

**TOWN OF
SPIRIT RIVER**

**LAND USE BYLAW
BYLAW NO. 901**



**Prepared by the
Town of Spirit River
and
ISL Engineering and Land Services Ltd.**

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PART 1 GENERAL CONDITIONS

SECTION 1-1 TITLE

This Bylaw is entitled the "Town of Spirit River Land Use Bylaw".

SECTION 1-2 PURPOSE

The purpose of this Bylaw is to manage the use and development of land and buildings within the Town of Spirit River to achieve the orderly, economical, and social well-being of the community in relation to the land.

SECTION 1- 3 APPLICATION

The provisions of the Bylaw shall apply to all lands and buildings within the corporate boundaries of the Town of Spirit River.

SECTION 1-4 CONFORMITY WITH BYLAW

No person shall commence any development unless it is in accordance with the terms and conditions of a Development Permit issued pursuant to this Bylaw, where such a permit is required.

SECTION 1-5 ADDITIONAL REQUIREMENTS

In addition to the requirements of this Bylaw, an applicant must comply with all Federal, Provincial and Municipal legislation.

SECTION 1-6 TRANSITIONAL PROVISIONS

An application for a development permit which is received in its complete and final form prior to the effective date of this Bylaw shall be processed, and any permit issued shall be in accordance with Bylaw No. 848 and the amendments thereto.

SECTION 1- 7 INTERPRETATION

1. Notwithstanding the meanings listed in Section 1-8, the Municipal Government Act takes precedence in a case of dispute on the meanings of all words or clauses.
2. Where used in this Bylaw, the words "shall" and "must" require mandatory compliance except where a variance has been granted pursuant to the Municipal Government Act or this Bylaw.
3. Any Direct Control Districts that were in effect immediately prior to the effective date are hereby deemed to continue in full force and effect.

SECTION 1-8 DEFINITIONS

In this Bylaw:

“ABUTTING” means immediately contiguous to or physically touching, and when used with respect to a lot or site, means that the lot or site physically touches upon another lot, site, or piece of land, and shares a property line or boundary line with it.

"ACCESSORY BUILDING MINOR" means a building separate and subordinate to the principal building, the use of which is incidental to that of the principal building and is located on the same parcel of land and is under 9 square meters. Only two such minor structures are permitted per Dwelling Unit/Parcel.

"ACCESSORY BUILDING MAJOR" means a building separate and subordinate to the principal building, the use of which is incidental to that of the principal building and is located on the same parcel of land and is over 9 square meters.

"ACCESSORY USE" means a use customarily incidental and subordinate to the main use of a building and is located on the same parcel of land with such main use or building.

"ACT" means, unless otherwise described, the Municipal Government Act RSA 2000 and amendments thereto.

“AGRICULTURE (EXTENSIVE)” means the raising or production of any cultivated crops, livestock or diary products that utilize relatively large areas of land and in which the use of buildings and confinement areas is auxiliary to the use of land itself. This constitutes an “agricultural operation” pursuant to the requirements of the Farming Practices Protection Statutes Amendment Act.

“AIRPORT” any area of land or other supporting surface used or intended to be used either in whole or in part for the arrival and departure or servicing of aircraft or helicopter; and includes any building, installation or equipment in connection therewith, for which an airport license has been issued by the Ministry of Transport.

“AISLE” means that portion of a parking lot or structure that accommodates the circulation of vehicles.

“AMENITY AREA” means an area which shall be provided subject to the regulations of this Bylaw and which must be developed for the active or passive recreation and enjoyment of the occupants of a development. Such area may be for either private or communal use and may be under either individual or common ownership.

“APARTMENT” means a residential building consisting of three or more dwelling units when two or more units share a common building entrance.

"AVERAGE FINISHED GRADE" means for the purposes of measuring building height, the arithmetic mean of the elevations of the finished grade at two outermost corners of a wall on the respective side of a building.

“BALCONY” means a platform, attached to and projecting from the face of a building with or without a supporting structure above the first storey, normally surrounded by a balustrade or railing and used as an outdoor porch or sundeck with access only from within the building.

“BASEMENT” means that portion of a building that is located wholly or partially below grade, the

ceiling of which does not extend more than 0.9m above grade.

"BED AND BREAKFAST" means an establishment where overnight accommodation, providing more than one bedroom and up to three bedrooms in a residential home for a fee, with length of stay not to exceed two (2) weeks, and meals are provided for the guest(s). The primary use of the dwelling shall be for the host and their immediate family.

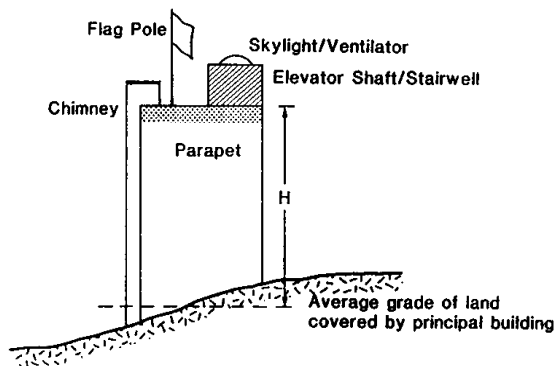
"BOARDING FACILITIES" means an accessory use to a single family dwelling consisting of sleeping facilities which may be in addition to the family accommodations and where cooking and/or sanitary facilities are not developed in addition to those which are in the dwelling unit. Boarding facilities shall be limited to a maximum of three persons other than the immediate family.

"BOULEVARD" means: (a) that portion of the right-of-way of a public roadway lying between the curb line of the carriageway and the abutting fronting property line, excepting that portion occupied by a sidewalk; or (b) where there is no curb, that portion of the right-of-way lying between the edge of the carriageway ordinarily used by vehicles and the abutting fronting property line, excepting that portion occupied by a sidewalk.

"BUFFER" means a row of trees or shrubs or berm to provide visual screening and separation to uses between sites or districts.

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

"BUILDING HEIGHT" means the vertical distance between the average finished grade and the highest point of a building; excluding elevator housing, mechanical skylights, steeple, chimney, smoke stack, firewall, parapet wall, flagpole or similar device not structurally essential to the building.



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

"CARPORT" means a roofed structure used for storing or parking of not more than two private vehicles which has not less than 40% of its total perimeter open and unobstructed.

"CAR WASH" means a building used for the purpose of washing motor vehicles.

"CEMETERY" means development of a parcel of land primarily as landscaped open space for the entombment of deceased persons, and may include the following accessory developments: crematoria, columbaria, and mausoleums. Typical uses include memorial parks, burial grounds and gardens of remembrance.

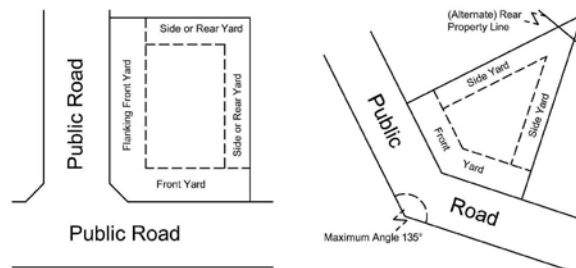
“COLLECTOR” means a roadway so designated in a statutory plan, and constructed to the municipal standards of the day.

“CONTRACTOR SERVICE” means a development used for commercial and industrial service support and construction. Typical uses include oilfield support services, laboratories, cleaning and maintenance contractors, building construction, surveying, landscaping, concrete, electrical, excavation, drilling, heating, plumbing, paving, road construction, sewer, or similar services of a construction nature which require on-site storage space for materials, mobile equipment or vehicles normally associated with the contractor service. Any sales, display, office or technical support service areas shall be accessory to the principal general contractor use.

“CONVENIENCE STORE” means a development used for the retail sale of goods required by the neighbourhood residents or employees on a day-to-day basis.

“CORNER” means the intersection of any two-property lines of a site.

“CORNER SITE” means a site at the intersection of two abutting streets provided that the intersection of the two streets is less than 135 degrees. A site abutting upon a curved street or streets shall be considered a corner site if the arc of the inside boundary of the street is less than 45.0m in radius over an angle of more than 135 degrees.

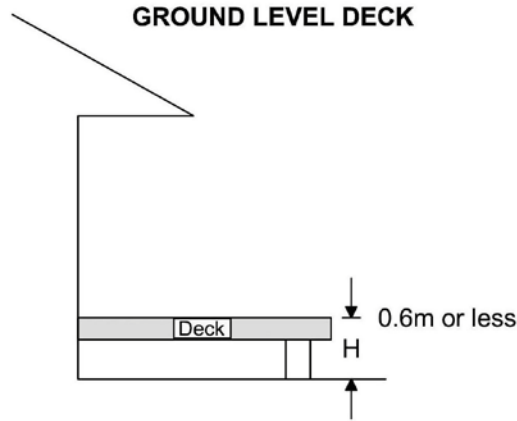


"COUNCIL" means the Council of the Town of Spirit River.

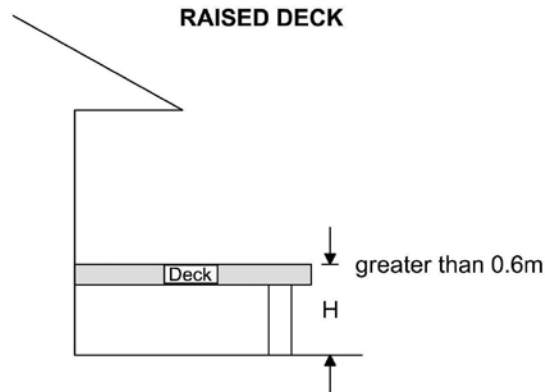
"CURB CUT" means the lowering of a curb, sidewalk or boulevard to provide vehicular or pedestrian access to a lot or roadway.

“DAY CARE” means a facility and program for the provision of care, maintenance and supervision for four or more children under the age of 15 years, by a person other than one related by blood or marriage, for periods of more than three but less than 24 consecutive hours, other than institutions operated by or under the authority of the Director of Child Welfare.

“DECK, GROUND LEVEL” means an unenclosed amenity area of concrete, brick, wood or other material that is constructed at grade or attached to a dwelling. The overall height (H) of a ground level deck shall be 0.6m or less measured from finished grade to the upper surface of the supporting structure, as illustrated below.”



"DECK, RAISED" means an unenclosed amenity area, of wood frame or other construction, which may be attached to a dwelling. The overall height (H) of a raised deck is greater than 0.6m measured from finished grade to the upper surface of the supporting structure, as illustrated below:



"DENSITY" means the average number of persons, families or dwelling units per unit of area.

"DEVELOPER" means an owner, agent or any person, firm or company responsible for a development.

"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, over 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 in or is likely to result in a change in the use of the land or building; or (d) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building.

"DEVELOPMENT AUTHORITY" means: a person appointed as a Development Officer.

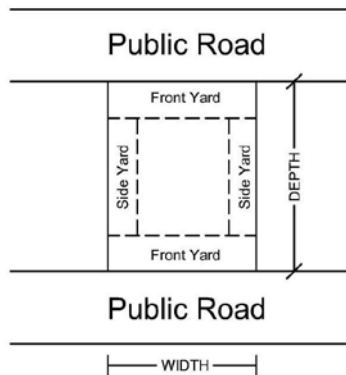
"DEVELOPMENT OFFICER" means the Town's official responsible for receiving, considering and deciding on applications for development, and such other duties as specified under this Land Use Bylaw.

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

"DISCONTINUED" means the time at which, in the opinion of the Development Authority, substantial construction activity, a non-conforming use, or conforming use has ceased.

"DISCRETIONARY USE" means a use of land or buildings provided for in this Bylaw for which a development permit may be granted by the Development Authority.

"DOUBLE FRONTING SITE" means a site which abuts two public streets, (except lanes as defined in the Highway Traffic Act, 2000) which are parallel or nearly parallel where abutting the site.



"DRIVE-THROUGH BUSINESS" means an establishment, which services customers travelling in motor vehicles driven onto the site where such business is carried on, where the customer normally remains in the vehicle for service.

"DRIVEWAY" means a private road that provides vehicle access from an individual lot or site to a public road.

"DWELLING UNIT" means a complete building or self-contained portion of a building, set or suite of rooms for the use of one or more individuals living as a single housekeeping unit, containing sleeping, cooking and separated or shared toilet facilities intended as a permanent or semi-permanent residence not separated from direct access to the outside by another separate or self-contained set or suite of rooms.

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

"EATING AND DRINKING ESTABLISHMENT" means a development where prepared food and beverages are offered for sale to the public for consumption on the premises and where live entertainment may be offered. This use includes the following and such similar uses: restaurants, lounges, bars, and fast food outlets.

"EMERGENCY SERVICES" means a development which is required for the public protection of persons and property from injury, harm or damage together with the incidental storage of equipment and vehicles, which is necessary for the local distribution of utility services. Typical Uses include police stations, fire stations, Emergency Medical Services, and ancillary training facilities.

"EQUIPMENT SALES, RENTAL AND REPAIR" means a development used for the sales, rental and repair of tools, agricultural equipment and vehicles, appliances, recreational craft, office machines, furniture, home appliances, light construction equipment, or similar items, but does not include the rental or repair of personal motor vehicles.

"EXCAVATION" means any breaking of ground, except common household gardening and ground care.

