

## **TWO: Interpretation**

### **Section 7: Units of Measurement**

All measurements in this Bylaw are metric.

### **Section 8: Rules of Interpretation**

Words used in the present tense include the other tenses and derivative forms. Words used in the singular include the plural and vice versa. Words have the same meaning whether they are capitalized or not.

The words *shall* and *must* require mandatory compliance except where a variance has been granted pursuant to the Act or this Bylaw.

Words, phrases, and terms not defined in this part may be given their definition in existing legislation and regulations, such as the Act or the Alberta Building Code. Other words shall be given their usual and customary meaning.

Where a regulation involves two or more conditions or provisions connected by the conjunction *and* means all the connected items shall apply in combination; *or* indicates that the connected items may apply singly or in combination; and *and/or* indicates the items shall apply singly or in combination.

Metric Conversions to be utilized by the reader are as follows:

- ◆ 1.0 metre = 3.281 feet
- ◆ 1.0 square metre = 10.8 square feet
- ◆ 1 hectare = 2.47 acres
- ◆ 1.0 kilogram = 2.2 lbs.
- ◆ 1.0 cubic metre = 220 gallons

Imperial conversions are provided for the convenience of the reader. For interpretation of the Bylaw, the metric values indicated in the Bylaw shall prevail.

## Section 9: Definitions

The following definitions shall be used in this Land Use Bylaw:

**“ABANDONED VEHICLE”** – means the whole or any part of any motor vehicle that is in a rusted, wrecked, partly wrecked, dismantled, partly dismantled or inoperative condition.

**“ABATTOIR”** means the use of land or buildings as a facility for the slaughtering of animals and the processing of meat products.

**“ACCESSORY BUILDING”** means a building or structure, which, in the opinion of the Development Authority, is incidental, subordinate and exclusively devoted to the principal use or building and is located on the same parcel. Examples include, but are not limited to, garages, decks, sheds and carports. An accessory building or structure does not include extensions that are physically attached to the principal building.

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

**“ACT”** means the Municipal Government Act, 2000, and amendments thereto and its successors.

**“ADJACENT”** means land that is contiguous to the lot that is the subject of an application for subdivision, re-designation or development and includes land or a portion of land that would be contiguous if not for a public road, railway, reserve land, utility right-of-way, river or stream.

**“ADJOINING”** – means a piece of land that is next and joined with another, the common property line creates the adjoining border.

**“AGGREGATE STOCKPILING”** means the use of land for the storage of processed aggregates or other raw materials for future sale.

**“AGGREGATE STOCKPILING, TEMPORARY”** means the temporary use of land for the storage of processed aggregates or other raw materials for a particular project or contract of road construction.

**“AGGREGATE STORAGE AREA”** means the use of land for the temporary storage of aggregates for sale or use in the production of cement or asphalt.

**“AIRPORT”** means Stettler Airport.

**“ANIMAL SERVICES”** means the treatment, boarding, training, or grooming of animals and includes retail sales of associated products. This may include such uses as veterinary clinics, pet grooming salons, boarding and breeding kennels, impounding and quarantining facilities, and animal shelters, but does not include the sale of animals as a principal use.

**“APARTMENT BUILDING”** means a building with five or more dwelling units and which share a common entrance, and which does not conform to the definition of any other residential use. All dwelling units must adhere to the provisions of the Alberta Safety Codes Act.

**“ASPHALT PLANT, PORTABLE”** means a temporary asphalt processing facility for a Provincial or Municipal road project.

**“ASPHALT PROCESSING AND STORAGE”** means an operation that produces asphalt, or asphalt products used in building and construction and includes facilities for the administration and management of the business, the stockpiling of bulk materials used

in the production process or a finished product on the premises and the storage and maintenance of required equipment.

**“ASSISTED LIVING FACILITY”** means a building, or a portion of a building operated for the purpose of providing live in accommodation for six or more persons with chronic or declining conditions requiring professional care or supervision or ongoing medical care, nursing or home making services or for persons generally requiring specialized care. All dwelling units must adhere to the provisions of the Alberta Safety Codes Act.

**“AUCTION MART”** means a development used for the auctioning and related temporary storage of goods.

**“AUTOBODY AND REPAIR SHOP”** means a use where the primary activity is the repairing and maintaining of vehicles, including auto body repair.

**“AUTOMOBILE AND RECREATION VEHICLE SALES AND RENTAL”** means a development used for the retail sale or rental of new or used automobiles, recreational vehicles, motorcycles, snowmobiles, tent trailers, boats, travel trailers or similar light vehicles or crafts, together with incidental maintenance services and sale of parts. It includes automobile dealerships, car and truck rental agencies, and motorcycle dealerships, but does not include dealerships for the sale of manufactured homes, trucks, or heavy equipment with a gross vehicle weighting greater than 4,000 kg. See “Heavy Equipment Sales, Service, Storage and Rentals” for dealerships of vehicles and equipment over 4,000 kg.

**“AUTOMOBILE REPAIR GARAGE”** means and establishment for the repair or replacement of parts in a motor vehicle but does not offer vehicle fuels for retail sale. This definition does not include an auto body shop, an automotive

service station, or a gas bar. For the purposes of this definition, vehicles may include motorized construction equipment and tractor trailers. This includes a “Tire Shop”.

**“AUTOMOBILE SERVICE STATION”** means a use, building, or part of a building, where vehicle fuels, lubricants, and accessories are offered for retail sale and which contains facilities for the repair and maintenance of vehicles excluding body work.

**“AUTOMOBILE SUPPLY STORE”** means a use, building, or part of a building where equipment and parts used to repair, service, or customize motor vehicles are available for retail sale. This does not include any installations or repairs.

**“AUTO WRECKER”** means a use where the primary activity is the storage and wrecking of vehicles, usually for parts of scrap metal re-sale.

