

PART 7 SPECIAL LAND USE PROVISIONS

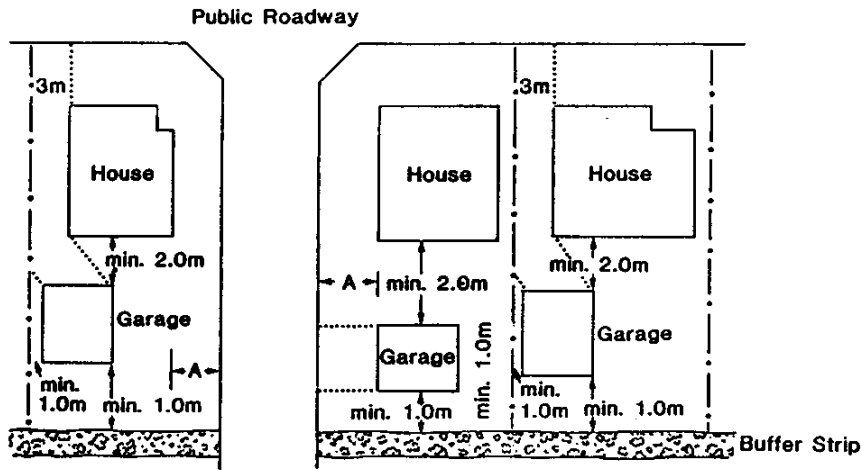
SECTION 7-1 ESTABLISHMENT OF SPECIAL LAND USE PROVISIONS

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

SECTION 7-2 ACCESSORY BUILDINGS AND STRUCTURES

1. Where a structure is attached to the principal building on a site by a roof, an open or enclosed structure, it is to be considered a part of the principal building and not as an accessory building. Ground level decks are exempt from this section.
2. Residential Districts
 - a) An accessory building shall not exceed one storey nor 5.5m in height from the inside wall grade to the top of the roof.
 - b) The combined coverage of all accessory buildings shall not exceed the coverage of the principal building, nor shall the combined area of attached garages and accessory buildings exceed 85.0m² or 80% of dwelling floor area, whichever is greater.
 - c) Unless otherwise provided in this Bylaw, accessory buildings shall be located:
 - i) a minimum of 2.0m from any dwelling or attachment to a dwelling;
 - ii) with the exception of front detached garages or carports, no closer to the front property line than the front line of the dwelling (detached front garages or carports shall not encroach on any required front yard, and shall be a minimum of 1.5m from any side property line);
 - iii) no closer than 1.0m to any side or rear property line (excepting where an agreement exists between the owners of abutting properties to build their accessory buildings centered on the property line, with a suitable fire separation, as provided in the Alberta Building Code) for buildings that do not exceed a height of 4.0m provided there is not any encroachment on any required easement. For buildings in excess of 4.0m in height, the side yard setback shall be increased to 1.5m.
 - iv) At the discretion of the Development Authority, on a zero side yard setback, provided they are located on the same zero side yard as the located on the same zero side yard as the principal buildings, and provided the provisions under Section 6-18 are adhered to.
 - v) At the discretion of the Development Authority, on a zero side or rear yard setback provided that the structure is not more than 1.8m high, not larger than 10.0m² and is no closer to the front property line than the front line of the dwelling.
3. Accessory buildings shall not be used as dwellings.
4. In all other Districts, the provisions for accessory buildings and structures will be at the discretion of the Development Authority unless otherwise provided for in this Bylaw.

