific Use Regulations

10 SPECIFIC USE REGULATIONS

This Section of the Land Use Bylaw contains regulations for specific land uses, as listed below.

10.1	Accessory Buildings
10.2	Accessory Dwelling Units
10.3	Home Occupations
10.4	Bed and Breakfasts
10.5	Manufactured Dwellings
10.6	Auto Body Shops
10.7	Gas Bars and Service Stations
10.8	Car Washes

10.1 ACCESSORY BUILDINGS

- 10.1.1 **Accessory Buildings** must be secondary and subordinate to the *principal building* or *principal use* on the same *parcel*.
- 10.1.2 The determination of whether a *use, building* or *structure* is considered accessory shall be at the discretion of the **Development Authority**.
- 10.1.3 An enclosed *structure* which is attached to the *principal building* by a roof, a floor or a foundation is not an **Accessory Building** and is to be considered part of the *principal building*.
- 10.1.4 An **Accessory Building** shall not be used as a **Dwelling Unit** unless approved in accordance with the provisions of this Bylaw.
- 10.1.5 No **Accessory Building** shall be located in the *front yard* of a *parcel* in a residential district or a *parcel* with a *residential use*.
- 10.1.6 The maximum *height* of an **Accessory Building** in a residential district shall be 4.5 m.
- 10.1.7 The minimum *side yard setback* of an **Accessory Building** in any district shall be 1.0 m in the *side yards* except on *corner lots*, where the minimum *side yard setback* shall be 3.0 m from the *exterior side parcel line*.
- 10.1.8 The minimum *rear yard setback* of an **Accessory Building** in any district shall be 0.9 m.

Accessory Buildings, Fabric Covered

- 10.1.9 **Accessory Buildings, Fabric Covered** shall be:
- (a) *setback* a minimum of 3.0 m from any *structure* or equipment that contains open flames (i.e. burning barrels, fire pits, or other open flame accessories);
 - (b) kept in good condition and the fabric not frayed or damaged; and
 - (c) fully enclosed with closable doors on the ends.
- 10.1.10 Within residential districts, **Accessory Buildings, Fabric Covered** must not:
- (a) exceed one (1) **Accessory Building, Fabric Covered** per *parcel*;
 - (b) be connected to any **Utilities**;
 - (c) be used in a manner that would cause or create a nuisance by way of noise, vibration or dust to impact the privacy and enjoyment of *adjacent residential uses* or the amenities of the neighbourhood.
- 10.1.11 For non-residential *uses* in districts other than residential districts, **Accessory Buildings, Fabric Covered** may, at the discretion of the **Development Authority**:
- (a) be connected to **Utilities**; and
 - (b) exceed more than one (1) **Accessory Building, Fabric Covered** per *parcel*.
- 10.1.12 A **development permit** for an **Accessory Building, Fabric Covered** may be *temporary* with a specified maximum time limit for up to three (3) years.

Accessory Buildings, Shipping Container

- 10.1.13 The **Development Authority** may require the exterior surface of an **Accessory Building, Shipping Container** be finished, or **screened** from public view, to the satisfaction of the **Development Authority**.
- 10.1.14 An **Accessory Building, Shipping Container** shall not be used as a **structure** for installing or displaying a **Sign**.

10.2 ACCESSORY DWELLING UNITS

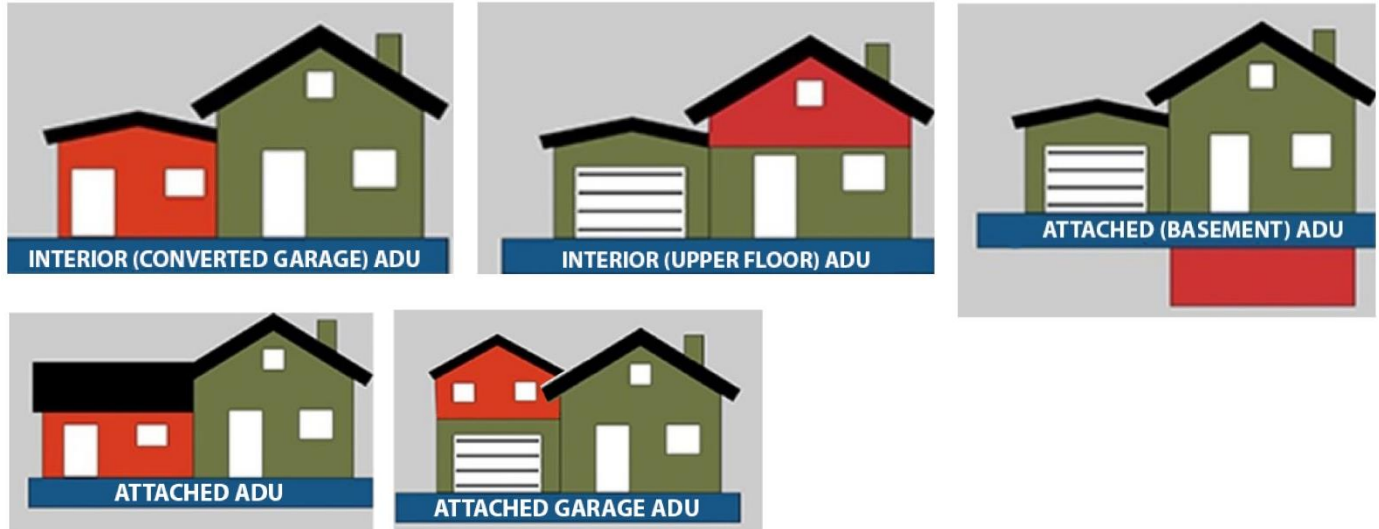
- 10.2.1 An **Accessory Dwelling Unit** (ADU) may be developed only in those Land Use Districts where it is listed as a **permitted use** or **discretionary use**.
- 10.2.2 The issuance of a **development permit** in no way exempts the applicant from obtaining a **building permit** for an **Accessory Dwelling Unit**.
- 10.2.3 A maximum of one (1) **Accessory Dwelling Unit** is allowed per **parcel**.
- 10.2.4 An **Accessory Dwelling Unit** must not be separated from the **principal residential use** on a **parcel** by the registration of a **condominium** or **subdivision**.
- 10.2.5 Where a **parcel** is serviced by municipal water and sanitary systems, an **Accessory Dwelling Unit** must be serviced from the **principal Dwelling Unit's** connection to the systems.
- 10.2.6 Where a **parking stall** for an **Accessory Dwelling Unit** is provided in the **front yard**, a minimum of 30% of the **front yard** must be **landscaped** to the satisfaction of the **Development Authority**.

Detached Accessory Dwelling Units



- 10.2.7 The maximum **floor area** of an **Accessory Dwelling Unit, Detached** shall not exceed 80.0 m², excluding any internal area for stairways and **landings** or common areas that are accessible and intended to be used by residents of both **Dwelling Units**.
- 10.2.8 Where an **Accessory Dwelling Unit, Detached** is located on the second **storey**, the maximum **building height** shall be 6.0 m and shall not exceed the height of the **principal building**.

Attached Accessory Dwelling Units



10.2.9 The maximum *floor area* of an **Accessory Dwelling Unit, Attached** shall not exceed 40% of the *gross floor area* of the *principal Dwelling Unit*. Internal areas for stairways and *landings* or common areas that are accessible and intended to be used by residents of both **Dwelling Units** shall not be included in the *floor area* of the **Accessory Dwelling Unit**.

10.2.10 Notwithstanding 10.2.10, where an **Accessory Dwelling Unit, Attached** occupies:

- (a) the *basement* within a one-storey **Detached Dwelling**; or
- (b) the second *storey* of a two-storey **Detached Dwelling**;

the **Accessory Dwelling Unit, Attached** may occupy a maximum of 50% of the *gross floor area* of the *building*.

10.3 HOME OCCUPATIONS

10.3.1 In accordance with Section 3 - **Development Not Requiring a Development Permit**, a **Home Occupation - Minor** does not require a *development permit*.

10.3.2 A **Home Occupation** shall not include any activity or operation which will cause or create a nuisance by way of noise, dust, and/or smoke or other nuisance that is not characteristic of a *residential use*.

10.3.3 Storage of materials or equipment related to a **Home Occupation** must be within the **Dwelling Unit** or an **Accessory Building**.

10.3.4 A maximum of one (1) **Sign** may be displayed in accordance with Subsection 11.4.8.

10.3.5 A **Home Occupation – Major** shall be determined as any **Home Occupation** which meets one or more of the following criteria:

- (a) on-site sales or customer visits totaling 4 or more customer visits per day, or more than one/two customer on-site at a time;
- (b) requires parking of a commercial vehicle associated with the **Home Occupation**;
- (c) includes **outdoor storage** associated with the **Home Occupation**.