**“BALCONY”** means a platform, attached to and projecting from the face of a building above the first storey, normally surrounded by a railing and used as an outdoor porch or sundeck with access only from within the building.

**“BANK/FINANCIAL INSTITUTION”** means a development, use, or building that is primarily for the banking or lending of money and other related services. It includes a trust company, chartered bank and credit union or Province of Alberta Treasury Branch.

**“BASEMENT”** means a storey or storeys of a building located below the first storey

**“BASEMENT SUITE”** – means a basement developed as a dwelling unit within a Single Family Dwelling and approved by the Development Authority All dwelling units must adhere to the provisions of the Alberta Safety Codes Act.

**“BED AND BREAKFAST FACILITY”** means a dwelling unit in which the occupant rents or leases a room or a suite of rooms on a temporary basis to vacationers or tourists, and which may include the provision of meals as part of and in addition to the rental paid for the room or a suite of rooms. This does not include a hotel, motel, boarding or lodging house, or restaurant, as defined herein.

**“BERM”** means a landscaped mound of earth.

**“BOARD”** means the Town’s Subdivision and Development Appeal Board.

**“BOARDING FACILITY”** means a building containing sleeping rooms without cooking facilities, where lodging and/or meals for persons is provided for compensation but does not include a hotel.

**“BOTTLED GAS, SALES AND STORAGE”** means a facility where compressed gas is stored in pressurized portable tanks.

**“BUFFER”** means an area where development is restricted to a row of trees, shrubs, fencing, or other similar means to provide visual screening and separation between sites, incompatible land uses, roadways or districts.

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

**“BUILDING DEMOLITION”** – means the pulling down, tearing down or razing of a building.

**“BUILDING GRADE”** means a ground elevation established for regulating the number of storeys and the height of a building. The building grade shall mean the lowest level of finished ground elevation adjoining a building at any exterior wall.

**“BUILDING HEIGHT”** means the vertical distance between the grade and the highest point of a building; excluding an elevator housing, a mechanical skylight, a steeple, a chimney, a smoke stack, a fire wall, a parapet wall, a flagpole, tower, leg or similar device on a building.

**“BUILDING SEPARATION”** means the minimum distance between two buildings as regulated by the Alberta Building Code.

**“BULK CHEMICAL STORAGE”** means a development where liquid or solid chemical is stored, 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. The development may include facilities for cleaning, blending, or packaging of chemicals, but does not include manufacture of these-products.

**“BULK FUEL STATION”** means a development for handling petroleum products in bulk quantities, and includes supplementary tanker vehicle storage. Key-lock and card-lock pumps and retail fuel sales may be incorporated as an accessory use. This includes “Bulk Fuel Distributor”.

**“BYLAW ENFORCEMENT OFFICER”** – means a person employed by the Town or authorized under the contract with the Town to enforce the provisions of this Bylaw and any other person designated as such by the Town.

**“CAMPGROUND”** means any land or part thereof, which may levy fees for the locating of tents or recreational vehicles and shall include any facilities or amenities secondary to the primary use, and may also include a Recreation Vehicle Park and Public Campground. Temporary or seasonal storage of recreation vehicles may be permitted as an accessory use, at the discretion of the Development Authority.

**“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.

**“CATERER”** means an establishment in which food and beverages are prepared for the consumption off premises, and are not served to customers on the premises or for takeout.

**“CEMETERY”** means a parcel of land used as a burial ground and is licensed by the appropriate provincial government departments, and may include accessory facilities such as crematories, cinerarium, columbarium, mausoleums, memorial parks and gardens of remembrance.

**“CLINIC”** means a building or part of a building intended for use by any or all of the following: physicians, dentist, drugless practitioners, opticians, optometrists, chiropractors, their staff and patients, for the purpose of consultation, diagnosis and office treatment.

**“CLUB”** means a development used for the assembly of members of charitable, social service, athletic, business or fraternal organizations, and may incorporate eating, drinking, entertainment, sports, recreation and amusement facilities as accessory uses.

**“COMMUNICATION TOWER”** means a structure that is used to convey communication, radio, or television signals and may include

other structures necessary for carrying out this function.

**“COMMUNITY HALL”** means the use of land and building for community activities and generally not used for commercial purposes, and the control of which is vested in the Town of Stettler, a local board or agent thereof.

**“CONCRETE MANUFACTURING / PLANT”** means an operation that produces concrete or concrete products use in building or construction and includes facilities for the administration and management of the business, the stockpiling of bulk materials used in the production process or a finished product manufactured on the premise, and the storage of the materials and equipment required to manufacture concrete. It may also include the manufacture and storage of concrete products and supplies and maintenance of required equipment. It does not include the retail sale of finished concrete.

**“CONDOMINIUM UNIT”** means:

- i. In the case of a building, a space that is situated within a building and described as a unit in a condominium plan by reference to floors, wall and ceilings in a building,
- ii. In the case other than that of a building, land that is situated within a lot described as a unit of condominium plan by reference to boundaries governed by monuments pursuant to the provisions of the Surveys Act respecting subdivision surveys.

**“CONSTRUCT”** means to build, reconstruct or relocate, and without limiting the generality of the word, also includes:

- i. Any preliminary operation such as excavation, filling or draining;
- ii. Altering an existing building or structure by an addition, enlargement, extension or other structural change; and
- iii. Any work which requires a Building

Permit.

**“CONSTRUCTION YARD”** means the use of land or buildings for a construction operation such as building construction, oilfield construction or other similar type of construction operation.

**“CONTRACTING SERVICES, MAJOR”** 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 necessary to the principal general contractor use.

