

PART 1 GENERAL CONDITIONS

SECTION 1-1 TITLE

This Bylaw is entitled the "Whitecourt Land Use Bylaw".

SECTION 1-2 PURPOSE

1. The purpose of this Bylaw is to regulate and control the use and development of land and buildings within Whitecourt, and to achieve the orderly and economic development of land, and for that purpose, amongst other things:
 - a) to divide Whitecourt into Districts;
 - b) to prescribe and regulate for each District the purpose for which land and buildings may be used;
 - c) to establish a method of making decisions on applications for development permits including the issuing of development permits;
 - d) to prescribe a procedure to notify owners of land likely to be affected by the issue of a development permit, and
 - e) to establish the number of dwelling units permitted on a lot.

SECTION 1-3 APPLICATION

The provisions of this Bylaw apply to all lands and buildings within the boundaries of Whitecourt.

SECTION 1-4 OTHER LEGISLATIVE AND BYLAW REQUIREMENTS

1. Nothing in this Bylaw affects the duty or obligation of a person to obtain a development permit as required by this Bylaw, or to obtain any other permit, license or other authorization required by any Bylaw, Act or any regulation pursuant to those Acts.
2. In addition to the requirements of this Bylaw, an applicant must comply with all federal, provincial and municipal legislation.

SECTION 1-5 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 #1127 and the amendments thereto.

SECTION 1-6 ESTABLISHMENT OF GENERAL CONDITIONS

General conditions shall be set forth in Part 1 of "General Conditions", and the same may be amended in the similar manner as any other part of section of this Bylaw.

SECTION 1-7 INTERPRETATION

1. Notwithstanding the meanings listed in Section 1-8, the 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 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.
4. Unless there is an explicit statement to the contrary in a Direct Control District any reference in a Direct Control District to a land use bylaw shall be deemed to be a reference to the land use bylaw that was in effect at the time of the creation of the Direct Control District.

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” 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.

“ACCESSORY SUITE” means a residential suite subordinate to the principal development, the use of which is incidental to that of the principal use and is located in the same building.

“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 2000 and amendments thereto and the regulations passed pursuant thereto.

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

“AMENITY” means an aesthetic or other physical characteristic or facility that enhances the desirability of an environment. Amenity may include recreational or cultural facilities, a unified building design, views, landscaping, tree preservation or generally attractive site design.

“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.

“AMUSEMENT GAME MACHINE” means a device which, whether mechanical, electrical or electronic, shall be ready for play by the insertion of a coin or token and may be used by the public for playing any game of skill, chance or mixed skill and chance, which is used to afford entertainment or amusement to the operator and without limiting the generality of the foregoing, shall include devices such as pinball machines, video lottery terminals, or any device which utilizes a video tube to reproduce symbolic figures and lines intended to be representative of real games or activities.

“AMUSEMENT ARCADE” means any building or place or part thereof containing a group of more than two amusement game machines.

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

“AUCTIONEERING ESTABLISHMENT” means a development intended for the auctioning of goods and equipment, including Temporary Storage of such goods and equipment.

“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.

“BAKERY” means a development where limited types of prepared foods and beverages, excluding alcoholic beverages, are offered for sale to the public, for consumption within the premises or off the Site.

“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 is provided 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). Bed and breakfasts are divided into two categories: (a) Minor - providing no more than one (1) bedroom for the purposes of paying guests within the home; and (b) Major - providing more than one (1) bedroom up to three (3) bedrooms, for the purposes of paying guests within the home.

“BI-LEVEL” means a dwelling that has the main living area on one storey but raised to such a level that the lower level ceiling is between 0.9m and 1.5m above grade.

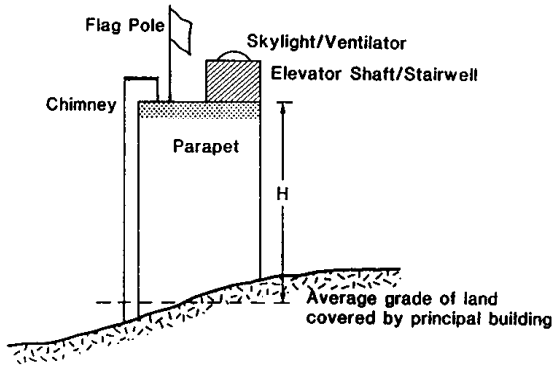
“BOARDING FACILITIES” means an accessory use to a single family dwelling consisting of sleeping facilities which may be in addition to the family accommodations and where cooking and/or sanitary facilities are not developed in addition to those which are in the dwelling unit. Boarding facilities shall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

“BOARDING OR LODGING HOUSE” means any private residence wherein the principal occupant is to be paid or reimbursed by three or more persons, other than his/her immediate family, for room and/or board.