10.4 BED AND BREAKFASTS

- 10.4.1 **Bed and Breakfasts** shall:
- (a) not provide cooking facilities in guest rooms;
 - (b) not change the residential character or external appearance of the **building**;
 - (c) provide **off-street parking stalls** in accordance with Table 3: Minimum Residential Parking Requirements; and
 - (d) have a maximum of four (4) guest rooms.
- 10.4.2 A maximum of one (1) **Sign** for a **Bed and Breakfast** may be displayed in accordance with Subsection 11.4.8.
- 10.4.3 The issuance of a **development permit** in no way exempts the applicant from obtaining any other provincial approvals that may be required.

10.5 MANUFACTURED DWELLINGS

- 10.5.1 **Manufactured Dwellings** constructed greater than ten (10) years at the time of **development permit** application may not be approved at the discretion of the **Development Authority**.
- 10.5.2 In determining the suitability of a **Manufactured Dwelling** for placement on a **parcel**, consideration shall be given to its condition and appearance in context with the **adjacent parcels**.
- 10.5.3 The undercarriage of a **Manufactured Dwelling** shall be screened from view by the foundation or by skirting within 30 days of placement of the **Manufactured Dwelling**.
- 10.5.4 All accessory **structures** such as stairways and **landings, patios, decks**, and skirting shall be of complementary quality and design to the **Manufactured Dwelling**.
- 10.5.5 All **Manufactured Dwellings** shall be provided with stairways and **landings** to all entrances within 45 days of their placement.

10.6 AUTO BODY SHOPS

- 10.6.1 All **buildings** and **outdoor storage** areas related to the **Auto Body Shop** must be oriented on the **parcel** to minimize any potential adverse effects on **adjacent uses**.
- 10.6.2 An **Auto Body Shop** may include activities associated with the **use** located outside of a **building** provided any areas of the **parcel** used for **outdoor storage** are **fenced** to a

height of 2.4 m, and the *fence* is a solid *fence* of either metal or wood to the satisfaction of the *Development Authority*.

10.7 GAS BARS AND SERVICE STATIONS

- 10.7.1 **Gas Bars and Service Stations** shall comply with the following standards, in addition to those standards in Section **9.13 Drive Throughs and Vehicle-Oriented Designs**:
- (a) no part of a service station *building* or any pump island shall be within 6.0 m of *front, side* or *rear parcel* lines;
 - (b) a *front yard* of no less than 12.0 m;
 - (c) no pumping island closer than 4.5 m to a *building*;
 - (d) vehicle entrances from a *road* shall be located at the discretion of the *Development Authority* and shall not exceed 10.7 m in width; and
 - (e) the *parcel* boundaries of a **Gas Bar and Service Station**, other than those fronting a *road*, shall be appropriately *screened* to the satisfaction of the Development Authority.

10.8 CAR WASHES

- 10.8.1 **Car Washes** shall comply with the following standards in addition to those standards in Section **9.13 Drive Throughs and Vehicle-Oriented Designs**:
- (a) the minimum *parcel* area shall be 557.0 m². In the case of **Gas Bars and Service Stations** including **Car Washes**, the minimum *parcel* area shall be 1,115.0 m²;
 - (b) receptacles for the purpose of disposing of garbage and waste shall be provided to the satisfaction of the *Development Authority*; and
 - (c) all parts of the *parcel* to which vehicles may have access shall be hard surfaced and drained.
- 10.8.2 All *buildings* and outside activity areas related to the **Car Wash** must be oriented on the *parcel* to minimize any potential adverse effects on *adjacent uses*.

Part D - Signs

11 SIGN REGULATIONS

11.1 SIGN AUTHORITY AND ADMINISTRATION

- 11.1.1 Except as stated in Section 3 Development Not Requiring a Development Permit, no **Sign** shall be erected on land or affixed to any exterior surface of a **building** or **structure** unless a **development permit** for this purpose has been issued by the **Development Authority**.
- 11.1.2 A **development permit** is not required for maintenance, repair, changing the **sign content**, or reducing the **sign content area** of an approved **Sign**.
- 11.1.3 The issuance of a **development permit** for a **Sign** located **adjacent** to a **highway** does not preclude any approvals or permits required by the Provincial highway authority.
- 11.1.4 No **Sign** shall be erected on or affixed to municipal property without the prior consent of the Village of Halkirk.
- 11.1.5 Variances may be granted to **sign area** where the **Sign** scale and design integrates with the architectural elements and scale of the **building** and **adjacent buildings**.
- 11.1.6 Where a **Sign** is no longer related to a business, product or event located on the same **parcel** as the **Sign**, the **Sign** must be removed by the owner of the **Sign** or the owner of the **parcel** on which the **Sign** is located.
- 11.1.7 Where a **Sign** contravenes the regulations of this Bylaw or the terms of a **development permit**, the owner of the **parcel** or the owner of the **Sign** shall remove the **Sign** or relocate or repair the **Sign** such that it complies with the Bylaw or the **development permit** within the timelines specified in the written warning or order.
- 11.1.8 The Village of Halkirk may remove any **Sign** that remains in contravention of this Bylaw and an order, and/or may refuse to issue a **development permit** for a **Sign** on the **parcel** for a period of three (3) months.

11.2 SIGN APPLICATION REQUIREMENTS

- 11.2.1 An application for a **development permit** for a **Sign** shall be completed and submitted to the **Development Authority** in writing, in the form required by the **Development Authority**, and shall be accompanied by:
- (a) authorization of the registered landowner;
 - (b) a site plan (drawn to scale) showing the following:
 - i. legal description and north arrow;

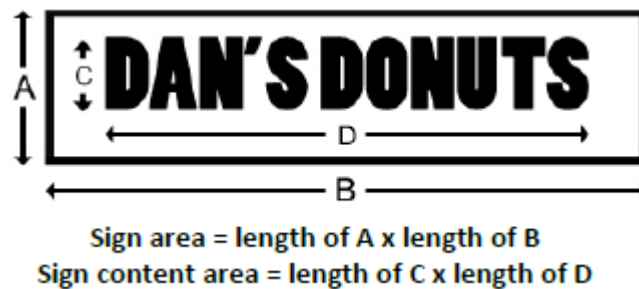
- ii. area and dimensions of the *parcel* boundaries, including the *front, rear,* and *side yards*, if any;
 - iii. existing and proposed *easements* and rights-of-way, including dimensions and type of *easement*, if applicable;
 - iv. the location and dimensions of all existing and proposed **Signs, buildings, structures,** or *uses* on the *parcel*;
 - v. identification of existing and proposed *roads* or *lanes* that will provide access to the *development*;
 - vi. any provision for *off-street parking stalls* and *loading stalls*; and vehicle entrances to and exits from the *parcel*; and
- (c) a drawing showing the width, height and *sign area* of the **Sign**, including the proposed *sign content* and *sign content area*;
- (d) a description or drawing showing the **Sign** materials and colors; and
- (e) the prescribed *development permit* fee.

11.3 SIGN DEFINITIONS

11.3.1 For the purposes of this Bylaw, the following definitions are related to **Signs**:

- Sign** means any device or fixture intended to convey information or to advertise or attract attention to any person, business, matter, message, object or event.
- sign area** means the entire area of a **Sign** on which *sign content* is intended to be placed. In the case where a **Sign** has *sign content* on more than one side of the **Sign**, *sign area* means the average total area of all sides of the **Sign**. See Sign Figure 3: Sign Area and Sign Content Area.
- sign content** means the wording/lettering, message, graphics or content displayed on a **Sign**.
- sign content area** means a rectangular area formed by the extreme limits of the *sign content*, including graphics related to the specific nature of the *sign content*. See Figure 3: Sign Area and Sign Content Area.

Figure 3: Sign Area and Sign Content Area



sign height	means the vertical distance measured from the highest point of the Sign or Sign structure to grade .
sign illumination	means the lighting or exposure of a Sign to artificial lighting either by lights on or in the Sign or directed toward the Sign .
temporary sign	means any Sign designed or intended to be displayed for a short period of time, including balloon signs, construction signs, political poster signs, banner signs or any other Sign that is not permanently attached to a supporting structure or building .

