

**BYLAW NO. 1997-21
OF THE
CITY OF WETASKIWIN
IN THE PROVINCE OF ALBERTA**

A BYLAW OF THE CITY OF WETASKIWIN IN THE PROVINCE OF ALBERTA
TO AMEND BYLAW 1804-13 BEING THE LAND USE BYLAW.

WHEREAS, pursuant to the Municipal Government Act, Chapter M-26, R.S.A. 2000, with amendments thereto, Council of the City of Wetaskiwin may regulate and control the use and development of land and buildings in the City; and

WHEREAS Bylaw 1804-13 being the existing land use bylaw for the City of Wetaskiwin requires administrative changes and has had several amendments to it since being approved by Council in 2013; and

WHEREAS Bylaw 1804-13 is an amending bylaw of the Land Use Bylaw 1747-09 and includes many regulations that were approved with that bylaw in 2009; and

WHEREAS development trends, processes, and relevant legislation have changed since the adoption of Bylaw 1804-13; and

WHEREAS Bylaw 1997-21 includes administrative and substantial amendments that will improve the efficiency and effectiveness of the development process in the City of Wetaskiwin in alignment with current development trends, processes, and legislation;

NOW THEREFORE, the Municipal Council of the City of Wetaskiwin duly assembled hereby enacts as follows:

1. That under Part 2: Definitions:
 - a. Section 4.c be deleted
 - b. Section 5. ADULT ENTERTAINMENT FACILITY be replaced with:

ADULT ENTERTAINMENT FACILITY means an establishment that provides sexually explicit or nude entertainment that is by law restricted to those eighteen years of age or older.
 - c. Section 25. BLANK WALL be deleted;
 - d. Section 36. CANOPY be deleted;
 - e. Section 49. CONVENTIONALLY CONSTRUCTED OR CONVENTIONAL STICK BUILT be deleted;
 - f. Section 50. CONVERSION be deleted;

- g. Section 51 DEVELOPMENT AUTHORITY be replaced with:

DEVELOPMENT AUTHORITY means a development authority established pursuant to this Bylaw.

- h. Section 52 DOUBLE FRONTING SITE be replaced with:

DOUBLE FRONTING LOT means a lot which abuts two (2) public roadways, not including lanes as defined in the Traffic Safety Act.

- i. Section 52. DRIVE-IN SERVICE be deleted;

- j. Section 54. DUPLEX HOUSING be replaced with:

DUPLEX HOUSING means a single building on a single lot containing two (2) dwelling units, and each having a separate direct entrance from the exterior;

- k. Section 62. DOUBLE FRONTING SITE be replaced with:

DOUBLE FRONTING SITE means a site which abuts two (2) public roadways.

- l. Section 68. EATING AND/OR DRINKING ESTABLISHMENT be deleted;

- m. Section 70. ENCLOSED FRONT PORCH be deleted;

- n. Section 77. FIXED SIGN be deleted;

- o. Section 87. FRONT YARD be replaced with:

FRONT YARD means a yard extending across the full width of a parcel of land from the front lot line to the nearest exterior wall of the main building situated on the parcel of land;

- p. Section 88. GAMING be deleted;

- q. Section 91. GARAGE SUITE be replaced with:

GARAGE SUITE means development accessory to the principal residential use consisting of a self-contained dwelling attached to a rear detached garage.

- r. Section 92. GENERAL INDUSTRIAL USE be replaced with:

GENERAL INDUSTRIAL USE means development used principally for one or more of the following activities:

- a. the processing of raw materials;
- b. the manufacturing or assembling of semi-finished or finished goods, products or equipment;

- c. the cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses or cleaning, servicing and repair operations to goods and equipment associated with personal or household use, where such operations have impacts that would make them incompatible in non-industrial zones;
 - d. the storage or transshipping of materials, goods and equipment;
 - e. the distribution and sale of materials, goods and equipment to institutions or industrial and commercial businesses for their direct use or to general retail stores or other sales use classes defined in this bylaw for resale to individual customers; or
 - f. the training of personnel in general industrial operations;
- s. Section 98. GROUND SIGN be deleted;
- t. Section 102. HEIGHT be replaced with:
- HEIGHT means when used with reference to a building or structure, the vertical distance between the horizontal plane through grade and a horizontal plane through the highest point of the roof.
- u. Section 104. HIGH SIGN be deleted;
- v. Section 105. HOME ADDRESS SIGN be deleted;
- w. Section 122. LIVESTOCK be deleted;
- x. Section 123. LIVESTOCK OPERATION be deleted;
- y. Section 124. LOADING SPACE be replaced with:
- LOADING SPACE means an off-street space on the same lot as a building or group of buildings used to provide unobstructed access for vehicles to a loading door, platform or bay;
- z. Section 129. MAJOR HOME BASED BUSINESS be replaced with:
- MAJOR HOME BASED BUSINESS means development consisting of the use of an approved dwelling or accessory building by a resident of that dwelling for one (1) or more businesses. This use class includes bed and breakfast facilities but does not include general retail sales;
- aa. Section 138. MINOR HOME BASED BUSINESS be replaced with:
- MINOR HOME BASED BUSINESS means development consisting of the use of an approved dwelling within a residential building by a resident of that dwelling, where the business requires no more than one business-related visit per day. This use class does not include general retail sales;
- bb. Section 146. NATURAL RESOURCE DEVELOPMENT be deleted;

