

PART 6 SITE PROVISIONS

SECTION 6-1 ESTABLISHMENT OF SITE PROVISIONS

Site provisions shall be set forth in Part 6 and may be amended in the same manner as any other Part or Section of this Bylaw.

SECTION 6-2 ACCESS TO BUILDINGS AND UTILITIES

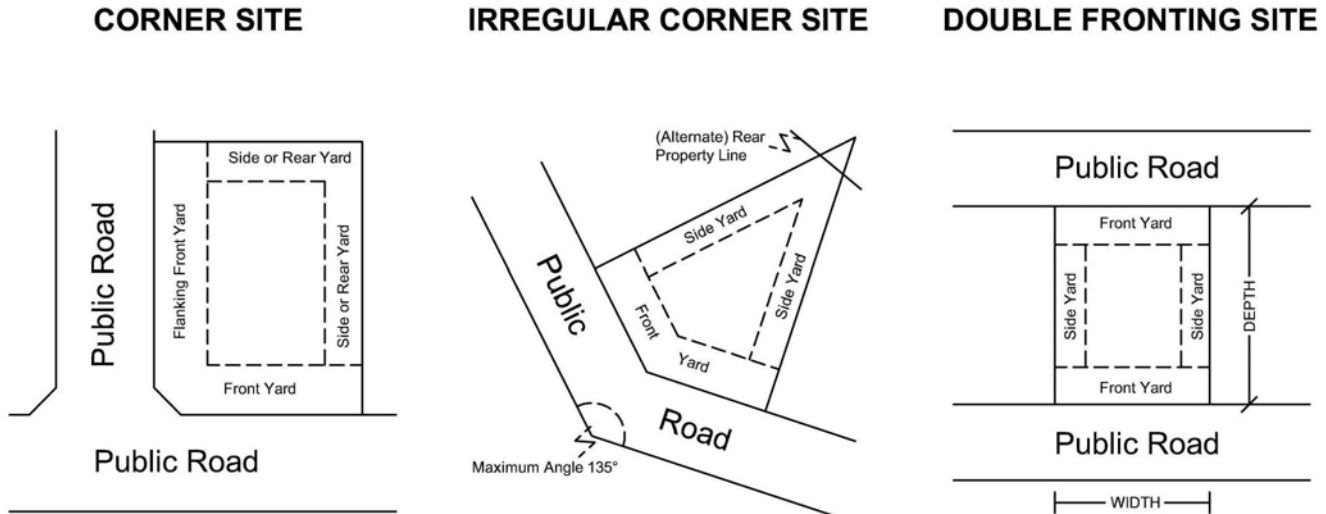
1. Sites shall be so designed that, in the opinion of the Development Authority, appropriate access for fire fighting equipment is afforded to all buildings.
2. On at least two sides, one of which shall be the longest side, of any building used as an apartment building and which exceeds two storeys in height, there shall be firm level areas accessible for fire fighting equipment for at least 75% of the length of each of the two sides of the building. Such areas shall not be less than 4.25m in width and not more than 3.0m from the building, and no permanent structure or vehicular parking shall be permitted thereon.
3. A lane or lanes for the purpose of permitting the access of fire fighting equipment to all major access points of shopping centre buildings and to all fire risk utilities on the shopping centre site shall be provided, and no permanent structures or vehicular parking may be permitted thereon.
4. In the case of industrial, commercial, multiple family, or public or quasi-public sites, distance from a fire hydrant, postal box, or above ground utility fixture and any driveway or access point shall be a minimum of 3.0m. In the case of single-family sites the distance between a fire hydrant, postal box, or above ground utility fixtures and any driveway or access point shall be a minimum of 1.85m.

SECTION 6-3 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 Subsection 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 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 12.0m in height.

SECTION 6-4 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 of this Bylaw.



SECTION 6-5 DESIGN, CHARACTER AND APPEARANCE OF BUILDINGS

1. The purpose of this Section is to provide the Town with controls to ensure the good and compatible design, character and appearance of buildings throughout the Town.
2. The quality of exterior treatment and design of all buildings shall be to the satisfaction of the Development Authority.
3. Pursuant to Subsection 2, the Development Authority 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, and
 - 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 6-6 DWELLING UNITS ON A PARCEL

1. Except as otherwise provided under this Section, there shall only be one dwelling unit per lot.

2. Subsection 1 does not apply to:
 - a) buildings designed for, or divided into, two or more dwelling units and is located in a land use District which permits such multiple family dwellings;
 - b) dwellings containing secondary suites;
 - c) dwellings that are located within an approved Manufactured Home Park, or
 - d) a building as defined in the Condominium Property Act that is the subject of a condominium plan to be registered in a Land Titles Office under the Act, and has been approved by the Town.