**“CONTRACTING SERVICES, MINOR”** means a development used for the provision of electrical, plumbing, heating, painting, catering other contractor services and the accessory sales of goods normally associated with 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 FOOD STORE”** means a retail operation that specializes in convenience type items such as groceries, soft drinks and other similar goods.

**“COUNCIL”** means the Council of the Town of Stettler.

**“CROWN LAND”** means land of the Crown in right of Alberta that includes the bed and

shores of all permanent and naturally occurring water bodies and watercourses.

**“DAY CARE FACILITY”** means a development licensed by the Province to provide personal care, maintenance, supervision or education for seven or more children at one time for more than three but less than 24 hours in a day. This includes day care centers, nurseries, kindergartens, nursery schools, play schools, and other similar uses.

**“DECK”** means an unenclosed amenity area or platform that may be attached to a dwelling and is intended for the purpose of outdoor dining, lounging and other similar accessory residential use.

**“DEVELOPMENT”** means any development as defined in the Act.

**“DEVELOPMENT AUTHORITY”** means a development authority established pursuant to the Act and may include one or more of the following: a Designated Officer, a municipal planning commission, an inter-municipal planning commission, or any other person or organization that has been authorized to exercise development powers on behalf of the municipality.

**“DEVELOPMENT OFFICER”** means a person appointed as Development Officer pursuant to the Land Use Bylaw.

**“DEVELOPMENT PERMIT”** means a document pursuant to this Land Use Bylaw.

**“DISCRETIONARY USE”** means the use of land, building or structure that is listed in the columns captioned “Discretionary Uses” in all districts of this Bylaw, and for which, subject to the provisions of this Bylaw a development permit MAY be issued by the development authority (MPC) after due consideration is given

to the impact of that use upon neighbouring land.

**“DISTRICT”** means Land Use District.

**“DRIVEWAY”** means a vehicle access route on the parcel which provides access to a Public Roadway.

**“DRY CLEANING AND LAUNDRY**

**DEPOT/PLANT** means a building where the cleaning of clothing is carried on and/or used for the purpose of receiving articles of clothing to the cleaned elsewhere.

**“DWELLING”** means a complete building or self contained portion of a building used or designed to be used by a household, containing independent and separate sleeping, cooking and sanitary facilities intended as a permanent residence and having an independent entrance either directly from the outside of the building or through a common area inside the building.

**“DWELLING – ABOVE GROUND FLOOR BUSINESS”** – means a self-contained portion of a building that is above a ground floor commercial business used or designed to be used by a household, containing independent and separate sleeping, cooking and sanitary facilities intended as a permanent residence and having an independent entrance either directly from the outside of the building or through a common area inside the building.

**“DWELLING, DUPLEX”** means a building containing two dwelling units, either one above the other or side by side, each of which has an independent entrance, either directly from outside the building or through a common vestibule. All dwelling units must adhere to the provisions of the Alberta Safety Codes Act.

**“DWELLING, FOURPLEX”** means a building containing four dwelling units each with direct

access to the outside grade, but not all the units are required to have separate frontage onto a public or private road. Units may have common side and rear walls and may also be separated by a common ceiling/floor assembly. This shall not mean row housing dwelling or duplex dwelling. All dwelling units must adhere to the provisions of the Alberta Safety Codes Act.

**“DWELLING, ROW HOUSING”** means a building on a lot or lots that consist of at least three dwelling units with each unit having direct access to the outside grade, but shall not mean “apartment” or “four-plex”. Units are attached at the side walls, each having frontage onto a public or private condominium road. A row house dwelling unit may be located on a separate lot if the lot is registered after construction of the row house dwelling.

**“DWELLING, SINGLE DETACHED”** means a residential building containing one dwelling unit intended as a permanent residence. Single detached dwellings must be of new construction and feature the following criteria:

- i. shall include single detached dwellings constructed off-site;
- ii. All exterior walls of the floor area must be dimensioned at less than or equal to 3:1 length to width ratio; and
- iii. All roof pitches must be a minimum of 3:12 ratio (3 feet of rise for 12 feet of run).

All dwelling units must adhere to the provisions of the Alberta Safety Codes Act.

**“DWELLING, TRIPLEX”** means a building containing three dwelling units each with direct access to the outside grade, but not all units may have separate frontage onto a public or private road. Units may have common side and rear walls and may also be separated by a common ceiling/floor assembly. All dwelling units must adhere to the provisions of the Alberta Safety Codes Act.

**“EAVELINE”** means the horizontal line that marks farthest projection of the roof overhang beyond the wall of the building.

**“ENVIRONMENTAL AUDIT”** means a comprehensive site analysis to determine:

- i. If there are any hazardous substances above, on or below the surface of the subject property that may pose a threat to the environment and/or health of humans, wildlife and/or vegetation;
- ii. If there are any breaches of federal, provincial, and/or municipal environmental standards;
- iii. The level of risk that a contaminated site poses to the environment and/or health of humans, wildlife, and/or vegetation; and
- iv. What remedial actions may be required to reduce the level of risk posed by a contaminated site to an acceptable level.

**“ENVIRONMENTAL IMPACT ASSESSMENT”** means a comprehensive site analysis to determine:

- i. The potential impact of the proposed development on the site;
- ii. The potential environmental impact of the proposed development upon adjacent properties or land uses; and
- iii. The potential environmental impact of the proposed development upon the future land use potential of the property.

**“FAÇADE”** means the principal face of the building on the shortest side of the lot abutting the street or avenue.

**“FARMING”** means the raising or production of crops, or animals, and includes a single residence for the farmer, but does not include a “Confined Feeding Operation as defined by the Natural Resources Conservation Board.

**“FARM SUPPLY STORE”** means establishments which sell their products to the farm industry, and general public.

**“FEED MILLS AND GRAIN ELEVATORS”** mean buildings in which animal feeds and grain are stored during shipment to or from farms and in which agricultural products may be prepared or sold.