“FAMILY” means a single person occupying a dwelling unit; or two or more persons related by heredity, marriage, a common law relationship or adoption who together are occupying a dwelling unit; or not more than five unrelated persons occupying a dwelling as a single housekeeping unit.

“FENCE” means a physical barrier constructed for the purposes of limiting intrusion, sound abatement, and to prevent unauthorized access.

“FIXTURE” means building material securely, and usually permanently, attached or appended to a building.

“FLEET SERVICE” means a development using a fleet of vehicles for the delivery of people, goods, or services, where such vehicles are not available for sale or long-term lease. This includes, taxi services, bus lines, messenger and courier services, but does not include moving or cartage firms involving trucks with a gross vehicle weight of more than 3,000 kg.

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

“FRONTAGE” means the length of a street boundary measured along the front lot line. On double fronting lots all sides of a lot abutting to streets shall be considered frontage.

“GARAGE” means an accessory building or part of the principal building, designed and used primarily for the storage of motor vehicles.

“GREENHOUSES, PLANT NURSERIES, AND MARKET GARDENS” means development used primarily for the raising, storage, basic processing and sale of fruits and vegetables, bedding, edible, household, and ornamental plants.

“GAS BAR” means an establishment used for the sale of gasoline, propane or other fuels, the sale of lubricating oils and other automotive fluids or motor vehicle accessories, but does not include service stations or automotive repair establishments.

“GENERAL INDUSTRIAL USE” means the following development and such similar uses as: manufacturing, processing, assembling, cleaning, repairing, servicing, testing, storage, warehousing, distribution or shipment of materials, finished goods, products or equipment.

“GOVERNMENT SERVICE” means a development providing Crown Corporation, or municipal, provincial or federal government services directly to the public. Typical uses include but are not limited to municipal offices, taxation offices, courthouses, postal stations, manpower and employment offices, school board office, health authority office, and social service offices, which result in a significant client visitation. It does not include essential public services, correctional centres and schools.

“GRADE, DRAINAGE” means the ground elevations established in a drainage plan for a lot attached to the application for a development permit as approved by the Development Authority for the purpose of controlling the flow of surface water on the lot.

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

"Hard-surfaced" means the surface is, at minimum, prepared hard gravel or some form of paving approved by the Development Officer.

"HIGHWAY" means Highway 49 within the Town limits.

"HOSPITAL" means an institutional development used to provide in-patient and out-patient health care to the public. Typical developments include a community health centre and/or accommodation for the overnight care for patients. The development may include associated uses such as a helicopter pad.

"HOTEL" means a development used for the provision of rooms or suites for temporary accommodation where the rooms obtain access from a common interior corridor but may have a meal service for guests. Hotels may include meeting rooms and minor/major food and beverage establishments.

"HOUSEHOLD" means those who dwell under the same roof and comprise a family. Household also means a social unit comprised of those living together under the same roof.

"LANDSCAPED AREA" means an area designed, constructed, and laid out so as to maintain, change or modify the natural features of a lot to make it attractive and desirable by the use of grass, trees, shrubs, ornamental planting, fencing and walks.

"LANDSCAPING" means the modification and enhancement of a site through the use of any or all of the following elements: (a) soft landscaping consisting of vegetation such as trees, shrubs, hedges, grass and ground cover; and (b) hard landscaping consisting of non-vegetative materials such as brick, stone, concrete, tile, and wood, excluding monolithic concrete and asphalt.

"LANE" means a narrow road intended to give vehicular access to the rear of a building or lot.

"LOADING SPACE" means a space provided on a site to accommodate a commercial vehicle on a temporary basis for loading or unloading of goods and materials.

"LOT" means (a) a quarter section; (b) a river lot or settlement lot shown on an official plan, as defined in the Surveys Act, that is filed or lodged in a Land Titles Office; (c) a part of a parcel described in a certificate of title if the boundaries of the part are described in the certificate of title other than by reference to a legal subdivision; or (d) a part of a parcel described in a certificate of title if the boundaries of the part are described in a certificate of title by reference to a plan of subdivision.

"MANUFACTURED HOME" means a transportable single family dwelling unit suitable for permanent occupancy designed to be transported on wheels, and upon arrival at the site at which it is to be located is ready for occupancy, apart from incidental operations such as placement on foundation supports and connection to utilities.

"MANUFACTURED HOME PARK" means a site designated for Manufactured Homes under this Bylaw, which contains sites designated for leasehold tenure, which has not been subdivided by plan or survey.

"MANUFACTURED HOME SALES AND SERVICE" means development used for the sale or rental of new or used Manufactured Homes, including maintenance and servicing, and the sale of parts and accessories.

"MANUFACTURED HOME, DOUBLE-WIDE" means a Manufactured Home consisting of two separate units designed to be joined on site to form one Manufactured Home dwelling.

“MANUFACTURED HOME, SINGLE-WIDE” means a Manufactured Home consisting of a single unit designed to be transported on wheels, and upon arrival at the site at which it is to be located is ready for occupancy, apart from incidental operations such as placement on foundation supports and connection to utilities.

"MANUFACTURED HOME SUBDIVISION" means a subdivision of lots specifically for the development or placement of Manufactured Homes.

“MODULAR HOME” means a prefabricated or factory built frame or shell which comprises the wall or siding of a proposed dwelling. More specifically, a modular unit represents only a section of the dwelling and such a unit has neither chassis, running gear, nor its own wheels, but units may be connected side-by-side or vertically, and completed to form one or more complete dwelling units for year-round occupancy. A modular home herein defined does not include, as defined elsewhere in this Bylaw, single-wide manufactured home, double-wide manufactured home, a holiday trailer or recreational vehicle.

"MUNICIPAL DEVELOPMENT PLAN" means the Town of Spirit River Municipal Development Plan and any amendments thereto.

"MUNICIPAL GOVERNMENT BOARD" means the provincial body that hears and decides matters brought before it pursuant to the Act.

"MUNICIPAL PLANNING COMMISSION" means a municipal planning commission as established by Bylaw.

“NATURAL RESOURCE DEVELOPMENT” means those uses of lands or buildings, which are governed by the location of a natural resource and which involve the extraction, removal, or on site processing, and/or storage of a natural resource. Typical uses include sand and gravel excavations, sand and gravel processing, logging, forestry operations, petroleum exploration, petroleum extraction, and mining.

"NON-CONFORMING BUILDING OR USE" means a building or use (a) that is lawfully constructed or lawfully under construction at the date of this Bylaw or any amendment thereof affecting the building or land on which the building or use is situated becomes effective; and (b) that on the date this Bylaw or any amendment thereof becomes effective does not, or when constructed will not, comply with this Bylaw.

“OCCUPANCY” means the use or intended use of a building or part thereof for the shelter or support of persons or property.

"OFF-SITE LEVIES" means the monies collected by the Town from a developer to assist with the payment of the portion of the off-site services that they will use.

“OFF-STREET PARKING LOT” means an off-street facility or area for the parking of three or more vehicles.

“PARAPET WALL” means that part of an exterior, party wall or firewall extending above the roofline, or a wall, which serves as a guard at the edge of a balcony or roof.

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

“PARK” means land developed for public recreational activities that do not require major buildings or facilities, and may include picnic areas, playgrounds, pedestrian and bicycle paths, landscaped areas and associated public washrooms.

“PARKING LOT” means the area or structure set aside for the storage and parking of vehicles and includes parking stalls, loading spaces, aisles, entrances and exits to the area, and traffic islands where they are part of the parking facility.

“PARKING STALL” means a space set aside for the parking of one vehicle.

“PERMITTED USE” means the use of land or a building provided for in the Land Use Bylaw for which a development permit must be issued, with or without conditions, by the Development Authority.

“PERSONAL SERVICE ESTABLISHMENT” means a development used for the provision of personal services to an individual, which are related to the cleaning and repair of personal effects or for the care and appearance of the body. Typical uses include the following and such similar uses as hairdressers, shoe repair, dressmakers, laundry cleaning facility, and jeweller.

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

“PORCH” means an entrance structure typically attached to the front or sides of a residential dwelling at the ground floor entry level, consisting of a roof and floor, where the front and sides of the structure may be enclosed by solid walls or windows or unenclosed where the front and/or sides remain open to the elements.

“POWER GENERATION FACILITY” means a development for the generation of electrical power.

“PRINCIPAL BUILDING OR USE” means a building or use which, in the opinion of the Development Authority, (a) occupies the major or central portion of a site; (b) is the chief or main building or use among one or more buildings or uses on the site; or (c) constitutes by reason of its use the primary purpose for which the site is used. There shall be no more than one principal building on each site unless specifically permitted in this Bylaw.

“PRINCIPAL LIVING ROOM WINDOW” means the main or largest window in the living room.

“PRIVACY ZONE” means an area immediately abutting to a dwelling unit with direct access to the dwelling unit that is fenced, screened or otherwise separated from direct exposure or access to abutting dwelling units.

“PROFESSIONAL, FINANCIAL, OFFICE, AND BUSINESS SUPPORT SERVICE” means a development primarily used for the provision of professional, management, administrative, consulting, and financial services. Typical uses include the following and similar uses as offices of lawyers, accountants, engineers, planners, doctors and architects; offices for real estate and insurance firms; clerical, secretarial, employment, telephone answering, and similar office support services; banks, credit unions, loan offices and similar financial uses; printing establishments, film processing establishments, janitorial firms, and business equipment repair shops.

“PUBLIC USE” means a development which is publicly owned, supported or subsidized involving public assembly or use. Public uses typically may include the following and similar uses as public

schools, parks, libraries, arenas, museums, art galleries, hospitals cemeteries, tennis courts, swimming pools and other indoor and outdoor recreational activities.

"PUBLIC UTILITY" means a development used to provide one or more of the following for public consumption, benefit, convenience or use: (a) water; wastewater or storm water; (b) public transportation operated by or on behalf of the Town of Spirit River; (c) communication; (d) drainage ditch; (e) natural gas; (f) electric power; or (g) heat. It includes communications towers and the buildings required to operate the public utility.

"RECREATION VEHICLE" means a vehicle or portable structure designed to be carried on a motor vehicle, towed behind a motor vehicle, or designed and built to be transported on its own wheels, to provide temporary living accommodation for travel and/or recreational purposes. This includes such vehicles as motor homes, fifth wheel trailers and holiday trailers, but does not include a manufactured home.

"REGISTERED OWNER" means (a) in the case of land owned by the Crown in right of Alberta or the Crown in right of Canada, the Minister of the Crown having the administration of the land; or (b) in the case of any other land: (i) the purchaser of the fee simple estate in the land under an agreement for sale that is the subject of a caveat registered against the Certificate of Title in the land and any assignee of the purchaser's interest that is the subject of a caveat registered against the Certificate of Title; or (ii) in the absence of a person described in paragraph (i), the person registered under the Land Titles Act as the owner of the fee simple estate in the land.

"RESTAURANT" means a commercial establishment where food and drink are offered for sale, and intended to be consumed within the confines of the establishment, and includes the following such similar uses as, restaurants, fast food outlets, and coffee shops.

"RETAIL ESTABLISHMENT" means a development used for the retail sale of a wide variety of consumer goods including the following and such similar uses as: groceries and beverages, electronic goods, furniture and appliances, hardware and home improvement supplies, household goods, printed matter, confectionery, pharmaceutical and personal care items, office supplies, stationery, etc.

"ROAD" means a government road allowance or road plan under the jurisdiction and control of providing public road access/egress to/from parcels of lands. The terms "road-right-of-way" and "road" may have the same meaning.

"ROW HOUSING" means a group of three or more dwelling units having a common wall or structural feature, but in no case being located above or below each other.

"SCHOOL" means a development that is publicly supported and involves public assembly for education, training or instruction purposes, and includes dormitories and the administration offices required for the provision of such services on the same site. Typical uses include, but are not limited to, public and separate schools, community colleges, universities, and technical and vocational schools, but does not include commercial schools.

"SCREENING" means, without restricting the generality of the following, a row of trees, shrubs, earth berm or fencing that provides visual screening and separation and/or noise attenuation between lots and/or between lots and roadways.

"SECONDARY SUITE" means a second self contained dwelling unit in a single detached dwelling, which meets the requirements of Section 7-12 and any other applicable requirements or regulations.

"SECURITY SUITE" means an accessory building occupied by the registered owner or an employee of the registered owner of the property for the primary purpose of site security control.

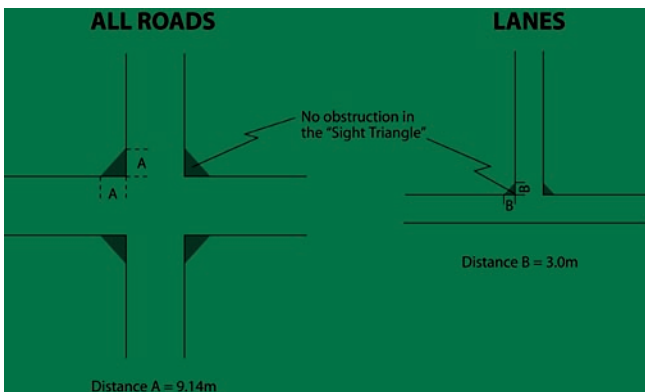
"SEPARATION SPACE" means the horizontal open space provided around a dwelling to ensure no conflict of visibility from dwellings, and adequate light, air and privacy for activities undertaken within the dwelling. Unless otherwise specified in this Bylaw, a separation space may be partially or entirely outside the lot boundaries of a dwelling unit.