11.4 GENERAL SIGN REGULATIONS

- 11.4.1 No **Sign** shall resemble or conflict with a traffic sign, signal or device.
- 11.4.2 All **Signs** shall be designed and manufactured to a professional standard of quality, to the satisfaction of the **Development Authority**.
- 11.4.3 The design and location of a **Sign** on a **building** shall complement the architectural elements and materials of the **building**.
- 11.4.4 **Buildings** shall be designed to incorporate **Signs** into the **building** as an integrated architectural element.
- 11.4.5 All **Sign** lighting shall be designed to illuminate the **Sign** only.
- 11.4.6 A **Sign** shall not be located to obstruct the movement or free and clear vision of a pedestrian or motorist, or cause conflict with any required **parking area**.
- 11.4.7 All **Signs** shall be kept in a safe, clean, tidy and legible condition and may, at the discretion of the **Development Authority**, be required to be renovated or removed if not kept in a safe, clean, tidy or legible condition.
- 11.4.8 A maximum of one (1) **Sign** for a **Home Occupation** or **Bed and Breakfast** may be displayed with a maximum **sign area** of 0.3 m².

Part E - Districts

12 DISTRICTS ADMINISTRATION

12.1 ESTABLISHMENT OF DISTRICTS

12.1.1 For the purpose of this Bylaw, the Municipality is divided into the following Land Use Districts.

Short Title	District Name
Residential Districts	
R	Residential District
MP	Manufactured Dwelling Park District
Commercial Districts	
C	Commercial District
Industrial Districts	
I	Industrial District
Miscellaneous Districts	
G	General Village District

12.2 DISTRICT BOUNDARIES

- 12.2.1 The locations and boundaries of the Land Use Districts are shown on the Land Use District Maps in Part **G Land Use Districts Map**, which forms part of this Bylaw.
- 12.2.2 The locations of boundaries shown on the Land Use Districts Map shall be governed by the following rules:
- (a) where a boundary is shown as following the municipal boundary, it shall be deemed to follow the municipal boundary;
 - (b) where a boundary is shown as approximately following a **property line**, it shall be deemed to follow the **property line**; and
 - (c) where a boundary is shown to follow the shoreline of a bank of a waterbody, it follows that line.
- 12.2.3 Where the exact location of the boundary of a Land Use District cannot be determined, using the rules in Subsection 12.2.2 above, the **Council**, on its own motion or on a written request, shall fix the location:
- (a) in a manner consistent with the provisions of this Bylaw; and
 - (b) with the appropriate degree of detail required.
- 12.2.4 The location of a district boundary, once fixed, shall not be altered except by an amendment of this Bylaw.

12.3 DIRECT CONTROL DISTRICTS

- 12.3.1 Direct Control Districts provide for development that, due to its unique characteristics, unusual site conditions, or innovative design, requires specific regulations unavailable in other Land Use Districts. Land Uses within a Direct Control District shall be determined by **Council**.
- 12.3.2 Direct Control Districts may not be substituted for any other Land Use District if the same outcome can occur in that Land Use District through the approval of a variance or relaxation to development standards.
- 12.3.3 Where **Council** deems there are sufficient and appropriate regulations within a Direct Control Bylaw, authority to approve **development** within the Direct Control District may be delegated to the **Development Authority**.
- 12.3.4 Appeals within a Direct Control District shall be in accordance with the Act.

13 R - RESIDENTIAL DISTRICT

13.1 PURPOSE

13.1.1 To provide for a variety of housing types connected to municipal services and other compatible residential neighbourhood **uses**.

13.2 PERMITTED USES

13.2.1 The following **uses** are **permitted uses** in the R - Residential District:

Accessory Building*	Sign**
Dwelling, Detached	Utilities
Home Occupation - Minor*	

*See Section 10 Specific Use Regulations

**See Section 11 Sign Regulations

13.3 DISCRETIONARY USES

13.3.1 The following **uses** are **discretionary uses** in the R - Residential District:

Accessory Building, Fabric Covered*	Dwelling, Manufactured*
Accessory Dwelling Unit, Attached*	Home Occupation – Major*
Accessory Dwelling Unit, Detached*	Park
Apartment	Public Building
Attached Housing	Temporary Use
Bed and Breakfast*	Worship Facility
Dwelling, Duplex	

*See Section 10 Specific Use Regulations

**See Section 11 Sign Regulations

13.4 REGULATIONS

13.4.1 The minimum **parcel area** is 362.3 m².

13.4.2 The minimum **parcel width** is 12.0 m for **Detached Dwellings**.

13.4.3 The minimum **front yard setback** is 4.9 m for **Detached Dwellings** and 3.65 m for **Manufactured Dwellings**.

- 13.4.4 The minimum **side yard setback** is 1.2 m for **Detached Dwellings** and 1.5 m for all other **uses**, except an **exterior side yard** where it is 3.0 m.
- 13.4.5 The minimum **rear yard setback** is 6.0 m.
- 13.4.6 The minimum **gross floor area** of the **principal building** is 83.6 m² for **Detached Dwellings**.
- 13.4.7 The maximum **parcel coverage** including all **buildings** is 60%, where **Accessory Buildings** may comprise up to a maximum of 15% of the total **parcel coverage**.
- 13.4.8 The maximum **building height** for **principal buildings** is 10.0 m.

13.5 ADDITIONAL REQUIREMENTS

- 13.5.1 The massing, design and appearance of a **Manufactured Dwelling** shall be consistent with **adjacent development** to the satisfaction of the **Development Authority**, and may be required to include enhanced design elements that add visual interest such as:
- (a) a porch or veranda on the front façade;
 - (b) horizontal wall articulation on the front façade;
 - (c) the use of thick columns or brackets on roof overhangs;
 - (d) dormers, gables, cross gables or varied pitches for articulated roof lines;
 - (e) large or **bay windows** on the front façade, with strong window trim;
 - (f) architectural features or other detailing over entrances;
 - (g) changes in exterior siding materials, textures and colors to break up long wall expanses; and
 - (h) the use of trim and moldings that contrast the exterior siding.
- 13.5.2 Apartments and comprehensively planned **multi unit residential buildings** must, to the satisfaction of the **Development Authority**:
- (a) locate vehicle entrances and exits, **parking stalls** and **loading stalls** in such a manner to minimize impact on adjacent **residential uses**;
 - (b) integrate the **building** and site design with the surrounding neighbourhood context in terms of **yards**, **building height** and massing, exterior finishing materials and **landscaping**.

14 MP – MANUFACTURED DWELLING PARK DISTRICT

14.1 PURPOSE

14.1.1 To provide for **Manufactured Dwellings** and associated **Accessory Uses** in **Manufactured Dwelling Park**.

14.2 PERMITTED USES

14.2.1 The following *uses* are **permitted uses** in the MP - Manufactured Dwelling Park District:

Accessory Building* Dwelling, Manufactured* Home Occupation – Minor*	Manufactured Dwelling Park Utilities Sign**
---	--

*See Section **10 Specific Use Regulations**

See Section **11 Sign Regulations

14.3 DISCRETIONARY USES

14.3.1 The following *uses* are **discretionary uses** in the MP - Manufactured Dwelling Park District:

Accessory Building, Fabric Covered* Child Care Facility Convenience Store	Home Occupation - Major* Temporary Use
--	---

*See Section **10 Specific Use Regulations**

See Section **11 Sign Regulations

14.4 REGULATIONS

- 14.4.1 The minimum **parcel area** is 0.8 ha.
- 14.4.2 The maximum **parcel area** is 12.0 ha.
- 14.4.3 The maximum **density** is 20 units per hectare.
- 14.4.4 The minimum **front yard setback** is 6.0 m.
- 14.4.5 The minimum **side yard setback** is 6.0 m.
- 14.4.6 The minimum **rear yard setback** is 6.0 m.
- 14.4.7 The maximum **building height** is 6.0 m.

- 14.4.8 The minimum separation distances between **buildings** on a **Manufactured Dwelling Park parcel** shall be:
- (a) 4.5 m between adjacent **Manufactured Dwellings**;
 - (b) 2.0 m between a **Manufactured Dwelling** and an **Accessory Building**;
 - (c) 3.0 m from the private **Manufactured Dwelling Park** road; and
 - (d) 4.5 m from any other **building**.