SECTION 6-7 EXCAVATION, STRIPPING AND GRADING

1. For the purpose of this Section, excavation shall mean excavation other than for construction or building purposes, including but not limited to, sand and gravel mining, topsoil stripping, and construction of artificial bodies of water.
2. An applicant for a development permit for the excavation, stripping or grading of land, which is proposed without any other development on the same land, shall include with the application the following information:
 - a) location of the lot, including the municipal address, if any, and legal description;
 - b) the area of the lot on which the development is proposed;
 - c) the type of excavation, stripping or grading proposed, showing the dimensions of the operation or the area of the land and depth to which the topsoil is to be removed;
 - d) location on the lot where the excavation, stripping or grading is to be made on the lot, and
 - e) the condition in which the excavation, stripping or grading is to be left when the operation is complete or the use of the area from which the topsoil is removed.
3. Where topsoil is removed as a commercial loading operation:
 - a) a development permit issued by the Development Authority shall be required prior to the removal of any material, and
 - b) conditions of permit approval shall require that a minimum coverage of topsoil, 0.2m in depth, shall be left over the area of removal, and that conservation measures of seeding the removal area to grass or legume mixture be carried out within an effective period of time.
4. Where, in the process of development, areas require leveling, filling, or grading, the topsoil shall be removed before work commences, stockpiled, and replaced following the completion of the work.
5. Where certain commercial or industrial developments are concerned, replacement of topsoil may not be necessary. However, topsoil shall be removed prior to permanent construction, paving or graveling operations in areas for loading zones, display or parking lots, access drives and other similar uses.

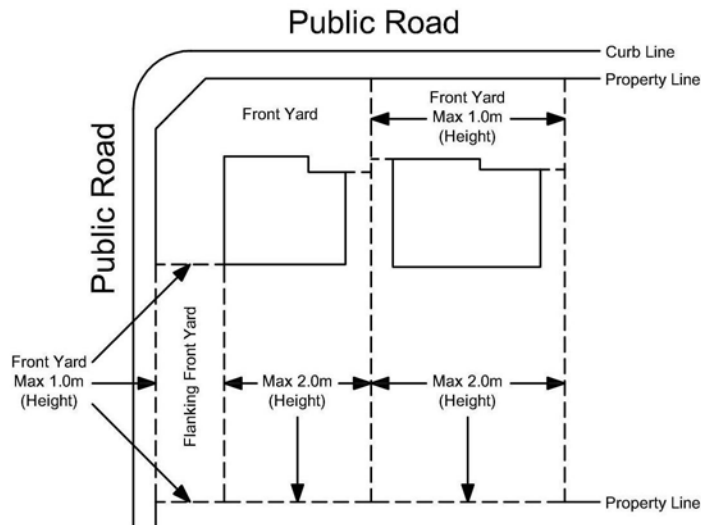
SECTION 6-8 FENCES AND HEDGES

In any District, except as herein provided,

1. No fence shall be constructed or hedge allowed to grow that is:
 - a) higher than 2.0m for the portion that does not extend beyond the foremost portion of the principal building on the site, or

- b) higher than 1.0m 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 in height, provided adequate site lines are maintained, or
- c) in the case of corner sites, more than 1.0m 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 Whitecourt.

SITING OF FENCES



- 2. In the case of drive-in 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 in height and no higher than 2.0m abutting to residential areas.
- 3. Notwithstanding Subsection 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 in any Industrial or Urban Reserve District, no barbed wire fences shall be permitted below a height of 2.0m. 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 Whitecourt, and include the height of retaining walls supporting the fence or hedge.