SITING OF ACCESSORY BUILDINGS



A. No closer than Principal Dwelling.

SECTION 7-3 AMUSEMENT ARCADES, VIDEO MACHINES, AND VIDEO LOTTERY TERMINALS

1. General Provisions

- a) No person shall install more than two amusement machines as an accessory or principal use without obtaining a development permit from the Development Authority.
- b) The Development Authority, in reviewing an application for an amusement arcade, shall have due consideration with respect to the arcade’s potential negative impacts on abutting land uses, and on schools in the neighbourhood.
- c) Adequate space shall be provided for each amusement game machine so as to allow its use without overcrowding. There shall be a maximum of one machine per 2.25m² of floor area.
- d) A maximum of two amusement game machines shall be considered as accessory to the following permitted business or commercial uses, (other than an arcade or recreational establishment): convenience stores, patron areas of malls, hotel lobbies, drinking establishments, fast food restaurants, and may be permitted provided that the floor area of such businesses is adequate in the opinion of the Municipal Planning Commission, to prevent overcrowding of patrons using the amusement game machines.
- e) A maximum of twelve amusement game machines shall be allowed in conjunction with each permitted recreational establishment provided that:
 - i) traffic circulation and parking (vehicular and bicycle) can be adequately accommodated, and
 - ii) the floor area of such businesses is adequate in the opinion of the Development Authority to prevent overcrowding of patrons using the amusement game machines.

2. Amusement Arcades

- a) Adequate space shall be provided for each amusement game machine so as to allow its use without overcrowding. There shall be a maximum of one machine per 2.25m² of floor area.
- b) Off-street parking requirements shall be in accordance with Part 8 of this Bylaw.

SECTION 7-4 ASSESSMENT OF RISK FOR INDUSTRIAL AND COMMERCIAL ACTIVITIES

1. When an application for a Development Permit is for an activity that involves the use or storage of hazardous substances, the Development Officer may require the application to contain an Assessment of Risk prepared by an environmental professional such as an engineer, biologist, planner, geologist or hydrogeologist, and the Development Officer may impose any conditions necessary to mitigate the risks associated with the use or storage of hazard substances identified in the assessment. The Assessment of Risk shall:
 - a) identify hazardous substances and their quantities;
 - b) estimate the expected frequency of the occurrence of a hazardous event;
 - c) assess the possible consequences of such an event;
 - d) determine annual individual risk and compare to Major Industrial Accidents Council of Canada risk acceptability criteria;
 - e) demonstrate how the proposed facility and operations shall contribute to the following risk management objectives:
 - i) risk reduction at source (siting of facilities, modifications to processes, conformity to legislation e.g. The Safety Codes Act, the Dangerous Goods Act, monitoring, technical changes, training, etc.);
 - ii) risk reduction through land use planning around industrial Sites and pipeline and dangerous goods corridors;
 - iii) emergency preparedness;
 - iv) emergency response;
 - v) risk communication and public participation, and
 - vi) identify and recommend risk-based separation distances and other mitigative measures to reduce risk.
2. At the discretion of the Development Authority, the applicant applying for a use pursuant to this Section shall provide an approved site plan from the appropriate Provincial agencies prior to a development permit being issued.
3. Prior to the submission of a permit application for an Explosives Manufacturing and Storage use the applicant must:
 - a) submit an environmental assessment (EA) to Natural Resource Canada's Explosives Regulatory Division (ERD), and
 - b) provide the required license from Natural Resource Canada's ERD.
4. Notwithstanding the District Regulations and Section 7-4.1-3, industrial and commercial uses which manufacture, store, handle, distribute or dispose of explosives and chemical materials or products shall not be located on sites, which in the opinion of the Municipal Planning Commission, would be considered unsafe or may unduly interfere with, or affect the use, enjoyment or value of neighbouring properties, by reason of the storage or containment of the product, or the potential release of the product.

SECTION 7-5 DAY CARE, FAMILY CARE, GROUP CARE, AND GROUP HOME 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.
3. In reviewing an application for a Family Care, Group Care, or Group Home Facility, the Development Authority shall, among other factors, consider if the development would be suitable for the site taking into account the potential traffic generation, and the potential interference or the peaceful enjoyment of neighbouring properties. The Development Authority will also consider if the proposed use will materially interfere with or affect the value of neighbouring properties.
4. Notwithstanding any other provisions contained in this Bylaw, no Family Care, Group Care, or Group Home Facilities shall be located closer than 150m from one another.
5. Group Care Facilities
 - a) The Development Authority shall establish the maximum number of persons 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, such as traffic, and interference or affect on other abutting land uses.
 - b) The Group Care Facility shall not change the character of the District in which it is located.