14.5 ADDITIONAL REQUIREMENTS

- 14.5.1 A site plan must be provided for all **Manufactured Dwelling Park** applications. The site plan must clearly identify private roads, pedestrian walkways, common areas and **buildings**, garbage and waste storage areas or **buildings**, **visitor parking stalls**, and the boundaries of **Manufactured Dwelling** plots.
- 14.5.2 All private roads in a **Manufactured Dwelling Park** shall be a minimum 4.3 m width and constructed to the satisfaction of the **Development Authority** for emergency access and egress.
- 14.5.3 Internal pedestrian walkways shall have a minimum width of 1.5 m and be surfaced to the satisfaction of the **Development Authority**.
- 14.5.4 **Visitor parking stalls** shall be provided in the ratio of one (1) **parking stall** for every four (4) **Manufactured Dwellings**. **Visitor parking stalls** shall be dispersed throughout the park and clearly identified.
- 14.5.5 The required **yards** shall be **landscaped** and **fenced** to the satisfaction of the **Development Authority**.
- 14.5.6 All utility lines shall be placed underground in a **Manufactured Dwelling Park**.
- 14.5.7 A minimum of 10% of the **parcel area** of a **Manufactured Dwelling Park** shall be set aside for an outdoor common **amenity area** or recreational use.
- 14.5.8 One (1) **Manufactured Dwelling Park** identification **Sign** may be located at each entrance to the **Manufactured Dwelling Park** from the public **road**. The maximum **sign area** is 2.9 m² and maximum **sign height** is 1.8 m.
- 14.5.9 A screened **outdoor storage** area may be provided for vehicles and equipment such as trucks, **recreational vehicles**, travel trailers, snowmobiles, and boats, at a location and in a manner satisfactory to the **Development Authority**.
- 14.5.10 The **Development Authority** should give consideration to the sizing of lots and internal private roads in order that the future subdivision of the **Manufactured Dwelling Park** to provide Titled **lots** is a viable option.

15 C - COMMERCIAL DISTRICT

15.1 PURPOSE

15.1.1 To provide for a variety of commercial uses, including civic and cultural *uses*.

15.2 PERMITTED USES

15.2.1 The following *uses* are *permitted uses* in the C – Commercial District:

Accessory Building*

Artist Studio

Clinic

Eating and Drinking Establishment

Financial Institution

Funeral Home

Office

Park

Personal Service Establishment

Public Building

Retail Store

Sign**

Utilities

*See Section 10 **Specific Use Regulations**

See Section 11 **Sign Regulations

15.3 DISCRETIONARY USES

15.3.1 The following *uses* are *discretionary uses* in the C – Commercial District:

Accessory Building, Fabric Covered*

Accessory Building, Shipping Container*

Athletic and Recreational Facility, Indoor

Automotive Repair and Service

Automotive Sales

Building Supply Centre

Child Care Centre

Contractor Services - Minor

Cultural Establishment

Drinking Establishment

Dwelling Unit (accessory to a commercial use)

Gas Bar and Service Station*

Hotel/Motel

Liquor Store

Storage Yard

Temporary Use

Veterinary Clinic

Warehousing and Distribution

*See Section 10 **Specific Use Regulations**

See Section 11 **Sign Regulations

15.4 REGULATIONS

- 15.4.1 The minimum *parcel area* is 220.0 m².
- 15.4.2 The minimum *parcel width* is 7.5 m.
- 15.4.3 The minimum *side yard setback* is 1.5 m, except:
- (a) a zero *side yard* where a **fire wall** is provided; or
 - (b) 1.2 m for an *exterior side yard*.
- 15.4.4 The minimum *rear yard setback* is 3.0 m where *adjacent* to a residential district.
- 15.4.5 Notwithstanding Section **9.12 Parking and Loading**, the **Development Authority** may grant a relaxation or waive the minimum *parking stall* requirements within this district where adequate on-street parking is available.

15.5 ADDITIONAL REQUIREMENTS

- 15.5.1 **Dwelling Units** which are accessory to a commercial use must be located at the rear of the *building* or *parcel* or be located above the *principal* commercial *use*.

16 I – INDUSTRIAL DISTRICT

16.1 PURPOSE

16.1.1 To provide for a range of manufacturing, warehousing and other industrial *uses*.

16.2 PERMITTED USES

16.2.1 The following *uses* are *permitted uses* in the I – Industrial District:

Accessory Building*	Heavy Equipment Sales and Service
Accessory Building, Fabric Covered*	Manufacturing, Light
Accessory Building, Shipping Container*	Public Building
Automotive Repair and Service	Sign**
Building Supply Centre	Storage Yard
Contractor Services - Minor	Utilities
Food Processing Storage and Sales	Veterinary Clinic
Greenhouse	Warehousing and Distribution

*See Section 10 **Specific Use Regulations**

See Section 11 **Sign Regulations

16.3 DISCRETIONARY USES

16.3.1 The following *uses* are *discretionary uses* in the I – Industrial District:

Agricultural Supply Depot	Gas Bar and Service Station*
Artist Studio	Grain Elevator and Seed Cleaning
Auto Body Shop*	Manufacturing, Heavy
Bulk Fuel Station	Park
Car Wash*	Recycling Depot
Contractor Services - Major	Temporary Use
Dwelling Unit (accessory to an industrial use)	Truck and Freight Terminal
Equipment Rental Shop	Wrecker and Salvage

*See Section 10 **Specific Use Regulations**

See Section 11 **Sign Regulations

16.4 REGULATIONS

16.4.1 The minimum *parcel area* is 465.0 m².

- 16.4.2 No **side yard** is required where a **fire wall** is provided, except the minimum **side yard** is 3.0 m where **abutting a parcel** with a **principal residential use**.
- 16.4.3 The minimum **rear yard setback** is 6.1 m where **abutting a parcel** with a **principal residential use**.

16.5 ADDITIONAL REQUIREMENTS

- 16.5.1 For an application for an industrial **development**, the **development permit** application shall contain the following information:
- (a) the type and nature of the industry;
 - (b) the estimated number of employees;
 - (c) the estimated water demand and source;
 - (d) the type of effluent and method of treatment;
 - (e) transportation routes to be used; and
 - (f) any accessory works required.

17 G – GENERAL VILLAGE DISTRICT

17.1 PURPOSE

17.1.1 To provide for a variety of general *uses*, including community services, residential and commercial *uses*.

17.2 PERMITTED USES

17.2.1 The following *uses* are *permitted uses* in the G – General Village District:

Accessory Building*	Home Occupation – Minor*
Athletic and Recreational Facility, Indoor	Park
Athletic and Recreational Facility, Outdoor	Public Building
Campground	Utilities
Cultural Establishment	Sign**
Educational Institution	Worship Facility
Extensive Agriculture	

*See Section 10 Specific Use Regulations

**See Section 11 Sign Regulations

17.3 DISCRETIONARY USES

17.3.1 The following *uses* are *discretionary uses* in the G – General Village District:

Accessory Building, Fabric Covered*	Equestrian Centre
Accessory Building, Shipping Container*	Exhibition Grounds
Artist Studio	Financial Institution
Automotive Repair and Service	Funeral Home
Automotive Sales	Gas Bar and Service Station*
Building Supply Centre	Greenhouse
Care Facility	Home Occupation – Major*
Cemetery	Hotel/Motel
Child Care Centre	Liquor Store
Clinic	Manufactured Dwelling
Contractor Services - Minor	Office
Drinking Establishment	Parking Lot
Dwelling, Detached	Personal Service Establishment
Dwelling Unit (accessory to a commercial use)	Retail Store
Eating and Drinking Establishment	Storage Yard
	Warehousing and Distribution

Waste Transfer Station

*See Section **10 Specific Use Regulations**

See Section **11 Sign Regulations

17.4 REGULATIONS

- 17.4.1 The regulations in the R - Residential District shall apply to **residential uses** in this district.
- 17.4.2 The regulations in the C – Commercial District shall apply to all non-residential **uses** in this district.

17.5 ADDITIONAL REQUIREMENTS

- 17.5.1 The **Council** may require the preparation of an Area Structure Plan or Conceptual Scheme and a concurrent application for an amendment to this Bylaw prior to accepting an application for **subdivision** of lands.
- 17.5.2 The **yard setbacks, parcel coverage, building height, landscaping** or other design requirements of all **buildings** and **structures** shall be to the satisfaction of the **Development Authority**, who in making its decision on a **development permit** application must consider the **existing** and future uses of **adjacent parcels**.
- 17.5.3 Prior to approving a development permit application in the G- General Village District, the **Development Authority** must be satisfied that the proposed use will not prejudice the future orderly development of the area.

Part F - Definitions

18 DEFINITIONS

18.1.1 The following definitions pertain to terms and **uses** within the Land Use Bylaw.

Quick links – click on the letter to jump to the definitions.