**“FENCE”** means a vertical physical barrier constructed to prevent visual intrusions, unauthorized access, or to provide sound abatement.

**“FLOOD FRINGE”** means the land along the edges of the flood hazard area that would likely experience relatively shallow water (less than one metre deep) during a flood event, with lower velocities (less than 1m/s), as determined by an elevation set by Alberta Environment and Sustainable Resource Development. The flood fringe is identified through a flood hazard identification study in accordance with the Flood Hazard Identification Program Guideline published by the Department of Environment and Sustainable Resource Development (ESRD)

**“FLOOD PROOFING”** means the rendering safe from damage arising from a one in one hundred year return flood, as determined by Alberta Environment and Sustainable Resource Development, through all or any of the following means;

- i. The raising of the level of land to a minimum of 0.3 metres above the flood level; or
- ii. The construction and use of buildings with the lowest water entry point 0.3 metres above that flood level; or
- iii. Any other such means as may be considered appropriate by the Development Authority in consultation with Alberta Environment and Sustainable Resource Development.

**“FLOODWAY”** means the land adjacent to a lake, river or stream inundated by a one in one



hundred year return flood as determined by an elevation set by Alberta Environment and Sustainable Resource Development. The floodway is identified through a flood hazard identification study in accordance with the Flood Hazard Identification Program Guideline published by the Department of Environment and Sustainable Resource Development (ESRD)

**“FLOOR AREA”** means the total floor area of every room and passageway contained in a building but not including the floor areas of basements, attached garages, open porches, patios, open decks, verandas or breezeways.

**“FLORIST SHOP”** means a retail store devoted to the sale of flowers, indoor plants and arrangements thereof.

**“FOOD AND/OR BEVERAGE SERVICE FACILITY”** means a building or portion thereof, in which food and/or beverages are prepared to be sold for consumption on the premises or for take-out, and without limiting the generality of the foregoing, may include such facilities as restaurants, drive-in food establishments, taverns, bars, cocktail lounges and catering services. These uses are subject to passing Alberta Health Inspections as well as obtaining appropriate licensing for Alberta Liquor and Gaming Commission.

**“FUNERAL HOME”** means a place where funerals are held and/or the deceased are kept until they are released for burial or cremation.

**“GAMING OR GAMBLING ESTABLISHMENT”** means a building or structure, or any portion thereof, which is used or intended for use for the purpose of dealing, operating, maintaining or conducting any game played with cards, dice, or any mechanical device for money, property or item of value.

**“GARAGE”** means an accessory building or portion thereof which is designed and used for

the storage, parking, or the maintenance of personal vehicles.

**“GARDEN SUITE”** means a portable, self-contained dwelling without a basement used as a temporary additional dwelling for sole occupancy by dependent or partly dependent parents, grandparents or handicapped adult children of the occupants of the primary dwelling on the same parcel. It may include a “Park Model” which meets the size requirements of this land use bylaw.

**“GAS BAR”** means a retail outlet that is limited to the sale of gasoline and related automotive products, and may include a “Convenience Food Store”.

**“GOLF COURSE”** means a golf playing area and accessory buildings and uses related to the playing of the game of golf and without restricting the generality of the foregoing includes pro shop, club house, restaurant, licensed dining area or lounge, driving range, parking lot and picnic area.

**“GROUP CARE FACILITY”** means a facility which provides residential accommodation for up to six persons, most or all of which are handicapped, aged, disabled, or in need of adult assistance and who are provided service or supervision, excluding foster homes. All dwelling units must adhere to the provisions of the Alberta Safety Codes Act.

**“HANDICRAFT BUSINESS”** means the production and selling of handicrafts on a commercial basis.

**“HARD LANDSCAPING”** means the use of non-vegetative material, other than concrete, asphalt or gravel, as a part of the landscaped area.

**“HOME OCCUPATION”** means any occupation, trade, profession or craft carried on

by an occupant of a residential building as a use secondary to the residential use of the building.

**“HOTEL”** means a building designed for the accommodation of the traveling and vacationing public containing guestrooms served by a common entrance as well as general kitchen and dining or other public rooms.

**“INDUSTRY – HAZARDOUS”** means an industry that by reason of emissions, noise or the manufacturing process or storage of goods and materials create a situation which is offensive or hazardous to human health, safety and well being. These industries must be located in isolation from concentrations of population. If allowed in Stettler, they must be approved within a Direct Control District.

**“INDUSTRY/MANUFACTURING – LARGE SCALE”** means an industry engaged in any or all of the following activities; the assembly, processing, manufacture, cleaning, testing, repairing, storage or distribution of raw materials into a new product and which is not defined elsewhere in the Bylaw. The industry may exhibit most or all of the following characteristics:

- i. Requires a large parcel of land;
- ii. Involves the development of either large buildings or structures;
- iii. Requires large areas of open space;
- iv. Emits noise which is audible beyond the parcel boundary;
- v. Involve the emission of smoke, dust, flying ash, or other particulate matter;
- vi. May emit an odour or gas;
- vii. Involve the use of toxic gases or substances in the manufacture process;
- viii. Produce heat beyond the parcel boundary;
- ix. Store goods or products which may be hazardous or offensive; and
- x. Produce waste materials that may be hazardous or offensive.

**“INDUSTRY/MANUFACTURING – SMALL SCALE”** means an industry engaged in the assembly, processing, manufacture, cleaning, testing, repairing, storage or distribution of various materials into a new product. The industry may exhibit most or all of the following characteristics:

- i. Can be developed on smaller parcels of land;
- ii. Is suitable for industrial parks;
- iii. Most of the activities are confined to the building;
- iv. Does not require large areas for outdoor storage; and
- v. Does not produce emissions which are obnoxious or hazardous-

**“INDUSTRY – PETROCHEMICAL”** means a facility or industry that processes or refines gas, oil, or any other petrochemical product from its raw state into a more refined state suitable for transport to market.