"SERVICE STATION" means an establishment used for the sale of gasoline, propane or other automotive fuels; and may include as an accessory use the sale of lubricating oils or other automotive fluids or accessories for motor vehicles, servicing and minor repair of motor vehicles, and a towing service dispatch point. This use does not include specialty motor repair shops and motor vehicle repair establishments which do not include retail sale of automotive fuels, but includes a cardlock facility.

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

"SEMI-DETACHED DWELLING" means two dwelling units joined side by side with a common wall and each having at least one separate entrance

"SIGHT TRIANGLE" means that triangle formed by a straight line drawn between two points on the exterior boundaries of the said lot a specified distance from the point where they intersect.



"SIMILAR USE" means a specific use of land or of a building that is not expressly mentioned or delineated in this Bylaw but which the Development Authority or Subdivision Authority, as the case may be, has determined to be similar in character, purpose, intent and/or impact to a use listed as a Permitted or Discretionary Use in the land use District in which such use is proposed and where this Bylaw has expressly authorized the Development Authority or Subdivision Authority, as the case may be, to consider applications as similar use application.

"SINGLE DETACHED DWELLING" means a dwelling intended for occupancy by one household which is constructed upon on a permanent foundation and/or basement but does not include a single or double-wide Manufactured Home.

"SITE" means one or more lots or parcels for which an application for a development permit is made, and may include streets, lanes, walkways and any other land surface upon which development is proposed.

“SITE AREA” means the total area of a site.

“SITE COVERAGE” means the combined area of all buildings or structures upon the lot, measured at the approved grades, including all porches and verandahs, enclosed terraces, and non-permeable decks, sheds; such area shall include stair wells, and all other space within a building. Such buildings and structures do not include steps, eaves, cornices, and similar projections. With the exception of the R-4 and R-MHP Districts, site coverage for all residential Districts shall also include paved parking areas.

“SITE DEPTH” means the average distance between the front and rear site boundaries.

“SITE, INTERIOR” means a site, which is bounded by only one street.

"SITE PLAN" means a plan showing the boundaries of the site, the location and use(s) or proposed use(s) of all existing and proposed buildings upon the site, the use(s) or the intended use(s) of the portions of the site on which no buildings are situated, and showing drainage, fencing, screening, grassed areas, any fixtures and any other significant features located on the site and abutting public roadways, sidewalks and above grade public utilities.

“SITE WIDTH” means the average distance between the side boundaries of a site. The minimum site width is measured at the distance between the side boundaries of the site, at the permissible front yard setback.

"STOREY" means the habitable space between the upper face of one floor and the next above it. The upper limit of the top storey shall be the ceiling above the topmost floor. A basement or cellar shall be considered a storey in calculating the height of a building if the lower face of the ceiling above it is more than 1.5m above grade.

"STRUCTURAL ALTERATION" means any development or construction, including a renovation or addition to a building that affects the structural integrity or access to or within a building, unless determined otherwise by a Safety Codes Officer.

"STRUCTURE" means anything constructed or erected on the ground, or attached to something on the ground, and includes all buildings.

“SUBDIVISION” means the division of a parcel of land into one or more smaller lots by a plan of subdivision or other instrument.

"SUBDIVISION AUTHORITY" means the Development Authority and, as the case may be, any other designated person or persons responsible for receiving, considering and deciding on subdivision applications and any other related duties pursuant to the Act, the Subdivision and Development Regulation and this Bylaw.

"SUBDIVISION AND DEVELOPMENT APPEAL BOARD" means the Town of Spirit River Subdivision and Development Appeal Board as established by Bylaw.

"TEMPORARY BUILDING" means a structure which is permitted to exist for a maximum of six (6) months, or such period of time as determined by the Development Authority.

“USE” means a use of land or a building as determined by the Development Authority.

“VARIANCE” means an alteration or change to a standard prescribed by this Bylaw that is authorized by the Development Authority or the Subdivision and Development Appeal Board.

“VEHICLE SALES AND SERVICE” means the servicing, mechanical and body repair of automobiles, trucks, recreational vehicles and heavy equipment, and the sale, installation, servicing or storage of related accessories and parts. This includes truck, heavy equipment shops, body shops, and recreational vehicle repair shops.

“WAREHOUSE, DISTRIBUTION AND STORAGE” means the use of a building and site primarily for the keeping of goods, merchandise, or parts, including trucking terminals and inter-modal transfer areas.

“WIND ENERGY CONVERSION SYSTEM (WECS)” means a structure designed to convert wind energy into mechanical or electrical energy.

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

“YARD, FRONT” means that portion of the site extending across the full width of the site from the front property boundary of the site to the closest foundation wall of the building. A site abutting onto two streets or more shall have a front yard on each street in accordance with the front yard requirements of this Bylaw.

“YARD, REAR” means that portion of the site extending across the full width of the site from the rear property boundary of the site to the closest rear foundation wall of the building.

“YARD, SIDE” means the yard between the side boundary of a parcel and the closest side foundation wall of the principal parcel and the closest side foundation wall of the principal building and lying between two imaginary lines representing the extensions of the front and rear foundation walls of the principal building to the front and rear property lines.

“ZERO SIDE YARD” means a case in which a development is permitted to be built on the side lot line, with no required side yard setback.

PART 2 DEVELOPMENT CONTROL AGENCIES

SECTION 2-1 ESTABLISHMENT OF DEVELOPMENT AUTHORITIES

1. The office of the Development Officer is hereby established, and filled by a person or persons to be appointed by the Chief Administrative Officer, is hereby considered to act as a “Development Authority”.
2. The office of the Development Officer as established by resolution of Council, and filled by a person or persons to be appointed by the Chief Administrative Officer, is hereby considered to act as a “Development Authority”.
3. The Development Officer shall perform such duties that are specified in Part 3 of this Bylaw.
4. The Development Officer shall keep and maintain for the inspection of the public during all reasonable hours, a copy of this Bylaw and all amendments thereto; and keep a register of all applications for development, including the decisions thereon and the reasons therefore.
5. For the purposes of the Act, the Development Officer is hereby declared to be an authorized person of Council.

SECTION 2-2 DUTIES AND POWERS OF DEVELOPMENT AUTHORITY

1. The Development Officer shall:
 - (a) receive, process and decide on all development permit applications;
 - (b) keep and maintain for inspection of the public during office hours, a copy of this Bylaw and all amendments thereto; and
 - (c) keep a register of all applications for development, including the decisions thereon and the reasons therefore.
2. Notwithstanding Section 2-2(1a), the Development Officer may:
 - (a) refer any development application to Council for a decision;
 - (b) may refer development permit applications to Council, at his or her discretion, for the uses not listed either as “permitted uses” or “discretionary uses” in the subject land use district.
3.
 - (a) The Development Officer shall consider and decide on development permit applications within forty (40) days of the receipt of the application in its complete and final form. If a decision is not made within (40) days of receipt of the application, it shall, at the option of the applicant, be deemed refused.
 - (b) If a decision is not made within the forty (40) days specified in subsection (a), the applicant may enter into an agreement with the Development Officer to extend the forty (40) day period using the prescribed form.

PART 3 DEVELOPMENT PERMITS, RULES AND PROCEDURES

SECTION 3-1 DEVELOPMENT PERMIT REQUIRED

1. Except as provided in Section 3-3 of this Bylaw, no person shall undertake any development unless it is in accordance with the terms and conditions of a development permit issued pursuant to this Bylaw.

SECTION 3-2 DEVELOPMENT PERMIT NOT REQUIRED

1. A development permit is not required for the following development, but they shall otherwise comply with the provisions of this Bylaw:
 - (a) Works of maintenance, repair or alterations on a structure both internal and external, if such work:
 - (i) does not include structural alterations;
 - (ii) does not change the use or intensity of the use of the structure; and
 - (iii) is performed in accordance with obligatory legislation or other government regulations;
 - (b) the completion of a building which was lawfully under construction at the date this Bylaw comes into full force and effect, provided that:
 - (i) the building is completed in accordance with the terms of any permit granted by the Town, subject to the conditions of that permit;
 - (c) the use of any building referred to in Section 3-2(1)(b) for the purpose for which construction was commenced;
 - (d) the erection, construction, or the maintenance of gates, fences, wall, or other means of enclosures less than 1.8 metres (6ft.) in height;
 - (e) the erection or installation of machinery needed in connection with operations for which a Development Permit has been issued, for the period of those operations;
 - (f) the construction and maintenance of that part of a public utility placed in or upon a public thoroughfare or public utility easement;
 - (g) the use by the Municipality of land of which the Town is the legal or equitable owner for a purpose approved by a two-thirds majority vote of Council in connection with any public utility carried out by the Municipality;
 - (h) the uses of a building or part thereof as a temporary polling station for Federal, Provincial, or Municipal election or referendum;
 - (i) an official notice, sign, placard, or bulletin required to be displayed pursuant to the provisions of Federal, Provincial or Municipal legislation;

- (j) the construction, maintenance, and repair of private walkways, private pathways, private driveways and similar works;
- (k) stripping or stockpiling of soil, installation of utilities and construction of roads in a subdivision area when a development agreement has been duly executed; or
- (l) the construction of an accessory building having an area of less than 9 square meters (96.87 sq. ft.) in a residential district.
- (m) the construction, maintenance, or repair of a grade level deck

SECTION 3-3 CONFORMING AND NON-CONFORMING USES AND BUILDINGS

A development that is considered as a non-conforming building or use shall be dealt with as provided for under Section 643 the Act. For convenience, Section 643 of the Act are provided:

1. If a development permit has been issued on or before the day on which a land use bylaw or amending bylaw comes into force, and the bylaw would make the subject development a non-conforming use or non-conforming building, the development permit continues in effect in spite of the coming into force of the bylaw.
2. A non-conforming use of land or a non-conforming use of a building may be continued but if that use is discontinued for a period of six consecutive months or more, any future use of the land or building shall conform with the provisions of this Bylaw;
3. A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made to it or in it;
4. A non-conforming use of part of a lot may not be extended or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed on the lot while the non-conforming use continues;
5. A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuild or structurally altered except
 - (a) To make it a conforming building, or
 - (b) For routine maintenance of the building, if the Development Authority considers it necessary, or
 - (c) In accordance with a land use bylaw that provides minor variance powers to the development authority for the purposes of this section;
6. If a non-conforming building is damaged or destroyed to the extent of more than 75% of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with the land use bylaw;
7. The land use or the use of a building is not affected by a change of ownership or tenancy of the land or building.

SECTION 3-4 APPLICATION FOR DEVELOPMENT PERMIT

1. The Development Officer may refer application to amend this Bylaw, applications for subdivision, and/or development permit applications to appropriate agencies, including other municipalities, for comments and recommendations.
2. An application for a development permit shall be made to the Development Authority in writing on the application Form A as prescribed within the Schedules forming part of this Bylaw, and shall be signed by the registered owner or their agent where a person other than the owner is authorized by the owner to make application.
3. An application for a development permit may, at the discretion of the Development Authority, include site plans at a scale satisfactory to the Development Authority, showing any or all of the following:
 - (a) building plans, showing:
 - (i) floor plans
 - (ii) elevations
 - (iii) exterior finishing materials
 - (b) site plans, in duplicate, showing:
 - (i) legal description of the site, and municipal address;
 - (ii) north arrow;
 - (iii) dimensions of the site;
 - (iv) utilities, site drainage, grade elevations, existing and finished lot grades, the grades of the streets and the location of proposed sewer and water lines;
 - (v) the height, dimensions, and relationship to property lines of all existing and proposed buildings and structures including retaining walls, trees, landscaping, other features and location of fencing if deemed necessary by the Development Officer;
 - (vi) on applications for multiple family, commercial, industrial, recreational and institutional uses:
 - loading and parking provisions;
 - access locations to and from the site;
 - garbage and storage areas and the fencing and screening proposed for the same
 - location and approximate dimensions of existing and proposed culverts and crossings;
 - landscaping plan.
 - (c) a statement of ownership of land and/or interest of the applicant therein;
 - (d) the estimate commencement and completion dates; and
 - (e) such additional information as deemed necessary.
4. When, in the opinion of the Development Officer, sufficient details have not been included with a development permit application, the application shall be deemed not to be complete and shall not be processed until all the required information is provided.

SECTION 3-5 APPLICATION FEES

1. All fees and charges under and pursuant to this Bylaw with respect to development permits shall be as established by Council Resolution.
2. A non-refundable processing fee as established by resolution of Council shall accompany each application for a subdivision, development permit, an application to amend this Bylaw, or any other matters deemed necessary by Council in relation to the administration and implementation of this Bylaw.