“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.

“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.



“BUSINESS SUPPORT OFFICE” means a development used to provide services to businesses that are characterized by any of the following features: the use of mechanical equipment for printing, duplicating, binding or photographic processing; the provision of office maintenance or custodial services; the provision of office security; and the sale, rental, repair or servicing of office equipment, furniture and machines. Typical Uses include answering service, courier, printing establishments, film processing establishments, and office equipment sales and repair establishments.

“BULK FUEL AND CHEMICAL STORAGE AND DISTRIBUTION” means a development where refined or crude oil, fuel, or liquid or solid chemical is stored outdoors, and includes the storage of dangerous/hazardous substances, as defined by the Dangerous Goods Transportation and Handling Act and the Major Industrial Accidents Council of Canada (MIACC). The development may include facilities for cleaning, blending or packaging of bulk oil, fuel or chemicals, but does not include manufacture of any of these products.

"CAMPGROUND" means a development for the purpose of providing accommodation for recreational vehicles or tents, for a period not exceeding sixty (60) days.

"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 ESTABLISHMENT" 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.

"CHATTEL" means a moveable item of personal property.

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

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

"COMMERCIAL SCHOOL" means a development for instruction and education which is not maintained at public expense and which may or may not offer courses equivalent to those offered at publicly supported education facilities, or private instruction as a home occupation.

“CONDOMINIUM” means a building or lot containing bare land units or other units as defined in the Condominium Property Act.

“CONSUMER PRODUCT WHOLESALE ESTABLISHMENT” means a development allowing the wholesale or retail sales of: plumbing or heating equipment and supplies; home improvement or building supplies; electrical equipment and supplies; general machinery; and manufactured homes or trailers.

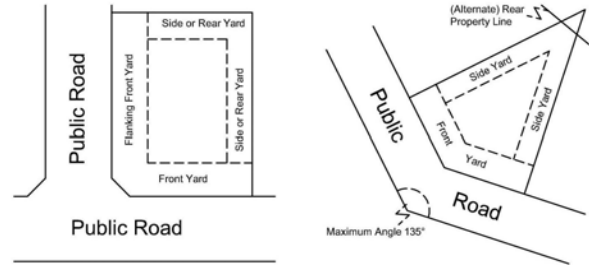
“CONTRACTOR, GENERAL” means a development used for commercial and industrial service support and construction. Typical uses include oilfield support services, laboratories, cleaning and maintenance contractors, building construction, surveying, landscaping, concrete, electrical, excavation, drilling, 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.

“CONTRACTOR, LIMITED” means a development used for the provision of electrical, plumbing, heating, painting, catering and other contractor services, and the accessory sales of goods normally associated with the contractor services where all materials are kept within an enclosed building, and no fleet storage of more than four vehicles or pieces of mobile equipment.

“CONVENIENCE STORE” means a development used for the retail sale of goods required by the neighborhood 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 Whitecourt.

“CREMATORIUM” means a building or mortuary where corpses are cremated.

"CUL-DE-SAC" means a public road, as defined in this Bylaw, that “dead ends” or terminates at one end resulting in public road access to and public road egress from an area occurring or being located at the same point.

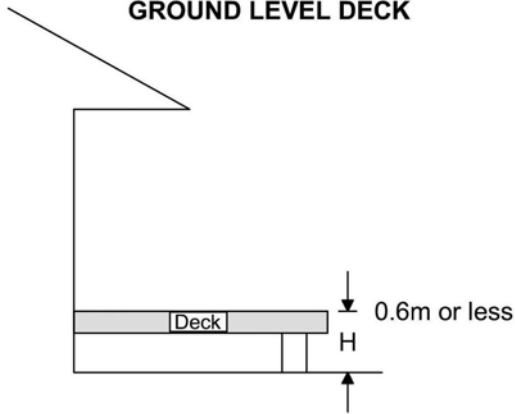
"CURB CUT" means the lowering of a curb, sidewalk or boulevard to provide vehicular or pedestrian access to a lot or roadway.

“DANGEROUS OR HAZARDOUS GOODS” means a product, substance or organism listed in the Dangerous Goods Transportation and Handling Act or by the Major Industrial Accidents Council of Canada (MIACC).

“DAY CARE FACILITY” means a facility and program for the provision of care, maintenance and supervision for four or more children under the age of 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.