**“INTERNAL SUBDIVISION ROAD”** means a public roadway, excluding a primary highway, secondary highway, or municipal road, constructed solely for access, egress, and internal circulation within a commercial, industrial or residential development.

**“LABORATORY”** means the use of a building, or part of a building, used for scientific, medical and/or dental testing, experimentation and/or research.

**“LAGOON”** means any pond, natural or artificial, receiving raw or partially treated sewage or waste, in which stabilization occurs due to sunlight, air and micro-organisms.

**“LANDFILL OPERATION”** means, for the purposes of this Bylaw, a waste sorting site, a waste transfer station, a modified sanitary landfill, hazardous waste management facility or dry waste site.

**“LANDSCAPED AREA”** means an open area of land, which is:

- i. Unoccupied by any building or structure;
- ii. Situated on ground level on a lot;
- iii. Used or intended to be used for the growth and maintenance of grass, flowers, shrubs, bushes, trees and other vegetation, and for the provision of other landscaping features including, but not restricted to, planting strips, facilities for outdoor recreation, ornamental ponds, play areas, surfaced walks, and patios.

**“LANDSCAPING”** means to preserve or change the natural features of a site by adding lawns, trees, shrubs, ornamental plantings, ornamental ponds, fencing, walks, driveways, or other structure and materials as used in landscape architecture.

**“LANE”** means a public right-of-way not exceeding 10.0 metres (32.3 feet) in width which provides secondary access to a lot and which is registered at the Land Titles Office.

**“LAUNDROMAT”** means a self-serve clothes-washing establishment containing one or more washing and drying, ironing, finishing or other incidental equipment.

**“LEGAL NON CONFORMING BUILDING”** means a building:

- i. That was lawfully constructed or lawfully under construction at the date a land use bylaw affecting the building or the land on which the building is situated became effective; and
- ii. That on the date the new land use bylaw becomes effective does not, or when constructed will not, comply with the land use bylaw, unless a variance has been approved by the Town of Stettler’s Municipal Planning Commission.

**“LEGAL NON CONFORMING USE”** means a lawful specific use:

- i. Being made of land or building or intended to be made of a building lawfully under construction at the date a land use bylaw affecting the land or building became effective; and
- ii. That on the date the new land use bylaw becomes effective does not comply with the land use bylaw, unless a variance has been approved by the Town of Stettler’s Municipal Planning Commission.

**“LIGHT EQUIPMENT REPAIR/RENTAL”**

means a development, use or building for the rental and/or repair of tools, appliances, recreational craft, office machines, furniture, home appliances, or similar items, but does not include the rental or repair of motor vehicles or industrial equipment.

**“LIVESTOCK AUCTION MART”** means a facility where agricultural related items including livestock are sold.

**“LOT”** as defined under Part 17 of the Municipal Government Act, means:

- i. A quarter section;
- ii. A river lot shown on an official plan, as defined in the Surveys Act that is filed or lodged in a land titles office;
- iii. A settlement lot shown on an official plan, as defined in the Surveys Act that is filed or lodged in a land titles office;
- iv. 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; and
- v. Part of a parcel of land described in a certificate of title if the boundaries of the part are described in the certificate of title by reference to a plan of subdivision.

**“LOT AREA”** means the area contained within the boundaries of a lot shown on a plan of

subdivision or described in the Certificate of Title.

**“LOT – CORNER”** means a lot at the intersection of two public roadways.

**“LOT DEPTH”** means the length of a straight line joining the middle of the front lot line with the middle of the rear lot line. If there is no rear lot line, lot depth shall be measured from the middle of the front lot line to the intersection of the two other lot lines.

**“LOT LINE”** means a legally defined limit of any lot.

**“MINIMUM STANDARDS”** means those minimum standards relating to lot area, floor area, yards, landscaping design, character and appearance of buildings, etc. for the permitted uses of land or buildings or the discretionary uses of land or buildings, or both, listed in this Bylaw and, where these are not specified, as determined by the Municipal Planning Commission.

**MOBILE HOME”** means a residential unit that may be constructed with a heavy transport chassis that allows for permanent or temporary attachment of a hitch and wheel assembly to enable the relocation of the dwelling. A mobile home may be a single structure (single-wide) or two parts which are put together to comprise a complete dwelling (double-wide). Mobile Homes shall feature the following criteria:

- i. Minimum roof pitch of 5 cm (2 inches) of vertical rise for every 30.5 cm (12 inches) of run; and
- ii. A minimum floor area length to width ratio of 3:1.

A mobile home does not include a single detached dwelling.

**“MOBILE HOME PARK”** means a parcel comprehensively designed, developed, operated and maintained to provide sites and

facilities for the placement and occupancy of mobile homes on either a short or a long-term basis.

**“MOBILE HOME SUBDIVISION”** means privately owned parcels of land for the purpose of locating mobile homes on a permanent basis.

**“MOTEL”** means a building or a group of buildings designed for the accommodation of the traveling or vacationing public containing guestrooms.

**“MOTOR VEHICLE”** – means a vehicle propelled by any power other than muscular power or a moped.

**“MUNICIPALITY”** means the Town of Stettler.

**“MUNICIPAL ROAD”** means a public roadway subject to the direction, control and management of the Town but not including an internal subdivision road.

**“MUNICIPAL SHOP AND STORAGE YARD”** means a facility used by the municipality for the storage of materials used in fulfilling its various functions and the housing and repair of its equipment,

**“MUSEUM”** means a use of a building, or part of a building for the preservation and presentation of works of art, or cultural, historical, or scientific objects and information and open to the recreation and education of the public.