A	B	C	D	E	F	G	H	I
J	K	L	M	N	O	P	Q	R
S	T	U	V	W	X	Y	Z	

A

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<i>abut</i> or <i>abutting</i>	means immediately contiguous to, or physically touching, and when used with respect to a <i>lot</i> or a <i>parcel</i> , means that the <i>lot</i> or <i>parcel</i> physically touches another <i>lot</i> , <i>parcel</i> , or <i>development</i> , and shares a <i>property line</i> with it.
Accessory Building	means a <i>use</i> where a <i>building</i> or <i>structure</i> accommodates a <i>use</i> which is related to, but is incidental or subordinate to, the <i>use</i> of the <i>principal building</i> located on the same <i>parcel</i> . This includes <i>buildings</i> or <i>structures</i> such as sheds, carports, detached garages and greenhouses.
Accessory Building, Fabric Covered	means a <i>use</i> where a <i>structure</i> accommodates a <i>use</i> which is related to, but is incidental or subordinate to, the <i>use</i> of the <i>principal building</i> located on the same <i>parcel</i> . An Accessory Building, Fabric Covered is designed by virtue of easy assembly and dismantling, commercially constructed of metal or synthetic tube and fabric, plastic or similar materials, and covered with waterproof sheeting, synthetic sheeting or plastic film.
Accessory Building, Shipping Container	means a <i>use</i> where a <i>shipping container</i> accommodates an <i>accessory use</i> which is related to, but is incidental or subordinate to, the principal <i>use</i> of the <i>parcel</i> .
Accessory Dwelling Unit	means a self-contained Dwelling Unit that is subordinate to and under one Title with a Detached Dwelling .
Accessory Dwelling Unit, Attached	means a <i>use</i> where an Accessory Dwelling Unit is located within or attached to a Detached Dwelling .
Accessory Dwelling Unit, Detached	means a <i>use</i> where an Accessory Dwelling Unit is located on the same <i>parcel</i> as, but within a separate <i>building</i> , a Detached Dwelling .
<i>accessory use</i>	means a <i>use</i> which is related to, but is subordinate or incidental to the <i>principal use</i> located on the same <i>parcel</i> .
Act	means the <i>Municipal Government Act, Revised Statutes of Alberta 2000, Ch. M-26</i> , as amended, and any parallel or successor legislation.
<i>adjacent</i>	means land that is contiguous to a <i>parcel</i> of land and includes land that would be contiguous if not for a <i>highway, road</i> , river, or stream.
Agricultural Supply Depot	means a <i>use</i> where goods, materials or services that support agricultural activities are provided, whether retail, wholesale or in bulk. This includes such goods and services as sale and storage of seeds, feeds, fertilizers, chemical products, fuels, and lubricants but does not include the buying or selling of farm produce or animals.
<i>amenity area</i>	means an indoor or outdoor space provided for the active or passive recreation and enjoyment of the occupants of a <i>development</i> , which may be for private or communal use and owned individually or in common.
Appeal Body	means the board hearing a <i>subdivision</i> or <i>development permit</i> appeal in accordance with the <i>Act</i> .

Apartment means a *use* where a **building** designed for *residential use* contains five (5) or more **Dwelling Units** with a shared or common entrance.

Artist Studio means a *use*:

- (a) where art is produced by individuals;
- (b) that may include the instruction of art to individuals or groups; and
- (c) that may include the sale of art pieces produced by that use.

Athletic and Recreational Facility, Indoor means a *use* for the purpose of providing indoor active recreation or athletic activities where patrons are predominantly participants and any spectators are incidental. This includes but is not limited to gyms, athletic studios, skating and hockey rinks, swimming pools, rifle, archery and pistol ranges, and racquet courts.

Athletic and Recreational Facility, Outdoor means a *use* for the purpose of providing outdoor active recreation or athletic activities. This includes but is not limited to golf courses, driving ranges, sports fields, tennis courts, ice surfaces or rinks, athletic fields, splash parks, bowling greens, and riding stables.

Attached Housing means a *use* where a **building** designed for *residential use* consists of three (3) or more **Dwelling Units**, each of which has an individual entrance to the outdoors. This includes rowhouses, townhouses, triplexes and fourplexes

Auto Body Shop means a *use* where the bodies, but not other parts, of motor vehicles are repaired and painted.

Automotive Repair and Service means a *use* for the servicing and repair of motor vehicles within a **building**, excluding an **Auto Body Shop**.

Automotive Sales means a *use* where motor vehicles are sold or leased and stored on portions of the **parcel** approved exclusively for storage or display, and may have buildings for administrative functions associated with the *use*.

average grade means the average elevation at the mid-point along the **front parcel line** and the finished ground elevation at the rear of the **building**. (Refer to **building height**)

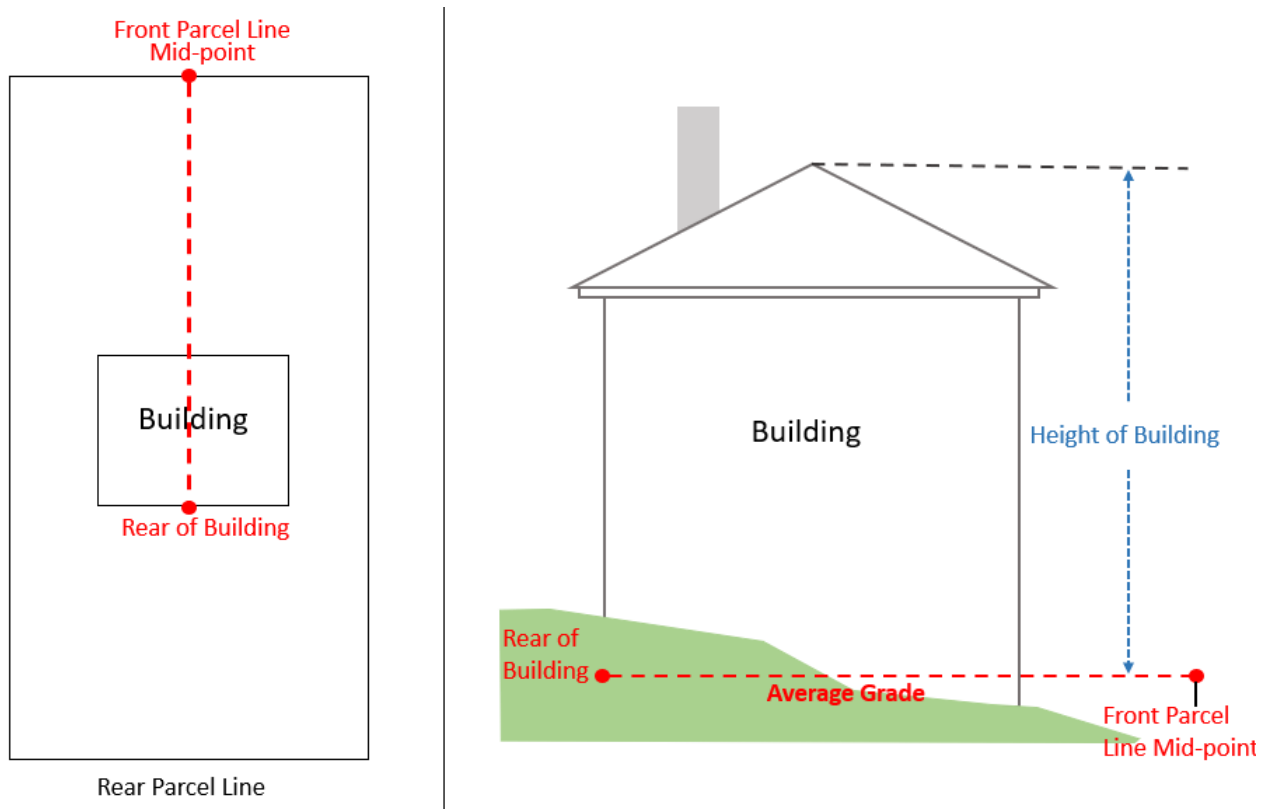
B [[Click to Return to Definitions Index](#)]

balcony means a projecting platform on a **building**, which is greater than 0.6 m above **grade**. A **balcony** is only accessible from within the **building** and is enclosed by a railing. It may be cantilevered from the **building** or supported from below.

basement means that portion of a **building** between two floor levels which is partly underground but which has a portion of its height from finished floor to finished ceiling above the adjacent finished **grade**.

bay window means a type of window that protrudes outwards from a wall.

- Bed and Breakfast** means a *use* where sleeping accommodation, with or without meals, is provided to guests within a principal **Dwelling Unit**, and where the **Dwelling Unit** is occupied by the owner or operator.
- boulevard** means that portion of a *road* which is public land and is often landscaped or planted to distinguish private lands from the *road*.
- buffer** means a row of trees, shrubs, earth berm, or *fencing* to provide visual *screening* and separation between *parcels* and districts.
- building** means anything constructed or placed on, in, over or under land that does not include a *highway* or *road*.
- building height** means the vertical distance measured from the *average grade* and the highest point of a *building*, excluding a roof, stairway entrance, elevator shaft, ventilating fan, skylight, steeple, chimney, smoke stack, *fire wall* or parapet, flagpole, or similar devices not structurally essential to the *building*.