SECTION 7-6 DRIVE-THROUGH BUSINESSES

1. Notwithstanding the District regulations, drive-through businesses shall not be located on sites, which in the opinion of the Development Authority, would be considered unsafe in terms of vehicle circulation, access and egress from the site.
2. Minimum front yard setback requirements shall be as prescribed for the District in which the building is located, but in no case shall be less than 3.0m.
3. Site and Building Regulations
 - a) All parts of the site to which vehicles may have access shall be hard surfaced if 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 drive-through business shall be landscaped to the satisfaction of the Development Authority.
 - c) Fencing, and landscaping requirements shall be as specified under Sections 6-9 and 6-11 of this Bylaw.
 - d) Where a drive-through business is located abutting to a residential District, screening shall be provided to the satisfaction of the Development Authority.
 - e) All queuing spaces shall be a minimum of 6.5m long and 3.0m wide. Queuing lanes shall provide sufficient space for turning and maneuvering and not interfere with parking or access.
 - f) The on-site layout of vehicle circulation patterns shall be to the satisfaction of the Development Authority.
 - g) Any lighting proposed to illuminate the site shall be located and arranged so that all direct rays of light are directed upon the site only and not on any abutting residential Districts.

SECTION 7-7 GAS BARS, SERVICE STATIONS AND BULK FUEL STATIONS

1. Notwithstanding the District Regulations, a use pursuant to this Section shall not be located on sites, which, in the opinion of the Development Authority, would be considered unsafe in terms of vehicle circulation, and access and egress from the site.

2. Site Area (Minimum)

- a) Gas Bar: 1,200m²
- b) Service Station: 1,500m²
- c) Gas Bar or Service Station including Car Wash: 2,700m²
- d) Where a service station or gas bar forms part of a shopping centre, the area containing the service station or gas bar buildings and pump areas: 1,000m²
- e) Where a service station or gas bar is combined with a convenience store: 1,200m²
- f) Bulk Fuel Station: 2,700m²

3. Setback of Buildings and Structures

- a) The Provincial Plumbing and Gas Safety Services Branch shall approve the proposed location(s) and design of all fuel storage tanks prior to application for a development permit.
- b) Fuel storage tanks shall have the following setbacks from any property lines, abutting masonry building walls, drainage basins and ditches:

Total Tank Capacity Setback	
Up to 7,500 litres	3.0m
7,501 to 19,000 litres	5.0m
19,001 to 38,000 litres	7.5m
Over 38,000 litres	10.5m

- i) Tanks located on property within the Flood Hazard Area shall be flood proofed to the satisfaction of the Development Authority.
- c) The ventilation tank pipes shall have a minimum height of 3.5m from grade, and a minimum setback of 1.0m from any property line. In cases where the ventilation tank pipes are abutting to a building opening, the setback requirement shall be a minimum on 1.2m.
- d) The ventilation tank pipes shall have a minimum setback of 7.5m from any fuel-dispensing unit.
- e) The minimum front yard requirements shall be as prescribed in the District in which the use is located but in no case shall be less than 3.0m.
- f) The minimum side and rear yard setbacks shall be as prescribed in the District in which the use is located.
- g) Yard setbacks shall apply to all above ground structures, including canopies.

4. 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.