- cc. Section 147. NATURAL SCIENCE EXHIBIT be deleted;
- dd. Section 149. NON-COMMERCIAL FARM be deleted;
- ee. Section 173. PRIVATE CLUB be deleted;
- ff. Section 191 RESPITE SUPPORT be deleted;
- gg. Section 194. ROW HOUSING be deleted;
- hh. Section 195. ROW HOUSING, STACKED be deleted;
- ii. Section 196. SATELLITE SIGNAL RECEIVING ANTENNA be deleted;
- jj. Section 222. STOREY, HALF be deleted;
- kk. Section 236. TOWHOMe be replaced with:

TOWNHOME means development consisting of a building containing a row of more than two (2) dwellings joined in whole or in part at the side. Each dwelling shall have separate, individual and direct access.

- ll. Section 238. TREED LANDSCAPED BOULEVARD be deleted;
- mm. Section 241. UNENCLOSED FRONT PORCH be deleted;
- nn. Section 246.1 be added to read:

WALL HEIGHT means the height of a wall measured from grade to the meeting point of the top of the wall and the roof.

- oo. Section 249. YARD, REAR be replaced with:

REAR YARD means the portion of a site abutting the rear lot line extending across the full width of the site, situated between the rear lot line.

2. That under Part 3: Administrative:

- a. Section 3.3 be replaced with:

3.3 Establishment and Appointment of the Development Authority

1. That the Chief Administrative Officer of the City of Wetaskiwin be designated as the Development Authority.
2. That the Chief Administrative Officer of the City of Wetaskiwin may delegate the authority in writing to one or more development officers or any other municipal staff to carry out the duties of Part 17 of the Municipal Government Act.

- b. Section 3.4.h be amended to read:

shall give notice of the Development Authority's decision on applications for development permits as follows:

- i. where an application has been approved, public notification shall be given in accordance with Part 4, Section 4.6 of this bylaw and notice to the applicant shall be given in writing by hand delivery or by regular mail, or by electronic means where authorized; and
 - ii. where an application has been refused, notice in writing shall be given to the applicant, either hand delivered or by regular mail, or by electronic means where authorized, and such notice shall state the reason for refusal; and
 - iii. ...
- c. Section 3.5.2.a be amended to read:

the proposed development would not, in the opinion of the Development Authority...
- d. Section 3.5.2.c be amended to read:

The Development Officer may approve, with or without conditions, an enlargement, alteration or addition to a legal non-conforming building if the non-conforming building complies with the uses prescribed for that land in this bylaw and the proposed development would not, in the opinion of the Development Authority...
- e. Section 3.8.c be replaced with:
 - c. An Accessory Building 9.3 m² or less in area, provided it complies with the regulations of this bylaw. This includes play structures;
- f. Section 3.8.m be replaced with:
 - m. Construction of an uncovered deck in the side and/or rear yard and less than 0.60m above finished grade;
- g. Section 3.8.n be replaced with:
 - n. Access platforms and stairs providing access to platforms that provide access to or egress from the principal building that are less than 2.5 sq.m. in platform area, provided they are constructed of non-combustible materials and do not interfere with property drainage and provided they are not enclosed by walls or covered by a roof structure.
- h. Section 3.8.r be added to read:
 - r. Patios provided the soft landscaping and site drainage requirements are met and there is no roof over the patio.
- i. Section 3.8.s. be added to read:

s. Home Office, provided all regulations within this Bylaw are met.

j. Section 3.15 shall be amended to read:

1. The Development Officer shall:

- a. examine the proposed amendment;
- b. prepare a written report on the proposed amendment; and
- c. advise the applicant in writing that:
 - i. the Development Authority is prepared to recommend the amendment to the Council without further investigation; or
 - ii. the Development Authority is not prepared to recommend the amendment; or
 - iii. the Development Authority requires further investigation to make a recommendation; or
 - iv. the Development Authority is prepared to recommend an alternative amendment.