SECTION 3-6 DEVELOPMENT AUTHORITY DISCRETION

1. A development permit application whose use is not listed as a Permitted Use or a Discretionary Use in the subject District shall be refused.
2. Notwithstanding Section 3-6(1), the Development Authority may refer any application to the Town Council. If Council determines that the proposed use of land or a building is similar in character and purpose to a use class listed under that land use District, despite that the use class is not listed as a Permitted Use or Discretionary Use in this Bylaw, Council may direct the Development Officer to issue a development permit, with or without conditions.
3. A development permit application whose use is considered a Permitted Use in the subject district:
 - (a) shall be approved with or without conditions, where the proposed development conforms with this Bylaw; or
 - (b) shall be refused for a development permit if the proposed development does not conform to this Bylaw.
4. A development permit application whose use is considered a Discretionary Use in the subject district:
 - (a) may be approved if it meets the requirements of this Bylaw, with or without conditions;
 - (b) may be refused even though it meets the requirements of this Bylaw;
 - (c) shall be refused if the proposed development does not conform with this Bylaw.
5. Notwithstanding any provisions or requirements set out in this Bylaw, the Development Officer may establish a more stringent standard for uses listed as Discretionary Uses when it is deemed necessary to do so.
6. Notwithstanding Section 3-6(3)(b) and Section 3-6(4)(c), the Development Authority may allow a variance not exceeding ten percent to any front yard, side yard, or rear yard setback, building height, lot width, or lot area requirement if, in the opinion of the Development Authority:
 - (a) the proposed development would not:
 - (i) unduly interfere with the amenities of the neighbourhood; or
 - (ii) materially interfere with or affect the use, enjoyment or value of neighbourhood properties; and
 - (b) the proposed development conforms with the use prescribed for that land or building in this Bylaw.

7. In the event that a variance is granted pursuant of Section 3-6(7), the Town shall indicate in its files the type and extent of any variance granted to any development permit approval.

SECTION 3-7 PROCESSING DEVELOPMENT PERMITS

1. The Development Officer may attach as conditions of a development permit approval, those conditions it feels are necessary to address or resolve any development concerns or issues in regards to a proposed development.
2. The Development Officer may require with respect to a development permit application that, as a condition of issuing a development permit, the applicant enters into an agreement with the Town to do all or any of the following:
 - (a) to construct or pay for the construction of a public roadway 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 that will connect the pedestrian walkway system serving the development with a pedestrian walkway system that serves or is proposed to serve an adjacent development; or
 - (iii) both.
 - (c) to install or pay for the installation of utilities that are necessary to serve the development;
 - (d) to construct or pay for the construction of:
 - (i) off-street or other parking areas, or
 - (ii) loading and unloading areas,
 - (e) to pay an off-site levy or redevelopment levy imposed by Bylaw; and
 - (f) any other requirement the Development Officer deems necessary.
3. As a condition of the approval of a development permit application, the Development Officer may require the applicant to make the necessary arrangements to ensure that all property taxes are paid to the satisfaction of the Town at the time of development permit approval.
4. A development permit lapses and is automatically void if the development authorized is not commenced within twelve months from the date of the issuing permit, or completed within such longer periods not exceeding an acceptable time as deemed by the Development Officer with regard for situations including but not limited to season constraints, contractor availability, and material shortages.
5. A permit granted pursuant to this Section does not come into effect until fourteen days after its issuance. Where an appeal has been lodged with the Board, no development shall be commenced pursuant to the development permit until all appeals are finally determined and the issuance of the development permit has been upheld.

6. In the case where an application for a development permit has been refused or ultimately after appeal, the submission of another application for a permit on the same property and for the same or similar use of the land may not be accepted by the Development Officer for at least six months after the date of the refusal.

SECTION 3-8 DEVELOPMENT PERMIT NOTIFICATION

1. A decision of the Development Officer on an application for a development permit shall be given in writing, and a copy of the notice of the decision shall be mailed to the applicant or their agent.
2. When an application for a development permit is approved, the Development Officer shall publish a notice in a local newspaper stating the location of the property for which the application has been made, the type of development and the developer's/owner's name.
3. When an application for a development permit is refused, an official of the Municipality shall mail a notice of the decision, in writing, to the applicant or his agent, stating the reasons for refusal.
4. Notice of the decision of the Development Officer is deemed to have been given on the day when the Notice of Decision has been published in a newspaper, and upon decision of refusal, the date of the applicant was mailed the refusal decision.

SECTION 3-9 OFFENCES AND PENALTIES

1. No person shall make use of land in a manner contrary to the provision of the Act, this Bylaw, or a development permit issued under this Bylaw.
2. Where the Development Officer finds a development permit which is not in accordance with the Act, this Bylaw, or the terms and conditions of the development permit, the Development Officer may, in writing, order the registered owner or the person in possession of the land or the person responsible for the contravention or any or all of them to:
 - (a) stop the development or use of land or buildings in whole or in part as directed by the notice; or
 - (b) demolish, remove or replace the development; or
 - (c) take such measures specified in the notice so that the development or use of the land or buildings is in accordance with the Act and its regulations, a development permit, subdivision approval or this Bylaw as the case may be, within the time specified by the notice.
3. If a person fails or refuses to comply with a stop order, or an order of the Subdivision and Development Appeal Board, or Council, a person appointed by it, in accordance with the Act, may enter upon the land or building and take such action as is necessary to carry out the order.
4. When Council, or a person appointed by it, carries out an order, Council shall cause the costs and expenses incurred in carrying out the order to be placed on the tax roll as an additional tax against the property concerned and the amount shall be collected in the same manner as taxes on land.
5. For the purpose of entering and inspecting land or buildings as described in the Act, the Development Officer is hereby declared to be an authorized person.

6. Under the Act, a person who contravenes or fails to comply with any provision of this Bylaw is guilty of an offence. Any person who is convicted of an offence shall be liable to a fine of no more than \$5,000 and not less than \$2,500.
7. A Development Officer may suspend or revoke a development permit if the permit or any conditions attached to the permit have not been complied with.

SECTION 3-10 ENVIRONMENTAL SITE ASSESSMENTS

1. The Town may require an applicant for an application for subdivision and/or development permit to submit a Phase I Environmental Site Assessment (ESA) of the subject property.
2. The Phase I ESA shall be in accordance to industry regulations as set out by the Canadian Standards Association Guide.
3. The Phase I ESA shall include: an analysis of the subject property in terms of historical use; a determination of the level and extent of any contamination; a review of sampling undertaken; the existence of above and/or below ground tanks; and any other matters deemed necessary by the Town.
4. The Phase I ESA will be referred to Alberta Environment for comments.
5. If the Phase I ESA determines a likelihood of contamination, a Phase II and III ESA may be required prior to the Development Authority making a decision with respect to the application.

PART 4 DEVELOPMENT PERMIT APPEALS

SECTION 4-1 METHOD OF APPEAL

1. The Board shall perform such duties and follow such procedures as specified in the Act and the Subdivision and Development Appeal Board Bylaw.
2. When an appeal is made with respect to a development permit, the permit shall not come into effect until the appeal has been determined, at which time the permit may be modified or nullified thereby.
3. A decision on a development permit application may be appealed by serving a written notice of appeal to the Secretary of the Subdivision and Development Appeal Board in the case of:
 - (a) an approval within fourteen days from the date of the decision of the permit has been advertised in a local newspaper; and/or
 - (b) a refusal within 14 days of the date that the applicant is notified of the decision.

SECTION 4-2 THE APPEAL PROCESS

1. The Secretary to the Subdivision and Development Appeal Board shall ensure that notice of appeal is given to all persons required to be notified under the provision of the Subdivision and Development Appeal Board Bylaw.
2. When a notice has been served to the Secretary to the Subdivision and Development Appeal Board with respect to a decision to approve a development permit application, the development permit shall not be released before:
 - (a) the decision has been sustained by the Subdivision and Development Appeal Board; or
 - (b) the Secretary to the Subdivision and Development Appeal Board has received written notification from the appellant that the appeal has been abandoned.
3. If the decision to approve a development permit application is reversed by the Subdivision and Development Appeal Board, the development permit shall be null and void.
4. If the decision to refuse a development permit application is reversed by the Subdivision and Development Appeal Board, the Board shall forthwith direct the Development Officer to approve the development permit application in accordance with the decision of the Subdivision and Development Appeal Board.
5. If the decision to approve a development permit application is varied by the Subdivision and Development Appeal Board, the Board shall direct the Development Officer to forthwith approve the development permit application in accordance with the terms of the decision of the Subdivision and Development Appeal Board.

PART 5 AMENDMENT PROCEDURE

SECTION 5-1 METHOD OF APPLICATION

1. All amendments to the Land Use Bylaw shall be made by the adoption of an amending bylaw following a public hearing.
2. Any owner of a site or their authorized agent or other persons having a legal or equitable interest in the site may apply in writing to the Development Officer to have the land use designation of the site amended.
3. All applications for amendment to the Land Use Bylaw shall be made to the Development Officer on the prescribed application Form E (attached in Schedule A of this Bylaw) and shall be accompanied by the following:
 - (a) a copy of the certificate of title and attachments for the lands affected, and other documents satisfactory to the Development Officer verifying that the applicant has a legal interest in the land;
 - (b) a statement of the reasons for the request to amend the Bylaw;
 - (c) properly dimensioned vicinity maps of appropriate scaled indicating the site to be amended, its relationship to existing land uses within a 90 meter (285 ft.) radius of the boundaries of the site; and
 - (d) where the applicant is an agent for the owner, a letter from the owner must be provided verifying the agent's authority to make the application.
4. The Development Officer may refuse to accept an application to amend this Bylaw if the information required has not been supplied or if, in his opinion, it is of inadequate quality to properly evaluate the application.

SECTION 5-2 THE REVIEW PROCESS FOR AN AMENDMENT

1. Upon receipt of a complete application, the Development Officer shall refer the application to Council for first reading.
2. The Development Officer may refer the complete application to any agencies as deemed necessary for comment.
3. The Development Officer shall forthwith cause to be published for two consecutive weeks in the local newspaper, a notice of the application stating:
 - (a) the legal description of the land;
 - (b) the purpose of the proposed amending bylaw;
 - (c) the one or more places where a copy of the proposed amending bylaw may be inspected by the public during reasonable hours;
 - (d) the one or more dates, places and times that Council will hold a public hearing on the proposed amending bylaw;
 - (e) an outline of the procedures to be followed by anyone wishing to be heard at the public hearing; and
 - (f) the time that each participant may speak for or against the proposed amendment.
4. Council, after considering:
 - (a) any representations made at the public hearing; and

- (b) any municipal development plan, area structure plan, or area redevelopment plan affecting the application and the provisions of this Bylaw, may:
 - (i) make such changes as it considers necessary to the proposed amendment, if any, and proceed to pass the proposed amendment, or
 - (ii) defeat the proposed amendment.
- 5. Where an application for an amendment has been refused by Council, the Development Officer shall refuse to accept another application on the same land for the same or similar purpose until six months have passed from the date of such refusal.

PART 6 GENERAL LAND USE PROVISIONS

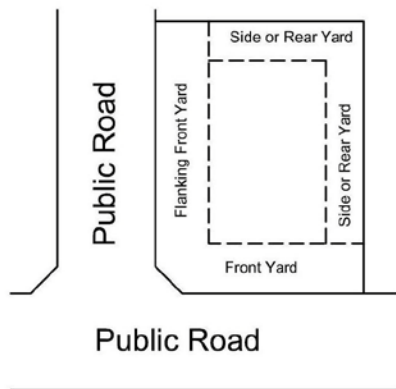
SECTION 6-1 BUILDING HEIGHT

1. If the height of a building is required to be measured or determined it shall be measured by calculating the vertical distance between the natural grade, or average natural grade in the case of a sloping grade, and the highest point of the building as determined under Section 6-1(2).
2. In determining the highest points of a building, the following structures shall not be considered to be part of the building: an elevator housing, mechanical housing, roof stairway entrance, ventilation fans, a skylight, a steeple, a smokestack, a parapet wall, or a flagpole or similar device not structurally essential to the building.
3. The maximum height of a building other than single detached dwellings, duplex dwellings, or row housing, in any non-industrial district shall be 18.0m, unless otherwise specifically stated elsewhere in this Bylaw.
4. Single family and duplex dwellings shall not exceed 10.6 meters in height.

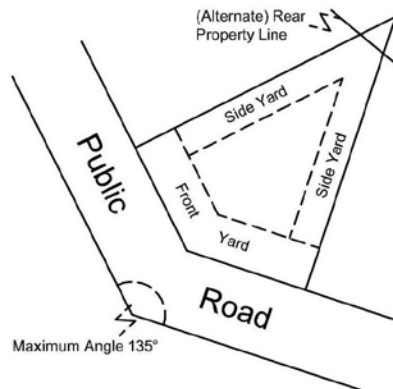
SECTION 6-2 CORNER AND DOUBLE FRONTING SITES

1. In all districts, a site abutting onto two streets or more shall have a front yard on each street in accordance with the front yard requirements of this Bylaw.
2. In all cases, the location of buildings on corner sites shall be subject to approval of the Development Authority who may at their discretion, relax the front yard setback requirements taking into account the location of existing abutting buildings or the permitted setback on abutting sites where a building does not exist, and having regard for Section 3-6(7) of this Bylaw.