**“NEIGHBOURHOOD CONVENIENCE STORE”** means a commercial establishment with off-street parking established on the same site which serves the convenience shopping needs of the immediate neighbourhood only.

**“NOISE EXPOSURE PROJECTION AREA”** means an area of land near the airport in which

the effects of the airport's operation on noise levels and safety is the same for all intents and purposes. See "Airport Overlay District".

**"NURSING HOME"** means an institution or a distinct part of an institution which is licensed and approved to provide health care and social support for 24 or more consecutive hours for 2 or more patients who require such care on a daily basis and who are not related to the governing authority or its members by marriage, blood or adoption.

**"OFFICE BUILDING"** means a facility providing for the administration of business or government, or the provision of professional services.

**"OILFIELD SUPPORT SERVICES"** 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 of shipping of such materials, goods and equipment, including petrochemical products and supplies, providing such storage does not exceed 5,000 cubic metres (1,100,000 imperial gallons) for all organic or inorganic chemicals and 10,000 cubic metres (2,200,000 imperial gallons) for all petroleum products and that such storage is in accordance with all applicable provincial and federal statutes. This definition applies to oil and gas industry support operations and includes, but is not limited to, seismic and surveying, well servicing, oilfield haulers, pipeline contractors and welding operations.

**"OPEN OR OUTDOOR STORAGE AREA"** means an area of land used for outdoor storage purposes.

**"OTHER RELATED IMPROVEMENTS"** means utilities (power, gas, well or septic system) and/or mature shelterbelts.

**"OUTDOOR DISPLAY"** means land that is used to show, exhibit or make visible products, good, or equipment for the purpose of sale or promotion.

**"PARCEL"** means the aggregate of one or more areas of land described in a title or described in a certificate of title by reference to a plan filed in a land titles office.

**"PARK"** means a development of public land specifically designed or reserved for the general public for active or passive recreational use and includes all natural and manmade landscaping, facilities, playing fields, buildings and other structures that are consistent with the general purposes of public parkland, whether or not such recreational facilities are publicly operated or operated by other organizations pursuant to arrangements with the public authority owning the park. Typical uses include tot lots, band shells, picnic grounds, pedestrian trails, landscaped buffers, playgrounds and water features.

**"PARK MODEL"** means a recreation vehicle conforming to CAN-CSA Series Z241.

**"PARKING FACILITY"** means an area of land providing for the parking of motor vehicles. When identified as a specific use in a land use district, this use is contemplated as an exclusive use of a land parcel. Otherwise, parking lots are to be developed in association with other permitted and discretionary uses and in accordance with the regulations found in Part 8 of this Bylaw.

**"PARKING STALL"** means that portion of a parking lot that accommodates a parked vehicle.

**"PATHWAY"** – means a pedestrian walkway in the form of asphalt or gravel constructed trail system.

**“PERMITTED USE”** means the use of land or of a building that is listed in the column captioned “Permitted Uses” in Land Use Districts appearing in this Bylaw.

**“PERSONAL SERVICE SHOP”** means a use of a building or part of a building in which services are provided and administered to the individual and personal needs of persons, and without limiting the generality of the foregoing, includes a barber shop, hairdressing establishment, beautician, beauty parlor, shoe repair and shoe shining shop, formal rental shop, tailor shop, bake shops, depots for collection and delivery of dry cleaning and laundry, self-serve laundry establishments and pet grooming facilities. The sale of merchandise shall be permitted as an accessory use to the personal service provided.

**“PUBLIC ASSEMBLY”** means a development including any meeting halls used for spiritual worship and related religious, charitable, educational or social activities, but does not include a school. It may include a minister’s residence, manse, parsonage, or rectory, provided it is accessory to the principal use. It also means church or place of worship.

**“PETROLEUM FACILITY”** means petroleum infrastructure such as oil and gas pipelines, well battery, compressor station, and metering station.

**“PHARMACY”** means a retail store that dispenses prescription drugs and sells, among other things, non-prescription medicines, health and beauty products, and associated sundry items.

**“PLANTING STRIP”** means a landscaped area located immediately adjacent to a lot line or portion thereof, on which is situated one or more of the following screening devices:

- i. A continuous row of trees;

- ii. A continuous hedgerow of evergreens or shrubs;
- iii. A berm;
- iv. A wall;
- v. An opaque fence; and
- vi. Arranged in a way as to form a dense or opaque screen.

**“POINT OF SALE ADVERTISING”** means material, which relates to the name of the occupier or firm, the nature of the business conducted and/or goods produced, and/or the main product sold on the premises to which an advertisement is attached.

**“PRIMARY HIGHWAY”** means a highway or proposed highway designated as a primary highway under the Highway Traffic Act.

**“PROPANE TRANSFER FACILITY”** means a facility at a fixed location having not more than one storage container and such container shall not have an aggregate propane storage capacity in excess of 50,000 litres

**“PUBLIC ROADWAY”** means a highway, local road, service road, street, avenue or lane which is registered as a public right-of-way in a land titles office.

**“PUBLIC USE”** means a building, structure or lot used for public services by the Town or County except sanitary landfill sites and sewage lagoons, or by any local board or agency of the Town, or by any department, commission or agency of the Province of Alberta or Government of Canada.

**“RAILWAY USE”** means a use of land or a building directly related to the building or operation of a railroad system.

**“REAL PROPERTY REPORT”** means a legal document prepared by an Alberta Land Surveyor that illustrates the location of all relevant visible public and private

improvements relative to property boundaries. It is in the form of a plan or illustration of the various physical features of the property including a written statement detailing the surveyors opinions or concerns. It is relied upon by the municipality as an accurate representation of the improvements to property.