- building permit** means a permit or document issued in writing by a designated Safety Code Officer within the building discipline pursuant to the *Safety Codes Act* authorizing the commencement of a *use*, occupancy, relocation, construction, or demolition of any *building*.

Building Supply Center means a *use* where building materials, household accessories and other related goods are stored, offered, or kept for sale and may include **outdoor storage**.

Bulk Fuel Station means a *use* for the purpose of storing fuel for the distribution to customers, typically for vehicles with a gross vehicle weight (G.V.W.) greater than 4536 kg. This does not include a **Gas Bar and Service Station**.

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Campground means a *use* for the purpose of providing temporary accommodation for the public in **recreational vehicles** or tents. A **campground** is not construed to mean a *use* for the purpose of accommodating long-term or permanent occupancy in **recreational vehicles** or **Manufactured Dwellings**. A **campground** may include facilities such as an administration building and laundry facilities.

canopy means a non-retractable solid projection extending from the wall of a **building** intended to be used as a protection against weather, other than normal architectural features such as lintels, sills, mounding, architraves and pediments, but includes a marquee.

cantilever means a projection from the wall of a **building** to increase the useable **gross floor area**. A **cantilever** does not have external bracing.

Car Wash means a *use* intended for the washing, cleaning, or polishing of motor vehicles.

Care Facility means a *use* where a public or private facility provides for the care, supervision or rehabilitation of individuals, or for palliative and end-of-life-care, containing overnight accommodation and operated in accordance with any relevant legislation or regulations of the Province of Alberta. Units within a **Care Facility** may, at the discretion of the **Development Authority**, be considered both long-term care units or **Dwelling Units** as these may be for permanent residences for the occupants.

Cemetery means a *use* for the internment of the deceased or in which human bodies, pets and/or animals or cremated remains have been buried. It may include facilities such as a columbarium, mausoleum, memorial park and burial grounds.

Child Care Centre means a *use* where children are supervised and cared for, and may include group day care, family daycare, nursing school, child minding, out of school care, or specialized daycare. This does not include a **dayhome**.

Clinic means a *use* where public or private medical, surgical, physiotherapeutic or other professional healing treatment is provided, and includes but is not limited to offices for medical, dentistry, physiotherapy, massage or chiropractic services and Community Health Centres.

condominium means a condominium plan registered with the Land Titles Office that complies with the requirements of the *Condominium Property Act*.

construction management plan

means a plan that considers all relevant aspects of demolition, development and building work and outlines methods for avoidance and mitigation of identified impacts. A **construction management plan** typically addresses issues such as public safety, traffic control, operating hours, control of noise and vibration, air quality and dust management, stormwater and sediment control, site contamination, waste disposal and materials re-use or recycling and weed control.

Contractor Services - Major

means a **use** for the provision of contractor services in the building trades and services, or **road** and **utility** construction where materials and equipment may not be stored within a building and includes **outdoor storage**.

Contractor Services - Minor

means a **use** for the provision of contractor services primarily to individual households and the accessory sale of goods normally associated with such contractor services, and where all materials are kept within an enclosed building, and there are no associated primary manufacturing activities. This does not include the **outdoor storage** of goods or equipment.

Convenience Store

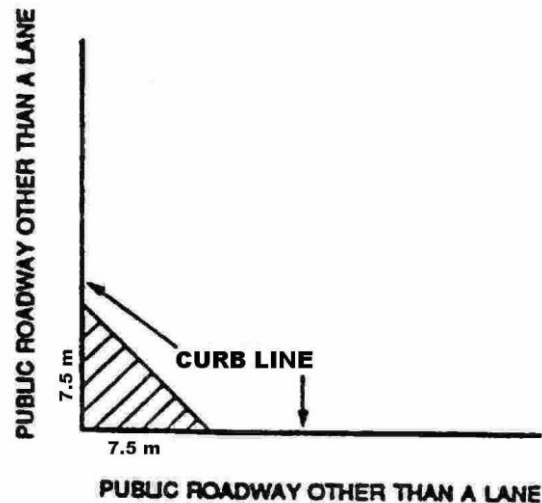
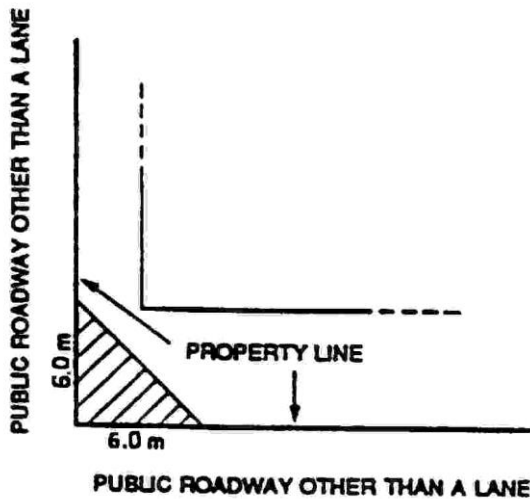
means a **use** where a limited range of household goods and groceries are stocked and sold in small neighbourhood retail stores.

corner lot

means a **lot** situated at the intersection of two or more **roads**, or at the intersection of two parts of the same **road** which parts have an intersection of not more than 135 degrees.

corner visibility setback

means a triangular area formed on a **corner lot** by the two curb lines and a straight line which intersects them 7.5 m from the corner where they meet. In the case where there is no curb on one or more **roads**, 6.0 m from the corner where they meet.



Council

means the duly elected Council of the Village of Halkirk.

Cultural Establishment means a *use* which is available to the public for the purpose of assembly, instruction, cultural or community activity and includes such things as a library, museum, art gallery, community centre and similar activities.

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day home means a type of **Home Occupation – Major** where temporary care, development and supervision is provided within a **Dwelling Unit** for periods not exceeding 24 consecutive hours to a maximum of six (6) children under the age of 13 years, not including children under the age of 13 years who permanently reside in the home.

deck means a flat, floored concrete or wooden platform, elevated more than 0.6 m above grade and usually adjoining a **building** and intended as an outdoor **amenity area**.

density means a measure of **development** intensity expressed as a ratio of the number of **Dwelling Units** to **parcel area**.

development means:

- (a) an excavation or stockpile and the creation of either of them; or
- (b) a **building** or an addition to, or replacement or repair of a **building** and the construction or placing in, on or under land of any of them; or
- (c) a change of *use* of land or a **building**, or an act done in relation to land or a **building** that results or is likely to result in a change in the land or the **building**; or
- (d) a change in the intensity of *use* of land or **building** that results in or is likely to result in a change in the intensity of *use* of the land or **building**.

Development Authority means a person, or persons, appointed as the **Development Authority** by Bylaw.

Development Officer means the person designated by Bylaw as a **Development Officer** pursuant to this Land Use Bylaw.

development permit means a document authorizing a **development**, issued by the **Development Authority** pursuant to this Bylaw, and includes the plans and conditions of approval.

discretionary use means the *use* of land or of a **building** which is listed as such a *use* in a Land Use District or a Direct Control District.

Drinking Establishment means a *use*:

- (a) where the primary function is the servicing of alcoholic beverages for consumption on the premises and is licensed by Alberta Gaming, Liquor and Cannabis. Typical businesses include taverns, pubs, bars and nightclubs; and
- (b) may include supplementary preparation and sale of food for consumption on the premises.

<i>drive through</i>	means a business that is designed to include sales or service to an occupant within a motorized vehicle which may include Eating and Drinking Establishments, Financial Institutions, Car Washes, Gas Bars and Service Stations.
Dwelling, Detached	means a use where a building designed for residential use contains one principal Dwelling Unit.
Dwelling, Duplex	means a use where a building designed for residential use contains two Dwelling Units , each having a separate entrance from the outside and may be located one above the other or side-by-side.
Dwelling, Manufactured	means a use where a transportable, single or multiple section building that contains a Dwelling Unit conforming to CSA standards at the time of construction and when placed on a permanent foundation is ready for residential use and occupancy. A Manufactured Dwelling includes such styles known as modular homes, manufactured homes and Ready to Move (RTM) Homes.
Dwelling Unit	means a use where a building or a self-contained portion of a building contains sleeping, cooking and toilet facilities for the residential use of one or more people.