k. Section 3.16.4 be amended to read:

The Development Officer may issue a Compliance Certificate when, in the opinion of the Development Authority, the building(s) located on a site, and shown on the Real Property Report, are located in accordance with the setback regulations of this bylaw and the setbacks specified in any development permit, which may have been issued for the site. The Compliance Certificate shall only cover those buildings and structures, or parts thereof, shown on the Real Property Report submitted by the applicant.

l. Section

3. That under Part 4: Application

a. Section 4.6.1 be replaced with

1. For permitted use permits, where no variance has been granted, the Development Officer shall notify the assessed owner of the site and the permit applicant of the Development Authority's decision.

b. Section 4.6.1.2.a be amended to read:

the Development Officer shall send notice by regular mail, or by electronic means as authorized, to...

c. Section 4.6.2.1 be replaced with:

Where the Development Officer has reviewed a development permit application and has chosen to refuse the application the Development Officer shall send notice by regular mail, or by electronic means as authorized, to the development permit applicant and to each owner of the site or a part of the site of the proposed development.

- d. Section 4.6.3.1 be replaced with:

An application for a development permit in respect of development of land or a building in a Direct Control District shall require that each assessed owner of land within 76m of the site, or such greater distance as determined by the Development Authority, shall be given notice of the application by regular mail, or by electronics means as authorized, or delivered in person by the Development Officer.

- e. Section 4.6.3.2 be replaced with:

Further to Subsection (1), the Development Authority may also determine that other owners of land or persons may be affected by the proposed development and shall give notice of the application by the same means as required in Subsection (1).

4. That under Part 6: Establishment of Districts

- a. Section 6.1.2.2 be deleted;

- b. Section 6.1.3 be amended to include:

6. Garage Suite

- c. Section 6.2.2.2 be deleted;

- d. Section 6.2.6.4 be replaced with:

Accessory building < 2.7m wall height 1.0m

- e. Section 6.3.2.2 be deleted;

- f. Section 6.3.3 be amended to include:

5. Garage Suite

- g. Section 6.4.2.2 be replaced with:

2. Detached Garage

- h. Section 6.4.3 be amended to include:

8. Garage Suite

- i. Section 6.6.2.2 be deleted;

- j. Section 6.7.2.2. be deleted;

- k. Section 6.7.3 be amended to include:

9. Garage Suite

- l. Section 6.8.2.5 be deleted;
- m. Section 6.10.2.4 be deleted;
- n. Section 6.10.3 be amended to include
7. Garage Suite
- o. Section 6.11.2.7 be deleted
- p. Section 6.11.3 be amended to include:
10. Garage Suite
- q. Section 6.12.2.4 be deleted;
- r. Section 6.13.2.5 be deleted;
- s. Section 6.15.3.25 be deleted;
- t. Section 6.16.3.28 be deleted;
- u. Section 6.22.2.2 be deleted;
- v. Section 6.23.2.2 be deleted;
- w. Section 6.24.4. be deleted;
- x. Section 6.25.3 be amended to include:
8. Minor Impact Utility Service

5. That under Part 7: General Regulations:

- a. That Section 7.4.2 Schedule 1 be replaced with the table attached as Schedule 1 to this Bylaw
- b. That Section 7.4.2 Schedule 2 be replaced with the table attached as Schedule 2 to this Bylaw.
- c. That Section 7.8.3 be amended to include:
 - g. No more than one business-related visit to the site per day.
- d. That Section 7.6.2.7 be deleted;
- e. That Chart 7.6.6.1 be replaced with the table attached as Schedule 3 to this Bylaw.
- f. That Section 7.12.2 be amended to read:

A person wishing to excavate, strip or grade land shall provide the following details in their application...

6. That under Part 8: Specific Use Regulations:

a. Section 8.5.2 be amended to include:

q. a garage suite may only be developed on a lot where a single dwelling building is the principal use.

7. That under Part 9: Land Subdivision Considerations:

a. Section 9.2.2 be replaced with:

Where an Area Structure Plan has been approved prior to the effective date of this bylaw and the minimum parcel sizes meet the requirements of this bylaw, the Subdivision Authority may approve the subdivision without considering Schedule 9A

8. That under Part 11: Maps

a. Schedule 11A – Land Use District map, be amended to designate the follow parcels to the Urban Service (US) district:

- i. COFT0225;Z;11
- ii. 5843U;43;68MR
- iii. CE10;RLY;46
- iv. CE1;RLY;46
- v. M8;;K
- vi. 5831RS;;6

MAYOR

CHIEF ADMINISTRATIVE OFFICER