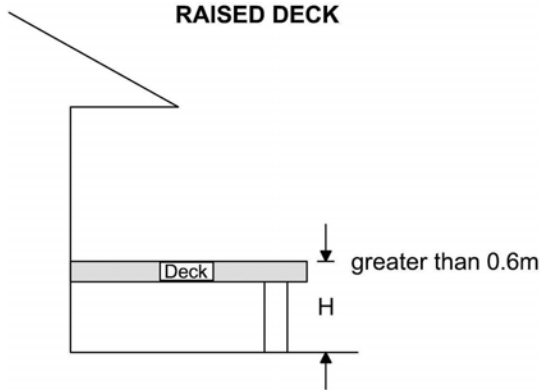
“DECK, GROUND LEVEL” means an unenclosed amenity area of concrete, brick, wood or other material that is constructed at grade or attached to a dwelling. The overall height (H) of a ground level deck shall be 0.6m or less measured from finished grade to the upper surface of the supporting structure, as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

GROUND LEVEL DECK



“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:

RAISED DECK



“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) a person appointed as a Development Officer; or (b) the Municipal Planning Commission.

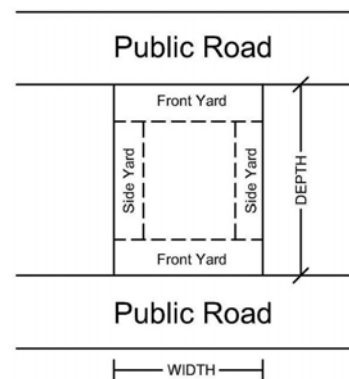
“DEVELOPMENT OFFICER” means the Town’s official responsible for receiving, considering and deciding on applications for development, and such other duties as specified under this Land Use Bylaw.

“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 Municipal Planning Commission.

“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.

“DUPLEX” means a dwelling containing two dwelling units and either sharing one common wall in the case of side-by-side units, or having the dwelling area of one located above the dwelling area of the other in the case of vertical units, each with a private entry.

“DWELLING, PERMANENT” means any building or structure used exclusively for human habitation and which is supported on a permanent foundation or base extending below ground level and includes multiple dwellings, apartments, lodging and boarding houses.

“DWELLING, TEMPORARY” see TEMPORARY BUILDING.

“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 FACILITY” 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.

“ENVIRONMENTALLY SENSITIVE AREA” means those lands which because of their environmental sensitivity cannot withstand intensive uses. Without restricting the generality of the foregoing, this shall include steep slopes, unstable soils, certain wildlife habitat and wetlands, and lands which are unique natural environments.

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

“EXTENSIVE RECREATION” means uses which take advantage of natural physical features and to provide for non-facility oriented recreational activities such as golf, boating, hunting, trail riding, snowmobiling, hiking, skiing, rustic camping and similar uses.

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

“EXPLOSIVES MANUFACTURING AND STORAGE” means development that provides the manufacturing and/or storage of explosives. This development can be a fixed site for the manufacture of blasting explosives, ammunition or fireworks, etc., or, in the case of bulk explosives, it can be the base of operations with the facilities necessary to clean, decontaminate and repair vehicles that

support satellite sites, customer sites, and temporary factories from which trials and demonstrations may be conducted and where the manufacture of the product occurs.

“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.

“FAMILY CARE FACILITY” means a facility which provides resident service in a private residence to six or fewer individuals who are not related to the resident household. These individuals shall be handicapped, aged, disabled, or in need of supervision, on a temporary or long-term basis, in accordance with their individual needs. This use includes the following and such similar uses as: foster or boarding homes for children, day care centres, group homes, and family homes. This use does not include such uses as open custody young offender facilities or psychiatric care facilities.

“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.

“FLOOR AREA” means the greatest horizontal area of a building above grade within the outside surface of exterior walls, or within the glass line of exterior walls and the centre-line

of fire walls, but not including the floor areas of basements, attached garages, sheds, open porches or breezeways.

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

“FOURPLEX” means four dwelling units so attached that each unit has two common party walls.

“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.

“FUNERAL HOME” means a development used for the preparation of the dead for burial or cremation, and the holding of funeral services.

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

“GARDEN CENTRE” means a development primarily for the retail sales of plants and plant materials, and may include the sale of associated hardware, landscaping materials, and hard landscape fixtures, or garden amenities.

“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.

“GREENHOUSE” means a development where the raising, storage, basic processing and sale of fruits and vegetables, including bedding, edible, household and ornamental plants. This use includes nurseries.