**“RECREATIONAL AMUSEMENT PARK”** means a commercial recreation facility with or without permanent buildings or structures where rides, games of chance, entertainment, exhibitions, and the sale of food, beverages, toys and souvenirs constitute the main use.

**“RECREATION FACILITY”** means development that provides facilities for sports and active recreation. Typical facilities would include athletic clubs, bicycle/pedestrian trails, billiard or pool halls, bowling alleys, campsites, driving ranges, golf courses, health and fitness clubs, curling, indoor golf facilities, indoor soccer facilities, roller-skating and hockey rinks, rifle and pistol ranges, sports fields, tennis courts and swimming pools. The intended application is for both private and public facilities.

**“RECREATION VEHICLE”** means a portable structure designed and built to be carried on a vehicle or to be transported on its own wheels and which is intended to provide temporary living accommodation for travel and recreation purposes. It does not need any special license or permit to travel on the public road systems other than a usual trailer or vehicle license, and without limiting the generality of the foregoing, includes such vehicles as a motor home, a camper, a travel trailer or a tent trailer. It does not include a portable industrial trailer, mobile home, manufactured home, or any vehicle or trailer over eight feet in width while being transported.

**“RECYCLING DEPOT”** means a building or land in which is used material separated and

processed prior to shipment for repeated use or to others who will use those materials to manufacture new products, and may include the handling of hazardous materials.

**“REGISTERED OWNER”** means

- i. 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
- ii. In the case of other land,
- iii. 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 purchasers interest that is the subject of a caveat registered against the certificate of title or
- iv. In the absence of a person described above, the person registered under the Land Titles Act as the owner of the fee simple estate in the land.

**“RESEARCH FACILITY”** means a building or portion thereof, or group of buildings in which facilities for scientific research, investigation, and testing are located.

**“RESTAURANT”** means a food establishment where food is sold or distributed in state ready for immediate consumption and that has: seating or standing room designed for food consumption by patrons; or parking space under the control of the owner provided so that a patron may consume food in a vehicle, and includes a canteen, cafeteria, dining room or similar facility provided for employees, staff or students.

**“RESTAURANT – DRIVETHRU”** means a place in which food is prepared and sold to the general public and consumed on the premises inside or outside of an automobile and includes an exterior method of ordering and picking up food.

**“RESTAURANT – TAKEOUT/DELIVERY”**

means an establishment primarily engaged in primarily specialty foods in bulk and in providing customers with a takeout and/or delivery service, which may or may not be consumed on or off the premises.

**“RETAIL STORE”** means a development used for the retail sale of consumer goods, from within an enclosed building and/or an outdoor facility.

**“RETIREMENT HOME”** means a place of residence for persons in or entering retirement where an independent lifestyle is maintained with little to no assistance required and that may include additional services such as but not limited to entertainment rooms, kitchens, libraries, and administrative offices.

**“SALVAGE YARD”** means land or buildings where motor vehicles, tires and parts are disassembled, repaired, stored, resold or recycled.

**“SEED CLEANING PLANT”** means a building used for the storage and preparation of seed used in agriculture.

**“SERVICED”** means that approved development uses municipal water and sewer services, including treatment, where such services have been installed and are operating in accordance with municipal requirements. Serviced shall also mean those private utilities as deemed necessary by the development authority.

**“SETBACK”** means the minimum horizontal distance required between a property line of a lot and the nearest part of any building, structure, development, excavation or use on the lot.

**“SHOPPING CENTRE”** means one or more buildings, or part thereof, containing a group of

separate permitted (or approved discretionary) commercial uses which is maintained as a single comprehensive unit and located on a single lot, such lot being held and maintained under one ownership or under condominium ownership.

**“SIGHT TRIANGLE”** means an area at the intersection of roadways or roadways and railways in which all buildings, fences, vegetation and finished ground elevations shall be less than one (1) metre (3.3 feet) in height above the average elevation of the road/lane/rail, in order that vehicle operators may see approaching vehicles in time to avoid collision.

**“SIGN”** means an object, structure or device used for the purpose of identification or advertising or to call attention to any person, matter, thing or event or to give direction.

**“SIGN – AWNING”** means a sign attached to a non-retractable structure completely enclosed overhead, which is intended to be used for business identification and protection against the weather.

**“SIGN – BILLBOARD”** means a sign structure designed and intended to provide a leasable advertising copy area. The copy area can be periodically replaced, typically by the use of pre-printed copy pasted or otherwise mounted onto the copy area.

**“SIGN – FASCIA”** means a sign placed flat and parallel to the face of the building so that no part projects more than 0.3 m from the building.

**“SIGN – FREESTANDING”** means a sign on a standard or column permanently attached to the ground and which is not connected in any way to any building or other structure.



**“SIGN – PORTABLE”** means any sign or advertising device that can be carried or transported from one site to another, which does not rely on a building or a fixed concrete foundation for its structural support and includes signs, temporary signs, inflatable signs, or devices or banners, whether tethered to a building or no, vehicles placed in a location for advertising purposes, but does not include an A-Board or real estate sign or signage permanently attached and forming part of motor vehicles use in the day to day conduct of business.

**“SIGN – PROJECTING”** means a sign which projects from a structure or a building face.

**“SIMILAR USE”** means a development that is similar, in the opinion of the Municipal Planning Commission Any use that is similar to either a listed permitted and discretionary use within a Land Use District.

**“SITE”** means a parcel, lot or group of lots used for or proposed to be used for the undertaking of a development.

**“SITE COVERAGE”** means that percentage of lot area which is covered by all buildings on that lot, including a porch, veranda, covered deck and accessory buildings, but excluding patios.

**“SOCIAL CARE FACILITY”** means:

- i. Places of care for persons who are aged or who require special care;
- ii. A hostel or other establishment operated to provide accommodation and maintenance for unemployed or indigent persons.