5. The maximum building coverage for a use under this Section shall be 25% of the site area.

SECTION 7-8 HOME OCCUPATIONS

1. Home occupations that improve or do not affect the residential aspects of a community will be allowed. The following regulations and any additional requirements set by the Municipal Planning Commission shall establish the limits of nuisance, which a home occupation may impose on a neighbourhood:
 - a) A home occupation may generate a maximum of four vehicle movements per hour, to a maximum of sixteen per day, and a maximum of eighty per week. The home occupation traffic may use the laneway (if available) for up to 25% of vehicle movements.
 - b) Hazardous materials used in the home occupation shall be used, labeled, stored and disposed of in accordance with the Workplace Hazardous Materials Information System program. The Whitecourt Fire Chief or his agent may review the storage of hazardous materials and ensure community safety is maintained. Any area used for a home occupation shall be equipped with a smoke detector and a fire extinguisher as may be required by the Whitecourt Fire Department. Smoke, fumes, flames or intense light resulting from the home occupation shall not be detectable from beyond the property boundary.
 - c) Any solid waste of a non-residential or household nature shall be removed to the Waste Transfer Station or site as designated by the Town. Liquid wastes generated by a home occupation shall be disposed of in a manner approved by the Town of Whitecourt Department of Public Works.
 - d) The site of a home occupation may be identified by a non-illuminated sign attached to the principal building with a maximum area of 0.3m².
 - e) All residents of a home may be employed in a home occupation, while non-residents may be employed in activities undertaken away from the residence.
 - f) A home occupation may occupy up to 20% of a residence, and 25m² of any accessory building, not including the storage of one vehicle. All activities and storage relating to the home occupation shall take place within buildings on the site, and out of view of abutting properties. Buildings, renovations, or installations shall conform to standards required of commercial properties, including engineering certification where required. Relaxations of Bylaw standards to accommodate home occupations will not be considered.
 - g) Sound levels resulting from a home occupation shall be in accordance with the limits set by the Noise Abatement By-Law No. 611, and any amendments thereto.

SECTION 7-9 HOME OFFICES

1. A home office shall be an accessory use of a residence, and not occupy more than 20% or 20m² of the residence.
2. A home office may employ any or all residents of the home.
3. A home office shall not involve the presence of clients or customers at the residence.
4. A home office shall be for the purpose of office activities on the site, or administration of off-site work activities.

SECTION 7-10 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 except where the window faces a street, walkway or on-site parking or circulation area in which case 7.0m may be permitted.
 - b) Habitable Room Windows shall have a minimum separation space of 3.2m except where windows are in walls of more than two storeys in which case 5.0m separation space must be provided.
 - c) Non-Habitable Room Windows shall have a minimum separation of 1.5m plus 0.3m 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.
 - 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.

3. Separation space for windows as required in Subsection 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 Subsections (a) and (b) above, will be at the discretion of the Development Authority.

SECTION 7-11 PROTECTION FROM EXPOSURE HAZARDS

1. The location of any fuel storage tank with a holding capacity of 9100 litres or less shall be in accordance with the requirements of the Alberta Gas Protection Act and its regulations.
2. Tanks with a capacity of 9100 litres or more must, in addition to the requirements of the Gas Protection Act, meet all requirements of the Alberta Boiler Inspection Branch regulations.
3. No permits will be issued for installation of fuel storage tanks with a capacity of 9100 litres or more prior to receipt at the Town Office of certified copies of the required Provincial Permits.
4. Flammable liquids storage tanks at bulk plants or service stations shall be located in accordance with regulations under the Fire Prevention Act.

SECTION 7-12 SECONDARY SUITES

1. A secondary suite may be developed only in a single detached dwelling or duplex and only in those Land Use Districts where it is listed as a 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 90m², whichever is less, and shall not be smaller than 38m².
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.
7. A principal building containing a detached dwelling with a secondary suite may not be converted into condominiums. Ownership of a property containing a secondary suite must be an undivided fee simple.

SECTION 7-13 SECURITY SUITES

1. All site requirements of the land use District in which the suite will be located shall apply to the security suite.
2. A security suite shall not exceed 73m² of living space in floor area, with the total area of the security suite not to exceed 102m².
3. Buildings shall be of permanent construction, or a moveable unit attached to a permanent foundation.

4. A security suite may include facilities for eating, sleeping, office, or similar uses.
5. Security suites are accessory to the principal use of the property, and not intended for primary residential occupancy. Services will not be provided by the Town to support any residential use.
6. In the event that the principal use of the property changes or ceases, permission to have a security suite is revoked.

SECTION 7-14 SWIMMING POOLS AND HOT TUBS

1. Access restrictions as required by the Alberta Building Code shall be provided for all swimming pools and hot tubs.
2. Swimming pools or hot tubs shall not be located within any required front yard. Swimming pools shall be sited as per Section 7-2.