“GROSS LEASABLE AREA” means the total floor area of the building contained within the outside surface of the exterior and basement walls and includes enclosed and heated malls but excludes mechanical and utility rooms, public washrooms, stairwells and elevators.

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

“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.

“HARDWARE / HOME IMPROVEMENT ESTABLISHMENT” means development used for the retail sale of household goods, appliances, flooring, fixtures, furniture, hardware, and similar goods from within an enclosed building.

“HAZARD LANDS” means lands identified by the Development or Subdivision Authority, as the case may be, in consultation with Alberta Environment, the Alberta Energy and Utilities Board, the Health Unit, or other provincial agencies, as being potentially hazardous or less suitable for development due to public safety and/or increased liability relating to soils, slopes, groundwater, flooding or proximity to resource extraction works or facilities, particularly sour gas works or facilities.

“HIGHWAY” means Highway 32 or 43 within the Town limits.

“HOME OCCUPATION” means any occupation, trade, profession or craft, other than a day care facility or bed and breakfast as defined in this Bylaw, carried on by an occupant of a residential building as a use secondary to the residential use of the building and which does not change the character thereof or have any exterior evidence of such secondary use other than a small nameplate not exceeding 0.3m² in area. A home occupation does not include the keeping of stock-in-trade, nor the employment of more than one paid assistant other than the occupant and the occupant’s family.

“HOME OFFICE” means a home occupation, which is limited to the operation of an office in the residence and employs only occupants of the residence in the office operation.

"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.

"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.

"HOUSEHOLD EQUIPMENT REPAIR SERVICE" means a development used for the provision of repair services to goods, equipment and appliances normally found within the home. This Use class includes electronics, computers, radio, television and appliance repair shops, furniture refinishing and upholstery shops.

"INDUSTRIAL SUPPORT" means a development that provides cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with the oil and gas industry and may include the storage or shipping of such materials, goods and equipment, including petrochemical products and supplies. This definition applies to oil and gas and forestry industry support operations and includes, but is not limited to, seismic and surveying, well servicing, oilfield haulers, pipeline contractors and welding operations.

"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.

"LOT, INTERIOR" means a lot which is bounded by only one road.

"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.

"MEDICAL CLINIC" means a development used for the provision of publicly owned or privately owned physical and mental health services on an outpatient basis.

"MINI STORAGE FACILITY" means a building used for the rental of small-compartmentalized indoor storage units to the general public, with each unit in the building not exceeding 50m² in area.

"MINOR" means where added as a prefix or suffix to a permitted or discretionary use, a use which due to its nature or relatively small size will, at the discretion of the Development Authority, have a limited impact on surrounding uses, or which is intended to serve a small or local rather than a major or municipal area.

"MIXED USE DEVELOPMENT" means a building designed for more than one type of land use on the same parcel of land, such as residential and retail development, residential, and office and retail development, or office and warehouse development.

"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.

"MOTEL" means a development used for the provision of rooms or suites for temporary accommodation where each room or suite has its own exterior access, may be equipped with individual kitchen facilities, and may have a meal service for guests. Motels may include food and beverage establishments.

"MOVING AND CARTAGE FIRMS" means a development that uses a fleet of vehicles for the delivery of goods, where such vehicles are not available for sale or long term lease.

"MULTI-FAMILY DWELLING" means a dwelling containing three or more dwelling units.

"MUNICIPAL DEVELOPMENT PLAN" means the Town of Whitecourt 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.

"MUNICIPAL TAG" means a tag or ticket wherein the person alleged to have committed a breach of the provisions of this bylaw is given an opportunity to pay a voluntary penalty to Whitecourt in lieu of prosecution for the offence.

"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 excavation, sand and gravel processing, logging, forestry operations, petroleum exploration, petroleum extraction, and mining.

"NOISE SENSITIVE LAND USES" means churches, schools, hospitals, dwellings and other land uses where activities would be adversely affected by high noise levels from abutting land uses.

"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.

"PRIVATE CLUB OR LODGE" means a development used for the meeting, social or recreational activities of members of non-profit, philanthropic, social service, athletic, business or fraternal organizations, and does not include any on-site residence(s).

"PRIVATE SWIMMING POOL" means a swimming pool as defined in the Alberta Building Code.

"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, 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.

"PROFESSIONAL AND MEDICAL OFFICES" means development primarily used for the provision of professional and medical services. Typical uses include the following and similar uses: offices of lawyers, accountants, engineers, planners, doctors and architects; and offices for real estate and insurance firms.