**“STORAGE – INDOOR”** means a self-contained building or group of buildings available for the storage of goods. This use includes mini-storage, private storage facilities, and warehouse.

**“STORAGE – OUTDOOR”** means a site or a portion of a site designed for the storage of goods, materials and/or equipment, or the display and sale of goods and materials, including vehicles for hire and sale, located outside permanent buildings or structures on the site. This use includes lumber storage and lumber yard.

**“STRUCTURE”** means anything constructed or erected, the use of which requires location on the ground or attachment to something located on the ground not including pavement, curbs, walks, open air surfaces and movable vehicles.

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

**“SUBDIVISION AUTHORITY”**, as established pursuant the Act, means that person(s) or body defined by the Subdivision Authority Bylaw of the Town of Stettler.

**“TANKER TRUCK WASHING FACILITY”** means a commercial building for cleaning and inspecting the tanks of tanker trucks.

**“TAXI/BUS DEPOT”** means a use, site or building used as a dispatch office for taxis, limousines or buses and may include an area, site or location intended for the parking of taxis, limousines or buses or for loading and unloading of passengers.

**“TEMPORARY”** For the purpose of this Bylaw means such time limit as set by the Development Authority.

**“TEMPORARY MOBILE COMMERCIAL SALES”** means the sale of goods from a vehicle or stand for a period not exceeding 180 days per year in the Central Commercial and Highway Commercial Districts.

**“TEMPORARY STRUCTURE”** means a structure without any foundation or footings and which is removed when the designated time, activity or use for which the temporary structure was erected has ceased.

**“THEATRE”** means a building, or part thereof, used for the presentation of performing arts.

**“THEATRE – MOVIE”** means a building, or part thereof, used for the showing or viewing of motion pictures for a fee.

**“TOP SOIL”** means that depth of soil containing the major portion of organic matter, generally the depth that the land is tilled.

**“TRADE/COMMERCIAL SCHOOL”** means a building, structure or land that provides for technical instruction to students for profit.

**“TRAILER”** – means a vehicle so designed that it may be attached or drawn by a motor vehicle and intended to transport property, persons or animals..

**“TRANSPORT/TRUCK OPERATION”** means a development involving the storing, parking, servicing and dispatching of trucks. This use may also involve the transfer of goods primarily involving loading and unloading of freight carrying trucks.

**“TRUCK DEPOT”** means any building, or land or portion thereof, in which or upon a business, service or industry involving the maintenance, servicing, storage or repair of commercial vehicles and/or transport trailers is conducted or rendered. This includes the dispensing of motor fuel or petroleum products directly into motor vehicles, the sale of accessories or equipment for trucks and similar commercial vehicles.

**“TRUCK AND MOBILE HOME SALES AND RENTAL”** means a development used for the retail sale or rental of new or used trucks exceeding 4,000 kg, recreational vehicles and trailers, and mobile homes together with incidental maintenance services and the sale of parts and accessories.

**“TRUCK STOP”** means a use that contains a “convenience food store”, “eating establishment”, “gas bar”, “truck depot”, and “automotive service station” or combination thereof in order to cater both to the traveling public and commercial truck traffic.

**“UNDERGROUND WASTE STORAGE TANKS”** means tanks used for the temporary storage of wastewater, sludge and solids.

**“UNDERSIZED LOT”** means a lot that does not meet the minimum length, width or area requirements or combination thereof of the district in which it is located.

**“URBAN RESERVE”** means lands presently within the Town, which are intended for future development in order to accommodate the Town’s long-term industrial, commercial or residential land requirements.

**“USE”** means the functioning activities therein or thereon a building or an area of land.

**“UTILITIES”** means the right of way and/or use of the land or buildings for one or more of the following:

- i. Telecommunication systems;
- ii. Waterworks systems;
- iii. Irrigation systems;
- iv. Systems for the distribution of gas;
- v. Systems for the distribution of electric power;
- vi. Storm water management systems;
- vii. Heating systems; and
- viii. Sewage systems.

**“UTILITY BUILDING” or “UTILITY USE”**

means a building or land, or portion thereof, as defined in the Act in which the proprietor of the public utility maintains its office or offices and/or maintains or houses any equipment used in connection with any public utility building.

**“VEHICLE WASH”** means a use, building or structure where facilities are specifically used or intended to be used for washing vehicles either by production line methods employing mechanical devices or by hand.

**“VETERINARY CLINIC”** means the use of land and building for the medical care and treatment of animals.

**“WATER BODY”** means:

- i. The bed and shore of a lake, lagoon, swamp, marsh, or any other natural body of water; or
- ii. Reservoir or other man-made surface feature, whether it contains water continuously or intermittently.

**“WATERCOURSE”** means:

- i. The bed and shore of a river, stream, creek or other natural body of water, or
- ii. A canal ditch or other man-made surface feature whether it contains water continuously or intermittently.

**“YARD”** means a part of a lot upon or over which no building or structure other than a boundary fence is erected, except for specifically permitted accessory buildings.

**“YARD – FRONT”** means a yard extending across the full width of a lot and situated between the front lot line and the nearest exterior wall of the principal building. The minimum front yard depth is the shortest horizontal distance permitted between the front lot line of such lot and the nearest part of the principal building.

**“YARD – REAR”** means a yard extending across the full width of a lot and situated between the rear lot line and the nearest exterior wall of the principal building. The minimum rear yard is the shortest horizontal distance permitted between the rear lot line of such lot and the situated between the side lot line and the nearest exterior wall of the principal building.

**“YARD –SIDE”** means the yard extending from the front yard to the rear yard between the side boundary of the parcel and the nearest exterior wall of the principal building.

**“ZERO LOT LINE PLACEMENT”** means the placement of a building on a lot in such a manner that the building abuts one or more of the lot lines of the lot.