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<i>easement</i>	means a right to the limited use of land held by another, generally for access to another parcel or as a right-of-way for a utility and is registered on the parcel with the Land Titles Office in accordance with the <i>Land Titles Act</i> .
<i>eave</i>	means the edges of the roof that overhang past the walls of a building that primarily function to protect a building from rain and to provide ventilation.
Eating and Drinking Establishment	means a use where food and beverages are prepared and served and includes supplementary alcoholic beverage service licensed by the Alberta Gaming and Liquor Commission. This includes restaurants, cafes, and cafeterias, and may include a drive though .
Educational Institution	means a use where persons are assembled for educational purposes within buildings and structures , including classrooms, libraries, offices, recreational facilities and other related facilities, and where dormitory accommodations and common kitchen and dining facilities may also be provided.
Equestrian Centre	means a use intended for the accommodation, showing and competition of horses and may include a stable, gymkhana course, race track, and other related facilities.
Exhibition Grounds	means a use where land or buildings accommodate temporary events including seasonal shows, conventions, conferences, seminars, product displays or sale of goods, recreation activities, and entertainment

functions. This **use** may include accessory functions including food and beverage preparation and service for on-premise consumption.

existing

means existing as of the effective date of this Bylaw.

Extensive Agriculture

means a **use** where systems of tillage and animal husbandry through which one may gain livelihood from large areas of land by the raising of crops or the rearing of livestock either separately or in conjunction with one another in unified operations and includes **Accessory Buildings** and other **structures** incidental to the operation.

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fence

means a vertical physical barrier constructed out of typical **building** material to prevent visual or unauthorized access, or both.

Financial Institution

means a **use** where banks, credit unions, trust companies and treasury branches operate within a **building** and may include automated banking machines and/or a **drive through**. This does not include businesses such as a pawn shop.

fire wall

means a type of fire separation of non-combustible construction which internally divides a **building** or separates adjoining **buildings** to resist the spread of fire and which has a fire resistance rating.

floor area

means the area of a **building** or specified portion of a **building**, measured to the outside surface of the exterior walls, or where **buildings** are separated by **fire walls**, to the centre line of the common **fire walls**, and excludes all mechanical equipment areas and all open areas inside a **building** that do not contain a floor including atriums, elevator shafts, stairwells and similar areas.

Food Processing, Storage, And Sales

means a **use** where raw farm products, combined with other consumable ingredients, produce marketable products for consumption that can be easily prepared and served by the consumer, and where raw farm products may be warehoused prior to being sold either directly to consumers or for wholesale, and the selling of raw farm products either directly to consumers or for wholesale.

frontage

means a **property line** of a **parcel** which **abuts** a **highway** or **road**.

Funeral Home

means a **use** where funerals are arranged and held, where the deceased are prepared for burial or cremation, and where not more than one cremation chamber is provided.

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Gas Bar and Service Station

means a **use** where fuel, lubricating oils and minor accessories for motor vehicles are sold and may include a portion of the premises for the servicing and minor repairing of motor vehicles.

grade

means the geodetic elevation of the existing ground in an undisturbed natural state or an approved design grade as described in a grading plan.

Grain Elevator and Seed Cleaning means a *use* where grain is stored and stockpiled in towers, and includes the cleaning of seeds to remove any debris or unwanted seeds.

Greenhouse means a *use* which is devoted to the commercial cultivation of vegetables, flowers or other plants within a *building*, and where such vegetables or plants may be sold wholesale or directly to the consumer.

gross floor area means the sum of the areas of all above grade floors of a *building* measured to the outside surface of the exterior walls, or where *buildings* are separated by *fire walls*, to the centre line of the common *fire walls*, and includes all mechanical equipment areas and all open areas inside a *building* that do not contain a floor including atriums, elevator shafts, stairwells and similar areas. For greater clarity, a walk-out *basement* is not included in the calculation of *gross floor area*, but **Dwelling units** in the *basement* of an **Apartment** shall be included in the calculation of *gross floor area*.

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Heavy Equipment Sales and Service means a *use* where farm and heavy industrial equipment is sold, rented and serviced.

highway means a road designated and classified as a provincial highway by the Province of Alberta.

Home Occupation means an occupation, trade, profession, or craft operated by an occupant of a **Dwelling Unit** as an *accessory use* to the *principal residential use* of the *building* pursuant to this Bylaw.

Home Occupation – Minor means a *use* where a **Home Occupation** is operated which allows for limited customer visits and deliveries but does not impact adjacent *residential uses* beyond that of a typical **Dwelling Unit**.

Home Occupation – Major means a *use* where a **Home Occupation** is operated which may be detectable outside of the **Dwelling Unit** but does not negatively impact the general residential nature of the neighbourhood.

Hotel/Motel means a *use* where temporary or short-term sleeping accommodations are provided in rooms or suites, which may contain kitchen facilities. This definition includes hotels, motels, hostels and similar overnight accommodations. This may include additional facilities or services such as **Eating and Drinking Establishments**, meeting or banquet rooms, **Personal Service Establishments**, a manager’s suite and convention facilities.

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- landing** means a platform that primarily functions as an entrance into a **building**. **Landings** are a separate **building** element to **balconies**, **decks** and **patios** as they are not intended to provide or function as an **amenity area**.
- landscaping** means the modification and enhancement of a **parcel** or a portion of a **parcel** through the use of any combination of trees, bushes, shrubs, plants, flowers, lawns, bark mulch or other ground cover, and hard landscaping materials such as brick, stone, concrete tile or wood, but excludes all areas used for a **parking area** or driveway.
- lane** means a public thoroughfare usually less than 10.0 m wide typically providing secondary access to one or more **parcels**. For the purpose of this Bylaw, a **lane** is not a **road**.
- Liquor Store** means a **use** where alcoholic beverages are sold for off-site consumption from a retail store licensed by the Alberta Gaming and Liquor Commission.
- loading stall** means a space for parking a vehicle while it is being loaded or unloaded.
- lot** means a **lot** as defined in the Act.

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- Manufactured Dwelling Park** means a **use** where a **parcel** of land under one Title has sites for the placement of **Dwellings, Manufactured** for permanent **residential use**. A **Manufactured Dwelling Park** may also include **Accessory Buildings** and **accessory uses** such as maintenance buildings, **amenity areas** and common facilities.
- Manufacturing, Heavy** means a **use** where goods or products are fabricated, processed, assembled, or packaged for distribution, where all or part of the processes associated with the **use** are located outside of a **building**, and which may generate a nuisance beyond the boundary of the **parcel**.
- Manufacturing, Light** means a **use** where goods or products are fabricated, processed, assembled, or packaged for distribution, where all of the processes associated with the **use** are located inside of a **building**, and which does not generate any nuisance beyond the boundary of the **parcel**.
- Municipal Planning Commission (MPC)** means the **Municipal Planning Commission** established by Bylaw pursuant to the Act.
- Municipality** means the Village of Halkirk.

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- non-conforming building** means a **building** that is lawfully constructed or lawfully under construction at the date a Land Use Bylaw affecting the **building** or the land on which the **building** is situated becomes effective and that on the date the Land Use Bylaw becomes effective does not, or when fully constructed will not, comply with the Land Use Bylaw.
- non-conforming use** means a lawful, specific **use** being made of land or a **building**, or intended to be made of a **building** lawfully under construction at the date a Land Use

Bylaw affecting the land or **building** becomes effective and that on the date the Land Use Bylaw becomes effective does not, or in the case of a **building** under construction will not, comply with the Land Use Bylaw.

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Office means a **use** for the provision of professional, management, administrative, and consulting services. This does not include a **Clinic**.

outdoor storage means the storing, stockpiling, or accumulation of goods, equipment or materials in an area that is open or exposed to the natural elements, and includes vehicles, **recreational vehicles** and boats, waste materials, debris or garbage.

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parcel means the aggregate of the one or more **lots** described in a Certificate of Title or described in a Certificate of Title by reference to a plan file or registered in a Land Titles Office.

parcel area means the total area of land within the **parcel**.

parcel coverage means the percentage of the **parcel area** covered by the area of all **buildings** including **Accessory Buildings**, and excludes **balconies, bay windows, canopies, shade projections**, cornices, **eaves** and gutters, roof overhangs, fire escapes, sills, stairways and **landings, patios** and **decks** or similar projections.

parcel line, exterior side means a **property line**, other than the **front parcel line**, which **abuts a road**.

parcel line, front means the shortest **property line** that **abuts a road**, unless otherwise determined by the **Development Authority** in accordance with this Bylaw.

parcel line, interior side means a **property line** other than a **front parcel line** or **rear parcel line**, which **abuts** another **parcel** or a **lane**.

parcel line, rear means the **property line** which is opposite to and is not connected to the **front parcel line**, excepting in the case for a **reverse corner lot** where the **rear parcel line** is opposite to the **exterior side parcel line**.

parcel width means the average horizontal distance between two side **parcel lines**.

Park means a **use** where land is designated or reserved for active or passive recreation, or to be left in a natural state, and/or areas of cultural or scenic value. This may include facilities such as playgrounds, picnic grounds, pathways and trails, landscaped **buffers**, gardens and fields.

parking area means an open area of land, above or underground, other than a **road**, used for the parking of vehicles and shall include **parking stalls**, vehicle entrances and exits, and maneuvering aisles.