SECTION 6-9 LANDS SUBJECT TO FLOODING OR NEAR SLOPES

1. Notwithstanding the District Regulations, a proposed development located within the Flood Hazard Area, as defined by the WHITECOURT FLOODPLAIN STUDY, produced by Alberta Environment, and as amended from time to time, shall be flood proofed by design or elevation to the design flood level.
2. In reviewing applications for developments within the Flood Hazard Area, the Development Authority shall ensure the proposed development conforms to the following criteria:
 - a) storage and temporary uses may be permitted in the flood hazard area;
 - b) residential or institutional uses where the inhabitants would be exposed to significant safety risk if involved in an emergency evacuation situation, shall not be permitted;
 - c) notwithstanding the District Regulations, commercial and industrial uses may be permitted where the owner or developer has landfilled or otherwise flood-proofed the area or structure to be developed, and
 - d) developments with respect to uses storing or handling chemical, hazardous or toxic substances shall not be permitted to be located in the flood hazard area, unless the site has been landfilled above the design flood level.
3. Notwithstanding the District Regulations, no development shall be permitted within 20.0m from the top or bottom of the escarpment bank, as defined by the critical slope contours in the Whitecourt Municipal Development Plan-Constraints Map, or from any steep slope where the grade exceeds 30%. The Development Authority may at their discretion reduce the setback requirements if the applicant provides satisfactory study of bank stability, or approval from Alberta Environment.
4. The Development Authority, at their discretion, may require the applicant to enter into a development agreement or save harmless agreement with the Town, relieving the Town of responsibility for any damage to or loss of the development caused by flooding, subsidence or erosion.

SECTION 6-10 LANDSCAPING AND SITE GRADING

1. Any portion of a site area not occupied by buildings or parking/storage areas shall be landscaped or maintained in its natural state. Landscaping may consist of hard landscaping or soft landscaping, or some combination of them.
2. Where landscaping is required pursuant to the regulations of a medium or high density residential land use District or a non-residential land use District, the applicant shall provide a detailed landscape plan. The developer may incorporate the required landscaping plan on the site plan, including:
 - a) common names;
 - b) location of trees and shrubs;
 - c) number of trees and shrubs;
 - d) landscape details specifying the mixture of coniferous and deciduous trees and shrubs designed to provide landscape enhancement for year round effect, and
 - e) required landscaped areas not covered by seed/sod which may include, in combination with shrubs/flowers, any or all of the following:
 - i) mulch beds consisting of landscaping fabric and mulch with a minimum depth of 5cm;
 - ii) "rip-rap" rock beds consisting of landscaping fabric and rock with a diameter of not less than 10cm;
 - iii) "crushed rock" consisting of landscaping fabric and rock with a diameter of 2.5cm or less;

- iv) paving stones/stamped asphalt or concrete for walkways, outdoor eating areas, parking lots may be considered for up to 50% of the required landscaped area, or
 - v) raised planters constructed with concrete, concrete blocks or wood with a height of not less than 0.61m (2ft) or flower boxes attached to the building/structure.
 - f) The Development Authority may require that the landscape plan be prepared by a landscape architect or technologist.
3. If a landscaped screening buffer is required abutting to a residential use, the landscaped buffer:
- a) shall be a minimum of 3.0m in width;
 - b) shall include a mix of deciduous and coniferous trees with at least 60% of these trees being coniferous;
 - c) shall include trees which are at least 6.1m high at maturity, and
 - d) may include shrubs in addition to trees provided that the shrubs are at least 1.83m high at maturity.
4. 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.
5. 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.
6. If a landscaped area is required abutting to a boulevard, the tree species and planting shall be similar to, or complement, the boulevard trees. No hard landscaping shall be permitted in areas located between the back of curb of a street and the property line of the subject site.
7. Securities
- a) As a condition of a development permit, a letter of guarantee, an irrevocable letter of credit or cash deposit may be required in the amount equal to 100% of the estimated landscaping costs. The amount shall be based on rates as established by resolution of Council.
 - b) If the landscaping is not completed within two years of the date the development permit is issued, then the cash or proceeds of the Letter of Credit shall be used by Whitecourt to undertake the landscaping. If such amount shall be insufficient to cover the cost of the work the deficiency shall be a debt due from the developer to Whitecourt.
 - c) The security shall be released to the developer, upon written request, once an inspection of the site demonstrates to the satisfaction of the Development Authority that the landscaping has been well maintained and is in a healthy condition after completion of the landscaping. The inspection shall take place within four weeks of the date of the written request.
8. Residential driveways connecting to a street must be paved or otherwise hard surfaced within two (2) years of occupancy.
9. Commercial, industrial, multi family residential, or institutional driveways and parking areas that are connected to a paved roadway must be paved or otherwise hard surfaced within two (2) years, or have otherwise provided security to Whitecourt, to ensure paving is completed.