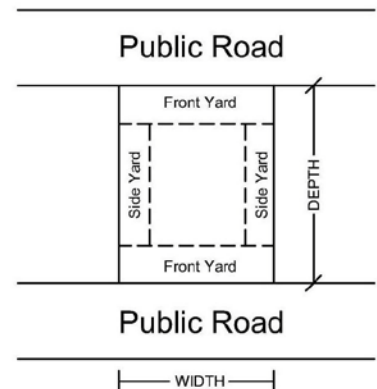
CORNER SITE



IRREGULAR CORNER SITE

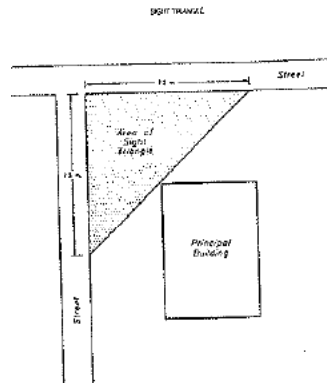


DOUBLE FRONTING SITE



SECTION 6-3 CORNER SITE RESTRICTIONS

1. Notwithstanding any other provision contained in this Bylaw, no person shall place or maintain any object, structure, fence, hedge, shrub or tree in or on that part of a sight triangle, if such objects or structures, in the opinion of the Development Officer, interferes with traffic safety.



SECTION 6-4 DESIGN, CHARACTER AND APPEARANCE OF BUILDINGS

1. The quality of exterior treatment and design of all buildings shall be to the satisfaction of the Development Authority.
2. Pursuant to Section 6-4(1), the Development Officer shall consider the following when reviewing development proposals in all Districts:
 - (a) the design, character and appearance of all buildings must be compatible with any other buildings existing in the vicinity, unless the building is setting a new standard of design and character for the land use District or a particular location of it;
 - (b) the design of the building must be consistent with the purpose of the land use District in which it is located; and
 - (c) the building shall comply with any provisions of a statutory plan which sets out specific guidelines as to the design, character, appearance or building materials to be used within a District or area.

SECTION 6-5 ENTRANCES AND EXITS – CURB CUT REQUIREMENTS

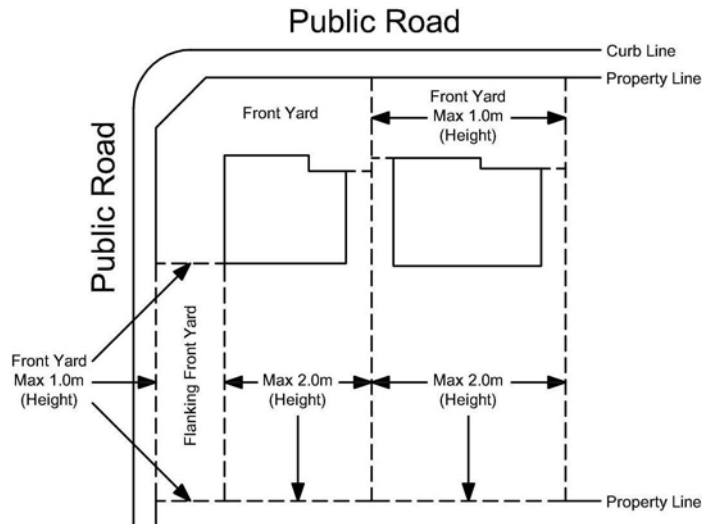
1. Curb cuts shall be set back a minimum distance of 6 meters (20 ft.) from the intersection of site boundaries on corner lots.
2. The setback distance for curb cuts may be increased where such increase is necessary for reasons of public safety and convenience.
3. The maximum width of curb cutting shall not exceed 10.5 meters (35 ft.).
4. The sides of driveway approaches crossing sidewalks or boulevards may be constructed on an angle with the curb line, but the angle extended between the curb and the edge of the driveway shall in no case be less than 45 degrees.
5. The minimum distance between adjacent curb cutting on the same side of the property shall be not less than a distance of 6 meters (20 ft.) from each other, measured at the property line. The Development Officer may increase the minimum clear distance in any cases where, because of width

of adjacent sidewalks, boulevards or traffic conditions, such increase is necessary for reasons of public safety and convenience.

SECTION 6-6 FENCES AND HEDGES

1. No fence shall be constructed or hedge allowed to grow that is:
 - (a) higher than 2.0m (6.0 ft.) for the portion that does not extend beyond the foremost portion of the principal building on the site, or
 - (b) higher than 1.0m (3.3 ft.) for the portion that extends beyond the foremost portion of the principal building on the site, except for residential property flanking arterial roads where fences may be constructed to a maximum of 1.8m (5.9 ft.) in height, provided adequate site lines are maintained, or
 - (c) in the case of corner sites, more than 1.0m (3.3 ft.) high within the sight triangle of the site, regardless of whether or not a corner cut-off has been taken, or
 - (d) where lots have both their front and rear yards facing onto a street without approval of the Development Authority. Size and specifications for fences in these areas must conform to the overall standard set for the area by the Town.

SITING OF FENCES



2. In the case of drive-through businesses, car washing establishments, service stations and gas bars, landscaping shall be provided and maintained to the satisfaction of the Development Authority. Solid fences shall be provided at least 1.5m (4.9 ft.) in height and no higher than 2.0m (6.0 ft.) abutting to residential areas.
3. Notwithstanding Section 6-6(1), the Development Authority shall determine the maximum height of a fence in an Industrial or Urban Reserve District. Where a fence has been permitted to be higher than 2.0m (6.0 ft.) in any Industrial or Urban Reserve District, no barbed wire fences shall be permitted below a height of 2.0m (6.0 ft.). This requirement may be relaxed by the Development Authority in an area where residences would not be in close proximity to the fence proposed.
4. Electrification of fences is not permitted.
5. Barbed wire fences are not permitted in residential districts.

6. Fence or hedge height shall be measured from the design grade established by the Town, and include the height of retaining walls supporting the fence or hedge.

SECTION 6-7 LANDSCAPING AND SCREENING

1. The provision of landscaping may be a condition of the issuance of a development permit for any new development.
2. Notwithstanding the above, this section shall not apply to developments that consist solely of changes that do not alter the building shell.
3. Where landscaping is required, the applicant may be required to provide a detailed landscape plan.
4. The Development Authority may require that the landscape plan be prepared by a landscape architect or technologist.
5. Any portion of a site area not occupied by buildings, parking, storage, or required for vehicle circulation shall be landscaped or maintained in its natural state. Landscaping may consist of hard landscaping, soft landscaping, or some combination of them.
6. Any area required to be landscaped may, at the discretion of the Development Officer, be left in its natural state or be loamed and planted with grass, tress, shrubs, and/or flowers, or similar materials or a combination thereof, which enhance the appearance of the site and which complement the development thereon.
7. Any area requiring landscaping or topographic reconstruction shall be landscaped so that the finished surface contours do not direct surface drainage onto an adjoining site.
8. If the proposed development is abutting a residential district, a landscape buffer shall be provided and shall consist of:
 - (a) a buffer which is 3.0m in width;
 - (b) a mix of deciduous and coniferous trees with at least 60% of these trees being coniferous;
 - (c) trees which are at least 6.1m high at maturity; and
 - (d) shrubs which are at least 1.8m high at maturity, if in the Development Officer's opinion, additional screening is required.
9. All landscaping and planting required must be carried out to the satisfaction of the Development Authority within one (1) year (weather permitting) of occupancy or commencement of operation of the proposed development.
10. Off-street parking lots in any commercial District shall be landscaped by the planting of trees in the amount of at least one tree for every 185m² of paved surface. The trees shall be of a type and size approved by the Development Authority. Trees required shall be located within the parking area in locations where visibility for the safe movement of persons and traffic is not impaired.

SECTION 6-8 LIGHTING

1. Any lighting proposed to illuminate areas in any district shall be located and arranged so that all direct rays of light are directed upon the area to be illuminated, not on any adjoining properties.

SECTION 6-9 PARKING AND LOADING FACILITIES

1. Off-street parking shall be provided in accordance with Table 1, Schedule E
2. When a building is altered or changed in use, in such a manner as to cause an intensification of the use, provision shall be made for the additional parking spaces required. The required parking shall be based only on the number of additional parking spaces required because of the enlargement, change in use, or intensification of the building;
3. A parking space shall be located on the same site as the building or the use in respect of which it is required and shall be designed, located and constructed so that it is accessible and properly maintained.
4. Notwithstanding the above, the Development Officer may allow for the required number of parking spaces to be fulfilled by accepting a payment in lieu on the number of deficient spaces. The payment shall be based on the amount of money Council has accepted and passed by resolution, considered reasonable in return for the equivalent parking spaces to be provided in the area.
5. A parking space shall not be less than 18 square meters (194 sq. ft.) in area, nor 2.5 meters (8 ft.) in width.
6. Any loading space shall have at least 28 square meters (301 sq. ft.) of area, 3.5 meters (11.5 ft.) in width and 4 meters (13 ft.) of overhead clearance.
7. Every off-street parking space provided or required in any commercial district and the access thereto, including the whole area contained within the municipal land to which the curb crossing applies, shall be hard surfaced if the access thereto is from a street or lane which is hard surfaced.
8. Adequate curbs or concrete bumpers or fences shall be provided to the satisfaction of the Development Officer if, in their opinion, it is or becomes necessary to, protect adjacent fences, walls, boulevards, landscaped areas or buildings on the site or an abutting site, from contact with vehicles using such parking space or area.
9. Off-street parking shall be provided in the manner shown on the approved site plan with the entire area to be graded so as to ensure that drainage will be confined to the site and disposed of in a manner satisfactory to the Development Officer.

SECTION 6-10 RELOCATION OF BUILDINGS

1. Where a development permit has been granted for the relocation of a building on the same site or from another site, the Development Officer shall require the applicant to provide:
 - (a) a performance bond or letter of credit of such amount to ensure completion of any renovations set out as a condition of approval;
 - (b) an engineer's report to confirm that the building is structurally sound; and

- (c) a colored photograph that accurately depicts the condition of the building and its conformity to the neighbourhood.

SECTION 6-11 RESIDENTIAL DWELLING UNITS PERMITTED ON A LOT

- 1. One residential dwelling per lot may be allowed by the Town in accordance to the provisions of this Bylaw.
- 2. Notwithstanding the above, multi-unit residential buildings (apartments, duplexes, manufactured home parks, etc.) may be allowed to be developed on a lot in accordance to the provisions of this Bylaw.

SECTION 6-12 SIGN REGULATIONS

- 1. No sign of an advertising, directional or informational nature shall be erected on land or affixed to any exterior surface of any building or structure unless an application has been approved by the Development Officer.
- 2. Signs shall comply with the setback requirements for principal buildings in the district in which the sign is located unless otherwise allowed by the Development Officer.
- 3. In consideration of a development application for a sign, the Development Officer shall have due regard to the amenities of the district in which the sign is located and to the design of the proposed signs.
- 4. In applying for a development permit for a sign, the applicant shall provide complete sign details (i.e. size, colour, layout, construction materials, method of support, location, etc.)
- 5. With the exception of signs that do not require a Development Permit, no signs or advertising structures shall be erected on or affixed to private property without the prior written consent of the property owner or tenant. A copy of the consent shall be submitted with the development permit application.
- 6. An application for one or more signs shall not be approved if, in the opinion of the Development Officer, the sign would:
 - (a) unduly interfere with the amenities of the area;
 - (b) materially interfere with or affect the use, enjoyment or values of neighbouring properties;
 - or;
 - (c) create a safety hazard.
- 7. The following types of signs shall not be permitted:
 - (a) any sign that displays an intermittent, flashing or rotating light or lights;
 - (b) any sign which is lighted in such a manner as to cause interference to the motoring public;
 - (c) any sign that has mechanically moving or rotating parts;
 - (d) any sign that bears any legend that in any way imitates a standard or commonly used traffic control device or sign;
 - (e) any sign using a background or red, yellow, orange or other colors that conflict with commonly used traffic control devices or signs.

8. All signs shall be kept in good repair and maintained in a manner satisfactory to the Development Authority.
9. The Development Officer may require the removal of any permanent sign which in their opinion, is or has become unsightly, or is in such a state of disrepair as to constitute a hazard.
10. On each industrial site, the following signs may be permitted subject to the following limitations:
 - (a) no sign shall project more than 1.5 meters (5 ft.) above the top of any main wall or parapet to which it is affixed, unless, in the opinion of the Development Officer, it has been designed as an integral part of the building; and
 - (b) no sign shall be illuminated unless the source of light is steady and suitably shielded.
11. On each commercial site, the following sign may be permitted subject to the following limitations;
 - (a) signs and billboards may be allowed that advertise on-site and/or off-site businesses, organizations, etc.;
 - (b) no more than two signs shall be allowed on the premise;
 - (c) the signs shall be properly spaced in order to ensure traffic safety and maintaining the appearance of the commercial area;
 - (d) no sign shall be illuminated unless the source of light is suitably shielded; and
 - (e) signs shall not protrude out from the face of the building a distance exceeding 1.5 meters (5 ft.).

SECTION 6-13 SITE AND BUILDING REQUIREMENTS

1. All parts of the site to which vehicles may have access shall be hard-surfaced and drained to the satisfaction of the Development Officer.
2. No activity may be carried on which constitutes a nuisance or annoyance to persons occupying land in the immediate vicinity of the site, by reason of dust, noise, gases, odors, smoke or vibration.
3. The site of the building shall be maintained in a clean and tidy condition and free from all rubbish and debris.
4. Any new or relocated building development will ensure a Town supplied water meter is installed to the satisfaction of the Town of Spirit River Public Works Department.

SECTION 6-14 WIND ENERGY CONSERVATION SYSTEM (WECS)

1. The Development Authority may approve a WECS application on a case-by-case basis having regard for:
 - (a) information provided in the application;
 - (b) proximity to other land uses in the immediate area;
 - (c) consideration of the cumulative effect of all WECS approved or proposed in the immediate area;
 - (d) existing and proposed transmission network; and
 - (e) information received from the circulation of the application and the public.