"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 Whitecourt; (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.

"PUBLIC UTILITY LOT" means a lot or parcel of land used in the distribution, maintenance and housing of a Public Utility.

"RECREATION ESTABLISHMENT" means a development providing facilities within an enclosed building for sports and active recreation where patrons are predominantly participants and any spectators are incidental and attend on a sporadic basis.

"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.

"SALVAGE ESTABLISHMENT" means development used for the collection and temporary storage of materials. These developments operate out of doors within a fenced compound.

"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.

"SECOND HAND STORE" means a retail store whose merchandise may include previously owned goods offered for sale or for sale on a consignment basis to the general public.

"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.

"SEMI-PUBLIC USE" or "QUASI-PUBLIC USE" means a development, which is used for the meeting, social or recreational activities of its members, which may or may not include the general public. Typical semi-public uses include private schools excluding commercial schools, indoor and outdoor recreational facilities, hospitals, lodges and clubs, cemeteries, galleries, museums, churches and places of worship, and libraries.

"SENIOR CITIZEN HOUSING" means a residential building consisting of more than fifteen sleeping rooms where meals and/or lodging for four or more elderly persons are

provided for compensation pursuant to previous arrangements or agreement.

"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.

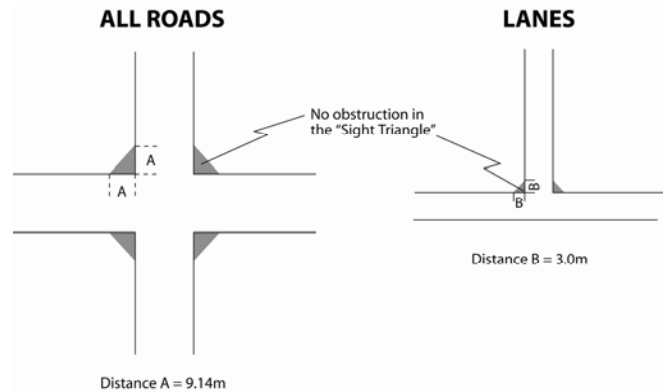
"SERVICES" means installations/programs providing for and/or relating to the treatment and distribution of potable water, the management of stormwater, the collection and treatment of sewage, roads, sidewalks, street lighting and shallow services such as electricity, gas and telephone; and education, recreation, fire protection, policing, health, welfare and other social programs that support the community.

"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.

"SHOPPING CENTRE" means an architecturally unified group of retail and personal service establishments on a site planned and developed and managed as a single operating unit or group of owners or tenants and characterized by the sharing of common parking areas and driveways.

"SHOW HOME" means a permanent dwelling, which is constructed for the temporary purpose of illustrating to the public the type or character of a dwelling or dwellings to be constructed in other parts of a subdivision or development area.

"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.

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

“STATUTORY PLAN” means an Intermunicipal Development Plan, Municipal Development

Plan, Area Structure Plan, or Area Redevelopment Plan pursuant to the Act.

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

“STOREY, HALF” means that part of any building wholly or partly within the framing of the roof, where the habitable floor area is not more than 70% of the ground floor.

“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 Municipal Planning Commission 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 Whitecourt 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.

"THEATRE" means development specifically intended for an assembly of people to view live performances, and or motion pictures. Typical Uses include auditoria, cinemas, and concert halls.

"TOWN 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.

"TRIPLEX" means a building containing three dwelling units each with individual exterior access.

"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.

"VETERINARY CLINIC" means a development for the purpose of treatment, boarding, training, or grooming of animals and includes retail sales of associated products. This includes such uses as veterinary clinics and grooming, boarding and breeding kennels, impounding and quarantining facilities and animal shelters, but does not include the sale of animals.

"WALKWAY" means a public right-of-way in which no motor vehicle, as defined in the Motor Vehicle Administration Act, is permitted to operate.

"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.

"WASTE MANAGEMENT" means a site used primarily for the storage, processing, treatment and disposal of solid and liquid wastes, which may have adverse environmental impact on sites either abutting or in the vicinity by virtue of potential emissions and appearance. Typical uses include sanitary landfills, garbage transfer and compacting stations, facilities for the recycling of materials, incinerators, sewage lagoons, wrecking and scrap metal yards, and similar uses.

"WATERBODY/WATERCOURSE" means the bed and shore of a river, stream, lake, creek, lagoon, swamp, marsh, or other natural body of water whether it contains or conveys water continuously or intermittently.

"WHITECOURT" means the Town of Whitecourt.

"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.