10. All sites shall be graded to direct surface drainage to public parks, reserves, boulevards, ditches, or roads, in accordance with the grade information provided by the land developer. Where drainage along property lines is provided within or outside of easements (lots backing onto each other), the design grades shall be maintained and drainage courses not obstructed.
11. The building grade (garage entry/top of fill) shall be set at the minimum setback from front and side property lines. Ground level shall slope down to the side property line from these points at a minimum 2%. The slope of ground along the property line to the design corner elevations shall be continuous, without breaks or changes in slope.
12. If it is not possible for an owner to meet the designed grades, or the owner chooses to deviate from the design grading, it is the owner's responsibility to ensure the changes are made within his property, without adversely affecting abutting property. Retaining walls or special sloping are the responsibility of the party deviating from design grade.

SECTION 6-11 OBJECTIONABLE ITEMS IN YARDS

1. No person shall keep or permit in any part of a yard in any residential District any dismantled or wrecked vehicle.
2. No person shall keep or permit in any part of a yard in any District:
 - a) any object or chattel which, in the opinion of the Development Authority, is unsightly or tends to adversely affect the amenities of the District, or
 - b) any excavation, storage or piling up of materials required during the construction stage unless all necessary safety measures are undertaken, and the owner of such materials or excavations assumes full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work.
3. In commercial and multi family residential Districts, garbage shall be stored in weatherproof containers, screened from abutting sites and public thoroughfares to the satisfaction of the Development Authority, and shall be in a location easily accessible for pickup.
4. Recreational Vehicles
 - a) From April 1st to October 31st inclusive, on a residential site with no rear lane, one recreational vehicle may be parked on a driveway in the front yard or, in the case of a corner lot, in a side yard, provided that no portion of the recreational vehicle is located within 1.5m of the interior edge of the sidewalk, or where no sidewalk exists, from the curb.
 - b) From November 1st to March 31st, on a residential site with no rear lane, one recreational vehicle may be stored on site provided that no portion of the recreational vehicle is located within 6.1m of the front property line.

SECTION 6-12 ON-SITE AND OFF-SITE SERVICES AND IMPROVEMENTS

1. Where any on-site services or improvements, or any off-site local improvements are required to service a proposed development, a person shall not begin the excavation for the foundation nor commence the development until the Development Authority is satisfied that such services will be provided or improvements will be undertaken.

2. No development permit shall be issued for a development to be served by private sewer and water systems until the systems have been approved by the appropriate Municipal and Provincial authorities having jurisdiction.

SECTION 6-13 POLLUTION CONTROL

1. In any District, no storage, use of land, or development may be undertaken which would, in the opinion of the Development Authority:
 - a) unduly interfere with the amenities of the District, or
 - b) materially interfere with or affect the use, enjoyment or value of neighbouring properties, by reason of excessive noise, smoke, steam, odor, glare, dust, vibration, refuse matter, or other noxious emissions or containment of hazardous materials, or
 - c) pollute or contaminate the site.

SECTION 6-14 PROJECTIONS OVER YARDS

1. On a lot in a residential land use District, components of the principal building supported by cantilever and less than 2.5m wide including balconies, sills, canopies, eaves, chimneys, open verandas, unenclosed steps, raised decks, or other protrusions may project:
 - a) into a required front or rear yard a maximum of 1.2m, or
 - b) into a required side yard, a maximum of 0.6m, provided that the protrusion does not interfere with any required vehicle access.
2. In any land use District, the eaves of an accessory building may project into any required side or rear yard a maximum of one half the width of the required yard, or 0.5m, whichever is less.
3. On a lot in a commercial land use District, the parts of and attachments to a principal building which may project over or onto a front, side or rear yard are:
 - a) a canopy or extension over a front yard or side yard if the projection complies with the sign regulations contained in Part 9, and
 - b) a canopy or extension over a rear yard if the projection is at least 4.0m above the surface of the yard and does not obstruct the normal use of the yard (setback of District).

SECTION 6-15 PUBLIC LANDS AND TOWN BOULEVARDS

1. All developments on lands owned by Whitecourt shall require a development permit.
2. Notwithstanding Subsection 1, the owner(s) of a lot shall develop the boulevard abutting their property by excavating, backfilling, leveling or consolidating to final grade, and seed or perform other works that may be necessary to develop a turf boulevard, with all work entirely at the owner's expense.
3. Any development, planting or other development not authorized by a development permit shall be done at the owner's risk, and any damage to municipal services caused by the growth, removal or maintenance of such development shall be the responsibility of the owner.