2. Applications for Small Scale Wind Energy Conversion Systems shall be accompanied by:
 - (a) the manufacturer's information on power generation and the tower;
 - (b) appropriate letter of approval from Navigation Canada;
 - (c) in land use districts where the use is discretionary, noise data indicating noise levels at the property line should not exceed 30 dB;
 - (d) provide evidence that the strobe/shadow effect will not affect the enjoyment of the adjoining residences;
 - (e) an accurate site plan showing and labeling the information including the exact location of each turbine (tower and rotor arc) including setbacks and building locations;
 - (f) other information that may be required by the Development Authority.

3. The Development Authority may require a public meeting prior to consideration of the permit.

4. All development applications for a WECS shall be accompanied by:
 - (a) the manufacturer's specifications including:
 - (i) the WECS maximum rated output in kilowatts;
 - (ii) safety features and sound characteristics;
 - (iii) type of power;
 - (iv) dimensions of tower and rotor; and
 - (v) type of material used in tower, blade and/or rotor construction.
 - (b) an analysis of the potential for noise at:
 - (i) the site of the installation; and
 - (ii) the boundary of the parcel containing development
 - (c) a report regarding any public information meetings or other process conducted by the developer

5. No lettering or advertising shall appear on the towers or blades. In other parts of the WECS, the only lettering will be the manufacturer's and/or owner's identification or municipal symbol upon approval by the Development Authority.

6. Should a WECS discontinue producing power for two years or more, the WECS operator shall provide a status report to the Development Authority. A review of the status report by the Development Authority may result in a request for the WECS to be decommissioned. Failure to comply with a decommissioning request may result in the issuance of a stop order by the designated officer in accordance with the provisions of the Municipal Government Act.

PART 7 SPECIAL LAND USE PROVISIONS

SECTION 7-1 ESTABLISHMENT OF SPECIAL LAND USE PROVISIONS

1. Special land use provisions shall be set forth in Part 7 and may be amended in the same manner as any other Part or Section of the Bylaw.

SECTION 7-2 ACCESSORY BUILDINGS

1. When an accessory building is attached to the principal building on a site by a roof, an open or enclosed structure, a floor or a foundation, it is to be considered a part of the principal building.

2. Any accessory building shall be located at least 1.8 meters (6 ft.) from any principal building.
3. Any accessory building erected on a site in any residential district shall not be used as a dwelling.
4. No side yard is required for any accessory building in a residential district or an industrial district when the mutual wall is erected on a common property line and is constructed of brick, stone, or equivalent fire resistant material, as well, there will be no overhang of eaves and all drainage is confined to the site.
5. The accessory building shall not exceed the height of the principal building. In this case, the Development Officer shall not be allowed to use their discretionary powers as outlined in Section 3-6(6) of this Bylaw.

SECTION 7-3 CAR WASHING ESTABLISHMENTS

1. The minimum site area shall be 443 square meters (4768 sq. ft.) and shall contain storage space for ten vehicles prior to their entry into any part of the cleaning process. In the case of service stations including car washes, the minimum site area shall be 1,115 square meters (12,001 sq. ft.).

SECTION 7-4 DAY CARE FACILITIES

1. In reviewing an application for a Day Care facility, the Development Authority shall, among other factors, consider if the development would be suitable for the site, taking into account, potential traffic generation, proximity to park, open space or recreation areas, isolation of the proposed site from residential uses, buffering or other techniques designed to limit any interference with other uses, or the peaceful enjoyment of neighbouring properties, and consistency in terms of intensity of use with other development in the area.
2. The Development Authority shall establish the maximum number of children for which care may be provided, having regard for Provincial regulations, the nature of the facility, the density of the District in which it is located, and potential impacts on the uses in the vicinity of the development.

SECTION 7-5 DRIVE-THROUGH BUSINESSES

1. Notwithstanding the District regulations, drive-through businesses shall not be located on sites, which in the opinion of the Development Officer, would be considered unsafe in terms of vehicle circulation, access and egress from the site.
2. Exits and entrances shall be as approved by the Development Officer and circulation within the lots shall be one-directional and adequately signed.
3. Where a drive-through business is abutting a residential district, screening shall be provided to the satisfaction of the Development Officer.

SECTION 7-6 GAS BARS AND SERVICE STATIONS

1. Site area and coverage:
 - (a) The minimum site area shall be 557 square meters (5995 sq. ft.) and the maximum building coverage shall be 15 percent of the site area. If the service station has a car wash, the minimum site area shall be 1,115 square meters (12,001 sq. ft.);
 - (b) Where a service station form part of a shopping centre development, the minimum site area and maximum building coverage may be varied at the discretion of the Development Officer.

1. Site and Building Requirements
 - (a) All parts of the site to which vehicles may have access shall be hard-surfaced if the property is accessed from a paved public road or lane, and drained to the satisfaction of the Development Authority.
 - (b) A minimum of 10% of the site area of a Gas Bar and Service Station under this Section shall be landscaped to the satisfaction of the Development Authority.

SECTION 7-7 HOME BASED BUSINESSES

1. A Home Based Business (Major) shall comply with the following regulations:
 - (a) there shall be no exterior display or advertisement other than an unlighted sign or plaque placed in the window or attached to the exterior of the dwelling, to a maximum of 2 square meters (21.5 square feet) in area.
 - (b) the number of non-resident employees working on-site shall not exceed two at any one time;
 - (c) there shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business. Indoor storage related to the business activity shall be allowed in the dwelling or accessory buildings;
 - (d) the Home Based Business (Major) shall not create a nuisance by way of dust, noise, smell, smoke or traffic generation;
 - (e) the Home Based Business (Major) shall not change the principal character or external appearance of the dwelling or accessory buildings;
 - (f) each application for a development permit for a Home Based Business (Major) shall include:
 - (i) a description of the business to be undertaken at the premises;
 - (ii) an indication of the number of business visits per week,
 - (iii) details for the provision of parking; and
 - (iv) where any materials or equipment associated with the business use are to be stored.
 - (g) the Home Based Business (Major) shall not be allowed if, in the opinion of the Development Officer, the proposed business would be more appropriately located in a commercial or industrial district, having regard for the overall compatibility of the proposed use with the residential character of the area, and proximity to the Downtown.

2. A Home Based Business (Minor) shall comply with the following:
 - (a) there shall be no exterior signage, display or advertisement other than an unlit sign or plaque placed in the window or attached to the exterior of the dwelling, to a maximum of 2 square meters (21.5 square feet) in area;

- (b) the Home Based Business (Minor) shall not employ any person on-site other than a permanent resident of the dwelling;
- (c) there shall be no outdoor business activity, or outdoor storage of materials or equipment associated with the business allowed on the site. Indoor storage shall be allowed inside the dwelling;
- (d) the Home Based Business (Minor) shall not create a nuisance by way of dust, noise, smell, smoke or traffic generation;
- (e) the Home Based Business (Minor) shall not change the principal character or external appearance of the dwelling involved; and
- (f) each application for a development permit for a Home Based Business (Minor) shall include:
 - (i) a description of the business to be undertaken in the dwelling;
 - (ii) an indication of the anticipated number of business visits per week;
 - (iii) details for the provision of parking; and
 - (iv) where any materials or equipment with the business use are to be stored.

SECTION 7-8 MANUFACTURED HOMES

1. Manufactured homes shall be of sound construction and appearance to the satisfaction of the Development Officer.
2. As part of the development permit application for a manufactured home, the Development Officer may require photographs, design plans, and/or an artist's rendering of the manufactured home.
3. The undercarriage of a manufactured home shall be completely screened from view by the foundation, by flame-proof skirting or by such other means satisfactory to the Development Officer.
4. Axles, wheels, running gear and towing tongue shall be removed where possible prior to final installation of the manufactured home being securely placed or anchored on piers or a foundation.
5. All accessory structures, additions, porches, and skirting shall be of a quality and appearance equivalent to the manufactured home.
6. In the event of oil being used for heating purposes, an oil receptacle shall be provided. It shall be concealed and enclosed with external screening compatible with the manufactured home.
7. Manufactured homes shall be located in areas free from shifting due to frost and readily accessible for water line and sewer line hook-ups.

SECTION 7-9 MULTIPLE FAMILY DWELLING DEVELOPMENTS

1. At the discretion of the Development Authority, the applicant for a multiple family dwelling building or development shall provide with the application for development, site plans, design plans and working drawings including elevations which have been endorsed by a registered architect or professional engineer. The site plans shall indicate:
 - (a) location and position of all buildings and structures on the site;
 - (b) location and design of signage on the site, including any for rent signs;
 - (c) location and number of parking spaces, access and egress onto the site from public thoroughfares;

- (d) location of an access to refuse storage areas;
 - (e) location and design of fencing on the site; and
 - (f) detailed landscaping plans for the site.
2. In the case of buildings abutting to each other and the relationship of those buildings to each other and their relationship to the land on which they are constructed, the following separation spaces relating to multiple family developments shall apply:
- (a) principal living room windows shall have a minimum separation space of 8.0m (26.2 ft.) except where the window faces a street, walkway or on-site parking or circulation area in which case 7.0m (23.0 ft.) may be permitted;
 - (b) habitable room windows shall have a minimum separation space of 3.2m (10.5 ft.) except where windows are in walls of more than two storeys in which case 5.0m (16.4 ft.) separation space must be provided;
 - (c) non-habitable room windows shall have a minimum separation of 1.5m plus 0.3m (1.0 ft.) for each storey above the first. No separation space is required where a non-habitable room window faces a street, walkway or on-site parking or circulation space; and
 - (d) the minimum required distance between two dwellings facing each other shall be the sum of the minimum separation spaces calculated separately for the opposing windows or openings except where there are two walls with no windows or openings in which case the minimum distance between the dwellings shall be 3.2m (10.5 ft.).
3. Separation space for windows as required in Section 7-9(2)(a), (b) and (c), shall be effective for the full length of the exterior wall of the room in which the window is located.
4. Notwithstanding the regulations of this Section, the Development Authority may reduce the required separation space where special aspects of design ensure equivalent or better light, ventilation, privacy or visibility from dwellings.
5. Design requirements:
- (a) the design of multiple family developments will require consideration of the exterior treatment of colors, materials, and textures, as well as, setback orientations, massing, floor plans, roof lines, and wall openings.
 - (b) the site design shall ensure a satisfactory relationship of buildings to circulation patterns and surrounding developments, and to well oriented, landscaped amenity areas.
 - (c) such items as mentioned in Section 7-9(5)(a) and (b) above, will be at the discretion of the Development Authority.

SECTION 7-10 PLACES OF WORSHIP

- 1. Maximum height requirements may be exceeded only if one extra foot of side yard per foot over maximum height requirements is provided.
- 2. The site upon which a church is situated shall have a frontage of not less than 30 meters (98.5 ft.) and an area of not less than 930 square meters (10,010 sq. ft.).

3. In the case where a manse, rectory, parsonage, or other building for a minister's residence is to be erected on the same site as the church, the combined area of the site shall not be less than 1,390 square meters (14,963 sq. ft.).

SECTION 7-11 SECONDARY SUITES

1. A secondary suite may be developed only in a single detached dwelling or semi-detached dwelling and only in those Land Use Districts where it is listed as a Permitted or Discretionary use.
2. Only one secondary suite shall be allowed per principal building.
3. A secondary suite shall not be allowed in an accessory building.
4. A secondary suite shall not exceed 40% of the total floor area of the principal building, including upper floors and basement combined, or 90 square meters (968.8 sq. ft.), whichever is less, and shall not be smaller than 38 square meters (409.0 sq. ft.).
5. A separate entrance door shall be required for a secondary suite, but shall not be located on any front building elevation facing a public road. Notwithstanding this requirement, however, a single entry door providing access to an enclosed, shared entry area may be provided.
6. One off-street parking stall shall be provided per secondary suite for the exclusive use of the occupant of the secondary suite, in addition to any other parking stalls required to serve the principal building.

SECTION 7-12 SHOPPING CENTRES

1. A minimum landscaped buffer strip of one meter (3.3 ft.) in width shall separate any parking area from the lot line of the site. Refer to Section X.X Lot Definition Diagram.
2. Any shopping centre shall satisfy the Development Officer as to:
 - (a) orientation, exterior design and architectural appearance of buildings and structures;
 - (b) location of development in relation to adjacent land uses;
 - (c) vehicular traffic flow patterns within and access to and from the site;
 - (d) safe pedestrian access and egress points within the site and from any public sidewalk; and
 - (e) location of exterior signs (information, directional, advertising).

PART 8 DISTRICTS AND DISTRICT REGULATIONS

SECTION 8-1 ESTABLISHMENT OF DISTRICTS AND DISTRICT REGULATIONS

Land Use Districts and Land Use District regulations shall be set forth in Part 8 and may be amended in the same manner as any other Part or Section of this Bylaw.

SECTION 8-2 LAND USE DISTRICTS

The Town of Spirit River is hereby divided into the following Districts.