Parking Lot means a **use** where the primary purpose of the land is for the parking of motor vehicles at grade, or in a parking **structure** which may be above or below grade.

<i>parking, off-street</i>	means a <i>parking area</i> located on the same <i>parcel</i> as the <i>building, structure, or use</i> .
<i>parking stall</i>	means a space within a <i>building</i> or <i>parking area</i> , for the parking of one vehicle, excluding driveways, aisles, and ramps.
<i>parking stall, visitor</i>	means a <i>parking stall</i> intended only for the use of visitors to Dwelling Units .
<i>parking, tandem</i>	means two <i>parking stalls</i> , one behind the other, with one point of access to the maneuvering aisle.
<i>patio</i>	means a platform, the height of which may be up to but does not exceed 0.6 m from <i>grade</i> , that may or may not be attached to a <i>building</i> .
<i>permitted use</i>	means the <i>use</i> of land or a <i>building</i> which is listed as such <i>use</i> in a Land Use District or Direct Control District.
Personal Service Establishment	means a <i>use</i> where personal services are provided to an individual which are related to the care and appearance of the body or the cleaning and repair of personal effects. This includes but is not limited to such businesses as barber shops, hair and/or beauty salons, and tailors.
<i>principal</i>	means the main purpose for which a <i>building</i> or <i>parcel</i> is used.
<i>property line</i>	means the legal boundary of a <i>parcel</i> or <i>lot</i> .
Public Building	means a <i>use</i> where facilities or <i>buildings</i> that are owned or operated by, or for, the Municipality, the Provincial Government, the Federal Government or a corporation under federal or provincial statute, for the purpose of furnishing services or commodities to, or for the use of, the inhabitants of the municipality.

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<i>qualified professional</i>	means individuals with experience and training in a particular discipline with a recognized degree, certification, license or registration.
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<i>recreational vehicle</i>	means a portable structure designed and built to be carried on a vehicle, or a unit designed and built to be transported on its own wheels, to provide temporary living accommodation for travel and recreational purpose and includes, but is not limited to, such vehicles as a motor home, camper, holiday (travel) trailer and a tent trailer, but does not include a Dwelling, Manufactured .
Recycling Depot	means a <i>use</i> where recyclable materials are collected, sorted and transferred off-site for processing or manufacturing.
<i>Regulation</i>	means the <i>Matters Related to Subdivision and Development Regulation AR84/2022</i> , as amended, and any parallel or successor legislation.
<i>renewable energy system</i>	means a system that produces electrical power or heat to be used for on-site consumption or heating requirements by means such as, but not limited to, active and passive solar collectors, geothermal energy or heat

exchange systems. A **renewable energy system** may provide residual power to the grid but is not intended to produce power primarily for resale.

residential use

means the **use** of a **parcel** for the purpose of a residence by a person or persons and does not include **use** of the property for commercial purposes. A **residential use** is one where the occupants have exclusive **use** for an indefinite amount of time except in accordance with a tenancy agreement under the *Residential Tenancies Act* or the *Mobile Homes Site Tenancies Act*.

Retail Store

means a **use** where the primary function is for the sale of finished products or goods to customers, and also includes rental services. This does not include a **Building Supply Centre**, a **Convenience Store**, or a **Liquor Store**.

reverse corner lot

means a residential **corner lot** where the front façade of the **Dwelling Unit** is oriented towards the longest **property line** which **abuts** a **road** which is considered the **front parcel line**. The **exterior side parcel line** of a **reversed corner lot** is the shorter **property line** which **abuts** a **road**.

Road

means any public road, including the **boulevards**, sidewalks and improvements, but excluding a **lane**, **highway** or private road.

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screening

means a **fence**, earth berm, or hedge used to visually separate between **parcels**, districts or **uses**.

setback

means the minimum distance as required by the district between a **building**, **structure**, or **use**, or from each of the respective **property lines**, or from a natural boundary or other reference line.

shade projection

means a **structure** that is attached to and projects from a **building** with the intent of providing shade or cover, and may include a **canopy**, awning, shade louvre, or pergola.

shipping container

means a large metal container with suitable strength for the shipping, storage and handling of goods. **Shipping containers** are also commonly known as sea cans or intermodal containers.

Storage Yard

means a **use**:

- (a) where goods, motor vehicles or equipment are stored when they are not being used and may include long term storage where a fee is paid;
- (b) where the vehicles and equipment stored may also be serviced, cleaned or repaired;
- (c) that may involve the storage of construction materials;
- (d) that does not involve the storage of any **derelict vehicles** or derelict equipment;
- (e) that does not involve the production or sale of goods as part of the use; and
- (f) that may have a **building** for the administrative functions associated with the **use**.

storey	means the space between the top of any floor and the top of the next floor above it, and if there is no floor above it, the portion between the top of the floor and the ceiling above it.
storey, first	means the storey with its floor closest to grade and having its ceiling more than 1.8 m above grade .
structure	means anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground, but does not include a fence or a Sign .
subdivision	means the division of a parcel by an instrument and the word “subdivide” has corresponding meaning.
Subdivision Authority	means a person or body appointed as a Subdivision Authority in accordance with the <i>Act</i> .

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Telecommunication Structure	means a device that requires a permit from the Federal Government and is used to receive and/or to transmit radio-frequency (RF) signals, microwave signals, or other communications energy transmitted from, or to be received by, other antennas. Telecommunication Structures include the antenna, and may include a supporting tower, mast or other supporting structure, and an equipment shelter. A Telecommunication Structure may be freestanding or mounted on an existing building or structure .
temporary	means a limited period of time as decided by the Development Authority .
Truck and Freight Terminal	means a use where goods/freight are received, transferred, stored short-term, and dispatched for transport by truck.

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use	means a permitted use or discretionary use .
Utility	means a use where a system or works are provided for treatment, storage or distribution of one or more of the following: <ul style="list-style-type: none"> (a) waterworks; (b) sewage disposal; (c) public transportation; (d) irrigation; (e) drainage; (f) fuel; (g) electric power; (h) heat; (i) waste management; and (j) communications (excluding a Telecommunication Structure).

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vehicle, derelict means any vehicle no longer in road worthy condition, in a state of disrepair, wrecked or being dismantled but does not include vehicles stored in **buildings**, commercial or farm vehicles or vehicles used for commercial or industrial purposes on land designated for commercial or industrial use in this Bylaw.

Veterinary Clinic means a **use** for the medical treatment of animals and includes provision for their overnight accommodation within the **building** only, and may include associated office space. This does not include a kennel.

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Warehousing and Distribution means a **use** where goods are stored inside a building and transferred to and from other locations. **Warehousing and Distribution** does not include any manufacturing, display or sales of the goods, but may include associated administrative functions.

Waste Transfer Station means a **use** where solid waste materials are received from collection vehicles and consolidated into larger vehicles for transport to the landfill.

Worship Facility means a **use** for the purpose of spiritual worship. Examples may be, but are not limited to, churches, temples, mosques and synagogues.

Wrecker and Salvage means a **use**:

- (a) where **derelict vehicles** are stored, dismantled or crushed;
- (b) where used motor vehicle parts may be sold;
- (c) where motor vehicles in their complete and operable state are not displayed or sold;
- (d) that may have equipment used for crushing, dismantling or moving motor vehicle parts; and
- (e) that may have a **building** for administrative functions associated with the **use**.

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yard means any open space on a **parcel**, unoccupied and unobstructed and is the distance between the **property line** to the foundation of the **principal building** or the exterior finishing materials of an **Accessory Building**.

yard, exterior side means the area of a **parcel** extending from the front foundation of the **principal building** to the rear foundation of the **principal building** and between the side foundation of the **principal building** to the **exterior side parcel line**.

yard, front means the area of a **parcel** extending across the full width of the parcel between the **front parcel line** and the front foundation of the **principal building**.

yard, interior side means the area of a **parcel** extending from the front foundation of the **principal building** to the rear foundation of the **principal building** and between the side foundation of the **principal building** to the **interior side parcel line**.

yard, rear means the area of a **parcel** extending across the full width of the parcel between the **rear parcel line** and the rear foundation of the **principal building**

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18.1.2 All other words and phrases mean the same as they do in the Act.

Part G – Land Use Districts Map

19 LAND USE DISTRICTS MAP



- R - Residential District
- I - Industrial District
- G - General District
- C - Commercial District
- MP - Manufactured Dwelling Park District

- Village Boundary
- Parcels
- Roads



Land Use District Map
Bylaw No. 2022-13