SECTION 6-16 PUBLIC UTILITY BUILDINGS AND EASEMENTS

1. Notwithstanding other regulations in this Bylaw, a person erecting a public utility facility or placing utility equipment on a site shall cause it to be placed in a location and with yard setbacks, which are satisfactory to the Development Authority.
2. Utility lots, utility buildings and publicly owned buildings may be permitted in any District except as specifically regulated elsewhere in this Bylaw.
3. Subject to the conditions of a utility easement, no permanent structure other than a fence shall be constructed or placed on that utility easement unless:
 - a) in the opinion of the Development Authority the said structure does not restrict access to the utility easement for the purpose of installation and maintenance of the utility, and
 - b) written consent has been obtained from the person for whose use the easement has been granted.

SECTION 6-17 RELOCATION OF BUILDINGS

1. No person shall:
 - a) place on a lot a building which has previously been erected or placed on a different lot, or
 - b) alter the location on a lot of a building, which has already been constructed on that lot, unless the Development Authority approves the placement or alteration.
2. An approval shall not be granted under Subsection 1 unless the Development Authority is satisfied that:
 - a) the placement or location of the building would meet the requirements of this Bylaw, and
 - b) the building and the lot meet the requirements Bylaw and the land use District in which it is proposed to be located.
3. All buildings shall be of a permanent construction, except in Districts, or as otherwise specified, which would permit buildings or dwellings of a temporary nature.

SECTION 6-18 ZERO SIDE YARD DEVELOPMENTS IN RESIDENTIAL DISTRICTS

1. Where developments are proposed which are permitted to have a zero side yard, the regulations of this Section and the regulations of the land use District in which the development is proposed shall apply.
2. Prior to the approval of any zero side yard development, plans showing grading and drainage on abutting sites must be submitted and must be deemed acceptable to the Development Authority.
3. Easements are required:
 - a) Where a zero side yard is permitted, on the site abutting that side yard for the maintenance of all principal and accessory buildings, and for any overhang of principal or accessory buildings onto that abutting site. The Development Authority or Municipal Planning Commission may require that an easement plan be registered in addition to the normal plan of subdivision.

- b) Subsection 3(a) does not apply where abutting owners are permitted pursuant to this Bylaw to construct attached dwellings, principal buildings or accessory buildings (including garages) which are attached at the lot boundary or which will abut each other at the lot boundary.
 - c) Where an accessory building is permitted to have a zero side yard abutting a lot, the applicant will be responsible for the negotiation and registration of any easements required pursuant to Subsection 3(a) prior to the issuance of a development permit for the zero side yard development proposal.
4. Where a plan is accepted for a zero side yard project or zero side yard site, and where that plan indicates the location or alternative locations for future accessory buildings (including garages) on the site, easements required under Subsection 3 shall be provided for all possible alternative future locations of accessory buildings at, or prior to, the time of the development of the principal building.
5. Side Yard Setbacks shall be:
- a) zero for one side, except where a lot in which the principal or accessory buildings are permitted to have a zero side yard abuts another land use District, in which case the minimum side yard setback from the boundary abutting the abutting District shall be 1.5m, or
 - b) 3.0m except that where a parking space is provided in the required side yard and abutting to a zero side yard of another unit, the minimum side yard setback where the parking space is provided shall be 3.5m.
 - c) No part of any structure or building shall be erected within 5.0m of the street boundary flankage front yard of a zero side yard lot.
6. Notwithstanding other sections of this Bylaw, at the discretion of the Development Authority, approval may be given and a Development Permit may be issued on a zero side yard development prior to the registration of a plan of subdivision for the development, if the development is in conformance with a site plan that proposes future subdivision to accommodate the zero side yard development provided that:
- a) subdivision approval has been previously given on the proposed site by the subdivision approving authority;
 - b) a preliminary survey plan has been undertaken and applied to the land to establish the location of buildings proposed;
 - c) after the registration of the plan, the development will be in conformance with all regulations of this Bylaw, and
 - d) the developer will be held responsible under Part V of this Bylaw for any development that is undertaken which is not in conformance with the Bylaw prior to, or after the registration of the plan of subdivision.
7. Where Subsection 6(a) is enforced, the plan of subdivision must be prepared and registered immediately upon the completion of foundations and, at the discretion of the Development Authority, prior to any further development taking place on the site.