Short Form	District Designation
R1	Low Density Residential
R2	Semi-detached Residential
R3	Medium Density Residential
R4	High Density Residential
MHS	Manufactured Home Subdivision
MHP	Manufactured Home Park
C1	Downtown Commercial District
HD	Highway Development
I	Industrial
US	Urban Services
UR	Urban Reserve
DC	Direct Control

SECTION 8-3 DISTRICT SHORT FORMS

Throughout this Bylaw and any amendments thereto, a district shall be referred to either by its full name or by its short form as set out in Section 8-2.

SECTION 8-4 LAND USE BYLAW MAP

1. Land Use Districts specified under Section 8-2 are described in short form on the Land Use Bylaw Map (Schedule D), which is an integral part of this Bylaw.
2. District boundaries are delineated on the Land Use Bylaw Map.
3. Where uncertainty arises as to the precise location of district boundary, the following rules shall apply:
 - a) Where a boundary is shown as following a street, lane, stream or canal, it shall be deemed to follow the centerline thereof.
 - b) Where a boundary is shown as approximately following a lot line, it shall be deemed to follow the lot line.
 - c) In circumstances not covered by a) or b) above, the location of the District boundary shall be determined:
 - i) Where dimensions are set out on the Land Use Bylaw Map, by the dimensions so set; or
 - ii) Where dimensions are not set out on the Land Use Bylaw Map with respect to such boundary, by measurement of and use of the scale shown on the Land Use Bylaw Map.

3. Where the application of the above rules does not determine the exact location of the boundary of a District, the Council either on its motion or upon written application being made to it by any person requesting the determination of the exact location of the boundary shall fix the portion of the District boundary in doubt or dispute in a manner consistent with the provisions of this Bylaw and the degree of detail as to measurements and directions as the circumstances may require.
4. After the Council has fixed a district boundary pursuant to the provisions of Section 8-4(3), the portion of the boundary so fixed shall not be thereafter altered except by an amendment to this Bylaw.
5. The Council shall maintain a list of its decisions with respect to boundaries or portions thereof fixed by it.

SECTION 8-7 R3 MEDIUM DENSITY RESIDENTIAL DISTRICT

1. Purpose

The purpose of this district is to provide for Medium Density Residential development with provisions for complimentary uses.

2. Permitted Uses

Accessory Building
Semi-detached Dwelling
Row Housing

3. Discretionary Uses

Bed and Breakfast
Boarding Facility
Day Care
Home Based Business (Major & Minor)
Place of Worship
Public Use
Public Utility, without an office
Secondary Suites

4. Site Standards

In addition to the Regulations contained in Sections 6-0 and 7-0, the following standards shall apply to every development in this district.

- a) Lot Area (Min.): 251 m² (2700 ft²) for each row housing unit
372 m² (4000 ft²) for each semi-detached unit
465 m² (5000 ft²) for each single detached unit
- b) Lot Width (Min.): 7.5 m (25 ft) for each row housing unit
10.7 m (35 ft) for each semi-detached unit
15.2 m (50 ft) for all other uses
- c) Front Yard (Min.): 7.6 m (25 ft)
- d) Rear Yard (Min.): 7.6 m (25 ft)
- e) Side Yard (Min.): 1.5 m (5 ft) on both sides if lot has access to a lane
3.0 m (10ft) for one side and 1.5 m (5ft) for the other side, if it lot does not have access to a lane to provide for vehicular access
- f) Building Height: 10.6 m (35 ft)
- g) Site Coverage (Max.): 40% for row housing
35% for all other uses

SECTION 8-8 R4 HIGH DENSITY RESIDENTIAL DISTRICT

1. Purpose

The purpose of this district is to provide for High Density Residential development up to four stories, with provisions for complementary uses.

2. Permitted Uses

Accessory Building
Apartment

3. Discretionary Uses

Bed and Breakfast
Boarding House
Day Care
Home Based Business (Major & Minor)
Place of Worship
Public Use
Public Utility, without an office

4. Site Standards

In addition to the Regulations contained in Sections 6-0 and 7-0, the following standards shall apply to every development in this district.

- a) Amenity Area (Min.): Apartments shall provide the following Amenity Area per dwelling unit:
 - 14 m² (150 ft²) per bachelor unit
 - 19 m² (200 ft²) per one bedroom unit
 - 53 m² (575 ft²) per two bedroom unit
 - 88 m² (950 ft²) per three bedroom unit
 - 112 m² (1,200 ft²) per four bedroom unit
- b) Lot Area (Min.): 604 m² (6,500 ft²)
- c) Lot Width (Min.): 15.2 m (50 ft)
- d) Front Yard (Min.): 9.1 m (30 ft)
- e) Rear Yard (Min.): 10.7 m (35 ft)
- f) Side Yard (Min.): 1.5 m (5 ft) on an exterior site
3.0 m (10 ft) on an interior site
- g) Building Height (Max.): 14 m (45.3 ft), or 4 stories
- h) Site Coverage (Max.): 40%
- i) Density (Max.): At the discretion of the Development Officer
- j) Landscaped Open Space: A minimum 10% of the site shall be devoted to landscaped open space.

- k) Active Play/Recreation and or Leisure Areas: A minimum 50% of the landscaped open space shall be devoted to green space and shall be at the discretion of the Development Officer.
- l) Site Design: The development shall satisfy the Development Officer as to:
- (i) provision for an access to garbage storage;
 - (ii) access for firefighting purposes;
 - (iii) light between buildings;
 - (iv) privacy for dwelling units in and adjacent to the development;
 - (v) orientation of buildings and general appearance of project; and
 - (vi) safe pedestrian access to and from the public sidewalk fronting the building.
- m) Off-Street Parking: All off-street parking shall be landscaped and screened from abutting uses.
- n) Other Requirements: The Development Officer may decide on such other requirements as are necessary having regard to the nature of a proposed development and the intent of this District.

SECTION 8-9 MHS MANUFACTURED HOME SUBDIVISION DISTRICT

1. Purpose

The purpose of this district is to provide for the development of serviced manufactured home lots with provisions for limited complimentary uses.

2. Permitted Uses

Accessory Building
Manufactured Home, Single Wide
Manufactured Home, Double Wide

3. Discretionary Uses

Home Based Business (Major & Minor)
Public Use
Public Utility, without an office

4. Site Standards

In addition to the Regulations contained in Sections 6-0 and 7-0, the following standards shall apply to every development in this district.

- a) Lot Area (Min.): 372 m² (4,000 ft²) for single wide manufactured homes
465 m² (5,000 ft²) for double wide manufactured homes
- b) Lot Width (Min.): 11.2 m (37 ft) for single wide manufactured homes
14.3 m (47 ft) for double wide manufactured homes
- c) Front Yard (Min.): 6.0 m (20 ft)
- d) Rear Yard (Min.): 6.0 m (20 ft)
- e) Side Yard (Min.): 1.5 m (5 ft) for one side and 3.0 m (10 ft) for the other side to provide for fire access
- f) Separation Distance (Min.): 4.5 m (15 ft) between manufactured home Units
- g) Other Requirements: The Development Officer may decide on such other requirements as are necessary having regard to the nature of a proposed development and the intent of this district.

SECTION 8-10 MHP MANUFACTURED HOME PARK DISTRICT

1. Purpose

This district is generally intended to provide for manufactured homes. The district will be applied in those areas where there will be no negative impact on abutting existing land uses. Manufactured Home Parks shall be serviced by Town water and sewer services in the park area.

2. Permitted Uses

Accessory Building
Manufactured Home, Single Wide
Manufactured Home, Double Wide
Manufactured Home Park

3. Discretionary Uses

Day Care
Home Based Business (Major & Minor)
Public Use
Public Utility, without an office

4. Site Standards

In addition to the Regulations contained in Sections 6-0 and 7-0, the following standards shall apply to every development in this district.

- a) Lot Area (Min.): 372 m² (4,000 ft²) for Single Wide Manufactured Homes
465 m² (5,000 ft²) for Double Wide Manufactured Homes
- b) Lot Width (Min.): 11.2 m (37 ft) for Single Wide Manufactured Homes
14.3 m (47 ft) for Double Wide Manufactured Homes
- c) Front Yard (Min.): 6.0 m (20 ft)
- d) Rear Yard (Min.): 6.0 m (20 ft)
- e) Side Yard (Min.): 1.5 m (5 ft) for one side and 3.0 m (10 ft) for the other side to provide for fire access
- f) Separation Distance (Min.): 4.5 m (15 ft) between Manufactured Home Units
- g) Site Design: Every manufactured home park shall, to the satisfaction of the Development Officer:
 - (i) have a lighted area of 9.0 m² per manufactured home site;
 - (ii) devote 10% of the gross site area to landscaped open space with playground equipment;
 - (iii) provide and maintain municipal services;

- (iv) provide and maintain a paved private road system;
- (v) provide and maintain street lighting;
- (vi) provide a method of garbage collection and disposal;
- (vii) provide a direct access to a major public road; and
- (viii) provide a surface water drainage system.

h) **Manufactured Home Sites:** Every manufactured home park site shall:

- (i) front onto a private road with a minimum carriageway of 9.7 metres;
- (ii) be clearly marked by means of stakes, fences, hedges, or other means satisfactory to the Development Officer;
- (iii) have at least two off-street parking spaces plus one off-street visitor parking space per four manufactured home park sites; and
- (iv) be hard-surfaced to the satisfaction of the Development Officer.

i) **Buffer:** Every manufactured home park shall maintain on its own property a treed buffer of a width to be determined by the Development Officer.

j) **Access:** For manufactured home parks containing over 50 manufactured home sites, two separate means of access shall be provided. In manufactured home parks under 100 manufactured home sites, this may be in the form of a boulevard road with a central dividing strip, so that in the event of blockage on one side, the other side is available for two-way emergency traffic.

k) **Other Requirements:** The Development Officer may decide on such other requirements as are necessary having regard to the nature of a proposed development and the intent of this District.

SECTION 8-11 C1 DOWNTOWN COMMERCIAL DISTRICT

1. Purpose

The purpose of this district is to provide for office and retail commercial developments intended to locate in the downtown area of Town.

2. Permitted Uses

- Government Service
- Hotel
- Personal Service Establishment
- Professional, Financial and Business Support Office
- Restaurant
- Retail Establishment

3. Discretionary Uses

- Accessory Building
- Apartment
- Commercial Entertainment Facility
- Community Facility or Service Club
- Commercial Recreation Facility
- Eating and Drinking Establishment
- Place of Worship
- Public Utility
- Public Use
- Vehicle Sales and Service

4. Site Standards

In addition to the Regulations contained in Sections 6-0 and 7-0, the following standards shall apply to every development in this District.

- a) Lot Width (Min.): 4.6 m (15 ft)
- b) Front Yard (Min.): None required
- c) Rear Yard (Min.): At the discretion of the Development Officer
- d) Side Yard (Min.): No side yard is required where a firewall is provided
3.0 m (10 ft) where a firewall is not provided or where adjacent to a residential District
- e) Building Height (Min.): At the discretion of the Development Officer
- f) Building Appearance: The design, construction and architectural appearance of any building shall be subject to the satisfaction of the Development Officer.
- g) Apartment Dwelling: Apartment Dwelling in a C1 district shall:

- (i) not be located below the second storey of a building;
- (ii) have direct access to the outside street level; and
- (iii) not be located on the same floor as a non-residential use.

h) Other Requirements:

The Development Officer may decide on such other requirements as are necessary having regard to the nature of a proposed development and the intent of this District.

SECTION 8-12 HD HIGHWAY DEVELOPMENT DISTRICT

1. Purpose

The purpose of this district is to provide for commercial and industrial uses which have extensive land and/or outside storage requirements and are located on heavily travelled roads.

2. Permitted Uses

- Accessory Building
- Bus Depot
- Car Wash
- Convenience Store
- Drive-through Restaurant
- Gas Bar
- General Commercial
- Hotel
- Manufactured Home Dealership
- Motel
- Restaurant
- Retail Establishment
- Service Station
- Vehicle Sales and Service

3. Discretionary Uses

- Contractor Service
- Equipment Sales, Rental and Repair
- Public Utility, without an office
- Storage Yard
- Warehouse

4. Site Standards

In addition to the Regulations contained in Sections 6-0 and 7-0, the following standards shall apply to every development in this district.

- a) Front Yard (Min.): 9.1 m (30 ft)
- b) Rear Yard (Min.): At the discretion of the Development Officer
- c) Side Yard (Min.): 3.0 m (10 ft) although the Development Officer may reduce the side yard requirements whenever there is an abutting railway line, lane or utility lot provided that fire protection regulations are not violated.
- d) Building Height (Max.): At the discretion of the Development Officer
- e) Building Appearance: The design, construction and architectural appearance of any building shall be subject to the satisfaction of the Development Officer.

- f) Vehicular Circulation: Provision for adequate vehicular circulation shall be provided on all sites to the satisfaction of the Development Officer.

- g) Other Requirements: The Development Officer may decide on such other requirements as are necessary having regard to the nature of a proposed development and the intent of this District, also having regard for airport regulations.

SECTION 8-13 M-1 INDUSTRIAL DISTRICT

1. Purpose

The purpose of this district is to provide for manufacturing, processing, assembly, distribution, service and repair uses which have extensive land requirements and require outdoor storage.

2. Permitted Uses

Accessory Building
Contractor Service
General Industrial Use

3. Discretionary Uses

Equipment Sales and Service
Public Utility
Vehicle Sales and Service
Warehouse, Distribution and Storage

4. Site Standards

In addition to the Regulations contained in Sections 6-0 and 7-0, the following standards shall apply to every development in this district.

- a) Lot Area (Min.): 465 m² (5,000 ft²)
- b) Front Yard (Min.): 6.0 m (15 ft)
- c) Rear Yard (Min.): 3.0 m (10 ft) where there is a rear lane
4.6 m (15 ft) where there is not a rear lane
None required where the rear boundary of the site abuts a railway right-of-way
- d) Side Yard (Min.): 4.6 m (15 ft) although the Development Officer may reduce the side yard requirements whenever there is an abutting railway line, lane or utility lot provided that fire protection regulations are not violated.
- e) Building Height (Max.): At the discretion of the Development Officer
- f) Site Coverage (Max.): 60%
- h) Noxious Uses: No use shall be established that is or will become noxious by way of the following:
 - (i) noise;
 - (ii) vibration;
 - (iii) smoke;
 - (iv) heat, humidity and glare; or

(v) any other nuisance factors, and also having regard for airport regulations.

i) Other Requirements:

The Development Officer may decide on such other requirements as are necessary having regard to the nature of a proposed development and the intent of this District.

SECTION 8-14 US URBAN SERVICES DISTRICT

1. Purpose

The purpose of the district is to provide for publicly and privately owned facilities of an institutional, recreation and community service nature.

2. Permitted Uses

- Cemetery
- Community Hall
- Community Recreation Services
- Day Care
- Library
- Place of Worship
- Public Utility
- Public Park
- Schools

3. Discretionary Uses

- Emergency Services
- Hospital
- Parking Lot

4. Site Standards

In addition to the Regulations contained in Sections 6-0 and 7-0, the following standards shall apply to every development in this district.

- a) Front Yard (Min.): 7.6 m (25 ft)
- b) Rear Yard (Min.): At the discretion of the Development Officer
- c) Side Yard (Min.): 4.6 m (15 ft)
- d) Building Height (Max.): At the discretion of the Development Officer
- e) Urban Design: The design, architectural appearance, height and landscaping of any building or structure and all signs must meet with the satisfaction of the Development Officer.

SECTION 8-15 UR URBAN RESERVE DISTRICT

1. Purpose

The purpose of this district is to provide for the continuation of existing rural pursuits that does not compromise the future expansion of urban development.

2. Permitted Uses

Accessory Building
Agriculture Use (Extensive)
Manufactured Home
Single Detached Dwelling

3. Discretionary Uses

Airport
Greenhouses, Plant Nurseries and Market Gardens
Natural Resource Development
Public Use (Temporary)
Public Utility, without an office

4. Site Standards

In addition to the Regulations contained in Sections 6-0 and 7-0, the following standards shall apply to every development in this district.

- a) Lot Area (Min.): At the discretion of the Development Officer
- b) Front Yard (Min.): At the discretion of the Development Officer
- c) Rear Yard (Min.): At the discretion of the Development Officer
- d) Side Yard (Min.): At the discretion of the Development Officer
- e) Building Height (Max.): At the discretion of the Development Officer

SECTION 8-16 DC DIRECT CONTROL DISTRICT

1. Purpose

The purpose of this district is to provide for unique forms of development or to enable development to occur in areas of unique character or circumstance.

2. Development Regulations:

- a) All regulations associated with this district shall be at the discretion of Town Council.
- b) All development shall conform to the provisions of the Town of Spirit River Municipal Development Plan.
- c) All Regulations of the Land Use Bylaw shall apply to the Direct Control District unless such regulations are specifically excluded or modified in the proposed Direct Control District.
- d) When deciding on an application, Town Council shall consider the following:
 - i) existing and future use of neighbouring lands;
 - ii) servicing of the subject property;
 - iii) access to the subject property; and
 - iv) any considerations that are unique to the proposed development and/or the subject property.
- e) The Development Officer may require the applicant to submit any or all of the following documents to support their Application:
 - i) an explanation of the intent of the project and why a Direct Control District is necessary;
 - ii) the features of the project, which make it desirable to the general public, which includes an elevation of how the project complements existing and future plans for the surrounding lands;
 - iii) a detailed development scheme which includes the following information:
 - a. location of all buildings;
 - b. elevation and architectural treatment of all buildings and associated structures;
 - c. proposed servicing scheme;
 - d. all yard setbacks, site coverage, site areas, floor areas, sizes of lots, and number of parking stalls; and
 - e. any other information as requested by the Development Officer so that they may complete a thorough review of the application.

4. Process

- a) Town Council is the approving authority with respect to any Bylaw amendment and Development Permit applications relating to Direct Control Districts.
- b) Prior to making a decision on an Bylaw Amendment application, the Development Authority will provide opportunities for the applicant, adjacent landowners and other interested parties to comment and make submissions on the proposal, in the form of a public meeting. These opportunities will be in addition to the Public Hearing, and will be completed at least four weeks prior to the scheduled First Reading of the proposed Bylaw amendment.
- c) In Accordance with Section 641(4) of the Act, there is no appeal to the Town of Spirit River Subdivision and Development Appeal Board for decisions made by Town Council on applications on lands zoned as Direct Control District.

PART 9 ADOPTION AND REPEAL

SECTION 9-1 BYLAW ENACTMENT:

BEING A BYLAW TO ENACT THE TOWN OF SPIRIT RIVER LAND USE BYLAW NO. 901

WHEREAS The Land Use Bylaw is designed to assist the municipality with the implementation of the policies contained in the Spirit River Municipal Development Plan, AND

WHEREAS The Council of the Town of Spirit River deems it advisable to adopt a new Land Use Bylaw, AND

WHEREAS The Province of Alberta Municipal Government Act, R.S.A., 2006 and amendments, permits the Council to adopt a Land Use Bylaw

NOW THEREFORE

BE IT RESOLVED That the Council of the Town of Spirit River, in the Province of Alberta, Hereby enacts thereof as follows:

This bylaw shall be know as the Town of Spirit River Land Use Bylaw No. 901. Bylaw number 848 with all attachments and amendments are hereby repealed.

This Bylaw shall come into effect on the date of its third and final reading.

Read a first time on the 20th day of April, 2009

Read a second time on the 1st day of June, 2009

Read a third time and passed on the 15th day of June, 2009

MAYOR

CHIEF ADMINISTRATIVE OFFICER

SCHEDULE A LAND USE BYLAW FORMS

Form A	Application for Development Permit Development Permit Application Checklist
Form B	Development Permit
Form C	Notice of Refusal
Form D	Notice of Decision of Development Officer
Form E	Application to Amend Land Use Bylaw Application to Amend Land Use Bylaw Checklist
Form F	Ownership Authorization Form
Form G	Right of Entry Form

Form A

FOR OFFICE USE ONLY Application No. _____ Date: _____ Application fee paid <input type="checkbox"/> Receipt No. _____
--

**Town of Spirit River
Application for Development Permit**

Applicant:			
Interest of applicant if not owner:			
Mailing address:			
	Daytime phone number	Postal code	
Address of property to be developed:			
Legal description:	Lot (parcel)	Block	Plan
	Other legal description		
Existing use:			
Proposed development:			
Estimated:	Date of commencement	Date of completion	
	Value of construction		

For new construction only:

Lot area	Lot width	Lot length	Percentage of lot occupied
Lot type: Interior <input type="checkbox"/>	Corner <input type="checkbox"/>	With lane <input type="checkbox"/>	Without <input type="checkbox"/>
Principle building yards:	Front	Rear	Sides
Accessory building yards:	Front	Rear	Sides

I hereby declare that the above information, and any information provided on the attached site and building plans are, to the best of my knowledge, factual and correct.

Applicant signature:

Date:

The personal information being collected on this form is for the purposes of processing and acting upon the application in accordance with the Municipal Government Act, and is protected by the privacy provisions of the Freedom of Information and Protection Act (FOIPP).

Development Permit Application Checklist

Your application for development permit must include:

- Certificate of Title
- Application fees
- Ownership authorization form (if applicable)
- Right of entry form
- Any other additional information as deemed necessary by the Development Officer

Building plans, in duplicate, showing:

- floor plans;
- elevations; and
- exterior finishing materials.

Site plans, in duplicate, showing:

- legal description of the site, and municipal address;
- north arrow;
- dimensions of the site;
- utilities, site drainage, grade elevations, existing and finished lot grades, the grades of the streets and the location of proposed sewer and water lines;
- the height, dimensions, and relationship to property lines of all existing and proposed buildings and structures including retaining walls, trees, landscaping, other features and location of fencing if deemed necessary by the Development Officer; and
- on applications for multiple family, commercial, industrial, recreational and institutional uses:
 - loading and parking provisions;
 - access locations to and from the site;
 - garbage and storage areas and the fencing and screening proposed for the same
 - location and approximate dimensions of existing and proposed culverts and crossings; and
 - landscaping plan.

Application to Amend the Land Use Bylaw Checklist

In addition to the application form and fees, you must include the following:

- a copy of the Certificate of Title and attachments for the lands affected, and other documents satisfactory to the Development Officer verifying that the applicant has a legal interest in the land;
- properly dimensioned vicinity maps of appropriate scaled indicating the site to be amended, its relationship to existing land uses within a 90 meter (285 ft.) radius of the boundaries of the site; and
- Completed Owner's Authorization (Form F) where the applicant is an agent for the owner.

The Development Officer may refuse to accept an application to amend this Bylaw if the information required has not been supplied or if, in his/her opinion, it is of inadequate quality to properly evaluate the application.

Form F

**Town of Spirit River
Owner's Authorization Form**

FOR OFFICE USE ONLY Application No. _____ Date: _____
--

I, _____ (owner), being the registered owner of

_____ (Legal description)

Do hereby allow _____ (applicant)

To make application for:

- Redistricting
- Development Permit
- Building Permit

Name of owner:		
Mailing Address:		
	Daytime phone number	Postal code
Owner's signature:		Date

Form G

**Town of Spirit River
Right of Entry Form**

<p>FOR OFFICE USE ONLY Application No. _____ Date: _____</p>

I hereby grant consent for the Development Authority, or authorized person of the Town of Spirit River, pursuant of the Municipal Government Act, C.M-26, RSA 2000, as amended, to enter upon the subject land and/or building for the purpose of a site inspection or to take any action necessary to carry out an order to ensure compliance with the Town of Spirit River Land Use Bylaw.

Municipal address of subject property:			
Legal Description:	Lot (parcel)	Block	Plan
	Other legal description		
Owner's signature:			
Date:			

SCHEDULE C AIRPORT OVERLAY

1. Purpose

The Purpose of this Overlay is to regulate land uses surrounding the airport to ensure that they are conducive to the safe operation of the airport facility. The Overlay applies to all lands within the municipal boundaries of Spirit River.

2. Permitted Uses

Those uses outlined in the specific land use district applying to the subject lands.

3. Discretionary Uses

Those uses outlined in the specific land use district applying to the subject lands.

4. Development Regulations:

- (a) Unless otherwise specified by the Development Regulations of this Overlay, Development Regulations shall be those outlined in the specific land use district applying to the subject lands.
- (b) The General Regulations contained in Section 6-0 of this Bylaw shall apply.
- (c) The height of any development shall not exceed the height of any of the airport surfaces, as specified by Airport Height Limitations, and shown on the Land Use Bylaw map which forms a part of this Bylaw.
- (d) The Development Authority shall review all development permits for their potential at attracting birds, creating dust and smoke, or electronic interference with aviation related installations and determine if the impacts are significant and should preclude the approval of the development.
- (e) Approval of development shall be at the discretion of the Development Authority. The impact of the proposed development on the operations of the airport, and the impact of the airport operations on the proposed development shall be the primary considerations of the Development Authority.
- (f) The Development Authority may, at their discretion, refer any application to Transport Canada for review and comment.

Airport Height Limitations

Basic strip

The basic strip is a rectangular area measured 30 meters on each side of the centre line of the runway and 60 meters (200 feet) at each end of the runway.

Take off/Approach surfaces

There are take-off/approach surfaces abutting and extending out from each end of the basic strip and in each case the surface is an imaginary surface consisting of an inclined plane.

- a) the commencement of which coincides with the end of the basic strip;
- b) that rises at a slope ratio of 1:25 (4%) measured from the end of the basic strip;
- c) that diverges outward on each side as it rises, at a rate of 10% measured from the respective projected sides of the basic strip; and,
- d) That ends at its intersection with the outer surface.

Transitional surfaces

There is a transitional surface associated with each side of the basic strip, and in each case the transitional surface is an imaginary surface consisting of an inclined plane that:

- a) commences at and abuts the sides of the basic strip;
- b) rises at a slope ratio of 1:5 (20%) from an elevation at the centre point of the runway opposite the proposed development, and measured from the sides of the basic strip; and,
- c) Ends at its intersection with the outer surface and the take-off/approach surfaces.

Airport zoning reference point elevation

The airport zoning reference point elevation is the elevation used to establish the height of the outer surface and for the purpose of this Overlay is deemed to be 624 meters (2047.24 feet) above sea level.

Outer Surface

The outer surface of the protection area is an imaginary common plane established at a constant elevation of 45 meters (147.6 ft) above the airport zoning reference point elevation and extending to the boundary of the protection area.

SCHEDULE D

LAND USE BYLAW MAP

Town of Spirit River - Draft Land Use Bylaw Map

